

Council Meeting Minutes

27 October 2026 at 1pm

Apollo Bay Bowls Club – 6 Moore Street, Apollo Bay

Colac Otway SHIRE

COLAC OTWAY SHIRE COUNCIL MEETING

Tuesday 27 October 2026

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COLAC OTWAY SHIRE COUNCIL MEETING

MINUTES of the ***COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL*** held at Apollo Bay Bowls Club on Tuesday 27 October 2026 at 1:00 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 ACKNOWLEDGEMENT OF COUNTRY

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present.

RECORDING AND PUBLICATION OF MEETINGS

Please note: All Council meetings will be 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 will be livestreamed to the public via Council's YouTube channel (search Colac Otway Shire Council at www.youtube.com).

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3 MEETING ADMINISTRATION

3.1 Present

Cr Jason Schram (Mayor)
Cr Phil Howard (Deputy Mayor)
Cr Chris Potter
Cr Zoe Hudgell
Cr Charlie Buchanan
Cr Mick McCrickard
Cr Chrissy De Deugd

Emma Lowes, Acting Chief Executive Officer
Anita Craven, Acting General Manager Corporate Services / Executive Officer Governance
Doug McNeill, General Manager Infrastructure and Environment
Ian Seuren, General Manager Community and Economy
Steven O'Dowd, Manager Customer and Communications
Matilda Hardy-Smith, Coordinator Council Business

3.2 Apologies and Leaves of Absence

Andrew Tenni, Chief Executive Officer

3.3 Confirmation of Minutes

RESOLUTION

Moved Cr McCrickard, Seconded Cr Hudgell

That Council confirm the minutes of the Council Meeting held on 13 October 2026.

CARRIED 7 : 0

3.4 Declarations of Interest

Cr Schram	Material	Item 7.3 - Endorsement of Project for 2026-27 Road Sealing Program	Resides on the road being recommended for sealing.

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4 QUESTION TIME

A maximum of 30 minutes was allowed for question time. In accordance with Section 47.3 of Councils Governance Rules, a time limit of 3 minutes per question was allowed with a maximum of two questions per person. In accordance with rule 47.4, lengthy questions have been summarised.

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

Nil.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Graham Costin

Mr Costin had a question on street lighting in Apollo Bay. He also took some time to thank Councillors for coming down to Apollo Bay for the meeting and Council officers for road infrastructure upgrades in the area. Mr Costin's questions were as follows:

1. Could Council extend the lighting from the Pascoe Street, Moore Street roundabout up to the entrance of the bowling club? I'm sure in the past Councillors have noticed when they've left in the dark that it's very dark at the entry. It would be fantastic to provide another one, it would only need to be one street light across from the entry for those who are elderly or for other reasons may be a little unsteady on their feet when they leave bowling club at night.

Response General Manager Infrastructure and Environment

I know that the issue has been raised with our infrastructure development staff. The next step of the lighting that you're referring to has only been in operation for a short period associated with those new works with the roundabout. Our staff are committed to investigating the need for any further street lighting along that section of the street and we'll respond back to council in terms of what that might mean if, from a budgetary perspective, if we decide that it's worthwhile proceeding.

2. There is one other request in relation to street lighting. Could council consider the installation of street lighting over the new power core pole mounted EV charges that have been installed in Pascoe Street and Penguin Avenue. These have been installed on power poles, without street lighting and improving the street lighting would greatly improve the safety and visibility for people who are out of their vehicles and connecting or disconnecting their vehicles.

Response General Manager Infrastructure and Environment

That would again have to be something that our staff do an assessment of and can respond back to you.

UNCONFIRMED

Tony Webber

1. My first question is on question time. Could we have three questions? At recent Council meetings, there's only been two or three people there and question time has only lasted five or ten minutes. If possible, could we have three questions?

Response Mayor, Cr Schram

It would depend on a review of Councils Governance Rules, which is potentially in the future.

2. The second question is on the old office buildings in Nelson Street. They're not able to be used by the community anymore because of mould in the building. They're not safe. So, could that be fixed? Because it is a good community asset.

Response General Manager Infrastructure and Environment

That's something that we'd have to take on notice. It's not an issue I'm aware of today, but I'm happy to investigate and get back to you.

Response Acting Chief Executive Officer, provided 29 October 2026:

Council is aware of the concerns relating to the office buildings in Nelson Street. A comprehensive structural assessment of the buildings has now been completed, and Council is awaiting further information on the scope and estimated cost of the works required. Once this information is available, Council will be in a position to consider the next steps for the property.

Tim Cobb

Fantastic to get the pedestrian crossings in Pascoe Street. Really good for the oldies who used to struggle to get across the road in the in the summer.

1. I was just wondering whether Council has any plans to do any more of the stuff in that plan (infrastructure plan). What have you got coming up?

Response General Manager Infrastructure and Environment

That plan does provide a good strategic basis for quite a lot of improvements right across Apollo Bay, Scans Creek, and Marengo. It does influence our decision- making on a day-to-day basis in terms of when we're renewing or putting in new infrastructure. It's about how does it comply with the plan. As grant opportunities arise, we look to see what we might be able to implement. For example, I know that we were looking at another intersection along Pascoe Street through recent grant funding. That wasn't something that we could pursue in that particular circumstance, but those are the sorts of things that we're constantly looking at.

2. How does the Shire interact with GORCAPA? The relationship has been in place for 5-6 years now. I was wondering with services like bins, toilets and dogs on beaches, has the Council organised with GORCAPA for those services to be provided jointly or will GORCAPA be doing some things and Council doing something separate?

UNCONFIRMED

Response General Manager Infrastructure and Environment

Council has established regular meetings with GORCAPA to look at how we operationally can work best together. There are obviously services we're both providing in terms of cleaning and rubbish collection and so on. There are existing contracts in place for many of those services, but over time, we'll look to see where there are benefits in in being more efficient working together.

3. Do you think that will be soon?

Response General Manager Infrastructure and Environment

As I said, it is a case-by-case basis that we just need to assess council's own interests. And I guess one good example of an issue that's been of public interest in the last few years has been management of dogs on beaches. When council did its Domestic Animal Management plan last year, it consciously determined that it wasn't going to play an active role in managing dogs on crown land on the coastal land and that is managed by GORCAPA and that is written into the plan and so that's not something that we're further investigating, going forward. We are looking at liaising with them around how we work together with education and signage but not in respect of that direct management. So, it is going to be on a case-by case basis.

Jane Gross

My question is in regard to the Apollo Bay structure plan. Councils website indicates that after the community engagement in August, there was a draft of the structure plan to commence and then that draft was expected to be available for feedback from the community in October this year and finalisation anticipated by the end of the year. In the annual report attached to today's agenda, it says that the structure plan is progressing and states that the draft structure plan will be presented to council in 2026-27, followed by formal exhibition.

1. My question is could you provide an update on the current status of the structure plan and clarify whether the original time frame remains achievable and advise when the draft is expected to be available for community feedback?

Response General Manager Community and Economy

Thanks for the question. We are on track but probably slightly behind on our original time frames. We do have the first draft of the structure plan that we're reviewing internally. We had anticipated bringing it to today's meeting, but we didn't quite make that. So, our aim is November council meeting as a draft, subject to how many changes are required. We are still working through that review process. Then yes, we will be asking Council to release it for public exhibition. That would lead into the Christmas & New Year holiday season. We would probably be intending to do a longer consultation period just considering that. We are not far away from having a draft to take out to the community.

UNCONFIRMED

5 PETITIONS / JOINT LETTERS

Nil reports.

6 PLANNING AUTHORITY / RESPONSIBLE AUTHORITY DECISIONS

UNCONFIRMED

Colac Otway
SHIRE

Item: 6.1
VicSmart Planning Scheme Amendment

OFFICER	Simon Clarke
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy

UNCONFIRMED

RESOLUTION

Moved Cr Howard, Seconded Cr McCrickard

That Council:

1. ***Pursuant to section 8A of the Planning and Environment Act 1987, requests the Minister for Planning to authorise the preparation of a Planning Scheme Amendment to the Colac Otway Planning Scheme to introduce new local VicSmart application classes for the construction and extension of buildings used for agriculture within the Environmental Significance Overlay, Schedule 3 (ESO3 – Declared Water Supply Catchments) and Significant Landscape Overlay, Schedule 1 (SLO1 – Valleys, Hills and Plains Landscape Precinct).***
2. ***Pursuant to section 19 of the Planning and Environment Act 1987, and subject to approval by the Minister, places the draft local VicSmart provisions on public exhibition for a minimum period of 6 weeks.***
3. ***Authorises officers to make any necessary minor formatting and administrative corrections to the amendment documents prior to sending to the Minister for Planning for authorisation.***

CARRIED 7 : 0

Colac Otway SHIRE

Item: 6.2

PP132/2026-1 - 250 Irrewillipe Road ELLIMINYT - Construction of a Dwelling (FZ)

ADDRESS AND PROPERTY DETAILS	250 Irrewillipe Road ELLIMINYT C/A: 23 SEC: J V/F: 1787/231	**APPLICATION NUMBER**	PP132/2026-1
PROPOSAL	Use and Development of Land for a Dwelling and Construction of an Agricultural Building		

PERMIT TRIGGERS

Planning scheme clause	Matter for which a permit has been applied:
35.07-1	Use of land for a dwelling in the Farming Zone
35.07-4	Building and works in the Farming Zone associated with a dwelling use in Section 2 of Clause 35.07-1
	Building and works comprising construction of a dwelling and agricultural building within 100 metres of a waterway, wetlands or designated floodplain
44.04-2	Building and works comprising construction of an agricultural building within the Land Subject to Inundation Overlay

TRIGGER FOR DETERMINATION BY COMMITTEE	Use and development of land for a dwelling in the Farming Zone		
ZONE	Farming Zone	**OVERLAYS**	Land Subject to Inundation Overlay, Schedule 1 (LSIO1) - 47.81%

UNCONFIRMED

Item: 6.2

PP132/2026-1 - 250 Irrewillipe Road ELLIMINYT - Construction of a Dwelling (FZ)

COVENANTS	CAVEAT AX803743D 08/03/2024 - Implied, Resulting or Constructive Trust. Does not affect consideration of this planning application. Crown Grant primarily relating to construction of drain and mining rights.		
CULTURAL HERITAGE	The land is within an area of cultural heritage sensitivity. However, under reg. 9 of the *Aboriginal Heritage Regulations* 2018, the construction of 1 or 2 dwellings on a lot is an exempt activity.		
OFFICER	Archna Rani	**GENERAL MANAGER**	Ian Seuren
DIVISION	Community and Economy		

RESOLUTION

Moved Cr Potter, Seconded Cr De Deugd

That the Planning Committee resolves to Grant a Permit for the use and development of land for a dwelling and construction of an agricultural building at 250 Irrewillipe Road, Elliminyt (C/A: 23 SEC: J V/F: 1787/231), subject to the following conditions:

Endorsed Plans

1. ***The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***

Dwelling Infrastructure

2. ***The dwelling hereby permitted must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.***
3. ***The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire-fighting purposes.***
4. ***The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.***

UNCONFIRMED

Access

5. *Prior to the commencement of development, unless otherwise agreed in writing by the Responsible Authority, concrete vehicular access from the roadway to the property boundary must be constructed to the satisfaction of the Responsible Authority.*

6. *Prior to the commencement of the use hereby permitted, the driveway must be constructed to an all-weather standard and with a minimum width of 3m, to the satisfaction of the Responsible Authority.*

Stormwater

7. *All stormwater runoff from the development, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.*

8. *During construction works, the site must be developed and managed to ensure there is no stormwater pollution through the contamination of runoff by chemicals, sediments, wastes or pollutants in accordance with 'Best Practice Environmental Management Guidelines for Stormwater Management and Construction Techniques for Sediment Pollution Control' (EPA) at any time during construction, to the satisfaction of the Responsible Authority.*

Wastewater

9. *A domestic wastewater management system must be constructed concurrently with the dwelling hereby permitted, so that all wastewater is at all times contained within the curtilage of the site. The design and installation of any wastewater disposal system for any building on the land must comply with the EPA Guidelines for Onsite Wastewater Management (May 2024, or as amended) and the EPA Effluent Dispersal and Recycling Systems Guidance (May 2024, or as amended), to the satisfaction of the Responsible Authority. The onsite wastewater management system must be installed outside of the LSIO overlay.*

No Gas Connection

10. *Any new dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.*

CCMA conditions

11. *The finished floor level of the dwelling be constructed no lower than 134.50 metres Australian Height Datum (AHD), being 300 millimetres above the 1% AEP flood level.*

12. *The finished floor level of the garage must be constructed no lower than 134.35 metres Australian Height Datum (AHD), being 150 millimetres above the 1% AEP flood level.*

13. *The finished floor level of the agricultural shed by constructed no lower than 134.30 metres Australian Height Datum (AHD), being 300 millimetres above the 1% AEP flood level.*

14. *Any fill placed on the property must not extend beyond the building envelope.*

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Expiry

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

a) The development has not commenced within three (3) years of the date of this permit.

b) The development is not completed and the use has not commenced within five (5) years of the date of this permit.

In accordance with section 69 of the Planning and Environment Act 1987, an application may be made to the Responsible Authority to extend the periods referred to in this condition.

Note:

1. This permit does not authorise the commencement of any building works. Prior to the commencement of development, it will also be necessary to obtain a building permit for the proposed dwelling and shed.

2. A works within road reserve permit is required prior to any works being undertaken on Council managed road reserves within the Colac Otway Shire.

3. Prior to preparing drainage plans, a legal point of discharge (LPoD) must be obtained in accordance with Building Regulation 133. A copy of the LPoD, which incurs a fee in accordance with the Building Regulations, must be submitted with the engineering plans.

4. A separate application to install an onsite wastewater management system must be submitted to and approved by Council's Health Protection Unit prior to the commencement of works. The Health Protection Unit reserves the right to request that the Land Capability Assessment (LCA) be amended or updated by a suitably qualified person and submitted for approval at the wastewater permit application stage. The LCA must be accompanied by a detailed system design if required by the Health Protection Unit.

CARRIED 7 : 0

UNCONFIRMED

Item: 7.1

Project Budget Adjustments and Cash Reserve Transfers

OFFICER	Mikael Blyth
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Environment

UNCONFIRMED

RESOLUTION

Moved Cr McCrickard, Seconded Cr Hudgell

That Council:

1. ***Approves the project budget adjustments in Table 1 that formalise allocation of funds to support successful grant applications under the State Government's Local Sports Infrastructure Fund, at a total cost of $98,334.***
2. ***Notes the use of funding from the Capital Works Portfolio Contingency work order for two projects as listed in Table 4, totalling $100,000.***

CARRIED 7 : 0

Item: 7.2

For Adoption - Colac Otway Shire Annual Report 2025-26

OFFICER	Steven O'Dowd
CHIEF EXECUTIVE OFFICER	Andrew Tenni
DIVISION	Executive

RESOLUTION

Moved Cr McCrickard, Seconded Cr De Deugd

That Council:

1. ***Receives and notes Colac Otway Shire Council's Annual Report 2025-26 (Attachment 1).***
2. ***Authorises the Chief Executive Officer to make any minor administrative changes to the Annual Report 2025-26.***
3. ***Notes that the Annual Report 2025-26 will be published on Council's website and made available at Council's Customer Service Centres.***

CARRIED 7 : 0

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Colac Otway
SHIRE

Item: 7.3
Endorsement of Project for 2026-27 Road Sealing Program

OFFICER	Kanishka Gunasekara
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Environment

In accordance with Section 128 of the Local Government Act 2020, Cr Schram declared a Conflict of Interest and left the room at 1.31pm. Cr Howard chaired the meeting for this item.

RESOLUTION

Moved Cr Potter, Seconded Cr Buchanan

That Council:

1. ***Notes the options for sealing gravel roads assessed against the 2026-27 Road Upgrade Policy and that the 727m section of Harris Road between Sinclair Street South and Irrewillipe Road was the highest-ranked.***
2. ***Endorses Harris Road as the preferred project for further investigation, geotechnical testing and detailed design, based on its highest ranking against the criteria outlined in Council's Road Upgrade Policy.***
3. ***Notes that the upper estimate of the preliminary estimated cost of $703,154 exceeds the available 2026 27 budget allocation of $474,000.***
4. ***Receives a further report to a Council meeting once project cost estimates have been confirmed, to enable Council to determine the option of scaling the project to fit within the current budget allocation or allocate further funds to cover excess costs based on the preferred scale of works; or a combination of the above.***

CARRIED 6 : 0

Cr Schram returned at 1.36pm.

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Colac Otway SHIRE

Item: 7.4

Award of Contract 2714 – Sealed Road Major Patching Program

OFFICER	Samandeep Kaur
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Environment

UNCONFIRMED

RESOLUTION

Moved Cr Howard, Seconded Cr McCrickard

That Council:

1. ***Awards Contract 2714 – Sealed Road Major Patching Program to Tenderer No.7 (as listed in the confidential attachment to this report).***
2. ***Authorises the Chief Executive Officer to sign the contract following award of Contract 2714 – Sealed Road Major Patching Program.***
3. ***Authorises the Chief Executive Officer to perform all roles of the Principal.***
4. ***Nominates the General Manager Community and Economy to the role of Superintendent for the Contract and the Project Manager to the role of Superintendent's Representative.***
5. ***Notes the unsuccessful tenderers will be advised of the outcome of the tender process and the successful tenderer and the contract price will be listed on Council's website.***

CARRIED 7 : 0

Item: 7.5

Award of Contract 2704 - Building Surveying & Inspection Services

OFFICER	Bláithín Butler
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy

UNCONFIRMED

RESOLUTION

Moved Cr Potter, Seconded Cr McCrickard

That Council:

1. ***Awards RFT 2704 Building Surveying & Inspection Services to Tenderer 1 for the tendered price, as per the confidential attachment to this report.***
2. ***Notes that the award is subject to finalisation of contract documentation and completion of standard due diligence requirements.***
3. ***Authorises the Chief Executive Officer to execute the contract subject to finalisation of contract documentation and completion of standard due diligence requirements.***
4. ***Authorises the General Manager Community and Economy to administer the contract, including contract variations in accordance with the contract conditions and Council's delegations.***
5. ***Notes that the successful tenderer and the contract price will be listed on Council's website.***

CARRIED 7 : 0

Colac Otway
SHIRE

Item: 7.6
Property Disposal - 10 Glenn Street, Warrion

OFFICER	Matthew Pope
GENERAL MANAGER	Emma Lowes
DIVISION	Corporate Services

UNCONFIRMED

RESOLUTION

Moved Cr McCrickard, Seconded Cr Hudgell

That Council:

1. ***Determines that 10 Glenn Street, Warrion is surplus to Council's current strategic, operational, service delivery and demonstrated community requirements.***
2. ***Gives public notice of its intention to dispose of 10 Glenn Street, Warrion in accordance with section 114 of the Local Government Act 2020.***
3. ***Undertakes community engagement in accordance with Council's Community Engagement Policy.***
4. ***Receives a further report following the public notice and engagement process to consider submissions and determine whether to proceed with disposal.***

CARRIED 7 : 0

Item: 7.7

Property Disposal - 280 Barongarook Road, Barongarook

OFFICER	Matthew Pope
GENERAL MANAGER	Emma Lowes
DIVISION	Corporate Services

UNCONFIRMED

RESOLUTION

Moved Cr Hudgell, Seconded Cr Potter

That Council:

1. ***Gives public notice of its intention to dispose of 280 Barongarook Road, Barongarook in accordance with section 114 of the Local Government Act 2020.***
2. ***Undertakes community engagement in accordance with Council's Community Engagement Policy.***
3. ***Receives a further report following the public notice and engagement process to consider submissions and determine whether to proceed with disposal.***

CARRIED 7 : 0

Item: 7.8

Governance Report - Monthly

OFFICER	Matilda Hardy-Smith / Belinda Rocka
CHIEF EXECUTIVE OFFICER	Andrew Tenni
DIVISION	Executive

UNCONFIRMED

RESOLUTION

Moved Cr Hudgell, Seconded Cr Howard

That Council:

1. ***Appoints Steven Lionakis as an Authorised Officer pursuant to section 147(4) of the Planning and Environment Act 1987 (Attachment 1).***
    a. ***Authorises the use of the common seal in accordance with Colac Otway Shire Council's Governance Local Law No 4 – 2020.***
    b. ***Notes that the Instrument of Appointment and Authorisation comes into force immediately the common seal of Council is affixed to the instrument and remains in force until Council determines to vary the instrument.***
    c. ***Authorises the Chief Executive Officer to revoke the Instrument of Authorisation from the date Steven Lionakis ceases their employment with Colac Otway Shire Council.***
2. ***Add membership for Wendy Parker to the Warrion Public Hall Community Asset Committee.***
3. ***Add membership for Sue Pike to the Stonyford Hall Community Asset Committee.***
4. ***Revokes membership for Simon Oldfield, Fiona Branschied and Linda McCormack to the Birregurra Public Hall Community Asset Committee and thanks them for their service to the committee.***

5. ***That Council receives for information the Colac Otway Shire Council Audit and Risk Committee unconfirmed minutes dated 29 September 2026 (Attachment 2).***
6. ***That Council notes the Colac Otway Shire Council Audit and Risk Committee Chair John Gavens was reappointed at the 29 September 2026 Audit and Risk Committee meeting.***
7. ***Notes the Informal Meeting of Councillors records for the period of 22 September 2026 to 20 October 2026.***

CARRIED 7 : 0

UNCONFIRMED

Item: 7.9

Delegation of Authority for Community Asset Committee Membership Appointments and Revocations to the Chief Executive Officer

OFFICER	Belinda Rocka
CHIEF EXECUTIVE OFFICER	Andrew Tenni
DIVISION	Executive

UNCONFIRMED

RESOLUTION

Moved Cr Potter, Seconded Cr Hudgell

That Council:

1. ***Delegate authority to the Chief Executive Officer to appoint new members to Community Asset Committees and revoke the membership of Community Asset Committee members upon resignation.***
2. ***Notes that regular updates on Community Asset Committee membership will be provided to Councillors via the monthly Governance Report to Council.***

CARRIED 7 : 0

Colac Otway
SHIRE

Item: 8.1

Internal Arbitration Process - Determination and Statement of Reasons for Decision

OFFICER	Anita Craven
CHIEF EXECUTIVE OFFICER	Andrew Tenni
DIVISION	Executive
ATTACHMENTS	1. IA P 2026 15&16 Decision [**8.1.1** - 13 pages]

The matter was tabled. A copy of the Council Meeting report and the Arbiters report is attached.

UNCONFIRMED

Item: 8.1

Internal Arbitration Process - Determination and Statement of Reasons for Decision

OFFICER	Anita Craven
CHIEF EXECUTIVE OFFICER	Andrew Tenni
DIVISION	Executive
ATTACHMENTS	1. IA P 2026 15&16 Decision [**8.1.1** - 13 pages]

UNCONFIRMED

1. PURPOSE

To table the outcome of the Internal Arbitration Process – Determination and Statement of Reasons for Decision for Potter and Schram (IAP 2026-15) and De Deugd and Schram (IAP 2026-16) (**Attachment 1**) in accordance with s147(4) of the Local Government Act 2020 (Act).

2. EXECUTIVE SUMMARY

The Internal Arbitration Determination and Reasons for Decision for Potter and Schram (IAP 2026-15) and De Deugd and Schram (IAP 2026-16) was received by the Colac Otway Shire's Councillor Conduct Officer on 14 October 2026.

S147(4) of the Act prescribes that the Determination and Statement of Reasons for Decision must be tabled at the next Council meeting after the decision is received.

4. KEY INFORMATION

On 30 July 2026, Councillor Potter and on the 29 July Councillor De Deugd made applications for an internal arbitration process to make a finding of misconduct against Cr Schram under s143 of the Act.

On 19 August 2026 and the 20 August 2026, the Principal Councillor Conduct Registrar accepted the two applications and appointed the same independent Arbiter to hear the matters as per s144A of the Act.

On 14 October 2026, the Colac Otway Shire Councillor Conduct Officer received the Determination and Statement of Reasons for Decision of the Internal Arbitration of Potter and Schram (IAP 2026-15) and De Deugd and Schram (IAP 2026-16).

S147(4) of the Act states that a copy of the arbiter's decision and statement of reasons received by Council must be tabled at and recorded in the minutes of either:

a. A Council meeting specified by the arbiter; or
b. If no Council meeting is specified by the arbiter, the next Council meeting after

the Council receives a copy of the decision and statement.

The Determination and Statement of Reasons for Decision of the Internal Arbitration of Potter and Schram (IAP 2026-15) and De Deugd and Schram (IAP 2026-16) (**Attachment 1**) is presented for tabling at the Council meeting dated 27 October 2026 in accordance with the Act.

5. CONSIDERATIONS

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

- Council decisions are to be made and actions taken in accordance with the relevant law
- the transparency of Council decisions, actions and information is to be ensured

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

Local Government Act 2020

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

Not applicable.

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

Not applicable.

Public Transparency (s58 *LGA 2020)*

This report is being tabled as per Section S147(4) of the Local Government Act 2020.

Alignment to Plans and Strategies

Alignment to Council Plan 2021-2025:
Theme 2 - PEOPLE
3.2 - Make well-informed, transparent decisions for the betterment of the community through best-practice governance

Financial Management (s101 *Local Government Act 2020)*

The financial and resourcing cost of internal arbitration can be met by the existing operational budget.

Council is required to meet the costs associated with the internal arbitration process, including the arbiter's fee. The registrar has set the fees to be paid to arbiters at $1,076 per day. At the time of writing this report, the arbiters fees have not yet been issued.

Service Performance (s106 *Local Government Act 2020)*

Not applicable.

Risk Assessment

Failure to table this matter at the next Council meeting after receiving the decision would result in a breach of the Act.

Communication/Implementation

Not applicable.

UNCONFIRMED

Human Rights Charter

No impact.

Officer General or Material Interest

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

UNCONFIRMED

IN THE MATTER OF APPLICATIONS FOR AN INTERNAL ARBITRATION PROCESS

COLAC OTWAY SHIRE

IAP 2026-15

Applicant: Councillor Christopher Potter

Respondent: Councillor Jason Schram

-AND-

IAP 2026-16

Applicant: Councillor Christina de Deugd

Respondent: Councillor Jason Schram

HEARING PURSUANT TO DIVISION 5 OF PART 6 OF THE *LOCAL GOVERNMENT ACT 2020*

Date of hearing: Monday, 5 October 2026

Place of hearing: Colac Otway Performing Arts and Cultural Centre, 95-97 Gellibrand Street, Colac

Arbiter: Simon Heath

DECISION:

Councillor Potter and Councillor de Deugd have made separate Applications for an Internal Arbitration Process seeking a finding of misconduct against Councillor Schram. Both seek a finding in relation an alleged breach of Clause 2 of the Model Councillor Code of Conduct by Councillor Schram in an email he sent on 1 May 2026.

I find that the email constitutes a breach of that Clause by Councillor Schram and, as such, I make a finding of misconduct against him.

I direct that Councillor Schram make a written apology to Councillor Potter and Councillor de Deugd for that breach.

In the apology, Councillor Schram should acknowledge that his email failed to treat Councillor Potter and Councillor de Deugd with "dignity, fairness, objectivity, courtesy and respect", particularly by falsely stating that they had "misled or lied to the public" in relation to Council's consideration of a proposed lease for the Colac Otway Performing Arts and Cultural Centre. Councillor Schram should also apologise for the distress the email caused them, as well as unreservedly withdrawing any suggestion of improper conduct on their part.

I also direct that the apology be read aloud by Councillor Schram at the Council meeting on Tuesday, 24 November 2026. Should that meeting not proceed, the apology is to be read at the first Council meeting after that date.

In addition, Councillor de Deugd seeks a finding of misconduct against Councillor Schram in relation to an alleged breach of Clause 3 of the Model Councillor Code of Conduct in emails he sent on 22 June 2026.

I find that Councillor Schram has not breached that Clause and therefore make no further finding of misconduct against him.

STATEMENT OF REASONS

The Applications

1. Councillor Potter's 'Application for an Internal Arbitration Process' is dated 30 July 2026 **(Potter Application)**.

2. Councillor de Deugd's 'Application for an internal Arbitration Process' is dated 29 July 2026 **(de Deugd Application)**.

3. The Potter Application and the de Deugd Application seek findings of misconduct against Councillor Schram in relation to alleged breaches of the 'Model Councillor Code of Conduct' **(Code)**.

4. Councillor Potter and Councillor de Deugd allege that Councillor Schram breached the Code by reason of an email dated 1 May 2026 headed "Councillor Duties" **(email).** The email was sent to five of six Councillors, the Chief Executive Officer **(CEO)** and a Director of the Colac Otway Shire **(Council).**

5. The email was as follows:

"I am writing this email in my duty as Mayor. Under sections (sic) 18 of the local government act (e) promote behaviour among Councillors that is consistent with the Model Councillor Code of Conduct; and (f) assist Councillors to understand their role; This section of the act also has the following point, (3) To avoid doubt, reasonable steps taken by a Mayor carried out in a reasonable manner to perform their role in accordance with subsection (1)(e) or (f) is not bullying.
It was very disappointing that some Councillors at Tuesdays (sic) meeting either deliberately or by failure to read briefing papers, attend briefings, or just didn't listen in briefings, misled or lied to the public with comments made in the chamber.
The staff at the Colac Otway Shire have been offended by Councillors stating incorrect and just plain wrong information.
It is a councillors (sic) role to inform the public with facts not lies or wrong assumptions.
I am referring to the statements made by at least two Councillors that the Council was not given detailed information and modelling if the management of the cinema and theatre was to be run by Council. At the request of Council the staff spent many hours preparing realistic modelling and presented a detailed briefing to Council with expenditures and costs and the reasons for the assumptions. To help those navigate the briefing papers that may still be having trouble accessing or understanding information provided to make the best decisions, it is in the Council folder on COPACC dated February 17th 2026.

If a Councillor does not read the briefing papers, does not attend briefings or doesn't understand anything it does not mean the information wasn't provided. It is your obligation as a Councillor to catch up, ask questions or ask for help.

It does not give you the right to spread misinformation to the public, drum up fear or bring the Council into disrepute for your failures to perform your role as a Councillor properly.

The facts are, we have had many briefings over the past 18 months on Council regarding COPACC. From going out for EOI and not getting any positive responses to continue the cinemas service to then going out for EOI to not only run the cinema but also the bookings for theatre shows based on repeated feedback from the community and the organisation that the bookings and theatre side of things had become unworkable for the community. We were given ample opportunity to ask questions, attend briefings and read pages of information on many scenarios for the management of COPACC. We asked for things to go into the EOI which would form part of the lease and we went out to the public with the details of the lease. How the company will run their business to best suit them to get the best out of increasing offerings and foot traffic into COPACC are not lease conditions, And Councillors should not be involved in telling them how to run it. We endorsed the EOI and conditions and made changes based on feedback. Again this information was provided in papers and reports.

If the intent of any Councillor is to deliberately spread false information about Council, Councillors or staff and breech (sic) the code of conduct and local government act I will not hesitate to start a code of conduct proceeding.

This includes meeting with local individuals or groups and telling them the same misinformation. This has also occurred with this topic that Councillors weren't presented the information requested nor knowing what is in the lease. Completely false and misleading to stir up negative reactions against Council.

I have no problem with the way Councillors vote. But if the talk is false and misleading, I will cut it off in the future. I feel an apology should come from the Councillors who said we were never presented modelling if we were to run the entire COPACC facility. This should go via the CEO to the staff that spent many hours on the work at the request of Councillors.

I would encourage you to read the monitors report about revisiting directions of Council and performing your duties to best serve the community. It seems there is still elements of the past embedded or creeping into this Council that needs to change. I would hope the verbal spread of misinformation within the community also stop. I would encourage those that don't read briefing papers to start to perform your duty more by start reading the information provided.

I will also note that staff are entitled to bring code of conduct complaints against Councillors. I hope those can reflect on their behaviour at the meeting and improve in the future. The staff that provided Councillors with the information requested are unsure of why a Councillor would publicly state they were not given that information. It was disappointing. I would suspect certain motives, but the proof I have is the statements at the meeting and access to the same information you all have. The only Councillor that did not have access to any of this information was Cr (named) because of the COI.

In conclusion, some of you really need to do better, read the briefing papers, ask more questions if you don't attend briefings and don't publicly state wrong and misleading information."

6. Councillor Potter and Councillor de Deugd allege that the email constitutes a breach of Clause 2(1) of the Code, which relates to *'Behaviours'*. Omitting the irrelevant parts that Clause provides that:

   "A Councillor must treat others. Including other Councillors, members of Council staff and members of the public, with dignity, fairness, objectivity, courtesy and respect, including by-
   (a) not engaging in demeaning, abusive, obscene or threatening behaviour..." and,
   (b) not engaging in behaviour that intentionally causes perpetuates stigma, stereotyping, prejudice or aggression against a person or class of person..."

7. The de Deugd Application contains an additional allegation that Councillor Schram breached Clause 3 of the Code by failing to comply with Council's Governance Rules when responding to email requests by Councillor de Deugd on 22 June 2026 to be able to attend Council meetings remotely.

8. Omitting the irrelevant parts, Clause 3 of the Code specifies that;

   "A Councillor must comply with the following Council policies and procedures required for delivering good governance for the benefit and wellbeing of the municipal community-
   (a)...
   (b) the Council's Governance Rules developed, adopted and kept in force by the Council under section 60 of the Act, including in relation to-
   (i) ...
   (ii) requesting and approval of attendance at Council meetings and meetings of delegated committees by electronic means of communication;
   (iii)...

Arbiter's jurisdiction

9. On 19 August 2026, the Principal Councillor Conduct Registrar **(PCCR)** appointed me to the Council to hear the Potter Application pursuant to sections 144 and 149 of the *Local Government Act 2020* **(Act).**

10. On 20 August 2026, the PCCR referred the de Deugd Application to me pursuant to section 144(1B) of the Act on the basis that the subject matter would more appropriately be dealt by me having already been appointed to hear the Potter Application.

11. Section 143 of the Act provides that an Arbiter may hear an application that alleges misconduct by a Councillor.

12. Section 143(3) of the Act provides that an Application "must be made within 3 months of the alleged misconduct occurring". The Potter Application and the de Deugd Application, which were made on 30 July 2026, both allege misconduct occurring on and after 1 May 2026 so this requirement is satisfied.

13. Pursuant to section 147 of the Act, an Arbiter may determine whether or not a Councillor has engaged in misconduct.

14. "Misconduct" is defined in Section 3 of the Act as follows:

    "...any breach by a Councillor of the Model Councillor Code of Conduct".

15. Section 139(3)(b) of the Act specifies that the standards of conduct expected to be observed by Councillors in the course of performing their duties and functions are to be included in the Code.

16. The Code is set out in Schedule 1 to the *Local Government (Governance and Integrity) Amendment Regulations 2024.*

17. As required by Section 139(4) of the Act, the Code is published on the Council's website, and a copy thereof is attached hereto.

Hearing

18. The internal arbitration process for each Application comprised directions made on 27 August 2026, a video- conference directions hearing on 3 September 2026, further directions made on 3 September 2026, and an in-person hearing on 5 October 2026.

19. Because of the commonality of issues and evidence, the parties consented to both Applications being heard together.

Applicants' evidence

20. Councillor Potter's evidence comprised the Potter Application, an undated document titled 'Applicant's Supporting Material' containing additional information and documents, and an undated document responding to Councillor Schram's written submissions.

21. Councillor Potter also gave oral evidence and made submissions at the hearing.

22. Councillor de Deugd's evidence comprised the de Deugd Application, an email dated 10 September 2026 with additional information and documents, and an email dated 1 October 2026 responding to Councillor Schram's written submissions.

23. Councillor de Deugd also gave oral evidence and made submissions at the hearing.

Respondent's evidence

24. Councillor Schram provided a document titled 'Response concerning allegations of misconduct by Cr Christina De Deugd and Cr Chris Potter' dated 25 September 2026.

25. Councillor Schram also gave oral evidence and made submissions at the hearing.

Arbiter's finding

26. I determine that Councillor Schram has breached Clause 2 of the Code.

27. I also determine that Councillor Schram has not breached Clause 3 of the Code.

Arbiter's reasons

28. For some time, the Council had been considering the future of the Colac Otway Performing Arts and Cultural Centre **(COPACC)**.

29. On 24 June 2025, Council unanimously resolved to endorse the release of an Expression of Interest for the lease of COPACC, to consider proposals seeking alterations to the proposed key terms of that lease, and to authorise officers to evaluate submissions and negotiate with the preferred operator to enable a final lease to be submitted for approval.

30. Over the next few months, briefing papers and reports were made available to Councillors and several briefings and meetings were held.

31. On 10 March 2026, the Council voted to endorse IVG Global as the preferred operator of COPACC but to undertake four weeks of community engagement on the lease terms.

32. Some 21 submissions were received from members of the public expressing concerns about the future management of COPACC. (A copy of one such submission is included in Councillor Potter's 'Applicant's Supporting Material'). Three submitters addressed the Council meeting on 14 April 2026.

33. An Ordinary Council Meeting took place on 28 April 2026 **(meeting)**. Agenda item 7.2 for the meeting was 'Proposal to enter into a Lease – COPACC'.

34. On the eve of the meeting, Councillor Potter gave notice to Councillors of an alternative motion to item 7.2. being a proposal that Council continue to operate COPACC instead of approving a lease to IVG Global. I accept Councillor Potter's evidence that the alternative motion was brought to address community concerns. Councillor Schram's evidence was that personal circumstances prevented him from reading the alternative motion however I note that before the meeting he acknowledged the email attaching it.

35. I have viewed a recording of the meeting. It was conducted in a respectful manner compatible with the standards in the Code.

36. Councillor Schram was not prepared to consider the alternative motion on the basis that it would commit the Council to an excessive unbudgeted expenditure.

37. On 1 May 2026, Councillor Schram sent the email to five of the six Councillors, as well as to the CEO and a director of the Council. The email was not sent to all six because one had declared a 'conflict of interest' in relation to COPACC.

38. Although the email does not identify *"some Councillors"* and *"at least two Councillors"* by name, it is clear from the recording of the meeting that Councillor Schram is referring to Councillor Potter and Councillor de Deugd.

39. On 4 May 2026, Councillor Potter responded to the email advising Councillor Schram that his accusations of *"lying to, or misleading the community"* were *"offensive and demeaning"*. Councillor Potter detailed what information in relation to COPACC had not been provided, indicated that he had not criticized Council staff, and said he would not be intimidated by threats of breach of governance complaints. Councilor Potter also disagreed with Councillor Schram's ruling on the alternative motion. Councillor Schram did not reply to this email.

40. On 4 May 2026, Councillor de Deugd also responded to the email which she described as *"intimidating and threatening"*. Like Councillor Potter, Councillor de Deugd denied misleading the public because previously requested information in relation to COPACC had not been provided. (Councillor Schram said he had not seen Councillor de Deugd's email requests dated 5 February 2026, 16 February 2026 and 8 April 2026 to the CEO before he sent the email). Councillor de Deugd also confirmed that Councillors were complying with their responsibilities, and raised concerns about debate on issues being restricted because motions were being dismissed.

41. Bearing in mind that Councillor de Deugd was addressing the email, which asserted that she had mislead or lied to the public and a threat of future conduct proceedings, it was hardly appropriate for Councillor Schram's response that day to include the following:

    "The use of words like intimidation, threatening and misleading leads me to a conclusion that conversation with yourself about the role of a councillor will not be met with anything other than disagreement. Therefore I will end communication in this matter and start formal code of conduct proceedings in due course over the comments in the meeting and subsequent online comments by other councillors..."

42. Councillor Schram says his response was *"not intended to dismiss her concerns or disparage her professional character"* but that is what it did.

43. Councillor Schram did make a complaint against Councillor de Deugd however he withdrew prior to a scheduled mediation.

44. Councillor Schram attempted to justify the email on the basis that he sent it in his role as Mayor pursuant to section 18 of the Act. That section requires a Mayor to "promote *behaviour among Councillors that is consistent with the Model Councillor Code of Conduct"* and to "*assist Councillors to understand their role."* Putting aside the fact that the email was not sent to all Councillors, it was not consistent with the Code.

45. Councillor Schram said that he was aware that some Councillors were not reading materials provided to them not only in relation to COPACC but also other Council matters. If so, it would have been better for Councillor Schram to approach those who were not complying privately rather than in an email.

46. Contrary to Councillor Schram's assertion in the email, I accept Councillor Potter's and Councillor de Deugd's evidence that they had read the relevant COPACC papers, attended briefings, asked questions, and considered community submissions before the meeting. I also accept their evidence that at the time of the meeting not all the information requested including a draft lease, had been provided to them.

47. In the email, Councillor Schram stated that staff were *"offended"* by Councillors *"stating incorrect and just plain wrong information"*. The recording of the meeting however reveals that Councillor Potter and Councillor de Deugd did not criticise staff or the Chief Executive Officer. In this regard, I also accept Councillor Potter's evidence that he discussed his alternative motion with staff prior to the meeting.

48. Councillor Schram concedes that the email was "poorly worded" and, on reflection, stated he did not intend to question Councillor Potter's and Councillor de Deugd's honesty. The issue is not what Councillor Schram says he "intended" the email to mean. Any objective reader would perceive that Councillor Schram was questioning their integrity.

49. Asserting in the email that Councillor Potter and Councillor de Deugd *"misled or lied to the public"*, *"spread misinformation to the public (to) drum up fear or bring the Council into disrepute"* and *"publicly state wrong and misleading information"* was a clear failure by Councillor Schram to treat them with *"dignity, fairness, objectivity, courtesy and respect"* and therefore a breach of Clause 2(1) of the Standards.

50. In view of my finding of misconduct against Councillor Schram, pursuant to section 142(2)(a) of the Act, I direct that he make a written apology to Councillor Potter and Councillor de Deugd **(apology)**.

51. In the apology, Councillor Schram is to acknowledge that his email failed to treat them with "dignity, fairness, objectivity, courtesy and respect", especially by falsely stating that they had "misled or lied to the public" in relation to Council's consideration of the future operation of COPACC. Councillor Schram should also apologise for the distress the email caused to Councillor Potter and Councillor de Deugd and unreservedly withdraw any suggestion of improper conduct on their part.

52. I also direct that the apology is to be read aloud by Councillor Schram at the Council meeting on Tuesday, 24 November 2026. Should that meeting not proceed, the apology is to be read at the first Council meeting held after that date.

53. Without providing details, the de Deugd Application contains an allegation that Councillor Schram failed to intervene when another Councillor questioned her fitness for the role. Insufficient particulars have been provided in relation to that allegation and therefore I am unable to determine whether or not any breach of the Code has occurred

54. Councillor de *Deugd* alleges that Councillor Schram breached clause 3 of the Code by failing to comply with Council's Governance Rules **(Rules)** when dealing with Councillor de Deugd's request to attend a meeting by electronic means.

55. Clause 3 of the Code relates to *"Good governance"* and the relevant parts are as follows:

"A Councillor must comply with the following Council policies and procedures required for delivering good governance for the benefit and wellbeing of the municipal community-
(a) ...
(b) The Council's Governance Rules developed, adopted and kept in force by the Council under section 60 of the Act, including in relation to-
(i)...
(ii) requesting and approval of attendance at Council meetings and meetings of delegated committees by electronic means of communication; and
(iii)...

56. The relevant Rules in relation to attendance at meetings are as follows:

63.1 Council and Delegated Committee meetings will be conducted face-to-face (in person) at a set location, unless the Mayor approves an alternative in accordance with the following sub-rules.

63.2 A Councillor or member of a Delegated Committee may request to attend a meeting by electronic means of communication (virtually) by submitting a request to the Mayor and Chief Executive Officer, not less than twenty-four hours prior to the meeting commencement time.

63.3 A request to attend a meeting via electronic means of communication should only be made for a reason such as (but not limited to) health issues, caring responsibilities, any risk to the health and safety of Councillors, staff, or the community or where a level of travel restriction has been imposed or recommended by government. Approval of the request will be at the discretion of the Mayor. The Mayor will not unreasonably deny a Councillor request to attend a meeting electronically and will take into consideration all of the reasons provided.

63.4 The request must be made in writing and state the reasons the Councillor or member of a Delegated Committee wishes to attend the meeting via electronic means."

57. On 21 and 22 June 2026, there was an email exchange between Councillor de Deugd and Councillor Schram in relation to Councillor de Deugd's written request for permission to attend a Council meeting electronically due to *"childcare needs"*.

58. I do not accept Councillor de Deugd's contention that simply raising *"childcare requirements"* provided a *"complete and sufficient reason under the Rules"* to be able to attend a meeting remotely.

59. I think it was not unreasonable for Councillor Schram to have sought further details of the *"childcare needs"* to ensure a consistent application of the Rules. Councillor Schram's

indication that something along the lines of *"I need to look after children at home therefore I can't travel from home"* would be sufficient for approval.

60. In any event, Councillor Schram approved Councillor de Deugd's request. As there was no denial, Councillor Schram has not breached Rule 63.3 above and therefore he has not breached Clause 3 of the Code.

61. Councillor Schram has indicated that he would support a review of the Rules in relation to electronic attendance at meetings. I encourage such a review as it would assist in clarifying the level of detail an applicant is required to provide when making a request, as well as situations where it is not possible to give 24 hours' notice before a meeting.

Simon Heath

Arbiter

Dated: 14 October 2026

Model Councillor Code of Conduct

Schedule 1 of the Local Government (Governance and Integrity) Amendment Regulations 2024

Definitions

In this Schedule—

discrimination means unfair or unfavourable treatment of a person on the grounds of an attribute specified in section 6 of the **Equal Opportunity Act 2010**.

Standards of Conduct

1. Performing the role of a Councillor

A Councillor must do everything reasonably necessary to ensure that they perform the role of a Councillor effectively and responsibly, including by—

(a) representing the interests of the municipal community by considering and being responsive to the diversity of interests and needs of the municipal community; and

(b) being fit to perform the role of a Councillor when acting in that capacity or purporting to act in that capacity; and

(c) diligently using Council processes to become informed about matters which are subject to Council decisions; and

(d) not performing or purporting to perform any responsibilities or functions of the Chief Executive Officer; and

(e) acknowledging and supporting the Mayor in the performance of the role of the Mayor, including by—

(i) respecting and complying with a ruling of the Mayor as the chair of Council meetings (unless dissenting from the ruling in accordance with the Council's Governance Rules); and

(ii) refraining from making public comment, including to the media, that could reasonably be perceived to be an official comment on behalf of the Council where the Councillor has not been authorised by the Mayor to make such a comment.

2. Behaviours

(1) A Councillor must treat others, including other Councillors, members of Council staff and members of the public, with dignity, fairness, objectivity, courtesy and respect, including by—

(a) not engaging in demeaning, abusive, obscene or threatening behaviour, including where the behaviour is of a sexual nature; and

(b) not engaging in behaviour that intentionally causes or perpetuates stigma, stereotyping, prejudice or aggression against a person or class of persons; and

(c) not engaging in discrimination or vilification; and

(d) supporting the Council, when applying the Council's community engagement policy, to develop respectful relationships and partnerships with Traditional Owners, Aboriginal community controlled organisations and the Aboriginal community; and

(e) supporting the Council in fulfilling its obligation under the Act or any other Act (including the **Gender Equality Act 2020**) to achieve and promote gender equality; and

(f) ensuring their behaviours and interactions with children are in line with the Council's policies and procedures as a child safe organisation and obligations under the **Child Wellbeing and Safety Act 2005** to the extent that they apply to Councillors.

(2) A Councillor, as an individual at the workplace, must take reasonable care for their own health and safety and take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons by—

(a) adhering to applicable systems and policies put in place by the Chief Executive Officer to manage risks to health and safety in the workplace; and

(b) complying, so far as the Councillor is reasonably able, with any reasonable instruction that is given by the Chief Executive Officer to manage risks to health and safety.

(3) A Councillor must act in accordance with any policies, practices and protocols developed and implemented under section 46 of the Act that support arrangements for interactions between members of Council staff and Councillors.

3. Good governance

A Councillor must comply with the following Council policies and procedures required for delivering good governance for the benefit and wellbeing of the municipal community—

(a) the Council's expenses policy adopted and maintained under section 41 of the Act;

(b) the Council's Governance Rules developed, adopted and kept in force by the Council under section 60 of the Act, including in relation to—

(i) conduct in Council meetings or meetings of delegated committees; and

(ii) requesting and approval of attendance at Council meetings and meetings of delegated committees by electronic means of communication; and

(iii) the Council's election period policy included in the Council's Governance Rules under section 69 of the Act, including in ensuring that Council resources are not used in a way that is intended to influence, or is likely to influence, voting at a general election or by-election;

(c) the Council's Councillor gift policy adopted under section 138 of the Act;

(d) any direction of the Minister given under section 175 of the Act.

4. Integrity

(1) A Councillor must act with integrity, exercise reasonable care and diligence and take reasonable steps to avoid any action which may diminish the public's trust and confidence in the integrity of local government, including by—

(a) ensuring that their behaviour does not bring discredit upon the Council; and

(b) not deliberately misleading the Council or the public about any matter related to the performance of their public duties; and

(c) not making Council information publicly available where public availability of the information would be contrary to the public interest.

Note

See the public transparency principles set out in section 58 of the Act.

(2) A Councillor must not, in their personal dealings with the Council (for example as a ratepayer, recipient of a Council service or planning applicant), expressly or impliedly request preferential treatment for themselves or a related person or entity.

5. The Model Councillor Code of Conduct does not limit robust public debate

Nothing in the Model Councillor Code of Conduct is intended to limit, restrict or detract from robust public debate of issues in a democracy.

Colac Otway
SHIRE

Item 10.1
Notice of Motion 365 26-27 - Belvedere Drive Subdivision

COUNCILLOR	Cr Charlie Buchanan

RESOLUTION

Moved Cr Buchanan, Seconded Cr Howard

That Councillors receive a comprehensive, confidential briefing report within 60 days (or at the next available briefing, after 60 days) regarding the stormwater dispersal matter at 240 Woodrowvale Road, Elliminyt created as part of Stage 4 and 5 subdivision at 105 Belvedere Drive, Elliminyt, with a minimum of the following information:

- ***a. The complete administrative and documentary evidence held by council regarding any agreements made by council staff regarding this stormwater discharge, including any evidence or knowledge of any verbal agreements;***
- ***b. A full breakdown of all costs expended by council to date,***
- ***c. Full costing for the total drainage/stormwater rectification including exploring what avenues are available to council to investigate and revisit the developers responsibility and statutory planning obligation under their planning approval in this matter, and;***
- ***d. An assessment of Councils statutory obligations under the Water Act 1989, Planning and Environment Act 1987 and Local Government Act 2020, and any other relevant statutes.***

CARRIED 7 : 0

UNCONFIRMED

The meeting was declared closed at 2.09pm

***CONFIRMED AND SIGNED** at the meeting held on 24 November 2026.*

*.....**MAYOR***

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