



Council Meeting Minutes

27 May 2025 at 1pm

COPACC Meeting Rooms 1 & 2

COLAC OTWAY SHIRE COUNCIL MEETING

Tuesday 27 May 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 27 May 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).

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

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

3.2 Apologies and Leaves of Absence

Nil

3.3 Confirmation of Minutes

RESOLUTION

Moved Cr Hudgell, Seconded Cr McCrickard

That Council confirm the minutes of the Council Meeting held on 29 April 2025.

CARRIED 7 : 0

3.4 Declarations of Interest

Cr Mick McCrickard	General	Item 7.5 – Award of Contract 2419 Elliminyt Wetlands Project	Potentially purchasing a block of land near the area.
Doug McNeill (General Manager Infrastructure and Environment)	General	Item 7.3 – Adoption of Revenue and Rating Plan 2025-29	Partner made a submission to the draft plan.
Andrew Tenni (Acting Chief Executive Officer)	Material	Item 9: Urgent Business – CEO Matters	Currently acting in the role as CEO.

Ian Seuren (General Manager Community and Economy)	General	Closed Session: Support at Home Pricing	Parents may use services in the future.
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4 QUESTION TIME

A maximum of 30 minutes was allowed for question time.

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

Janine Jones

1. Pound Road will become increasingly congested with an extra projected 80 people living in the Social Housing Development. What is Council preparing to do to deal with road traffic, foot traffic and green space?

Response from General Manager Community and Economy

The proposed development would generate additional traffic on Pound Road and the surrounding road network. Council has requested a Traffic Impact Assessment to be prepared by Homes Victoria for the development, and when this is received Council will have a better understanding of the impact of additional traffic. A footpath currently exists along Pound Road. Consistent with standard development practices, Homes Victoria would be required to construct footpaths along all proposed internal roads within the development. The draft plans prepared by Homes Victoria indicate the provision of a dedicated open space area in the northwest corner of the development site. There is also existing open space in reasonable walking distance of the proposed development.

Glen Beckett

1. I would like to know what improvements will be required in Pound Road if this development is to go ahead and who pays?
Roundabouts would be required at Pound and Queen streets as well as Pound and Main streets. Main and Queen streets are Victoria Roads I believe but Pound Rd is a shire Rd so to me I'm thinking the residents would have to pay for any upgrades.

Response from General Manager Community and Economy

If the proposal was to proceed, the developer would widen Pound Road abutting the land to accommodate on-street parking. The developer would be responsible for completing the widening works and installing all necessary infrastructure, including stormwater pits and pipes, kerb and channel, and other associated civil works. As indicated in response to an earlier question, Council will have a better understanding of the impact of traffic from the development on the road network once a Traffic Impact Assessment is received and assessed. The assessment will review intersection capacities and determine whether any upgrades to the existing intersection are warranted based on projected traffic volumes and operational performance.

James Judd

1. How many thousands of dollars every year is the Colac Otway Shire Council budgeting towards the costs to council of providing a minimum of four garbage bins to every dwelling in the Colac 2050 Growth Plan area?
2. Is this Council going to refuse to provide garbage collection to the Colac 2050 growth plan area?
3. Will Council check the legality of forcing ratepayers to pay rates on property taken up to store council owned property on? As well as making people store council property on rated property?
4. When is the next review of the garbage bins, shire wide, due, as the current stock has been in use for some years now.

Response from General Manager Infrastructure and Environment

Council already provides a waste collection service to the community based on four bins per household. The total value of the kerbside collection service is expected to be \$4.7 million in 2025-26 as shown in the draft budget. Existing kerbside collection areas would be expanded over time to include areas of new residential subdivision. New houses constructed in Colac and other areas of the Shire where a bin service is provided will receive new bins at the time of development, and the waste budget accounts for this cost annually. New households joining into the kerbside collection service would be required to pay the annual waste charge which recovers the cost of the service from its users. Provision is made annually in the waste budget for replacement of damaged bins.

James Judd

1. Now that the Colac Otway Shire Council is going to turn over all water heating at Bluewater Fitness Centre to electricity, does the council have any backup systems it could immediate use if all power transmissions systems went out?
2. As the government is providing funds towards the costs of the change over, will they also supply funds towards the cost of an emergency back up systems should the electricity supply fail?

Response from General Manager Community and Economy

Council acknowledges the importance of maintaining uninterrupted access to community facilities such as Bluewater, particularly during emergencies or extreme weather events. Currently, the Centre's water heating system is powered by gas; however, it is important to note that the gas boilers still require electricity to operate. This means that in the event of a power outage, the current system would also be unable to function, and the Centre would be forced to close until power is restored.

As part of the transition to an all-electric system, Council is carefully considering the need for robust backup solutions. These may include battery energy storage systems or diesel or hybrid generators that can provide temporary power to maintain critical operations, such as water heating, lighting, and essential services. The goal is to ensure that the Centre remains as resilient, or more so, than it is under the current system. This planning will be integrated into the broader electrification project to ensure that community needs are met both now and into the future.

The funding currently being provided by the government is specifically allocated to support the transition to electric infrastructure, which is part of a broader strategy to reduce greenhouse gas emissions and improve energy efficiency across public facilities. At this stage, this funding does not include dedicated support for emergency backup systems. However, Council is committed to ensuring the long-term reliability of Bluewater and will actively pursue additional funding opportunities, which includes applying for state and federal grants that support energy resilience, disaster preparedness, and infrastructure upgrades.

James Judd

1. Is the Council able to give a definite answer that it will develop sports fields in the area to the west of the former Colac high school buildings in the foreseeable future?

Response from General Manager Community and Economy

This question from Mr Judd has been responded to previously. The land north of the former Colac High School site building has been acquired from the Victorian Government as public open space and a master plan will need to be prepared to determine the future use of the land.

Graham Costin

"Concerning the draft 2025-29 Revenue and Rate Plan (RRP) and using the most recent CIV's used for the setting of 2025-26 rates:

1. What has been the increase in Rural Farm class of land CIV values that supports the statement that there have been "disproportionately high increases in CIV values over recent years for this class of land" (updated to include 2025-26 CIVs)?

Response from Acting General Manager Corporate Services

Rural Farm class of land CIV values

2021-22: 14.5% increase

2022-23: 29.8%

2023-24: 17.6%

2024-25: 10.0%

2025-26: (4.2%) decrease

In preparation of the budget, it was determined that increases in CIV (29.3%) over the 2023/24 and 2024/25 years, along with the significant environment and economic circumstances faced by the Rural Farm category, outweighed that of other rateable categories particularly over those two years.

2. What have been the Residential-Colac and Residential-Balance of Shire CIV increases over the same period?

Response from Acting General Manager Corporate Services

Residential-Colac class of land CIV values

2021-22: 12.30% increase
2022-23: 25.80%
2023-24: 10.80%
2024-25: 1.80%
2025-26:(1.50%) decrease

Residential-Balance of Shire class of land CIV values

2021-22: 13.90% increase
2022-23: 38.10%
2023-24: 13.50%
2024-25: 4.80%
2025-26 (3.10%) decrease

The increase in CIV for the Residential-Colac class of land values over the 2023/24 year and 2024/25 year was 12.8%, whilst the increase Residential-Balance of Shire class of land CIV values over that same period was 18.9%. These were significantly less than that provided in response 1 for the Rural Farm class of land CIV values of 29.8%.

3. What has been the annual percentage contribution to the Council's total rate revenue paid by the Rural Farm class of land over the same period (not including the Fire Services Property Levy)?

Response from Acting General Manager Corporate Services

Rural Farm class of land annual percentage contribution to Council's total rate revenue

2021-22: 23.01%
2022-23: 23.21%
2023-24: 24.01%
2024-25: 25.05%
2025-26: 22.26%

4. Assuming no reduction in the Rural Farm differential rate, what would be the total rates and charges bill (not including the Emergency Services & Volunteers Fund levy) for a residential property valued at \$600,000 in Colac?

Response from Acting General Manager Corporate Services

General Rates	\$1,641
Municipal Charge	\$ 216
Total	\$1,857

5. If the Rural Farm differential rate is reduced to 65% as proposed, what would be the total rates and charges bill (not including the ESVF levy) for the same property?

Response from Acting General Manager Corporate Services

General Rates	\$1,696
Municipal Charge	\$ 216
Total	\$1,912

6. What are the current Rural Farm differential rate percentages in surrounding municipalities?

Response from Acting General Manager Corporate Services

Rural Farm differential rate percentages for surrounding municipalities can be found on relevant council's websites.

Geelong: 75% Source: Revenue and Rating Plan 2025-26 to 2028-29
Corangamite: 86.5% Source: Draft Budget 2025 - 2026
Ballarat: 72% Source: 2025/29 Draft Rating and Revenue
Surfcoast: 75% Source: 2025 – 2029 Draft Revenue & Rating Plan

7. Has Council undertaken a socio-economic impact assessment or similar to determine the residential capacity-to-pay and/or the impact on availability of affordable housing throughout the municipality?

Response from Acting General Manager Corporate Services

This has not been conducted for the current Draft Revenue and Rating Plan 2025-29. This work will be undertaken in the 2025/26 year as part of the comprehensive review.

8. Notwithstanding the proposed RRP is for 4 years (2025-2029), the officer report states that somehow Council has "agreed" (outside a Council meeting or any governance process) "that a more comprehensive review of Council's Revenue and Rating frameworks would be subsequently undertaken in time to inform the 2026-27 Budget process" has Council agreed to include this action in its draft Council Plan and to allocate funding in its draft 2025-26 Budget, and can this agreement be added to the Officer's recommended motion or included in the 2025-2029 RRP?

Response from Acting General Manager Corporate Services

Funding for this action has been included in the 2024/25 budget year and will be carried forward and undertaken in the 2025/26 year.

Graham Costin

1. How many requests did Council receive for financial assistance during 2024 under its "Assistance to Rate Debtors in Financial Hardship" policy, and what was the disaggregation of these requests by rate category?

Response from Acting General Manager Corporate Services

The Shire received two (2) Hardship Applications in the Colac / Elliminyt residential category over the 2024-25 period, and both were granted Hardship.

2. How many of the applicants received:
- Deferral of rate and charges payments until a later date?

Response from Acting General Manager Corporate Services

None. Both of the above were placed onto a payment plan and not charged interest.

- Exemption from payment of interest on overdue rates and charges?

Response from Acting General Manager Corporate Services

As per above.

Tim Cobb

1. Until very recently Council always included details of submissions received and responses to them in Council agendas. That publicly demonstrated that submissions had been considered properly rather than ignored. Have Councillors made an explicit resolution to stop this practice and do they accept that this has removed transparency and accountability from the consultation process?
2. How many changes (if any!) were made to the rating strategy in response to ratepayers submissions and what were those changes?
3. Does Council recognise they are driving down participation and consultation submissions by actively reinforcing the widely held view that Council consultation is a waste of time because it makes no difference and all the decisions are already made

Response from Acting General Manager Corporate Services

- 1. Councillors have not made such a resolution and additional content addressing the submissions has now been issued to the public.***
- 2. There were no changes made to the revenue and rating strategy following the submission process.***
- 3. All submissions were appropriately considered, and it was deemed that no changes were required.***

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Alan Billings

1. Previously I raised concern about the change in seating arrangements in council. I see that there has been no changes which is a departure from quite a long-held tradition. My question to council is when did council make the decision to change the seating arrangement and what was the rationale behind it?

Response Acting Chief Executive Officer

The seating arrangements were changed with the new council coming on board. It may be a tradition, but a lot of feedback was coming back to us that with the officers having their backs to the gallery, it was hard to see who was answering what and to address questions to officers. It's more a logistical thing that having the officers in the arrangement that they are now, they are able to be seen on the streaming link that goes out, so where there are questions that are asked or answers to be given, or the questions in in writing to be read out, people in the gallery and online can see who's addressing those questions and what answers they're providing.

2. I take the point, however, the previous arrangements you had the officers sitting to one side. The cameras I think picked up all of that. Currently, we have the situation where, strategically placed, we have the officers between the gallery and the council. The council are the elected representatives of the people. Cr Howard, I would point out, is about as far away from the gallery as can possibly be and there have been a number of times when Cr Howard has been speaking and he's not visible so how do you answer or get around that?

Response Acting Chief Executive Officer

It is an arrangement that a lot of councils do have in place for the very same reasons, and so we're not unique in the arrangement that we've got. To answer the first part of your question, as I said, there was a lot of feedback that we got that people didn't appreciate having the officers' backs to the gallery and backs to the discussion. We take the point that Cr Howard may not be able to be seen. We were trying to get in place arrangements where the tables were in more of a "U" shape so that everybody was able to be seen equally through the gallery and that's work we are still undertaking.

3. When did council make the decision (to change the seating arrangement)?

Response Acting Chief Executive Officer

It was a discussion that we had, as I say, when the new council came on board.

Response Mayor Cr Schram

No, it wasn't made by the Councillors.

Elizabeth Ryan

1. Thank you for today's item 7.2 on the agenda and I look forward to the outcome of that item. My first question is how long does the 2007 structure plan for Colac remain relevant to our community?

Response General Manager Community and Economy

Thanks for the question. Just a note that the 2007 structure plan was superseded by Colac 2050 the growth plan that was finalised in around about 2020.

2. Has Colac Otway Shire done any flood modelling on the Cape Otway Road and Conns Lane area considering the widening and increase in the height Conns Lane?

Response General Manager Infrastructure and Environment

At the meeting I indicated I was unaware of any flood modelling to have been conducted. I can confirm however that Council has done some design work concerning the future widening of the two bridge structures. Should future grant funding be attracted for the bridge upgrade works, the final designs would take account of known flood information.

3. What safety upgrades are proposed for the significant table drains on both Cape Otway Road and Conns Lane?
Last Saturday morning, two vehicles were actually observed in the table drain in Conns Lane so there's no guard railing or anything.

Response General Manager Infrastructure and Environment.

There are no safety upgrades proposed for the tables drains referred to. The safety of vehicles using these two roads will be improved following implementation of the measures outlined in the Council meeting agenda yesterday, particularly the lower speed limit.

5 PETITIONS / JOINT LETTERS

Nil.

Item: 6.1

PP247/2024-1 - 95 Barholme Lane Murroon - Use and Development of the land for a dwelling

ADDRESS AND PROPERTY DETAILS	95 Barholme Lane MURROON Lot 1 LP216456 V/F: 9902/028 Parish of Murroon	APPLICATION NUMBER	PP247/2024-1
PROPOSAL	Use and Development of the Land for a Dwelling		
PERMIT TRIGGERS	Clause 35.07-1 - Use of land for a dwelling in the Farming Zone Clause 35.07-4 - Building and works associated with a Section 2 (permit required) use in the Farming Zone		
TRIGGER FOR DETERMINATION BY COMMITTEE	Dwelling in a rural zone		
ZONE	Farming Zone	OVERLAYS	Bushfire Management Overlay (51.44%)
COVENANTS	Not applicable		
CULTURAL HERITAGE	Not applicable		
OFFICER	Helen Evans	GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy		
ATTACHMENTS	<ol style="list-style-type: none"> Plans [6.1.1 - 4 pages] Farm Management Plan [6.1.2 - 22 pages] Response to Information Request [6.1.3 - 2 pages] 		

RESOLUTION

Moved Cr McCrickard, Seconded Cr Buchanan

That the Planning Committee resolves to issue a Notice of Decision to Refuse to Grant a Permit for the use and development of land at 95 Barholme Lane, Murroon (Lot 1 LP216456 V/F: 9902/028 Parish of Murroon) for a dwelling, on the following grounds:

- 1. The proposal is contrary to clauses 02.03-4 (Natural Resource Management), 02.04 (Strategic Framework Plans), 14.01-1S and 14.01-1L (Protection of Agricultural Land) and 16.01-3S (Rural Residential Development) of the Colac Otway Planning Scheme, which seek to limit rural residential development that impacts on viable agricultural land; to protect productive agricultural land from unplanned loss due to permanent changes in land use; and to discourage dwellings on lots that do not meet the minimum lot area of the zone or relevant schedule unless it is required for an intensive agricultural activity on the land or to achieve the environmental protection of the land.***
- 2. The proposal does not accord with the purpose and relevant decision guidelines of the Farming Zone set out in Clause 35.07 of the Planning Scheme, given that:***
 - It has not been demonstrated that a dwelling would enhance agricultural production based upon the land unit described in the application.***
 - The proposal has the potential to limit the operation and expansion of adjoining and nearby agriculture uses.***
 - The application has not demonstrated that a dwelling would not lead to a concentration or proliferation of dwellings in the area, which would impact on the use of the land for agriculture.***
- 3. The proposal does not accord with Council's adopted Rural Land Strategy 2007 or its Rural Living Strategy 2011, not being within an area nominated in these documents for rural living purposes.***

<i>Planning scheme clause</i>	<i>Matter for which the permit has been refused</i>
<i>35.07-1 35.07-4</i>	<i>• Use of land for a dwelling in the Farming Zone • Building and works in the Farming Zone associated with a use in Section 2 (permit required) of Clause 35.07-1</i>

CARRIED 7 : 0

Item: 6.2

PP58/2025-1 - 115 Collyers Road WARNCOORT - Use and Development of Dwelling and Outbuilding and Associated Works

ADDRESS AND PROPERTY DETAILS	115 Collyers Road WARNCOORT (Lot 1 TP: 710774 V/F: 9503/248 Parish of Irrewarra)	APPLICATION NUMBER	PP58/2025-1
PROPOSAL	Use and Development of Dwelling and Outbuilding and Associated Works		
PERMIT TRIGGERS	<p>Clause 35.07-1 - use of land for a dwelling in the Farming Zone</p> <p>Clause 35.07-4 - building or works in the Farming Zone associated with a use in Section 2 (permit required) of Clause 35.07-1</p>		
TRIGGER FOR DETERMINATION BY COMMITTEE	Use and development of a dwelling in a rural zone		
ZONE	Farming Zone	OVERLAYS	Nil
COVENANTS	There is a covenant on title relating to rights connected to gas transmission pipelines.		
CULTURAL HERITAGE	N/A		
OFFICER	Ian Williams	GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy		
ATTACHMENTS	1. Plans [6.2.1 - 6 pages]		

RESOLUTION

Moved Cr Howard, Seconded Cr Potter

That the Planning Committee resolves to Grant a Permit for the use and development of a dwelling and outbuilding and associated works at 115 Collyers Road WARNCOORT (Lot 1 TP: 710774 V/F: 9503/248 Parish of Irrewarra) subject to the following conditions:

Endorsed Plans

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

Dwelling Infrastructure

- 2. Prior to the commencement of the use of the dwelling hereby permitted, the following must be provided to the satisfaction of the Responsible Authority:***
 - a) Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.***
 - b) The dwelling must be connected to a reticulated sewerage system or if not available, all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.***
 - c) The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire-fighting purposes.***
 - d) The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.***

Access

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

Stormwater

- 4. All stormwater runoff from the development, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.***
- 5. During construction works, the site must be developed and managed to ensure there is no stormwater pollution through the contamination of runoff by chemicals, sediments, wastes or pollutants in accordance with 'Best Practice Environmental Management Guidelines for Stormwater Management and Construction Techniques for Sediment Pollution Control' (EPA) to the satisfaction of the Responsible Authority.***

Wastewater

6. ***A domestic wastewater management system must be constructed concurrently with the dwelling hereby permitted, so that all wastewater is at all times contained within the curtilage of the site. The design and installation of any wastewater disposal system for any building on the land must comply with the EPA Guidelines for Onsite Wastewater Management (May 2024, or as amended) and the EPA Effluent Dispersal and Recycling Systems Guidance (May 2024, or as amended), to the satisfaction of the Responsible Authority.***
7. ***All works and development associated with this permit must be carried out in accordance with the Land Capability Assessment prepared by Landtech Consulting (Ref. No. 1153243, dated 21 March 2025) or as otherwise agreed in writing by the Responsible Authority.***
8. ***Unless otherwise agreed in writing by the Responsible Authority, the number of bedrooms within the dwelling must not exceed five (5).***

No Gas Connection

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

Expiry

10. ***This permit will expire if one of the following circumstances applies:***
 - a) ***The development is not commenced within two years of the date of this permit.***
 - b) ***The development is not completed and the use has not commenced within four years of the date of this permit.***

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

Notes

1. ***This permit does not authorise the commencement of any building works. Prior to the commencement of development, it will also be necessary to obtain a building permit for the proposed dwelling.***
2. ***Prior to preparing drainage plans, a legal point of discharge (LPoD) must be obtained in accordance with Building Regulation 133. A copy of the LPoD, which incurs a fee in accordance with the Building Regulations, must be submitted with the engineering plans.***
3. ***A separate application to install/alter an onsite wastewater management system must be submitted to and approved by Council's Health Protection Unit prior to the commencement of works. The Health Protection Unit reserves the right to request that the Land Capability Assessment (LCA) be amended or updated by a suitably qualified person and submitted for approval at the wastewater permit***

application stage. The LCA must be accompanied by a detailed system design if required by the Health Protection Unit.

CARRIED 7 : 0

UNCONFIRMED

Item: 7.1

Project Budget Adjustments and Cash Reserve Transfers

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

RESOLUTION

Moved Cr Hudgell, Seconded Cr Potter

That Council:

- 1. Approves the funding in Table 1 for initiation of a new project.*
- 2. Approves the project budget adjustments in Table 3a.*
- 3. Approves the project budget adjustments in Table 3b.*

CARRIED 7 : 0

Item: 7.2

Update on Traffic Safety in Conns Lane, Birregurra

OFFICER	Kanishka Gunasekara
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Environment
ATTACHMENTS	Nil

RESOLUTION

Moved Cr Potter, Seconded Cr Howard

That Council:

- 1. Note the ongoing concern of the community about the safety of traffic using Conns Lane Birregurra, including the two narrow bridges along Conns Lane and the intersection of Conns Lane with Cape Otway Road.*
- 2. Note the update provided in this report of Council's actions in response to road safety concerns, including the following:*
 - a. Plans are being drafted for consultation with land owners in Conns Lane which would facilitate Give Way signage at the two bridges and support one lane of traffic across the bridges.*
 - b. Plans are being drafted for installation of rumble strips in Conns Lane and improved signage at the intersection with Cape Otway Road.*
 - c. An application has been lodged with the Department of Transport and Planning (DTP) for a reduction in the speed limit in Conns Lane to 60 km/hr for a short section and 80 km/hr for the balance, and to 80 km/hr in Cape Otway Road from a distance 200m east of the Conns Lane intersection to Birregurra-Deans Marsh Road.*
- 3. Notes that Council requires approval from the Department of Transport and Planning for any new speed limits and changes to signage as proposed, and that*

the identified initiatives in point 2 will be implemented as soon as Department approval has been received.

- 4. Notes that Council has been unsuccessful in its application to the Federal Government's Blackspot program for an upgrade to the Conns Lane/Cape Otway Road intersection and that it will seek other funding sources for this upgrade as opportunities arise.*
- 5. Notes that widening of the two bridges in Conns Lane will be considered for funding in future Council budget processes and will likely require grant funding from other levels of government.*
- 6. Notes that Council has raised concerns about the safety of the intersection of Conns Lane and Cape Otway Road with representatives of Department of Transport and Planning in recent months following a series of accidents at the intersection.*

CARRIED 7 : 0

Item: 7.3

Adoption of Revenue and Rating Plan 2025-29

OFFICER	Xavier Flanagan
GENERAL MANAGER	Martin Cutter
DIVISION	Corporate Services
ATTACHMENTS	1. Revenue and Rating Plan 2025-2029- Draft [7.3.1 - 30 pages]

RESOLUTION

Moved Cr Potter, Seconded Cr McCrickard

That Council:

- 1. Having considered submissions received, adopts the Draft Revenue and Rating Plan 2025 - 2029 for the purposes of Section 95 of the Local Government Act 2020.*
- 2. Gives public notice via Council's website, local newspaper and social media that Council has adopted the Revenue and Rating Plan 2025- 2029.*

CARRIED 6 : 1

<i>For</i>	<i>Against</i>
<i>Cr Potter</i>	<i>Cr Howard</i>
<i>Cr McCrickard</i>	
<i>Cr Hudgell</i>	
<i>Cr De Deugd</i>	
<i>Cr Schram</i>	
<i>Cr Buchanan</i>	

Item: 7.4

Award of Contract 2510 - Panel for the Provision of Tree Services

OFFICER	Dave Thornburg
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Environment
ATTACHMENTS	Nil

RECOMMENDATION

Moved Cr Howard, Seconded Cr Potter

That Council:

- 1. Awards the panel contract for RFT 2510 – Provision of Tree Services, according to a Schedule of Rates, to:
 - a. Two (2) arborists (Tenderers 8 and 14)*
 - b. Ten (10) powerline/generalist tree crews (Tenderers 1, 2, 3, 4, 5, 6, 9, 10, 12 and 13).**
- 2. Authorises the Chief Executive Officer to sign the contracts following award of RFT 2510 – Provision of Tree Services.*
 - 3. Authorises the Chief Executive Officer to perform all roles of the Principal.*
 - 4. Notes that the successful tenderers and the contract prices 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: 7.5

Award of Contract 2419 - Elliminyt Wetlands Project

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

Cr McCrickard declared a conflict of interest pursuant to Section 127 of the Local Government Act 2020 and left the meeting at 1.47pm, returning at 1.53pm when discussion on the item concluded.

Cr McCrickard	General	Item 7.5 – Award of Contract 2419 – Elliminyt Wetlands Project	Potentially purchasing a block of land near the area.
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RESOLUTION

Moved Cr Potter, Seconded Cr Hudgell

That Council:

1. ***Awards Contract 2419 – Elliminyt Wetlands – Civil Construction and Landscaping to Tenderer One (as listed in the confidential attachment to this report) for the lump sum price of \$4,138,941.14 (ex GST) comprising of the Tender schedule amounts for:***
 - a. *Civil and Landscaping works*
 - b. *Provisional Item 1 – Car Park Construction*
 - c. *Provisional Item 2 – Viewing Platform*
 - d. *Provisional Item 3 – Boardwalks*
 - e. *Provisional Item 4 – Playground*
2. ***Accepts the Schedule of Rates submissions for Plant and Equipment, and Hourly/Standby Rates provided by Tenderer One as part of the Contract.***

3. *Authorises the Chief Executive Officer to sign the contract following award of Contract 2419.*
4. *Authorises the Chief Executive Officer to perform all roles of the Principal.*
5. *Nominates the General Manager Infrastructure and Environment to the role of Superintendent for the contract, including managing variations in accordance with the contract terms and conditions.*
6. *Notes that the successful tenderer and the contract price will be listed on Council's website promptly after the unsuccessful tenderers are advised of the outcome of the tender process.*

CARRIED 6 : 0

Item: 7.6

Birregurra Structure Plan Review - Exhibition

OFFICER	Simon Clarke
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	1. Draft Birregurra Structure Plan 2025 - updated 21 May 25 FOR EXHIBITION [7.6.1 - 88 pages]

RESOLUTION

Moved Cr Hudgell, Seconded Cr De Deugd

That Council:

- 1. Notes the draft Birregurra Structure Plan (Attachment 1) has been developed following engagement with a range of stakeholders.*
- 2. Authorises officers to publicly exhibit the draft Birregurra Structure Plan (Attachment 1, with minor corrections to tables and plans) 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 future Submissions Committee meeting.*
- 4. Notes that a final version of the Birregurra Structure Plan will be presented for adoption at a future Council meeting.*

CARRIED 7 : 0

Item: 7.7 Response to Monitors Report

OFFICER	Kendrea Pope
MANAGER	Anita Craven
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. Monitor's Report - Table of Recommendations and Council Response [7.7.1 - 7 pages]2. Mayor Letter to Minister - Colac Otway Shires response to the municipal monitors report - 20 May 202 [7.7.2 - 1 page]

RESOLUTION

Moved Cr Hudgell, Seconded Cr McCrickard

That Council:

- 1. Endorses the proposed response to recommendations put forward in the monitors report at Attachment 1.***
- 2. Authorise the Mayor to sign the accompanying letter to the Minister for Local Government, at Attachment 2, on Council's behalf.***
- 3. Notes that the administration will provide bi-annual reports on progress against the recommendations to Council and the Audit and Risk Committee.***

CARRIED 7 : 0

Item: 7.8
Calling Unscheduled Council Meeting - 3 June 2025

OFFICER	Anita Craven
MANAGER	Anita Craven
DIVISION	Executive
ATTACHMENTS	Nil

This item was withdrawn from the agenda.

Item: 7.9

Councillor Attendance at the Australian Local Government Associations National General Assembly

OFFICER	Anita Craven
GENERAL MANAGER	Martin Cutter
DIVISION	Executive
ATTACHMENTS	Nil

RESOLUTION

Moved Cr De Deugd, Seconded Cr McCrickard

That Council approves Cr Chris Potter as the ALGA representative to attend the Australian Local Government Association's 31st National General Assembly and Regional Forum in Canberra.

CARRIED 4 : 3

<i>For</i>	<i>Against</i>
<i>Cr De Deugd</i>	<i>Cr Buchanan</i>
<i>Cr Hudgell</i>	<i>Cr Howard</i>
<i>Cr McCrickard</i>	<i>Cr Schram</i>
<i>Cr Potter</i>	

Item: 8.1

Quarterly Performance Report - Jan to Mar

OFFICER	Belinda Rocka
MANAGER	Anita Craven
DIVISION	Executive
ATTACHMENTS	1. Quarterly Performance Report 2024-25 - Q 3 - January to March 2025 [8.1.1 - 35 pages]

RESOLUTION

Moved Cr Howard, Seconded Cr Hudgell

That Council notes the Quarterly Performance Report for the third quarter 2024-25, for the period 1 January 2025 to 31 March 2025.

CARRIED 7 : 0

Item: 8.2

Report of Informal Meetings of Councillors

OFFICER	Council Business
ACTING CHIEF EXECUTIVE OFFICER	Andrew Tenni
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. Informal Meeting of Councillors - Pre Council Meeting - 29 April 2025 [8.2.1 - 3 pages]2. Informal Meeting of Councillors - Councillor briefing 6 May 2025 [8.2.2 - 2 pages]3. Informal Meeting of Councillors - Councillor Briefing 13 May 2025 [8.2.3 - 2 pages]4. Informal Meeting of Councilors - Pre Planning Committee Meeting - 13 May 2025 [8.2.4 - 2 pages]5. Informal Meeting of Councillors Record - Councillor Briefing 20 May 2025 [8.2.5 - 3 pages]

This item did not require a decision of Council.

ITEM 9 – URGENT BUSINESS

Moved Cr Potter, Seconded Cr Howard

That Council:

Admit an item of urgent business in relation to appointment of a recruitment agency to manage the appointment of the CEO.

CARRIED 7 : 0

Moved Cr Potter, Seconded Cr McCrickard

That Council:

- 1. Authorise Anita Craven, Executive Officer Governance, to execute the contract with the recommended recruiter in the confidential evaluation report at attachment one.***
- 2. Extend the acting CEO's tenure until such time as the new appointee to the role commences; and***
- 3. Establishes the remuneration of the acting CEO at which will be back dated to his commencement date at the total remuneration package at attachment two.***

CARRIED 7 : 0

Item 10.1
Notice of Motion 356 24-25 - Cr Potter - Emergency Services Levy

COUNCILLOR Cr Potter

ATTACHMENTS Nil

NOTICE OF MOTION

Moved Cr Potter, Seconded Cr Howard

That Council:

- 1. Acknowledges the contribution to the community by the volunteers of the CFA, SES and other emergency response providers.*
- 2. Note the significant financial impact of the establishment of the State government legislated Emergency Services and Volunteer Fund (ESVF) on all rate payers but in particular the farming community.*
- 3. Recognises that the imposition of the new tax and its resultant increases over that imposed under the previous fire services levy has caused emotional and mental distress to many ratepayers and families.*
- 4. Note that the increase in tax will result in significant funds being taken from the Colac Otway Shire area, causing a significant roll-on effect to businesses.*
- 5. Authorises the Mayor to write to the Premier, the Deputy Premier, the Treasurer, the Opposition leader and relevant cross bench members, expressing opposition in the strongest possible terms to the increases generated by the establishment of ESVF based on its significant financial impost on Colac Otway Shire ratepayers and emergency service volunteers, and request an immediate reversal of the legislation.*

AMENDMENT MOTION

Moved Cr De Deugd

That Council:

Rather than requesting a reversal, request a review including asking the premier for a full exemption for volunteers, and ask the treasurer to match the farming levy rate closer to residential, rather than commercial. Additionally, request a grace period for recovery after drought recall and request more information for support on offer for farmers.

The Mayor ruled this motion out of order, stating it was in direct opposition of the original motion.

RESOLUTION

Moved Cr Potter, Seconded Cr Howard

That Council:

- 1. Acknowledges the contribution to the community by the volunteers of the CFA, SES and other emergency response providers.***
- 2. Note the significant financial impact of the establishment of the State government legislated Emergency Services and Volunteer Fund (ESVF) on all rate payers but in particular the farming community.***
- 3. Recognises that the imposition of the new tax and its resultant increases over that imposed under the previous fire services levy has caused emotional and mental distress to many ratepayers and families.***
- 4. Note that the increase in tax will result in significant funds being taken from the Colac Otway Shire area, causing a significant roll-on effect to businesses.***
- 5. Authorises the Mayor to write to the Premier, the Deputy Premier, the Treasurer, the Opposition leader and relevant cross bench members, expressing opposition in the strongest possible terms to the increases generated by the establishment of ESVF based on its significant financial impost on Colac Otway Shire ratepayers and emergency service volunteers, and request an immediate reversal of the legislation.***

CARRIED 7 : 0

Item 10.2
Notice of Motion 358 24-25 - Cr McCrickard - Pound Road: Social Housing Development (Homes Victoria)

COUNCILLOR Cr McCrickard

ATTACHMENTS Nil

RESOLUTION

Moved Cr McCrickard, Seconded Cr De Deugd

That Council:

1. *Opposes the proposed social housing development by Homes Victoria at 50 Pound Road, Colac.*
2. *Writes to the Minister for Planning and the Minister for Housing and Building to:*
 - a. *Express Council's opposition to the proposed development for the following reasons:*
 - i. *Does not fit in with the neighbourhood character;*
 - ii. *Is not a model that has the best outcomes for those in need of social housing due to the high concentration of social housing in one location; and*
 - iii. *The significant community opposition.*
 - b. *Request a meeting to clearly articulate its opposition to the proposed development.*
3. *Requests that Homes Victoria works with Colac Otway Shire to build the already committed 50 Social and Affordable homes within existing developments throughout Colac and Elliminyt to reduce the concentration of social and affordable housing in one area.*
4. *Requests an increase in financial support to existing local social services to implement additional services which are Colac specific and further assist our community with the addition of 50 extra social and affordable rental homes.*
5. *Makes clear that Colac Otway Shire welcomes the funding and need for additional social and affordable housing however expresses that it must be*

done in a way that has the best outcomes for those in need and our community.

CARRIED 6 : 1

<i>For</i>	<i>Against</i>
<i>Cr McCrickard</i>	<i>Cr Potter</i>
<i>Cr Hudgell</i>	
<i>Cr Buchanan</i>	
<i>Cr De Deugd</i>	
<i>Cr Howard</i>	
<i>Cr Schram</i>	

UNCONFIRMED

CLOSED SESSION

RESOLUTION

Moved Cr Potter, Seconded Cr Howard

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

SUBJECT	REASON	SECTION OF ACT
<i>Minutes of the Closed Session Council Meeting held on 25 March 2025</i>	<i>This matter deals with confidential meeting information, being records of meetings closed to the public.</i>	<i>Section 66 (2)(a), Section 3(1)(h)</i>
<i>Support at Home - Pricing</i>	<i>This matter deals with Council Business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.</i>	<i>Section 3 (1)(a)</i>

CARRIED 7 : 0

The meeting was declared closed at 2.56pm

CONFIRMED AND SIGNED at the meeting held on 24 June 2025.

.....**MAYOR**