



# Council Meeting Minutes

25 February 2025 at 1pm

COPACC Meeting Rooms 1 and 2



# COLAC OTWAY SHIRE COUNCIL MEETING

Tuesday 25 February 2025

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## COLAC OTWAY SHIRE COUNCIL MEETING

MINUTES of the **COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** held at  
COPACC on Tuesday 25 February 2025 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, 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](http://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  
Doug McNeill, Acting General Manager Infrastructure and Operations  
Ian Seuren, General Manager Community and Economy  
Steven O'Dowd, Manager Governance, Customer and Communications  
Matilda Hardy-Smith, Coordinator Council Business  
Kendrea Pope, Senior Governance Advisor

#### 3.2 Apologies and Leaves of Absence

Nil.

#### 3.3 Confirmation of Minutes

##### **RESOLUTION**

*Moved Cr Hudgell, Seconded Cr Potter*

*That Council confirm the minutes of the Council Meeting held on 11 December 2024.*

**CARRIED 7 : 0**

#### 3.4 Declarations of Interest

Ian Seuren	General	Item 7.8 – Regional Community Sports Infrastructure Fund Round 2 – Proposed Funding Applications	Family are members of the Colac Cricket Club. Club is a tenant of the Lake Oval and is included as a potential project for funding.
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## 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**

Since the Colac Otway Shire Council sold off land it owned in Bruce Street, Colac with no requirement for land to be provided for open space or playing fields, when is this Council going to provide these and at what location.

As Council claimed land would be available at the old Colac High School site so no land is required.

As yet no works to provide these or anything at the Colac High School site has started or even an undertaking you will ever provide any.

Do not forget it was Council Officers who claimed multi millions of dollars would have to be received before any playing fields could be planned and developed in the old Colac High School area.

#### ***Response from General Manager Community and Economy***

***A land contribution for public open space from the developers of the Bruce Street land was not required due to the site's proximity to existing public open space including the Lake Colac foreshore. Instead, a cash contribution was sought from the land developers to assist future improvements to existing open space.***

**James Judd**

How much longer can the Shire of Colac Otway continue to exist. Now it has gone overboard that only electric power is to be used in many areas the Council promotes ie Bluewater, the Colac Holiday Park, plus sites earmarked for development in the Colac 2050 Growth Plan.

Since no undertaking has yet been given that a transmission system to bring renewable electricity to Colac will ever actually exist by a set date.

As well this Council has a firm contract that requires renewable electricity is to be used "at the Colac holiday park" from the start of the Year Four of the contract.

This is under four years away plus that the frame is within this Councils term prior to the next scheduled Council election in 2028.

So if renewable electricity is not delivering to Colac this Council could face a very expensive damages claim prior to the next scheduled Council election.

#### ***Response from General Manager Infrastructure and Environment***

***Renewable energy is provided to land within the Shire via the existing electricity transmission grid. It does not require its own separate network of poles and wires.***



**James Judd**

What effort has been put in by the Colac Otway Shire Council to make sure drainage in the Colac urban region is up to standard if we again have a lengthy period of wet weather.

When very much of the lands earmarked for development in the Colac 2050 growth plan. Is either in or would require access via areas subject to flooding.

When very much of the current urban area is only reclaimed lands that have often been deep under flood waters multiple times during the last 30 years.

Plus no drainage has been put in to make sure these area could not again be flooded.

Everybody needs to take notice this area has a long history of very regular prolonged wet periods. For many years you could count on rain almost every day in the year. Drains that a big enough to take run off in very hilly areas with very little or no slope.

***Response from General Manager Infrastructure and Environment***

***A Stormwater Development Strategy was prepared for Colac in 2019 which identifies areas with poor drainage and flooding potential. This strategy informs Council of future works which can be undertaken to address future flooding impacts. Council has undertaken works to improve drainage in priority locations since that time and is currently working to deliver the Elliminyt Wetlands project (which is subject to a separate report on this agenda), which would detain stormwater flows that currently contribute to flooding of low lying areas around Deans Creek. There is a budget of \$80,000 in the 2024/25 budget that is being used to fund strategic drainage improvements in Colac.***

**James Judd**

Will the Colac Otway Shire Council now come out and advise it has abandoned the long term plan to extend the centre strip on Murray Street, Colac from Corangamite Street to Armstrong Street.

This is now urgent if the C.B.D is ever to extend as far as Armstrong Street. If you extend the centre strip we would have a drastic reduction in parking in that area.

***Response from General Manager Community and Economy***

***Council has not abandoned its vision to improve the streetscape of Murray Street west of Corangamite Street. The identified improvement works however would come at a considerable cost and beyond the capacity of Council to deliver without significant external grant funding. Council will continue to explore opportunities for funding from other levels of Government for this project.***

**James Judd**

When the Colac Otway Shire Council accepts money from developers to provide open space and playing fields instead of land.

How can this Council justify using this money to provide other uses.

ie the switching of funds to provide dog parks.

It should only be used to provide for the people in those developed areas the money was provided from.

### ***Response from General Manager Community and Economy***

At times Council collects cash contributions from land developers in lieu of providing land itself for open space, particularly when the land would not be of sufficient size for usable open space, or there is already existing open space in close proximity to the land which is being developed.

The cash is held in a reserve and can only be used to purchase or develop public open space. Use of these funds to develop a dog park at Central Reserve is a legitimate use of these funds as it would result in the improvement of currently unused open space for a recreational benefit.

### **Stanley Kennett**

- 1) Will the Colac Council make a law that dog walking is to be prohibited around the perimeter of the Colac Hospital and all Schools in Colac. Large signs to be erected on nature strip prohibiting dogs in these areas.
- 2) Will the Colac Council make a law that dog walking is to be prohibited from the Colac Central Business District.
- 3) Will the Colac Council make a law that all dogs walked in all Colac Public Areas, must be on a leash at all times. All public areas.

### ***Response from General Manager Infrastructure and Environment***

***Council does not have any current intention to prohibit walking of dogs in the areas referred to. There are requirements for dogs to be on a leash within the Colac township, being the central business area and the Lake Colac foreshore. Dogs outside of those areas need to be under effective control of the owner. Council is reviewing its Domestic Animal Management Plan during the course of this year and there will be opportunities for public input. We encourage feedback from the community on any issues of concern to be expressed through this process.***

### **Gary Riches**

- 1) Why has the COSC failed to provide a fire safe Apollo Bay My question relates to removal of vegetation on private property

### ***Response from General Manager Infrastructure and Environment***

***Council has worked with many stakeholder agencies over a number of years to develop appropriate fire management preparedness for Apollo Bay and other townships, and undertakes a fire prevention program over the summer period to ensure that private land owners manage vegetation on their property to an appropriate standard to responds to fire risk. We encourage specific questions concerning removal of vegetation on private land to be directed to Council's Emergency Management or Planning teams as appropriate.***



## Jeff Cooke

- 1) I have two questions relating to the Council Plan Consultation. Firstly I note the various means by which members of the public can get involved - survey, pop up sessions, focus groups etc, however, there is no mention of people being able to write a letter or submission and send it to an appropriate email address or by post. Will this be a means by which the public's views can be considered?
- 2) Secondly, I note a number of focus groups that will have a chance to have their say but there is no mention of groups involved in the environment, climate change or landcare groups. Will this oversight be corrected?

### ***Response from General Manager Governance, Customer and Communications.***

1. ***The Council Plan consultation is offering several ways for people to get involved and submit their ideas. The more feedback we get the better, whether that be at face-to-face sessions, online sessions, or through surveys and written responses.***

***The online survey through Council's website is one option for feedback available to all. Hard copies are available from our customer service centres if preferred. We are also providing a brief form for those who have one or two ideas or issues they want considered, and may not necessarily want to do the longer form survey.***

***Letters or submissions will also be accepted via the normal channels through the post or emailed to [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au)***

2. ***Issues related to the environment will be captured in the process. Local environment, Landcare and climate change groups have been invited to a focus group session in March as part of their next Community Climate Change Action Forum. Interested persons can also use any of the available channels to share their ideas in relation to the environment.***

***For full details on how, where and when to get involved in the Council Plan process go to the Council website. We need as many ideas as possible to bring before Councillors to inform our next 4-year plan.***

## Irene Pagram

In relation to Item 10.1

Whilst employed by Colac Otway I facilitated a Cultural Advisory Group tasked with improving Council's working relationship with our First Nations community. Indigenous leaders Ron Arnold, John Clarke and Richard Collopy gave generously of their time, expertise and knowledge as committee mentors, guiding me in formulating the recommendations that Council always displays the Aboriginal Flag together with the Australian National Flag, and to make the Acknowledgement of Country at the commencement of every Council meeting and Shire event.

Colac Otway had lagged behind other municipalities who had already moved towards this respectful and rightful inclusion.

I noted another step towards improving relationships across our entire community when the Citizenship and Community Awards were moved from 26th January.



Citizenships conferred on any other day in the year have as much standing in the law, and Community Awards held on any other day allows everyone to celebrate away from a date that causes anguish to a such significant portion of our community, no matter their heritage.

Please do not return the Citizenship and Community Awards to 26th January. Given that Council's Strategic Plans have the Theme of 'a safe, equitable and inclusive community' including actions to work in partnership with local indigenous groups, why would Council wish to wind the clock back, risk the genuine steps made towards reconciliation, and return to the wrong side of history?

***Response from General Manager Community and Economy***

**The matter of activities on Australia Day is in today's meeting agenda for consideration so it would not be appropriate for officers to make comment about this matter.**

**David Walsh**

Elliminyt wetlands project.

This is the 3rd time I have raised this at Council, the last time was May last year. I asked several questions about the funding, the lack of progress, and the finish date etc. Council's reply was it is progressing well, funding is in place, with the finish date of March 2026.

Now on today's Council agenda nine months later we find a \$2.5 million dollar blowout disaster created by the glacial pace of years of planning from underperforming bureaucrats and consultants, but with creative adjustments of ratepayers funds we can except a lesser finished project for just 1.3 million dollars extra.

My only question is will the CEO and General manager resign after this debacle.

***Response from General Manager Community and Economy***

**The report in the agenda regarding the Elliminyt Wetlands clearly articulates the status of the project along with the associated challenges with delivering the project, including timing and budget. The reasons for the project delays have been detailed in the report along with an explanation about cost escalations, which is reflective of the civil construction sector over the past few years.**

**QUESTIONS RECEIVED VERBALLY AT THE MEETING**

**Jack Russel - Head Petitioner "Save Meredith Park"**

Why close Meredith Park? It's a huge economic benefit to our town. There are people coming from Perth, there's people coming from Adelaide before they get on the spirit of Tasmania they're all spending money in town. Backpackers from all around the world that stay there. They are clean, they don't cause any problems, the businesses in town are making a lot of money.

Some of our issues out there are obviously rubbish. I've been out there pretty much every day since the 7th of September. I've probably missed less than two handfuls of days cleaning up and talking to people that are going to see our area and none of them have any idea about Red Rock. If we're going to promote our Shire and encourage people to come



here let's do it. Put some signs up out at Meredith Park about what's there to see. What's out at Red Rock. I've done a bit of a list here.

*(Jack handed the Councillors print outs)*

Regarding the petition, there's probably another 3 to 400 you can add to the number you've got. I honestly believe I could have got 4,000 signatures. Let's charge a fee to camp out there: \$5 \$10 but only charge for adults, not children. I believe our local rate payers should be able to stay there for free. No charge for rate payers to when they fill out their permit to camp at Meredith Park, they put the postcode in, they don't have to pay. Because as a ratepayer I don't think we should have to. As far as the permanents go, a couple told me this morning that if there is a fee put up for camping out there, they're going to leave, let's do it. Put a fee on we'll get the permanents gone that's it.

### **Frank Castles**

1. Thank you, Mayor, when Colac Otway Shire managed the Port of Apollo Bay they had the opportunity to introduce a freight link between King Island and Victoria's Apollo Bay, did Colac Otway Shire not only not allow that, they took steps to actively prevent that from happening. Now given that there's no substantial infrastructure issues, no substantial operational issues, no substantial or substantiated environment or community issues. I'd like to ask if the CEO would be prepared to apologise to the King Island farmers beef farmers the drought impacted Farmers, the King Island community for additional costs of freight, the Colac Otway Shire businesses which have been negatively impacted including the trucking companies the livestock agents and building suppliers and the Victorian business for the likes of the abattoirs from outside our Colac Otway Shire our local government area and the Victorian government Department of Transport through loss significant loss of revenue from wharfage. From this initiative would the CEO be prepared to apologise to these people and agencies.

### **Response Chief Executive Officer**

***Through the chair Mr Castles, I think that you know there's a lot behind the management of the Port of Apollo Bay and that the Port Manager has responsibilities under various legislation and that they were exercised at a point in time to get a greater understanding of a proposal. I don't think that warrants an apology.***

2. The second question is, we only got one Councillor from the previous term who an acting mayor at the time was also. Does that Councillor take responsibility for the CEO's actions and behaviours during this Activity?

***No response provided.***

## **Tosh-Jake Finnigan**

I probably should just note before I ask my question and before time starts if we could take just a moment to point out a lot of people in the gallery have been pointing out the appalling state of audio in the chamber so if I could just implore Councillors and the council organisation to perhaps look into funding an audio upgrade, or something for this room because democracy isn't served well when the people who are here to watch a meeting can't actually hear what's being said.

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***The remainder of the transcript from Tosh-Jake Finnigan's question has been redacted, as per the Council Resolution made at Council's 25 March 2025 Council Meeting.***

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## **Gary Riches**

1. What actions will the Council take in response to their failure to protect the Apollo Bay residents from the threat of fire due to insufficient vegetation management and how will they address the community's call for a rezoning of the area of land to create a more sustainable buffer zone to safeguard against both fire and flood?

## **Response General Manager Infrastructure and Operations**

***Thank you, Mayor, just wish to acknowledge the concerns of the Apollo Bay Community certainly any fire event can cause genuine concerns about the threat to their safety. Council has a very important role in terms of fire prevention, it's one of several agencies that work together certainly in the lead up to the summer period but all throughout the year there's cooperation to see what each of those agencies are able to do within their powers that prepare for fire events.***

***Council has a fairly major role in fire prevention program every summer, it's about making sure that landowners particularly around the periphery of towns maintain their properties in a state where the fuel load on those properties is giving the least potential for fire to threaten abutting properties. You've expressed some concerns today and in recent weeks about the long grass on those properties. Council was certainly in the process of liaising with those owners to have them slashed in a timely way and we'll continue to work with those landowners going forward to make sure that they maintain their properties in the state to avoid fire threat.***

***But Council does need to give notice to Property Owners, it can't just go and slash properties without giving them an appropriate opportunity to do that themselves and in this instance, council did intervene directly before that event to try and create a small strip to directly address the concerns but take the feedback that you've given today.***



## **Gary Riches**

1. My next question is does the Colac Otway Shire think they need to do something in response to this, we've got land there that is full of grass that hasn't had any attention. The people ring up they don't get calls back, when you do get a call back you're told that this is our procedure or this is our legislation. Your legislation is failing the people from Apollo Bay.

### ***Response General Manager Infrastructure and Operations***

***Thank you, Mr Riches. I would make the point that if anyone has a concern that there hasn't been a response to a call to Council to have an issue addressed of that nature, I'd certainly encourage them to contact Council again and make a complaint and we'll investigate that complaint under our complaints handling policy. We're certainly very keen to know that if people have raised issues that haven't been addressed, and we'll certainly follow that up.***

## **Irene Pagram**

1. My question is about 10.1 notice of motion Australia day, and it is referred directly to councillor Schram as he is seeking to move this motion. Cr Schram you promised, and to quote from your published candidate's vision, build better relationships with our community, build a better future for a council we can all be proud of. Why wouldn't you choose to wait until the Australia Day date is changed away from the 26th of January so council's citizenship ceremony and Community Awards can be held on that new date when everyone in our community can celebrate equally?

### ***Response Mayor Cr Schram***

***Whilst I can't pre-empt a decision or what might happen, I'm not here to debate nor to do a notice of motion on the 26th of January. We have had a lot of people in the community with different points of views, for and against the 26<sup>th</sup>, but I think it's up to the council to decide and debate on Australia day. We encourage people that if they don't like the date set to continue to Lobby the federal government because they're the ones that make the decision. There's many people in the community that would like to celebrate Australia Day just as there are some people who don't want it. My notice of motion isn't about the date it's just about Australia day whatever the date the federal government set.***

## **Allan Billings**

1. Item 7.9 on today's agenda and the attached letter to the councils from the minister is clear that changes to the local Government Act has significantly changed the role of councillors I also expect that following the induction process there are some councillors who find themselves in a role different to what they thought they might have had initially when they put their hand up and volunteered for the role. The community is unaware of these changes so the expectations they have of their elected rep Representatives cannot be met.

My question is when will Council provide the community with a clear and unambiguous statement setting out the role that the councillor must perform their responsibilities and their obligations?



**Response Chief Executive Officer**

*The role of the councillors is very clearly defined in the Local Government Act 2020 and has been through all legislation, so the role is documented and clear and publicly available. We need to help our community understand that is the role for councillors so that there's an alignment between what the community expects and what the councillors have Power Authority and responsibility to do. If we look at our website perhaps where we have a page about councillors and where people might go to contact their councillor. Potentially we could put some good examples and information there. We have recently trialled a print newsletter to try a different communication method.*

**Jeff Cooke**

1. Understanding swimming pools will not be high on the list, is Council prepared to have a non-operational pool in the near future and my second question is if you hand back the \$1.3 million in federal funds will this affect any future applications for federal funds and how will Council deal with the public profile and reputational damage?

**Response General Manager Community and Economy**

*In regard to the first question about a closure of Bluewater, obviously that wouldn't be council's preference. It's an important facility which gets significant usage from our community. Certainly, no we wouldn't be looking to have a closure of the facility for an extended period of time.*

**Response Chief Executive Officer**

*In response to the second part of the question, reputations are judged by others. So I am not the person responsible for giving grants out. It is my experience that grants are given for good projects, when there's really good cases made. There are other reasons why grants can be given and there are times also where projects with a grant don't continue. There's no black and white answer about whether that'll impact reputation. If grants are given out when there's a good case for them then obviously the blue water grant is a very good case.*

**Elizabeth Ryan**

1. When is Council finally going to write something and do something (in regard to signage on Conns Lane and surrounding roads) even a simple giveaway, correct sign I requested in December had still hasn't come to fruition?

**Response General Manager Infrastructure and Operations**

*Council certainly has taken the issues you've raised very seriously, and I know that we've been in communication with you. Staff in my department met with you last year. The CEO and I met with senior representatives of the Department of Transport and planning only a week or two ago and we're raising these issues with them. That includes the intersection safety issues with the princess Highway and Conns Lane. The Cape Otway Road intersection with Conns Lane as well as a narrow bridge on Conns Lane itself. We are emphasizing the concerns about safety in those locations*



***and asking for them to take that on board in terms of their future decision- certainly around the intersection they're directly responsible for at the highway.***

***Council has applied for some funding under the black spot program with the Transport Accident Commission to seek some improvements to the Cape Otway Road intersection and we're very hopeful that we'll get support through that program.***

***There are two funding programs: One program where the department didn't support us putting in an application, but we've lodged an application through a different funding program which with the TAC, which we are still awaiting an outcome for. I'll certainly follow up on those issues you've raised about the signs but I'm in the process now of trying to organise a meeting with yourself, representatives from the department and Council officers to discuss the issues that you're raising tonight so hopefully we can keep those conversations going.***

**Marina Lewis**

Good afternoon, Mayor councillors, CEO, staff and fellow citizens this question relates to the option to reconsider Bluewater funding which is apparent in the agenda.

1. My question is, why now when a cost saving windfall of 1.3 million has been received via a federal grant for matching funds to replace ongoing and increasingly expensive and aging gas heating at Bluewater centre. Would you Councillors even be considering refusing these funds in favour of prioritising funding for the wetlands project which can be sourced later. If this is so, what is the justification please?

**Response Mayor Cr Schram**

***In the agenda, it doesn't say anything about scrapping the funding. It's moving funds from one to another project and then replenishing that for a number of reasons it's in the report.***

***The officers who put different options with justifications on ways forward.***

**Response General Manager Community and Economy**

***Through you mayor, just to clarify, obviously with something like the Elliminyt Wetlands report, there are numerous options that officers have presented to Councillors. You'll see in the recommendation from officers that there's no discussion around not proceeding with the Blue Water Electrification Project.***

## 5 PETITIONS / JOINT LETTERS



### Item: 5.1

## Receipt of Petition titled 'Save Meredith Park'

OFFICER	Matilda Hardy-Smith
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	5.2.1 - Petition Front Page: Save Meredith Park

## RESOLUTION

*Moved Cr Potter, Seconded Cr Howard*

*That Council:*

- 1. Receives the petition titled "Save Meredith Park" (with wording as per attachment 1), noting that the petition format is non-conforming to Council's Governance Rules.*
- 2. Notes the petition (in its online form) asks Council to consider retaining Meredith Park as a free or low-cost campground.*
- 3. Agrees to consider this petition, and other future submissions from the public before a final decision is made on the future use of Meredith Park, as per the resolution at Council's 28 August 2024 meeting.*
- 4. Requests a further report to be considered by Council at a future meeting, date to be determined.*
- 5. Advises the Head Petitioner of this resolution.*

**CARRIED 7 : 0**



## **6 PLANNING AUTHORITY AND RESPONSIBLE AUTHORITY DECISIONS**

Nil reports.

Item: 7.1

## Project Budget Adjustments and Cash Reserves Transfers - January 2025

OFFICER	Paula Gardiner
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Operations
ATTACHMENTS	Nil

### RESOLUTION

*Moved Cr Potter, Seconded Cr McCrickard*

*That Council:*

- 1. Approves the funding in Table 2 for initiation of a new project relating to urgent works required at the Wydinia Kindergarten.*
- 2. Approves the project budget adjustments in Table 3a.*
- 3. Approves the project budget adjustments in Table 3b.*

**CARRIED 7 : 0**



Item: 7.2

## Colac Civic Health and Rail Precinct Plan Exhibition of Draft Plan

OFFICER	Erin Sonego
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	1. Draft Colac Civic Rail and Health Precinct Plan [7.2.1 - 62 pages]

### RESOLUTION

*Moved Cr Potter, Seconded Cr Hudgell*

*That Council:*

- 1. Notes the draft Colac Civic, Health and Rail Precinct Plan (Attachment 1) has been developed following engagement with a range of stakeholders.*
- 2. Authorises officers to place the Draft Colac Civic, Health and Rail Precinct (Attachment 1) on public exhibition for a minimum of six weeks for the purpose of inviting submissions.*
- 3. Provides the opportunity for any person wishing to speak to their written submission to be heard, or for a nominated representative of that person to speak to the submission on their behalf, at a Submissions Committee meeting prior to Council considering a report on the final version of the Precinct Plan.*
- 4. Notes that it is intended that the final version of the Precinct Plan will be presented for adoption at a future Council Meeting.*

**CARRIED 7 : 0**

Item: 7.3

## Elliminyt Wetlands Project Update

OFFICER	Raam Gowriswaran
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Operations
ATTACHMENTS	<ol style="list-style-type: none"><li>1. Councillor briefing slides - Elliminyt Wetlands Project Update [7.3.1 - 18 pages]</li><li>2. Elliminyt Wetland Project Design - Catchment Plans [7.3.2 - 3 pages]</li></ol>

### ALTERNATIVE MOTION

*Moved Cr Schram, Seconded Cr Buchanan,*

*That Council:*

1. *Notes that planning and design work completed to date for the Elliminyt Wetlands project has identified that the total estimated project cost to complete the current scope could exceed the available budget.*
2. *Determines to proceed with the Elliminyt Wetlands project as follows:*
  - a. *Adopt a project scope that includes:*
    - i. *The stormwater detention and treatment infrastructure including those landscaping elements required for this facility to perform its intended function and be able to be properly maintained;*
    - ii. *Sufficient open space elements to meet the requirements of the funding agreement with the State Government; and*
    - iii. *Further open space elements that are achievable within the available budget.*
  - b. *Allocates a further \$1.3 million funding as a contingency to support the delivery of the project through the following project budget adjustments and cash commitments:*
    - i. *Declines and withdraws from the federal government community energy upgrades fund grant for the Bluewater electrification project.*



- ii. Release \$842,955 of cash from the Bluewater Electrification project and allocate to the Elliminyt wetlands project to form part of the contingency, and;
  - iii. Allocate \$257,045, of funds from the Strategic Projects Reserve (Bruce St sale proceeds) to the Elliminyt Wetlands project to form part of the contingency; and
  - iv. Allocate \$200,000 of funds from the Strategic Projects Reserve (coastal path connection) to the Elliminyt Wetlands project to form part of the contingency.
3. Supports officers to continue to work in partnership with State Government representatives to deliver this important project.

LOST 2 : 5

FOR	AGAINST
Cr Schram	Cr De Deugd
Cr Buchanan	Cr Howard
	Cr Hudgell
	Cr McCrickard
	Cr Potter

Cr Howard foreshadowed an alternative motion during debate of the above motion.

## ALTERNATIVE MOTION

Moved Cr Howard, Seconded Cr McCrickard

That Council:

1. Notes that planning and design work completed to date for the Elliminyt Wetlands project has identified that the total estimated project cost to complete the current scope exceeds the available budget.
2. Determines to proceed with the Elliminyt Wetlands project as follows:
  - a. Adopt Scope Option 2 and modify the project scope to include:
    - i. The stormwater detention and treatment infrastructure including those landscaping elements required for this facility to perform its intended function and be able to be properly maintained;
    - ii. Sufficient open space elements to meet the requirements of the funding agreement with the State Government; and

- iii. Further open space elements that are achievable within the available budget.
  - b. Allocates a further \$1.3 million funding to support the delivery of the modified scope through the following project budget adjustments and cash commitments:
    - i. Allocate \$842,955 from unallocated asset renewal funds to the Bluewater Electrification project; and
    - ii. Release \$842,955 of cash from the Bluewater Electrification project to the Strategic Projects Reserve (Bruce St sale proceeds) ; and
    - iii. Allocate \$1,100,000 of funds from the Strategic Projects Reserve (Bruce St sale proceeds) to the Elliminyt Wetlands project; and
    - iv. Allocate \$200,000 of funds from the Strategic Projects Reserve (coastal path connection) to the Elliminyt Wetlands project.
- 3. Notes it supports the Bluewater electrification project which anticipates operational savings of \$140,000 per annum once fully completed and those savings were to be used to repay borrowings for the project. If not realised, officers are required to find the short fall of savings through operational efficiencies. There is to be no impact on service delivery.
- 4. Supports officers to continue to work in partnership with State Government representatives to deliver this important project.
- 5. Notes that landscaping and recreation improvements on the land not delivered through the Elliminyt Wetlands project will be able to be considered for funding in future budgets and through external grant programs.

*Cr Buchanan moved an amendment to the above motion during debate.*

*Moved Cr Buchanan, Seconded Cr De Deugd*

*Requests an addition to Point 3 of Cr Howards motion: There is to be no impact on service delivery.*

**CARRIED 6:1**

FOR	AGAINST
Cr Howard	Cr Potter
Cr Buchanan	
Cr De Deugd	
Cr McCrickard	
Cr Hudgell	
Cr Schram	



## RESOLUTION

*Moved Cr Howard, Seconded Cr McCrickard*

*That Council:*

1. *Notes that planning and design work completed to date for the Elliminyt Wetlands project has identified that the total estimated project cost to complete the current scope exceeds the available budget.*
2. *Determines to proceed with the Elliminyt Wetlands project as follows:*
  - a. *Adopt Scope Option 2 and modify the project scope to include:*
    - i. *The stormwater detention and treatment infrastructure including those landscaping elements required for this facility to perform its intended function and be able to be properly maintained;*
    - ii. *Sufficient open space elements to meet the requirements of the funding agreement with the State Government; and*
    - iii. *Further open space elements that are achievable within the available budget.*
  - b. *Allocates a further \$1.3 million funding to support the delivery of the modified scope through the following project budget adjustments and cash commitments:*
    - i. *Allocate \$842,955 from unallocated asset renewal funds to the Bluewater Electrification project; and*
    - ii. *Release \$842,955 of cash from the Bluewater Electrification project to the Strategic Projects Reserve (Bruce St sale proceeds) ; and*
    - iii. *Allocate \$1,100,000 of funds from the Strategic Projects Reserve (Bruce St sale proceeds) to the Elliminyt Wetlands project; and*
    - iv. *Allocate \$200,000 of funds from the Strategic Projects Reserve (coastal path connection) to the Elliminyt Wetlands project.*
3. *Notes it supports the Bluewater electrification project which anticipates operational savings of \$140,000 per annum once fully completed and those savings were to be used to repay borrowings for the project. If not realised, officers are required to find the short fall of savings through operational efficiencies. There is to be no impact on service delivery.*
4. *Supports officers to continue to work in partnership with State Government representatives to deliver this important project.*
5. *Notes that landscaping and recreation improvements on the land not delivered through the Elliminyt Wetlands project will be able to be considered for funding in future budgets and through external grant programs.*

**CARRIED 6 : 1**

FOR	AGAINST
Cr Howard	Cr Schram
Cr Buchanan	
Cr De Deugd	

<i>FOR</i>	<i>AGAINST</i>
<i>Cr McCrickard</i>	
<i>Cr Hudgell</i>	
<i>Cr Potter</i>	



Item: 7.4  
**Coach Parking in Kennett River**

OFFICER	Doug McNeill
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Operations
ATTACHMENTS	Nil

## **RESOLUTION**

*Moved Cr Potter, Seconded Cr Howard*

*That Council:*

- 1. Notes the request from Great Ocean Road Coast and Parks Authority that Council make an application to the Department of Transport and Planning (DTP) to implement measures that exclude large tourist coaches from Kennett River.*
- 2. Notes the significant community concerns expressed over many years in relation to the contribution of large coaches to traffic, parking and safety issues at Kennett River.*
- 3. Supports GORCAPA's request and makes a formal request to the Department of Transport and Planning for the implementation of traffic control measures that exclude large tourist coaches from Kennett River.*
- 4. Writes to the Department of Transport and Planning requesting that the Department implements bollards and signage on the Great Ocean Road (near Kennet River) for the purpose of prohibiting parking of large tourist coaches and being able to enforce this outcome.*

**CARRIED 7 : 0**

Item: 7.5

## Tirrengower Drainage Scheme Advisory Committee - Appointment of Community Representatives

OFFICER	Doug McNeill
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Operations
ATTACHMENTS	1. Tirrengower Drainage Scheme Advisory Committee - Terms of Reference [7.5.1 - 6 pages]

### RESOLUTION

*Moved Cr Hudgell, Seconded Cr McCrickard*

*That Council:*

1. *Acknowledges the receipt of eleven nominations from the community to be members of the Tirrengower Drainage Scheme Advisory Committee as detailed in the Confidential Attachment.*
2. *Appoints the following people to the Tirrengower Drainage Scheme Advisory Committee for a four-year term:*
  - a. 2
  - b. 3
  - c. 4
  - d. 5
  - e. 6
  - f. 7
  - g. 8
  - h. 9
  - i. 10
  - j. 11
3. *Thanks the submitters for their nominations and advises all landowners within the drainage scheme of the outcome.*

**CARRIED 7 : 0**



Item: 7.6

## Colac Regional Saleyards Advisory Committee - Appointment of Representatives

OFFICER	Brendan Walsh
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Operations
ATTACHMENTS	1. Colac Regional Saleyards Advisory Committee - Terms of Reference - Amended February 2025 for Council [7.6.1 - 3 pages]

### RESOLUTION

*Moved Cr Buchanan, Seconded Cr Potter*

*That Council:*

- 1. Notes the Expressions of Interest received for the two farmer's positions and one buyer's representative on the Colac Regional Saleyards Advisory Committee as documented in the Confidential Attachment to this report.*
- 2. Adopts the amended Terms of Reference to the Colac Regional Saleyards Advisory Committee as attached to this report.*
- 3. Appoints persons to the Colac Regional Saleyards Advisory Committee to fill the vacant roles as follows:*
  - a. The 'Farmers Representative' is number 3*
  - b. The 'Dairy Farmers Representative' is number 4*
  - c. The 'Buyers Representative' is number 5*
- 4. Writes to each person that submitted an Expression of Interest to inform them of this decision and thank them for their interest.*

**CARRIED 7 : 0**

*The meeting was adjourned at 2.47pm for a short break, reconvening at 3.00pm.*

Item: 7.7

## Colac Visitor Information Centre - Expression of Interest

OFFICER	Ian Seuren
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	1. Attachment 1 - Council Resolution - Colac Visitor Servicing Review - 14 August 2024 [7.7.1 - 2 pages]

### RESOLUTION

*Moved Cr Schram, Seconded Cr Potter*

*That Council:*

1. *Notes the Expression of Interest process inviting submissions for the lease to operate the Colac Visitor Information Centre.*
2. *Notes the submissions received in response to the Expression of Interest invitation:*
  - a. *Are provided for Councillors information as confidential attachments to this agenda; and*
  - b. *Have been assessed against the criteria included in the 'Invitation for Expression of Interest' document.*
3. *Grants a lease to Submitter 1 (as per the confidential attachment to this report) to use the facility located at 58 Queen Street Colac as a visitor information centre, with the following key terms:*
  - a. *Commencement no later than 30 June 2025.*
  - b. *Lease in accordance with the Department Energy, Environment and Climate Action's leasing template and special conditions.*
  - c. *Term of lease is 2 years with 2 options for a further 2 years each.*
  - d. *Rent to be \$1 (exclusive of GST) per year.*
  - e. *Tenant to pay all outgoings.*



- f. Tenant to hold \$20 million Public Liability Insurance.*
- g. Tenant responsible for all building maintenance, as per the council property leasing policy.*
- h. The Centre opens as a visitor service:*
  - i. At least 5 days per week, including weekends (other than Christmas Day).*
  - ii. Opening hours minimum 10am to 4pm.*
- i. The Tenant provides equitable advertising access for all businesses in municipality.*
- j. The Tenant incorporates a volunteer program to enable community members to support visitor servicing through the Centre.*
- k. The employees or volunteers of the Tenant that are responsible for delivery of visitor servicing will participate in training/product awareness at least one (1) day per quarter.*
- l. The visitor information centre service provision aligns to local and regional visitor servicing strategies and campaigns.*
- 4. Authorises the Chief Executive Officer to execute the lease and any ancillary documents on behalf of Council.*
- 5. Releases the name of the successful lessee and publishes key terms on Council's lease register promptly following execution of the lease.*

**CARRIED 7 : 0**

Item: 7.8

## Regional Community Sports Infrastructure Fund Round 2 - Proposed Funding Applications

OFFICER	Nicole Frampton
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	1. Regional Community Sports Infrastructure Fund Round 2 - Program Details - Projects [7.8.1 - 7 pages]

*Ian Seuren, General Manager Community and Economy declared a conflict of interest pursuant to Section 127 of the Local Government Act 2020.*

Ian Seuren	General	Item 7.8 – Regional Community Sports Infrastructure Fund Round 2 – Proposed Funding Applications	Family are members of the Colac Cricket Club. Club is a tenant of the Lake Oval and is included as a potential project for funding.
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## RESOLUTION

*Moved Cr Howard, Seconded Cr Hudgell*

**That Council:**

1. **Endorses the following projects to be submitted to the Victorian Government's Regional Community Sports Infrastructure Fund Round 2:**
  - a. **Eastern Reserve Netball Courts Lighting Upgrade project, to be submitted under the Women and Girls Facilities Stream, seeking a Victorian Government Grant of \$128,000 (excluding GST), with a Council contribution of up to \$32,000 (excluding GST).**
  - b. **Gellibrand Recreation Reserve Netball Courts Lighting Upgrade project, to be submitted under the Women and Girls Facilities Stream, seeking a Victorian Government Grant of \$138,666 (excluding GST),**



- with a local contribution from the Otway Districts Football Netball Club of up to \$34,667 (excluding GST).*
- c. Irrewillipe Recreation Reserve Netball Courts Lighting Upgrade and Shelter Installation project, to be submitted under the Women and Girls Facilities Stream, seeking a Victorian Government Grant of \$158,914 (excluding GST), with a Council contribution of up to \$24,728 (excluding GST) and local contribution from the Western Eagles Football Netball Club of \$15,000 (excluding GST).*
  - d. Apollo Bay Recreation Reserve Cricket Nets Upgrade project, to be submitted under the Community Facilities Stream, seeking a Victorian Government Grant of \$327,647 (excluding GST), with a Council contribution of up to \$34,297 (excluding GST) and a local contribution of \$47,615, inclusive of Cricket Australia grant (excluding GST).*
  - e. Lake Colac Foreshore Regional Playspace Design project, to be submitted under the Planning Stream, seeking a Victorian Government Grant of \$40,000 (excluding GST), with a Council contribution of up to \$60,000 (excluding GST).*
- 2. Notes that it has previously agreed to allocate up to \$40,000 (excluding GST) as a matching contribution to deliver the Eastern Reserve Netball Courts Lighting Upgrade project, with its matching financial contribution to be sourced from Council's Unallocated Renewal Funds.*
  - 3. Notes that the application for the Gellibrand Recreation Reserve Netball Lighting Upgrade project under the Regional Community Sports Infrastructure Fund Round 2 program will be subject to confirmation in writing from the Otway Districts Football Netball Club of their financial contribution.*
  - 4. Notes that the application for the Irrewillipe Recreation Reserve Netball Courts Lighting Upgrade and Shelter Installation project under the Regional Community Sports Infrastructure Fund Round 2 program will require a Council contribution of up to \$24,728 (excluding GST) to be provided from Council's Unallocated Renewal Funds.*
  - 5. Notes that the application for the Irrewillipe Recreation Reserve Netball Courts Lighting Upgrade and Shelter Installation project under the Regional Community Sports Infrastructure Fund Round 2 program will be subject to confirmation in writing from the Western Eagles Football Netball Club of their financial contribution.*
  - 6. Notes that it has previously allocated \$34,297 (excluding GST) to the Apollo Bay Recreation Reserve Cricket Nets Upgrade project in the 2024-25 Council Budget.*

7. *Notes that the application for the Apollo Bay Recreation Reserve Cricket Nets Upgrade project under the Regional Community Sports Infrastructure Fund Round 2 program will be subject to confirmation in writing from the Apollo Bay Cricket Club of their financial contribution, including confirmation of the Cricket Australia grant.*
8. *Notes that the application for the Lake Colac Foreshore Regional Playspace Design project under the Regional Community Sports Infrastructure Fund Round 2 program will require a Council contribution of up to \$60,000 (excluding GST) to be provided from the Unallocated Discretionary Funds.*
9. *Notes that it will be required to underwrite the endorsed projects as per standard funding agreement obligations.*
10. *Notes that the Great Ocean Road Coast and Parks Authority, which is responsible for the management of the Apollo Bay Recreation Reserve, has agreed to project manage and underwrite costs for the Apollo Bay Recreation Reserve Cricket Nets Upgrade project.*
11. *Authorises the Chief Executive Officer to submit applications for the endorsed projects to the Regional Community Sports Infrastructure Fund Round 2.*
12. *Authorises the Chief Executive Officer to enter into a funding agreement should the applications for the endorsed projects be successful.*
13. *Transfers the allocated funds for the endorsed projects to the Strategic Project Reserve, with funds held until the outcomes of the applications are known, and released back to its source for any unsuccessful project applications.*

**CARRIED 7 : 0**



Item: 7.9

## Letter from Minister of Local Government

OFFICER	Anne Howard
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. SIGNED - Letter from the Hon Melissa Horne M P, Minister for Local Government - CMI N-2-24-25250 [7.9.1 - 3 pages]

## RESOLUTION

*Moved Cr Potter, Seconded Cr Howard*

*That Council:*

1. *Notes the letter to all Colac Otway Shire Councillors, dated 26 November 2024 (attachment 1) from the Minister for Local Government outlining the Minister's expectations of councillors during this Council term.*
2. *Notes that the Minister expects Council to respond to the letter within four months of their letter.*
3. *Authorises the Mayor to respond to the Minister on behalf of Council through a letter confirming that Colac Otway Shire Councillors are committed to:*
  - a. *Achieving the expectation set out in the letter that all councillors treat other councillors, members of council staff, the municipal community, and members of the public "with dignity, fairness, objectivity, courtesy and respect" which is consistent with the oath of office already taken by all councillors following their election.*
  - b. *Considering advice provided by the Municipal Monitor to Council and/or Councillors, including any recommendations noted in any interim or final report, in a timely manner following receipt of the Municipal Monitor's report.*

**CARRIED 7 : 0**

Item: 7.10

## Adoption of Revised Audit and Risk Committee Charter

OFFICER	Natasha Skurka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. Draft Audit and Risk Committee Charter - Watermarked [7.10.1 - 15 pages]

### RESOLUTION

*Moved Cr Howard, Seconded Cr Schram*

*That Council:*

- 1. Notes that the revised Audit and Risk Committee Charter has been reviewed by the Executive Management Team and the Audit and Risk Committee members.*
- 2. Notes that the Audit and Risk Committee recommended the adoption of the revised Charter at its 5 December 2024 meeting.*
- 3. Adopts the revised Audit and Risk Committee Charter.*
- 4. Authorises the Chief Executive Officer to make minor administrative changes to the policy if required and inform the Chair of the committee of any such changes.*

**CARRIED 7 : 0**



Item: 7.11

## S6 Instrument of Delegation - Council to Members of Council Staff

OFFICER	Belinda Rocka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none"> <li>1. S 6 Instrument of Delegation - Members of Staff Updates - Maddocks Reliansys Updates January 2025 [7.11.1 - 4 pages]</li> <li>2. To be approved - S 6 Instrument of Delegation - Members of Staff [7.11.2 - 121 pages]</li> </ol>

### REVISED RECOMMENDATION

**That Council:**

1. *Notes that the proposed changes in the S6 Instrument of Delegation (Attachment 2) do not increase powers delegated to staff but predominantly reflect changes in roles or titles arising from changes to the organisation's structure.*
2. *In the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation (Attachment 2), delegates to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation, the powers, duties, and functions set out in that Instrument, with Section 52(1)(b) of the Planning and Environment Act 1987 changed to delete reference to delegating a power and instead include in the Conditions and Limitations a note stating, "The officers nominated as Delegates are authorised to respond to notice of applications submitted to the Minister for Planning through the Development Facilitation Program".*
3. *Authorises the Chief Executive Officer to execute the S6 Instrument of Delegation.*
4. *Authorises the use of the common seal in accordance with Colac Otway Shire's Governance Local Law No 4 – 2020.*
5. *Approves the S6 Instrument of Delegation to come into force immediately upon execution.*

6. Approves that coming into force of the S6 Instrument of Delegation, the previous S6 Instrument of Delegation from Council to Members of Council staff (dated 11 September 2024) is revoked.
7. Notes the duties and functions set out in the Instrument must be performed and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that may from time to time be adopted.

## RESOLUTION

*Moved Cr Howard, Seconded Cr Buchanan*

1. Notes that the proposed changes in the S6 Instrument of Delegation (Attachment 2) do not increase powers delegated to staff but predominantly reflect changes in roles or titles arising from changes to the organisation's structure.
2. In the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation (Attachment 2), delegates to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation, the powers, duties, and functions set out in that Instrument, with the following changes to the delegations under the Planning and Environment Act 1987:
  - a. Section 52(1)(b) changed to delete reference to delegating a power and instead include in the Conditions and Limitations a note stating, to include in the Conditions and Limitations a note stating, "The officers nominated as Delegates are authorised to respond to notice of applications submitted to the Minister for Planning through the Development Facilitation Program".
  - b. Under sections 60, 61(1), 62(1), 62(2), s62(5)(b), 84(1) and s96G(1):
    - i. Delete these words from the Conditions and Limitations:  
"Or where the land is in the Farming or Rural Conservation Zones and the officer recommendation is to refuse an application to use or develop land for a dwelling (except where a determining referral authority under the planning scheme has recommended refusal of the application)"
    - ii. Include these words in the Conditions and Limitations:  
"Or where the land is in the Farming or Rural Conservation Zones and the application is either:  
- to use or develop land for a dwelling (except where a determining referral authority under the planning scheme has recommended refusal of the application).  
- for the subdivision of land to excise an existing dwelling"
3. Authorises the Chief Executive Officer to execute the S6 Instrument of Delegation.
4. Authorises the use of the common seal in accordance with Colac Otway Shire's Governance Local Law No 4 – 2020.
5. Approves the S6 Instrument of Delegation to come into force immediately upon execution.



6. *Approves that coming into force of the S6 Instrument of Delegation, the previous S6 Instrument of Delegation from Council to Members of Council staff (dated 11 September 2024) is revoked.*
7. *Notes the duties and functions set out in the Instrument must be performed and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that may from time to time be adopted.*

**CARRIED 7 : 0**

Item: 7.12

## Adoption of Councillor Expenses and Support Policy

OFFICER	Anne Howard
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none"><li>1. DRAFT Councillor Expenses and Support Policy [7.12.1 - 19 pages]</li><li>2. 18.5 Council Expenses Policy - Adopted 22 July 2020 [7.12.2 - 12 pages]</li></ol>

## RESOLUTION

*Moved Cr Howard, Seconded Cr McCrickard*

*That Council:*

- 1. Adopts the Councillor Expenses and Support Policy (Attachment 1).*
- 2. Revokes the Councillor Expenses Policy, adopted on 22 July 2020 (Attachment 2).*
- 3. Notes that the adopted policy will be translated to a new policy template in coming months as part of its implementation of a new Policy Review Framework.*

**CARRIED 7 : 0**



Item: 7.13

## Award of Contract 2513 - Supply and Delivery of a Grader

OFFICER	Raam Gowriswaran
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Operations
ATTACHMENTS	Nil

### RESOLUTION

*Moved Cr Potter, Seconded Cr McCrickard*

*That Council:*

- 1. Recognises that the preferred tenderer (as listed in the confidential attachment to this report) for Contract 2513 – Supply & Delivery of a Grader has been assessed as providing value-for-money as per the attached Evaluation Report.*
- 2. Awards Contract 2513 – Supply & Delivery of a Grader to Tenderer 3 (as per the confidential attachment to this report) for the tendered price of \$430,500 (ex GST).*
- 3. Authorises the Chief Executive Officer to sign the contract following award of Contract 2513 – Supply & Delivery of a Grader.*
- 4. Authorises the Chief Executive Officer to perform all roles of the Principal.*
- 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: 7.14

## Award of Contract 2501 - Pengilley Avenue, Apollo Bay Road Reconstruction

OFFICER	Damien Gray
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Operations
ATTACHMENTS	Nil

### RESOLUTION

*Moved Cr De Deugd, Seconded Cr Howard*

*That Council:*

- 1. Recognises that the preferred tenderer (as listed in the confidential attachment to this report) for Contract 2501 – Pengilley Avenue, Apollo Bay has been assessed as providing value-for-money as per the attached Evaluation Report.*
- 2. Awards Contract 2501 – Pengilley Avenue, Apollo Bay to Tenderer 1 for the lump sum price referred to as the Tender Price in the confidential attachment to this report*
- 3. Authorises the Chief Executive Officer to sign the contract following award of Contract 2501 – Pengilley Avenue, Apollo Bay.*
- 4. Authorises the Chief Executive Officer to perform all roles of the principal.*
- 5. Nominates the General Manager Community and Economy to the role of Superintendent for the contract, including managing variations in accordance with the contract conditions.*
- 6. Notes that the successful tenderer and contract price will be listed on Council's website promptly after unsuccessful tenderers are advised of the outcome of the tender process.*

**CARRIED 7 : 0**



Item: 7.15

## Revocation of Authorised Officer under the Planning and Environment Act 1987 - Rhassel Mhasho

OFFICER	Belinda Rocka
GENERAL MANAGER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. For revocation - Instrument of Authorisation - Authorised Officer Planning and Environment Act - Rha [7.15.1 - 1 page]

### RESOLUTION

*Moved Cr Potter, Seconded Cr Hudgell*

*That Council revokes the Instrument of Appointment and Authorisation under the Planning and Environment Act 1987 to Rhassel Mhasho, dated 27 July 2022 (refer Attachment 1).*

**CARRIED 7 : 0**

Item: 8.1

## Audit and Risk Committee Meeting - Unconfirmed Minutes - 5 December 2024

OFFICER	Natasha Skurka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. Unconfirmed Minutes - Audit and Risk Committee Meeting - 5 December 2024 [8.1.1 - 22 pages]

### RESOLUTION

*Moved Cr Howard, Seconded Cr Schram*

*That Council receives for information the Colac Otway Shire Audit and Risk Committee unconfirmed minutes, dated 5 December 2024.*

**CARRIED 7 : 0**



**Item: 8.2**  
**Quarterly Performance Report - October to December**

<b>OFFICER</b>	Belinda Rocka
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Quarterly Performance Report 2024 25 Q2 October to December 2024 (2) [8.2.1 - 39 pages]</li><li>2. 2024 25 Operational Projects Report [8.2.2 - 4 pages]</li><li>3. 2024 25 Capital Works Report [8.2.3 - 11 pages]</li></ol>

## **RESOLUTION**

*Moved Cr Howard, Seconded Cr Hudgell*

*That Council notes the Quarterly Performance Report for the second quarter 2024-25, for the period 1 October 2024 – 31 December 2024, including changes as follows:*

- *Page 405 of the agenda – replace ‘4 actions already completed’ with ‘5 actions already completed’*
- *Page 423 of the agenda – replace ‘The year-to-date operating surplus’ with ‘The year-to-date operating deficit’*
- *Page 424 of the agenda – replace ‘The forecast end of year position is for a deficit...’ with ‘The forecast end of year position is for a variance...’*
- *Page 428 of the agenda- replace ‘\$7.57 million lower’ with ‘\$7.57 million higher’*

**CARRIED 7 : 0**

Item: 8.3

## Report of Informal Meetings of Councillors

<b>OFFICER</b>	Council Business
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Informal Meeting of Councillors Record - Council Meeting Preparation Meeting - 11 December 2024 [8.4.1 - 2 pages]</li><li>2. Informal Meeting of Councillors Record - Councillor Briefing - 21 January 2025 [8.4.2 - 2 pages]</li><li>3. Informal Meeting of Councillors Record - Councillor Briefing - 28 January 2025 [8.4.3 - 2 pages]</li><li>4. Informal Meeting of Councillors Record - Councillor Briefing - 4 February 2025 [8.4.4 - 2 pages]</li><li>5. Informal Meeting of Councillors Record - Councillor Briefing - 11 February 2025 [8.4.5 - 3 pages]</li><li>6. Informal Meeting of Councillors Record - Pre Planning Committee Meeting - 11 February 2025 [8.4.6 - 2 pages]</li><li>7. Informal Meeting of Councillors Record - Councillor Briefing - 18 February 2025 [8.4.7 - 2 pages]</li></ol>

*This item did not require a formal decision of Council.*



## 9 URGENT BUSINESS – EMERGENCY SERVICES VOLUNTEER FUND

*Cr Howard proposed an item of Urgent Business.*

*Moved Cr Howard, Seconded Cr Potter*

*That Council consider an item of urgent business regarding the Emergency Services Volunteer Fund levy.*

**CARRIED 7 : 0**

### RESOLUTION

*Moved Cr Howard, Seconded Cr Buchanan*

*That Council submit the following motion for consideration at the MAV State Council meeting on 16 May 2025:*

*That with respect to the Emergency Services Volunteer Fund Levy the Municipal Association of Victoria requests the Victorian Government to:*

- 1. Reassess the funding model to ensure it is equitable and does not disproportionately burden rural communities.*
- 2. Shift levy collection responsibilities to the State Government.*
- 3. Compensate councils for administrative costs if collection duties remain delegated.*
- 4. Implement a comprehensive communication strategy to clarify the levy's purpose and allocation.*

**CARRIED 7 : 0**

Item 10.1

**Notice of Motion No. 352 24-25: "Australia Day" -  
Cr Schram**

**COUNCILLOR** Cr Jason Schram

**ATTACHMENTS** Nil

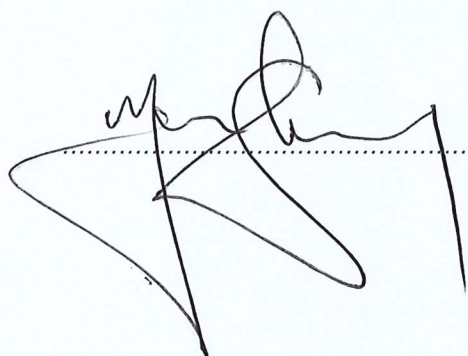
**NOTICE OF MOTION**

*Cr Schram withdrew this motion.*



*The meeting was declared closed at 3.45pm*

**CONFIRMED AND SIGNED** at the meeting held on 25 March 2025.

.....**MAYOR**