



Council Meeting Minutes

11 December 2024 at 4pm

COPACC Meeting Rooms 1 & 2

COLAC OTWAY SHIRE COUNCIL MEETING

Wednesday 11 December 2024

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COLAC OTWAY SHIRE COUNCIL MEETING

MINUTES of the **COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** held at
COPACC on Wednesday 11 December 2024 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 ACKNOWLEDGEMENT OF COUNTRY

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

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).

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

Anne Howard, Chief Executive Officer
Andrew Tenni, General Manager Corporate Services
Ian Seuren, General Manager Community and Economy
Steven O'Dowd, Manager Governance, Customer and Communications
Matilda Hardy-Smith, Coordinator Council Business
Christine Ferguson, State Government Appointed Monitor

3.2 Apologies and Leaves of Absence

Nil.

3.3 Confirmation of Minutes

RESOLUTION

Moved Cr Potter, Seconded Cr Hudgell

That Council confirm the minutes of the Council Meetings held on 20 November 2024 and 27 November 2024.

CARRIED 7 : 0

3.4 Declarations of Interest

Nil.

4 QUESTION TIME

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

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

James Judd

1. Is it now definite that the Colac Otway Shire Councils intention to extend the centre strip west in Murray Street Colac, from Corangamite Street to Armstrong Street is going to be introduced? Will the inconvenience of all businesses in this section be addressed first before any works are done? If so can any time limit be put on when this is likely to be done, we have already been kept waiting many years since Council first announced its intention to do so but no time frame was given., with no certainty that an allocation by a government will ever be kept if the treasury benches change prior to undertaking to provide money being delivered even if passed by parliament.

Response from General Manager Community and Economy

The further redevelopment of the Colac CBD streetscape from Corangamite Street to Armstrong Street is still an important future project for Council, however it is not funded at this point in time.

There are many competing projects across the shire and prioritising these and matching them to funding programs is a challenge. The development of the new council Plan will establish strategic objectives for the next four years, and this may assist in establishing clear priorities for large projects such as the CBD streetscape.

Should funding be allocated to this project, a Project Plan would be prepared which would outline timelines and detail appropriate engagement methods with local businesses.

2. With the Colac Otway Shire Council objecting to increased costs and it must reduce its excessive expenditure please justify how you can now put out Council agendas with a different design on every separate meeting agenda. The production of these is very expensive against a standard form that only had to have the type of meeting, time of meeting and place of meeting changed for each separate meeting added later. So blank copies without these details could be produced all at the one time, then only those needed from a meeting would have the actual details added prior to the agenda for that meeting being issued. When the cost to produce a printing block is high if only few printed it works out very much per copy over if many printed per block produced also the smaller a print run the more is charged per item produced. You could pay many times as much per unit if only 50 produced against what is charged if 1000 produced as the total set up expenses are the same for small or large runs, plus the same cost would be run up to change over for another use no matter how large the production run.

Response from Manager Governance, Customer and Communications

There was no increased cost in changing the design of the Council agenda and meeting papers. With the new Council commencing, the look of the documents was updated and refreshed.

Very few copies are printed. The papers are primarily made available electronically and via Council's website.

3. When will elected Councillors put a definite annual limit on the total value of contracts, purchase arrangements and planning applications that can be authorised by unelected Council officers before they must go to a meeting of Councillors to be authorised, as it now stands authority to officers could allow very big values to be put through without any scrutiny and we not have money to cover them, i.e. 20 @ \$10,000 is far more than 1 @ \$100,00.

Response from General Manager Corporate Services

Council as already put a limit on the total value of contracts and purchase arrangements that can be authorised by Council officers before they must go to a meeting of Councillors to be authorised. This is done under section 11 of the Local Government Act 2020. Under that section, Council may, but instrument of delegation, delegate to the CEO a number of matters including "to enter into a contract or make any expenditure (and) must specify a maximum monetary limit that cannot be exceeded.

That current monetary limit is \$300,000 including GST.

Council's Procurement Policy also outlines the processes required to appropriately manage purchasing arrangements. This policy was updated and adopted by Council in July 2024.

4. Since the Colac Otway Shire Council long ago told the community it was to establish a solar panel farm on the old Colac tip site, is Council still going to do this or has it been given the flick? Plus, will Colac have to rely on renewable electricity being supplied from other areas that have no transmission system available to bring power to Colac? Plus, no definite undertaking that one is ever going to be provided. Do not forget this Council has contracts that require renewable electricity only is to be used at specific sites. So, if no transmission system is then available this Council could have to pay very high damages for including this clause in a contract it was party to drawing up.

Response from General Manager Community and Economy

Council has not determined to establish a solar generation facility at the former landfill site at Bruce Street, Colac.

Council currently generates electricity at a number of its facilities from solar panels on buildings and purchases the balance of its electricity needs from Red Energy. This power is 100% renewable and the contract presents good value for money.

5. Have any of the funds allocated in the Colac Otway Shire Council budget for 2024 – 2025 to spend on footpaths in the Shire yet been spent to do any works and if so, how much has been spent? While we are still waiting for works this Council claimed it did years ago to be done especially outside one of Councils operations in Colac proper that works 5 days per week most weeks, also has operated for many years since prior to Councils amalgamation in 1994.

Response from General Manager Community and Economy

Council has spent approximately \$5,000 on footpath works and has contracts in place for a further \$196,000 of works which will be undertaken in coming months.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Alan Billings

1. Is Council planning to increase the operating hours of the Visitor Information Centre through the holiday period?

Response from General Manager Community and Economy

Through you Mayor, we're looking to expand the number of days that the facilities open, as we did this time last year, but not the hours of operation.

Tony Webber

This question is regarding the number of rates collected in Apollo Bay and the amount of money spent. How much is spent in the coastal Apollo Bay area?

Response from General Manager Corporate Services

A lot of Council's projects and services span the whole Shire and to disaggregate by location would be virtually impossible and would most likely produce a skewed result as to where the rates are actually allocated specifically to location. It is a large task to do, and we wouldn't be able to disaggregate the data effectively.

Tosh-Jake Finnigan

1. I submitted two Freedom of Information requests last month on the 13th and 14th of November and paid the fee required. According to the Office of the Victorian Information Commission the Council has 30-45 days from the date a valid request was made to provide me with the decision. It is now 27 and 28 days into that time and I haven't gotten any correspondence from Council, I was wondering if I could be given an indication as to when these requests might be responded to?

Response from Manager Governance, Customer and Communications

I will check on the progress of those requests tomorrow, we do intend to respond within time frames on those for you.

2. Under the changes to the Community Grants Program, one of the highlighted changes is that events and activities held in licensed gaming venues will no longer be funded by Council grants. In 2023 and again in 2024, the Colac Otway Shire Council hosted its Christmas Party at the Colac Bowling Club.
Do you think it was appropriate for staff to attend a venue that house 20% of the Poker Machines for their staff Christmas Party

Response from General Manager Corporate Services

Any venue where we are supporting local businesses through our Christmas Party and through other events is okay. No member of staff partook in any of the gaming venues or machines while we attended. In the circumstances it was appropriate.

3. Does Council agree that it's hypocritical for Council to use a Pokies venue for its Christmas Party whilst stating under the Council's Grants Policy that they don't want to give money to gaming venues?

Response from General Manager Corporate Services

I think those are two separate issues, one is about the hire and the use of the venues, whether or not Council is contributing ratepayer funds, whilst revenue is being generated by Poker machines and I think the other is a separate question.

4. Prior to my time on Council, different departments were able to have their own Christmas Parties and that was put to a stop. Was there any particular reason for that? I understand that most of those were Barbeques and a few drinks at the local oval, was there any reason that was put to a stop? I assume the venue hire is covered by Council as well.

Response from Chief Executive Officer

Many departments do still gather at Christmas time as a team. We don't have any issue with that, and it is pretty common. They do that as a team and they pay for their own party.

There was a decision that the organisation would pay for one party for staff to get together and not pay for multiple parties.

We think it is reasonable for us to come together as an organisation, the food is paid for by the Council for the once a year gathering of the organisation.

The rest is up to the departments to organise a gathering, if they wish.

If there is a venue hire, it is also covered by Council.

QUESTIONS TAKEN ON NOTICE

Tony Webber

1. Spraying along the great ocean road – whole of ocean road was sprayed last year and became a real fire hazard (last autumn). Last advised that council would speak to regional roads about mowing rather than spraying. Results?

Response from General Manager Corporate Services

Council has not had a response to date from the Department of Transport in relation to this matter. Further enquiries were made with the Department of Transport again in December 2024, however a response again has not yet been received. Council will continue to follow up with the Department of Transport and will provide you with their response as soon as it is received.

Tosh-Jake Finnigan

1. How much does the council pay *per year* to hold its Christmas party at the Colac Bowling Club?

Response from General Manager Corporate Services

The Christmas party was held at the Colac Bowling Club in 2023. This is the only time in the last 4 years. The cost of that occurrence has been provided.

5 PETITIONS / JOINT LETTERS

Nil.

6 PLANNING AUTHORITY AND RESPONSIBLE AUTHORITY DECISIONS

Nil reports.

ACKNOWLEDGEMENTS

Cr Potter made the following acknowledgement to Father Michael O'Toole.

"I wanted to acknowledge the work of Father Michael O'Toole who is retiring soon. I believe he does have some part-time work down on the coast and I just wanted to, on behalf of the community, acknowledge he's worked not just within the Catholic church, but he's worked with the homeless, with people affected by domestic violence, the Multicultural community and so forth. He has been outstanding, and it was worthy of noting."

Item: 7.1

**Project Budget Adjustments and Cash Reserve
Transfers - November 2024**

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

RESOLUTION

Moved Cr Potter, Seconded Cr Howard

That Council:

- 1. Approves the new projects as presented in Tables 1 and 2 of this report, at a total net cost to Council of \$10,000.*
- 2. Approves the project budget adjustments in Table 3a.*
- 3. Approves the project budget adjustments in Table 3b.*

CARRIED 7 : 0

Item: 7.2

Review of Colac Otway Shire Grants Program 2024

OFFICER	Fiona Maw
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	<ol style="list-style-type: none">1. Physical Activity Community Grants Events Grants [7.2.1 - 3 pages]2. Building Facade Improvements - Business Grants [7.2.2 - 1 page]3. Summary Minor Changes to Guidelines 2025 - 2026 - Colac Otway Shire Grants Program [7.2.3 - 2 pages]4. DRAFT- Guidelines - Colac Otway Shire Grants Program 2025 2026 [7.2.4 - 27 pages]

RESOLUTION

Moved Cr Howard, Seconded Cr Potter

That Council:

1. *Notes the review undertaken of the Council Grants Program and associated program guidelines in accordance with the action in the Council Plan 2021-25.*
2. *Notes that the 'Community' and 'Events' grant categories in the 2023-24 and 2024-25 Colac Otway Shire Grants Programs facilitated a diverse range and number of projects, programs and events that encourage physical activity.*
3. *Approves the Colac Otway Shire Grants Program Guidelines 2025-26, noting:*
 - a. *The removal of the 'Business Grant – Environmentally Sustainable' from the Colac Otway Shire Grants Program.*
 - b. *That the 'Community' and 'Events' grant categories allow applications for environmental projects and programs.*
4. *Notes that the Colac Otway Shire Grants Program 2025-26 will open for applications in February 2025.*

CARRIED 7 : 0

Item: 7.3
**Colac Otway Shire Community Grant - Approval of
Alternative Proposal**

OFFICER	Katrina Kehoe
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	1. Guidelines 2024 - 2025 - Colac Otway Shire Grants Program [7.3.1 - 29 pages]

RESOLUTION

Moved Cr Hudgell, Seconded Cr Potter

That Council:

- 1. Notes that the Irrewarra Cricket Club has advised that its electronic scoreboard project is not proceeding at this point in time and has requested that Council reallocate the approved funding of \$9,838 (funded from the 2023-24 Grants Program) to an alternative project.*
- 2. Approves the \$9,838 grant allocated to the Irrewarra Cricket Club for an electronic scoreboard be reallocated to the purchase of a ride-on mower by the club.*

CARRIED 7 : 0

Item: 7.4

Council and Committee Meeting Dates 2025

OFFICER	Steven O'Dowd
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

RECOMMENDATION

That Council:

1. Approves the schedule of Council, Planning Committee and Submissions Committee meetings for 2025 as detailed below.

February 2025	
Planning Committee Meeting	11 February 2025
Submission Committee Meeting	11 February 2025
Council Meeting	25 February 2025
March 2025	
Planning Committee Meeting	11 March 2025
Submission Committee Meeting	11 March 2025
Council Meeting	25 March 2025
April 2025	
Planning Committee Meeting	8 April 2025
Submission Committee Meeting	8 April 2025
Council Meeting	29 April 2025
May 2025	
Planning Committee Meeting	13 May 2025
Submission Committee Meeting	13 May 2025
Council Meeting	27 May 2025
June 2025	
Planning Committee Meeting	10 June 2025
Submission Committee Meeting	10 June 2025
Council Meeting	24 June 2025
July 2025	
Planning Committee Meeting	8 July 2025
Submission Committee Meeting	8 July 2025

Council Meeting	22 July 2025
August 2025	
Planning Committee Meeting	12 August 2025
Submission Committee Meeting	12 August 2025
Council Meeting	26 August 2025
September 2025	
Planning Committee Meeting	9 September 2025
Submission Committee Meeting	9 September 2025
Council Meeting	23 September 2025
October 2025	
Planning Committee Meeting	14 October 2025
Submission Committee Meeting	14 October 2025
Council Meeting	28 October 2025
November 2025	
Planning Committee Meeting	11 November 2025
Submission Committee Meeting	11 November 2025
Council Meeting	25 November 2025
December 2025	
Planning Committee Meeting	2 December 2025
Submission Committee Meeting	2 December 2025
Council Meeting	9 December 2025

2. *Schedules a Council meeting on 18 November 2025, for the sole purpose of the electing a Mayor and Deputy Mayor (including establishing the term of office for each).*
3. *Determines that all Council meetings will commence at 1pm, unless otherwise advertised.*
4. *Determines that all Planning Committee meetings will commence at 1pm, unless otherwise advertised.*
5. *Determines that all Submissions Committee meetings will commence at 3pm, unless otherwise advertised.*
6. *Notes that all Council meetings, Planning Committee and Submission Committee meetings will be held at Colac Otway Performing Arts and Cultural Centre (COPACC), Colac and livestreamed, unless otherwise advertised.*
7. *Will take all reasonable steps to hold at least one meeting every six months in 2025 at a suitable location in Apollo Bay.*

RESOLUTION

Moved Cr Howard, Seconded Cr McCrickard

That Council:

Moves the officer's recommendation with an amendment to point 7 as follows:

Holds at least two meetings each calendar year which will be scheduled in Apollo Bay.

CARRIED 7 : 0

Item: 7.5
**Award of Contract 2428 - Morley Avenue Reconstruction,
Wye River.**

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

RESOLUTION

Moved Cr Potter, Seconded Cr Howard

That Council:

- 1. Recognises that the preferred tenderers (as listed in the confidential attachment to this report) for Contract 2428 – Morley Avenue Reconstruction, Wye River have been assessed as providing value-for-money and ranked in the following order:
 - a. Tenderer 2 (referring to the second tender received)*
 - b. Tenderer 1 (referring to the first tender received)**
- 2. Awards Contract 2428 – Morley Avenue Reconstruction, Wye River to Tenderer 2 for the lump sum price referred to as the Tender Price in the confidential attachment to this report, subject to receipt of an acceptable financial viability check.*
- 3. In the event that an acceptable financial viability assessment is not received for Tenderer 2, awards Contract 2428 – Morley Avenue Reconstruction, Wye River to Tenderer 1 for the lump sum price referred to as the Tender Price in the confidential attachment to this report, subject to receipt of an acceptable financial viability assessment.*
- 4. Authorises the Chief Executive Officer to execute the contract documents on behalf of Council.*
- 5. Authorises the Chief Executive Officer to perform all roles of the Principal.*
- 6. Nominates the General Manager Corporate Services to the role of Superintendent for the contract, including managing variations in accordance with the contract conditions.*

7. *Notes that the successful tenderer and contract price will be listed on Council's website, promptly after the unsuccessful tenderers are advised of the outcome of the tender process.*
8. *Notes that if the contract is not awarded to either Tenderer 2 or Tenderer 1, a further report will be presented to Council for its consideration.*

CARRIED 7 : 0

Item: 7.6

**Award of Contract 2512 - Mooleric Road
Reconstruction, Birregurra**

OFFICER	Matthew Skewes
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	Tender Evaluation Report

RESOLUTION

Moved Cr Potter, Seconded Cr Howard

That Council:

- 1. Awards Contract 2512 – Mooleric Road Reconstruction, Birregurra to Tenderer 7 for the lump sum price referred to as the Tender Price in the confidential attachment to this report, noting that an acceptable financial viability report has been received.*
- 2. Authorises the Chief Executive Officer to execute the contract documents on behalf of Council.*
- 3. Authorises the Chief Executive Officer to perform all roles of the Principal.*
- 4. Nominates the General Manager Corporate Services to the role of Superintendent for the contract, including managing variations in accordance with the contract conditions.*
- 5. Notes that the successful tenderer and contract price will be listed on Council's website, promptly after the unsuccessful tenderers are advised of the outcome of the tender process.*

CARRIED 7 : 0

Item: 8.1

**Assessment of Audit and Risk Committee
Performance against the Charter**

OFFICER	Natasha Skurka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. Annual Assessment of the Audit and Risk Committee's Performance against the Charter 2023-24 redacted [8.1.1 - 12 pages]2. 16.1 - Audit and Risk Committee Charter [adopted by Council on 28 September 2022] - Current [8.1.2 - 10 pages]

RESOLUTION

Moved Cr Howard, Seconded Cr Hudgell

That Council notes the results of the Audit and Risk Committee's 2023-24 annual assessment of its performance against the Audit and Risk Committee Charter, in accordance with section 54(4) of the Local Government Act 2020.

CARRIED 7 : 0

Item: 8.2

Audit and Risk Committee Biannual Report

OFFICER	Natasha Skurka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. Biannual Report to Council of Colac Otway [8.2.1 - 7 pages]

RESOLUTION

Moved Cr Howard, Seconded Cr De Deugd

That Council:

- 1. Receives for information, the Colac Otway Shire Audit and Risk Committee Biannual Report, dated 30 September 2024.*
- 2. Acknowledges the Audit and Risk Committee Chair and independent members for their efforts and commitment to Colac Otway Shire Council.*

CARRIED 7 : 0

Item: 8.3

Community Asset Committees Annual Report 2023-2024

OFFICER	Steven O'Dowd
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. Community Asset Committees - 2023-24 Annual Report - Attachment 1 - Activities of the Committees - 2 [8.3.1 - 12 pages]

RESOLUTION

Moved Cr Potter, Seconded Cr McCrickard

That Council receives the 2023-24 Annual Report of the activities and performance of Community Asset Committees in accordance with the requirements of section 47(6) of the Local Government Act 2020.

CARRIED 7 : 0

Item: 8.4

Report of Informal Meetings of Councillors

OFFICER	Council Business
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. IMOC - Day 5 Induction - 20 November 2024 [8.4.1 - 1 page]2. IMOC - Day 6 Induction - 21 November 2024 [8.4.2 - 1 page]3. IMOC - Day 7 Induction - 26 November 2024 [8.4.3 - 1 page]4. Informal Meeting of Councilors - Council Meeting 27 November 2024 [8.4.4 - 2 pages]5. IMOC - Councillor Induction - 28 November 2024 [8.4.5 - 1 page]6. IMOC - Day 9 Induction - 3 December 2024 [8.4.6 - 1 page]7. Informal Meeting of Councilors - Pre Planning Committee Meeting 4 December 2024 [8.4.7 - 2 pages]

This item did not require a formal decision of Council.

Item 10.1
**Notice of Motion No. 351 24-25 - Skenes Creek to
Apollo Bay Trail**

COUNCILLOR Cr Phil Howard

ATTACHMENTS Nil

RESOLUTION

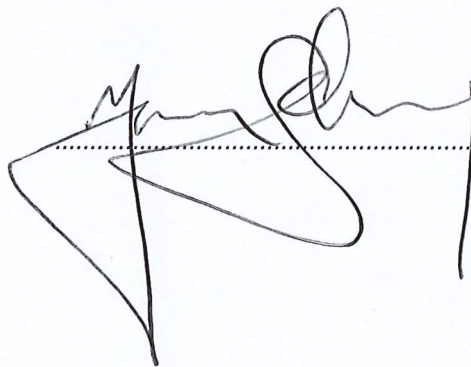
Moved Cr Howard, Seconded Cr De Deugd

That Council writes to the State Government of Victoria (Regional Development Victoria) within 30 days of this resolution, seeking details of the “identified long-term impacts” on the coastal environment in the relevant studies and/or other documents relating to the proposed Skenes Creek to Apollo Bay Trail Project which was part of the Geelong City Deals, and any details of possible mitigation of these risks.

CARRIED 7 : 0

The meeting was declared closed at 5.01pm

CONFIRMED AND SIGNED at the meeting held on 25 February 2025.

.....MAYOR