



Colac Otway
SHIRE

ORDINARY COUNCIL MEETING

MINUTES

Wednesday 22 April 2020

at 4:00 pm

COPACC

95 - 97 Gellibrand Street, Colac

Next Council Meeting: 27 May 2020



COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

Wednesday 22 April 2020

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COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

MINUTES of the **ORDINARY COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** held at COPACC on
Wednesday 22 April 2020 at 4:00 pm.

MINUTES

1 DECLARATION OF OPENING OF MEETING

OPENING PRAYER

*Almighty God, we seek your
blessing and guidance in our
deliberations on behalf of the
people of the Colac Otway Shire.
Enable this Council's decisions to be
those that contribute to the true
welfare and betterment of our community.*

AMEN

COVID-19 PANDEMIC

Due to the unique circumstances in which we find ourselves as a consequence of the COVID-19 pandemic, it is proposed that Councillors consider moving a motion now that would allow Ordinary Council Meetings, Special Council Meetings and Planning Committee Meetings, where the technology is available, to be live streamed on Colac Otway Shire's YouTube channel. This would commence immediately, with the live streaming of today's Ordinary Council Meeting.

A second recommendation for the consideration of Councillors would also allow officers to telephone into the meeting for their agenda item, rather than be physically present.

RESOLUTION

MOVED Cr Stephen Hart, **SECONDED** Cr Brian Crook

That Council live streams open Ordinary Council Meetings, Special Council Meetings and Planning Committee Meetings via Colac Otway Shire's YouTube channel, subject to the availability of the required technology.

CARRIED 7 : 0

RECOMMENDATION

MOVED Cr Stephen Hart, Cr Joe McCracken

That Council consents to the participation by telephone of officers at Ordinary Council Meetings, Special Council Meetings and Planning Committee Meetings.

Cr Stephen Hart withdrew his moving of this motion.

ALTERNATIVE MOTION

MOVED Cr Stephen Hart, SECONDED Cr Joe McCracken

That Council consents to the participation by telephone or other electronic means of officers at Ordinary Council Meetings, Special Council Meetings and Planning Committee Meetings, whilst there are Directions from the Victorian Chief Health Officer restricting the movement of people in response to the COVID-19 pandemic.

CARRIED 6 : 1

DIVISION

For the motion: Cr Joe McCracken, Cr Chris Potter, Cr Stephen Hart, Cr Brian Crook, Cr Kate Hanson, Cr Jason Schram

Against the motion: Cr Chris Smith

2 PRESENT

Cr Brian Crook
Cr Kate Hanson
Cr Stephen Hart
Cr Joe McCracken
Cr Chris Potter
Cr Jason Schram (Mayor)
Cr Chris Smith

Peter Brown, Chief Executive
Errol Lawrence, General Manager, Corporate Services
Tony McGann, General Manager, Infrastructure & Leisure Services
Ian Seuren, General Manager, Development & Community Services
Sarah McKew, Manager, Governance & Communications
Lyndal McLean, Governance Coordinator
Alison Martin, Coordinator, Communications
Simon Clarke, Strategic Planning & Major Projects Coordinator
Melanie Duvé, Corporate Planning & Reporting Officer
Lucy Vesey, Bluewater Leisure Centre Manager
Madeleine Bisits, Manager, Assets & Project Delivery
Marni Young, Risk & OHS Coordinator
Tamzin McLennan, Acting Manager, Economic Development & Events

3 APOLOGIES AND LEAVES OF ABSENCE

Nil

4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

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

All Council and Committee meetings will be audio recorded and live streamed, with the exception of matters identified as confidential items in the Agenda.

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).

Audio recordings of meetings will be available to the public on Council's website as soon as practicable following the meeting and may be circulated by other means also. Audio recordings are also taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy. Original audio recordings will be retained by Council for a period of four years.

As stated in Local Law 4, other than an official Council recording, no video or audio recording of proceedings of Council Meetings will be permitted without specific approval by resolution of the relevant Council Meeting.

5 QUESTION TIME

Colac Otway Shire encourages community input and integral to this is the opportunity provided to ask questions at Council Meetings. A maximum of 30 minutes is usually allowed for question time however, in response to the COVID-19 pandemic and in accordance with the Stay at Home Directions issued by the Chief Health Officer of Victoria, only those people who are working are permitted to attend today's Ordinary Council Meeting.

Colac Otway Shire Local Law 4 states in Clause 100 (1), Question Time:

"Unless Council resolves differently there must be a public question time not exceeding thirty minutes at every Ordinary Meeting to enable members of the public to submit questions to Council."

RECOMMENDATION

Council resolves that, due to Directions issued by the Chief Health Officer in response to the COVID-19 pandemic, Question Time will not be held until the Directions of the Chief Health Officer are revoked, however Council undertakes to:

- 1. within 7 days of an Ordinary Council Meeting or Special Council Meeting, provide written responses to submitters of questions that were submitted in writing by 5pm of the Monday preceding the Ordinary Council Meeting;***

2. *provide copies of the questions and responses to all Councillors prior to the commencement of the Ordinary Council Meeting or Special Council Meeting;*
3. *include the questions and responses in the minutes of the Ordinary Council Meeting or Special Council Meeting.*

REVISED OFFICER RECOMMENDATION

Council resolves that, due to Directions issued by the Chief Health Officer restricting the movement of people in response to the COVID-19 pandemic, Question Time will not be held until the relevant Directions of the Chief Health Officer are revoked, however Council undertakes to:

1. *within 7 days of an Ordinary Council Meeting or Special Council Meeting, provide written responses to submitters of questions that were submitted in writing by 5pm of the Monday preceding the Ordinary Council Meeting;*
2. *provide copies of the questions and responses to all Councillors prior to the commencement of the Ordinary Council Meeting or Special Council Meeting;*
3. *include the questions and responses in the minutes of the Ordinary Council Meeting or Special Council Meeting.*

ALTERNATIVE MOTION

MOVED Cr Chris Smith, **SECONDED** Cr Joe McCracken

Council resolves that, due to Directions issued by the Chief Health Officer restricting the movement of people in response to the COVID-19 pandemic, Question Time cannot be held until the relevant Directions of the Chief Health Officer are revoked, however Council undertakes to:

1. *within 7 days of an Ordinary Council Meeting or Special Council Meeting, provide written responses to submitters of questions that were submitted in writing by 5pm of the Monday preceding the Ordinary Council Meeting, and published on Council's website;*
2. *provide copies of the questions and responses to all Councillors and the local media in attendance prior to the commencement of the Ordinary Council Meeting or Special Council Meeting;*
3. *include the questions and responses in the minutes of the Ordinary Council Meeting or Special Council Meeting.*

Cr Chris Smith withdrew this motion.

ALTERNATIVE MOTION

MOVED Cr Chris Smith, SECONDED Cr Stephen Hart

That Council:

- 1. within 7 days of an Ordinary Council Meeting or Special Council Meeting, provide written responses to submitters of questions that were submitted in writing by 5pm of the Monday preceding the Ordinary Council Meeting, and published on Council's website;*
- 2. provide copies of the questions and responses to all Councillors and the local media in attendance prior to the commencement of the Ordinary Council Meeting or Special Council Meeting;*
- 3. include the questions and responses in the minutes of the Ordinary Council Meeting or Special Council Meeting.*

CARRIED 7 : 0

ALTERNATIVE MOTION

MOVED Cr Kate Hanson, SECONDED Cr Chris Potter

Council resolves that, due to Directions issued by the Chief Health Officer restricting the movement of people in response to the COVID-19 pandemic, Question Time cannot not be held until the relevant Directions of the Chief Health Officer are revoked.

CARRIED 5 : 2

DIVISION

For the motion: Cr Chris Potter, Cr Joe McCracken, Cr Brian Crook, Cr Kate Hanson, Cr Jason Schram

Against the motion: Cr Stephen Hart, Cr Chris Smith

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

Questions Submitted in Writing – Ordinary Council Meeting – 25 March 2020 (meeting cancelled)

Nasser Kotb, Forrest

1. The Council allocated \$250,000 for a wastewater treatment system for the Caravan Park in Forrest:
 1. Which Department made the request for fund allocation?
 2. When was the request made?

3. Did the fund allocation require Council Meeting approval?
4. When was the approval of fund allocation made?
5. Why was there no community consultation prior to designing the project?

Response from General Manager, Development & Community Services

The Forrest Caravan Park Wastewater upgrade has been funded in stages, with \$20,000 allocated for this purpose in the mid-year budget review by Council early in 2018 (i.e. reallocation on unspent funds from the 2017/18 budget), \$100,000 being allocated in the Council budget of 2018/19, followed by an additional \$150,000 in the 2019/20 Council budget. The project was initiated early in 2018 by the Planning Building and Health Department of Council, in liaison with other departments such as Infrastructure and Economic Development. This was following investigation of complaints from a neighbouring property owner about run-off of wastewater onto their property from the caravan park. Council had sourced a Land Capability Risk Assessment of the property late in 2017 which identified the significant non-compliance of the current system, and the need to address this by way of a system upgrade. The two larger budget allocations were publicly advertised as part of the normal budget process in 2018 and 2019 respectively. Officers have engaged with the Forrest Community Group about the project by meeting on-site in October 2019, and attending meetings of the Forrest Community Group in November 2019 and February 2020. Further, drop-in sessions were held in February 2020 to explain the project with broader members of the community, which were publicised in a variety of ways.

2. The response from General Manager, Development & Community Services in November 2019, stated that *".... Council has therefore tentatively prepared a four-year program based on: planning work that has been undertaken previously; the identified need for holistically planning; current and emerging issues and challenges; and support from communities"*. Would the Council provide the graded chart justifying the four year program, in the following format?

Town	Previous planning work	identified need for holistically planning	current and emerging issues and challenges	support from communities	Total Grade
Town 1					
Town 2					
Town 3					
Town 4					

Response from General Manager, Development & Community Services

The assessment of towns to be included in the rolling four-year planning program was completed internally based on officer knowledge. It wasn't assessed as per the format requested by Mr Kotb and therefore the template provided can't easily be completed. It should be noted that the new Local Government Act recently passed through Parliament requires councils to develop a long-term community vision, supported by a 4 year Council Plan, 10 year financial plan and 10 year asset plan. This will require further deliberative engagement with our communities.

Noor Petersen, Forrest

1. Would the Council provide a list of the amounts (in tons) of plastic collected and processed (sent for recycling), Shire-wide starting with the year 2015 through to 2019 calendar years? Please organise the information as follows:

Year	Amount collected (tons)	Amount processed (tons)	Amount in landfill (tons)
2015			
2016			
2017			
2018			
2019			

Response from General Manager, Infrastructure & Leisure Services

Colac Otway Shire receives a monthly statement outlining the total tonnes recycled (per month) by our waste service contractors. Our contractors collect and process paper, cardboard, liquid paperboard, glass, aluminium, steel, HDPE plastic, PET plastic and other mixed plastics.

Colac Otway Shire's last recycling audit showed the contamination level was at 6.65%, where the regional recycling contamination level was at 22.8%. (Colac Otway Shire is well under the regional average for recycling going to landfill.)

The following tonnages of recyclable materials have been collected and processed since 2014:

Financial Year	Volume
2014-2015	2187 tonnes of recycling
2015-2016	2248 tonnes of recycling
2016-2017	2206 tonnes of recycling
2017-2018	2299 tonnes of recycling
2018-2019	2243 tonnes of recycling

Year	Amount collected & processed (tonnes)	Clarification
2014-2015	207	
2015-2016	181	July to April figures only
2016-2017	209	
2017-2018	107	July to December figures only
2018-2019	N/A	No breakdown provided – contractor ceased operation

Yvonne Francis, Apollo Bay

1. When the Colac Otway Shire lifted its planning obligations by changing the zone that applies to the Apollo Bay Harbour, who becomes liable as the final planning authority regarding such matters as limits to growth and social and economic effects upon the central business district of the town which is clearly under enormous pressure due to the medical pandemic in Australia?

Response from General Manager, Development & Community Services

Council initiated and adopted the planning scheme amendment to rezone the Apollo Bay Harbour to a Special Use Zone, consistent with previous master planning that had been undertaken that sought to redevelop and enhance the precinct for residents and tourists. The Planning Minister approved the amendment. Council is confident that future commercial development at the harbour will not adversely impact upon the commercial centre of Apollo Bay, and will in fact complement and enhance it.

2. Would the Council consider discussing a ten-year trial cat strategy for Apollo Bay to protect threatened species in our gardens?

Response from General Manager, Development & Community Services

Council is not currently considering developing a 10-year trial cat strategy, but has been actively involved in trapping programs with local residents to remove feral and wild cats from the Apollo Bay area. These programs have been effective in reducing the population of non-owned cats. Council Rangers can be contacted to further discuss any specific issues.

Tim Cobb, Apollo Bay

Many tennis and netball club members feel very strongly about needing Council support to complete the court resurfacing.

While we respect Council's sensible request for people not to attend the meeting on Wednesday, please do not make the mistake of thinking that we do not care about the complete lack of Shire support for our sporting facilities.

1. In the 2019/20 budget \$100k was allocated for projects in small towns. What projects has this money been allocated to and has it been spent yet?

Response from General Manager, Development & Community Services

The following projects have been allocated through the 2021/20 Small Towns Capital Works program:

- Cressy Footpath Extension
- Beeac Avenue of Honour Extension
- Small Town Entrance Signage improvements.

It is anticipated that these projects will be completed by the end of the financial year.

2. In the last month's Council Agenda (in the Q2 Council report section 2.3.1.3) there is a list of 23 Council activities to develop and improve sporting and recreational facilities. Not a single solitary one is on the coast! Has the Shire spent any money at all on outdoor sporting facilities on the coast in 2019/20 so far?

Response from General Manager, Development & Community Services

The activities listed under Action 2.3.1.3 highlighted some of the work undertaken by Council in the period 1 October to 31 December 2019. Council has not spent any funds on outdoor sporting facilities along the coast in 2019/20. Council has provided its annual contribution to the Otway Coast Committee for maintenance of the Apollo Bay Recreation Reserve. In addition, Council is working with the users of the Apollo Bay Recreation Reserve to develop a master plan for the reserve. Council officers have had a number of discussions with representatives of the key users groups to help guide the development of the plan, and in turn future investment for the reserve. A detailed master plan is typically a pre-requisite for securing funding from the different levels of government.

3. Apollo Bay Netball Club recently resurfaced one of the courts at the Apollo Bay Rec Reserve in order to get the court up to standard for netball this season. The Shire refused point blank to support (or allow) a netball & tennis club application for a Sport and Rec. Victoria grant for these works. Will the Shire contribute \$30k from unspent funds this year (or in the budget for 2020/21) to complete these works which are vital, particularly for kids and women's sport, in Apollo Bay?

Response from General Manager, Development & Community Services

It is important to clarify that Council officers sought clarification from Sport and Recreation Victoria officers in December 2019 about this project, and the clear advice was that without detailed designs, an application to reconstruct and resurface the netball/tennis courts would not be eligible under the State Government's Local Sports Infrastructure Fund program. Through Council officer encouragement, detailed designs for the netball/tennis courts reconstruction will be completed in conjunction with the Apollo Bay Recreation Reserve Master Plan which will better support a future application to Sport and Recreation Victoria.

Council officers are fully supportive of improving the netball/tennis courts in Apollo Bay however the detailed work must be undertaken to determine what work is required and the likely cost.

Council could consider providing \$30,000 in its 2020/21 budget however the work would be a temporary fix only and would need to be ripped up once a full reconstruction was undertaken. Council would need to consider providing funds for a short-term solution, with an understanding that there would likely be a request from the community to provide additional funds for the full reconstruction of the courts in the short-term.

Questions Submitted in Writing – Ordinary Council Meeting – 22 April 2020

James Judd, Colac

1. What impact on the cost of operating the Bluewater Complex in Colac as a result of the COVID-19 closure is to be expected in the 2019-2020 final year balance by the Colac Otway Shire Council?

Response from General Manager, Infrastructure & Leisure Services

The closure of Bluewater Leisure Centre is projected to result in an estimated increased cost of approximately \$40,000 for the balance of this financial year, compared to the original budget. This increase is anticipated as the centre is not receiving any income at this time and some operational costs will also be incurred during the closure, for example: maintenance and ongoing operation of the pool to protect it from damage and the need for expensive repair works.

2. If the Colac Otway Shire Council is to hold Council Meetings that it encourages people to submit questions in writing to but encourages the public not to attend will the Council give a firm undertaking that all letters received and answers given are included in Council Minutes for that meeting so all Councillors and the general public are made aware of questions submitted and answers given, not just questions answered if submitter in attendance?

Response from Chief Executive Officer

In the agenda published for the April Ordinary Council Meeting, a recommendation to this effect is to be voted upon by Councillors.

3. Due to the reduction in Council provided services during the COVID-19 close down of services has this period resulted in more of the electricity required at locations solar panels have been installed at being produced by the solar panels?

Response from General Manager, Infrastructure & Leisure Services

Although some of the facilities with solar panels have been closed to the public, they are still utilising power for various reasons. Although the electricity demand is less than normal at some of the facilities, the power being generated by the solar panels is being fully utilised. The reduced services at some of the facilities will mean less power needs to be drawn from the grid, but the solar panels will continue to produce the power needed and help Council save money and reduce carbon emissions.

4. Due to the COVID-19 ban on most activities conducted outside will the Colac Otway Shire Council delay rates and charges until:
 - a) New revaluations to take effect on 1 July 2020 are confirmed as correct;
 - b) The State set fire services levy is confirmed in the State budget;
 - c) Discounts available to pensioner ratepayers are confirmed in state budget:
 - i) on prime property; and
 - ii) on fire services levy?

Now that the introduction of both the national and Victorian State budgets delayed until October 2020 when according to the normal payment of rates the first instalment would need to be paid prior to production of the state budget so no knowledge of the State charges to be

added to rate notices authorised. So if ratepayers to be given any chance to comment on proposed budget charges prior to being passed these would have to be delayed until actual state charges and valuations authorised. That cannot be done until the state budget passed.

Response from General Manager, Corporate Services

There is still a level of uncertainty at this time in regards to how the deferral of both State and Local Government budgets will be coordinated and how this will impact the issuing of rate notices. Council will be preparing and adopting its budget, including Fees and Charges, as directed by the State and prescribed by legislation. At this time, it is expected that rate notices will still be issued in August 2020. Council will ensure the community is well informed should this alter.

It is not envisaged there will be any change to the requirement to place the draft budget on public exhibition, to invite submissions and to consider those submissions prior to adopting a budget. It should be noted that Council does not have any direct input into Statutory Fees or Levies set by the Victorian Government.

5. **When will the Colac Otway Shire qualify firm undertakings it gives to people and the business community about providing services so that it does not deny an undertaking given due to some later regulations introduced, when prior to the closure of the Gellibrand Street Library Annexe it was claimed daily newspapers would continue to be available at COPACC when this ceased due to the closure of COPACC because of COVID-19 orders issued?**

Response from General Manager, Infrastructure & Leisure Services

The current COVID-19 situation is unprecedented. Eventualities such as venue closures under instructions from the Federal and State Governments could not have reasonably been predicted at the time that undertakings such as access to and provision of daily newspapers for the local community were made.

In accordance with the extended Stage 3 COVID-19 restrictions in Victoria, the COPACC precinct is to remain closed to the general public for the purpose of social gatherings until at least Monday 11 May at this stage. We await any further extension or amendment to these restrictions.

The Stage 3 restrictions also cover general movement of people, with instructions that leaving your home should be for only one of four reasons. There is currently no latitude for persons to sit for periods in open spaces; people are only to be moving to and from eligible places and for legitimate purposes, that is, shops for essential supplies, medical facilities, to gain exercise, or to attend work or an educational establishment.

The decision to cancel general newspaper deliveries at COPACC was made in light of the access restrictions. We unfortunately do not have a safe means of providing access to newspapers outside of COPACC, when due consideration is given to safe hygiene practices and weatherproofing.

As soon as restrictions are lifted and general access to COPACC is permitted, regular provision of newspapers will resume.

Bruce Atkinson, Apollo Bay

1. Is it an explicit Shire policy or have Councillors directed the Shire not to provide financial support to outdoor sporting activities in Apollo Bay? Alternatively is the absence of any material support for outdoor sporting activities in Apollo Bay over the last ten years an unfortunate oversight - in which case what steps will the Shire take to fix this oversight?

Response from General Manager, Development & Community Services

It is definitely not a policy for Council not to provide financial support to outdoor sporting activities in Apollo Bay. Typically, outdoor sporting activities in Apollo Bay are located on Crown land managed by the Otway Coast Committee, a State Government appointed committee. Council allocates a small amount of funds annually to the Otway Coast Committee to assist in the maintenance of the Apollo Bay Recreation Reserve. In addition, community groups are able to apply to Council's annual Community Grants Program for improvement projects.

Council is working with the users of the Apollo Bay Recreation Reserve to prepare a master plan for the reserve, which will guide the future development of the reserve and in turn future investment. A detailed master plan is typically a pre-requisite for securing funding from the different levels of government.

Nasser Kotb, Forrest

1. The Council has allocated \$250,000 to spend on a wastewater treatment and landscaping of the Forrest Caravan Park. Would the Council clarify the following:
 - a. What is the proof that pollution is different from the rest of the town (data figures from labs used or EPA communications, if any)?
 - b. Considering that Barwon Water released their final report about the whole town wastewater project in July 2019 claiming that there is NO pollution. The report was endorsed by the Council. Can the Council provide reasons for endorsing one conclusion but acting in the opposite direction?
 - c. Why was community NOT consulted prior to spending funds for designing the project?

Response from General Manager, Development & Community Services

Council commissioned a Wastewater Risk Assessment and Land Capability Assessment of the Forrest Caravan site in 2017 which found that offsite discharge of wastewater from the Caravan Park was likely to be large, particularly during peak periods. The report stated there were potentially significant risks to public health of those that stay or work in the Caravan Park, risks to the river health of the Upper Barwon West Branch and risks to the neighbouring farm. The 2017 report identified there is very little empirical data available on the actual water usage and wastewater generation in the caravan park, however calculations were made in accordance with the Environment Protection Authority Code of Practice, and a number of assumptions and extrapolations were used to provide a complete idea of the extent of the problem.

Whilst there is a wider legacy issue of wastewater run-off from other properties in the town as identified in the Barwon Water investigation, Council has a legal responsibility to improve the on-site wastewater management of the Caravan Park if it can reasonably do so. Owners of dwellings

and businesses in the town are constrained in their physical or financial capacity to address current off-site discharge from their wastewater systems. The small size of many properties would inhibit their ability to meet current EPA standards in any case. Council has identified a wastewater upgrade option for the caravan park which would retain treated wastewater within the site to meet EPA standards.

The Barwon Water investigation by Decentralised Water Consulting (DWC) highlighted the outcomes of the Council's 2017 audit on on-site wastewater systems in Forrest, which showed a high number of wastewater systems within the town resulting in off-site discharge (i.e. into drains and other properties). It stated that a continuation of the Business as Usual wastewater management approach within Forrest cannot meet regulatory or community expectations, and that the town wide investigation of options for wastewater treatment is critical to identify alternative, safe and sustainable long-term wastewater management strategies. There is nothing inconsistent between that project and the Council's current upgrade at the Caravan Park. Without Government/Barwon Water commitment to funding a town wide system as identified in the DWC report, Council has chosen to progress an upgrade of the Caravan Park's system due to the degree of non-compliance and public health risk. Nonetheless, Council will continue to work with Barwon Water and Governments to seek a funding commitment for a town wide approach as this remains a significant priority.

Having reviewed various options for upgrading the on-site wastewater system at the Caravan Park, it was determined there was only one viable option that would meet EPA standards, that being the wastewater design proposed. Officers have engaged with the local Forrest community through the Community Group on several occasions to discuss the proposed approach, and convened drop-in sessions for community access to the plans in February 2020. Council also sought formal public comment on its budgets in 2018/19 and 2019/20, in which expenditure on this project was identified. No opposing submissions were received from the public.

2. The Council officers have requested the endorsement of "Environmental Significance Overlay Planning Scheme Amendment (C101cola)". Environmental Significance Overlay Schedule 1 – Warrion Groundwater Area (ES01) – Environmental Significance Overlay Schedule 2 – Lakes, Wetlands and Watercourses (ES02). It is noted that there was no direct mail out to landowners and occupiers and no community consultation forum. Consequently, no submissions were received. It is no surprise! Inappropriate handling of such critical issue aside, the question is:
 - a) Would the Council provide "environment impact statement" as evidence of the consequences of Amendment C101cola on the groundwater-dependent eco-system?
 - b) Did the Council Consider the logical alternative of addressing inaccuracies in the mentioned ES01 and ES02 overlays?

Response from General Manager, Development & Community Services

The reasons for the amendment being pursued by Council are outlined in the officer report to Council that is included in the April 2020 Ordinary Council Meeting agenda. Council is in fact seeking to address inaccuracies in the ES01 and ES02 mapping. Council does not believe there would be any adverse environmental impact arising from the removal of both overlays in the manner proposed. The removal of the ES02 as it applies to Colac's waterways implements State Government biodiversity mapping which found there not to be justification for the overlays over Barongarook Creek and Deans Creek (except a small sliver of the creek where it is being retained) within the town. The two water authorities which benefit from the protection of groundwater

resources north-west of Colac (Southern Rural Water and Barwon Water) support removal of the ESO1 on the grounds that groundwater resources are protected from key threats via other processes. Given the lack of environmental benefit arising from these overlays, and the onerous planning burden on land owners, Council is seeking to remove them. ESOs applying to other areas of identified environmental significance are not proposed to change.

Given the very broad areas impacted by the removal of the overlays, the lack of environmental benefit achieved by the overlays, and the reduction of planning control (versus applying new controls), both Council and the State Government agreed that notification of individual property owners would not be required. Council did however place notices in newspapers and on its website, and issued media releases and social media stories highlighting the amendment being undertaken.

3. **The Council community consultation and engagement policies constitute an important component of the Council's decision-making process, and considering that digital technology exist to allow virtual participation would the Council allow for community members to participate in the virtual space in Council meetings?**

Response from the Chief Executive

Council is proposing to live stream Council meetings onto the web. The Colac Otway Shire does not have the capacity to manage virtual participation at Council meetings.

4. **A state of emergency can mean the slippage of open democratic processes. How does Colac Otway Shire intend to ensure full accountability at this time?**

Response from the Chief Executive

Council is proposing to live stream Council meetings onto the web. Council has also modified the process for responding to questions from the public, to ensure that questions can still be asked, responded to and included in the minutes of the Council meeting.

Anna Dixon, President, Apollo Bay Tennis Club

1. **CoronaVirus19 has forced the closure of sporting clubs in Apollo Bay with a significant impact on clubs and players of all ages. It is likely that non-contact sports such as tennis will be the first to restart. Will the Shire look to help support clubs in restarting activities - particularly to get seniors, kids, and females back into activity?**

Response from General Manager, Development & Community Services

Council is extremely mindful of the importance sporting clubs play in enabling physical activity. Officers would be available to work with clubs and local and state sporting associations to encourage participation in sporting activities.

2. **Will the Shire take the opportunity to help fund completion of the resurfacing of the tennis/netball courts in Apollo Bay to help encourage the restart of sport in Apollo Bay?**

Response from General Manager, Development & Community Services

Council officers are fully supportive of improving the netball/tennis courts in Apollo Bay however as per previous advice, detailed work must be undertaken to determine what work is required and the likely cost. Council could consider providing \$30,000 in its 2020/21 budget however the work would be a temporary fix only and would need to be ripped up once a full reconstruction was undertaken. Council would need to consider providing funds for a short-term solution, with an understanding that there would likely be a request from the community to provide additional funds for the full reconstruction of the courts in the short-term.

Philippa Bailey, Kawarren

1. **Climate and Biodiversity Petition: Prior to the Covid-19 Pandemic, Councillors were to receive a briefing from members of the Climate Action group. Would Councillors be open to receiving briefing documents to be provided by the Climate Action group, in order to inform discussion of the petition at the May Council meeting?**

Response from the Chief Executive

It is unlikely that Council will be able to consider the petition at the May Council meeting. The petitioners are welcome to forward briefing documents and we will pass them on to Councillors.

Marina Lewis, Gellibrand River

1. **Given that Council deferred the March Apollo Bay meeting due to safety concerns about community participation, could Council please clarify what 'full community participation' (draft recommendation 10.2 Agenda 22.4.20) means?**

Response from the Chief Executive

The Council will consider the petition when the public is allowed to physically attend Council meetings as observers of the meeting and participants in Question Time. Council is proposing to live stream Council meetings onto the web, but this will not allow public participation. We are hopeful that a resumption of public attendance at Council meetings will occur in the next three months. On the basis that physical attendance by the community at Council meetings is not able to occur within three months, I imagine local government will be seeking an alternative digital means by which the community can engage meaningfully with Council.

Greg Slater, Colac

1. **Given the COVID-19 pandemic has clearly shown the benefit of both listening to the science and preparing for crises, when will the Council respond to the community petitioning for action on the now concurrent crisis of climate change?**

Response from the Chief Executive

The Council will consider the petition when the public is allowed to physically attend Council meetings as observers of the meeting and participants in Question Time. Council is proposing to live stream Council meetings onto the web, but this will not allow public participation. We are

hopeful that a resumption of public attendance at Council meetings will occur in the next three months. On the basis that physical attendance by the community at Council meetings is not able to occur within three months, I imagine local government will be seeking an alternative digital means by which the community can engage meaningfully with Council.

Jeffrey Cooke, Colac

1. Given the current restrictions of meetings due to the Covid 19 emergency and the decision to delay the consideration of the Climate and Biodiversity Emergency Petition by Council what arrangements can be put in place in terms of facilities &/or technology to enable:
 - a) Members of the Climate Action Team to brief Councillors prior to consideration of the petition at a Council meeting; and,
 - b) The petition to be considered by Council at the May meeting?

Response from the Chief Executive

The Council will consider the petition when the public is allowed to physically attend Council meetings as observers of the meeting and participants in Question Time. Council is proposing to live stream Council meetings onto the web, but this will not allow public participation. We are hopeful that a resumption of public attendance at Council meetings will occur in the next three months. On the basis that physical attendance by the community at Council meetings is not able to occur within three months, I imagine local government will be seeking an alternative digital means by which the community can engage meaningfully with Council.

Neil Longmore, Gellibrand River

1. As the climate emergency is inextricably linked to a biodiversity emergency, can Council offer any explanation why, in the last year in the Gellibrand water supply catchment, it has abandoned the mechanical slashing of roadsides, instead opting to spray all roadsides and drains with herbicides? The Gellibrand catchment supplies drinking water to over 40,000 residents and is also home to many endemic aquatic species.

How does this align with Objective 4 of Colac Otway Shire Council Plan 2017-2021 which is:

"Leadership in natural environment through good management practices"?

Response from General Manager, Infrastructure & Leisure Services

Services & Operations does not spray inside the enclosed catchment area.

Within the wider catchment area Services & Operations has always sprayed around street furniture and in many circumstances on the shoulders of the roads.

Colac Otway Shire does use the slasher to control grass on the shoulders of the roads and a wider area near intersections for improved driver visibility for safety reasons; this is done two to three times per year depending on the area.

Grass on the shoulders of the roads are also controlled using glyphosate based products. This is a road maintenance practice additional to and not a substitute for slashing. The purpose is to reduce the build-up of soil that accumulates with grass and weeds that prevents effective drainage of the road surface; slashing is not the best means to achieve this objective.

Colac Otway Shire uses nationally approved products that are designed to not seep into waterways. Use of the product is done to manufacturer standards by certified staff and contractors using purpose built equipment to do the spraying.

This relates to the Council Plan in that legal and responsible practices are adopted to effectively optimise the condition and longevity of road surfaces.

Matthew Armstrong, Apollo Bay

1. Given governments at all levels are currently relying heavily on medical and scientific advice, in responding to a worldwide health emergency; can the Colac Otway community be reassured that the Council will respect the medical and scientific consensus, when formulating their position?

Response from the Chief Executive

Councillors are elected by the community to represent our community. Councillors draw on a wide range of information in formulating a position, including information provided by officers. How each Councillor uses information to determine their position on an item is a matter for each individual Councillor.

6 TABLING OF RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETING

Responses to questions taken on notice at the 26 February 2020 Ordinary Council Meeting

Yvonne Francis, Apollo Bay

2. I've got a second question ready:
 - a. What is the main use of the Apollo Bay Harbour?
 - b. What regulations does the Council apply to jet-skiers at the Apollo Bay Harbour entrance to separate them from board riders, fishing boats and people?
 - c. Has the number of fishing vessels engaged in actually harvesting fish and abalone diminished to the extent that the harbour has largely become a mooring place for pleasure craft and line fishing craft?

Response from General Manager, Infrastructure & Leisure Services

Thank you for the questions. I'll take the questions on notice in terms of the control of jet-skis – that's not some information that I've got readily at hand. In terms of the use of the harbour, it's very much an active fishing port with a number of commercial fishing craft working out of there. In April of this year Council has determined to undertake dredging of the port which will return the water depth of the port back to what it was when it was first constructed some 70 years ago. We expect that once that work is done some large fishing vessels that have located

away from Port of Apollo Bay in recent years will, in fact, return to the Bay. A few years ago the state government did an economic values study of the Port of Apollo Bay and put the economic activity at \$43 million per year so it's certainly a key piece of infrastructure for the Shire.

Further response from General Manager, Infrastructure & Leisure Services

Colac Otway Shire officers are not authorised officers under the relevant legislation to enforce the regulations relating to personal water craft (jet skis). That responsibility lies with the Transport Safety Officers from Maritime Safety Victoria and with Fisheries Officers from the Victorian Fisheries Authority.

In regards to question c, the answer is no; Apollo Bay remains an important hub for commercial fishing activity and is currently the second largest fishing fleet in the state.

Helen Paatsch, Colac

I live in the area down near the Joseph Paatsch Reserve, which is the nature walk between Fulton Street and Forest Street.

1. My question is – and I think there are three parts to this really – who is or who are the management authorities for various aspects of that area? I refer, first of all, to the Joseph Paatsch Reserve which is on the southern side of the creek. It was managed by one of the Rotary clubs and I understand that since then it has been handed back to the Council and I'm wondering whether the Council has a regular maintenance program planned for it because I notice that the grass/weeds are getting rather long.
2. The second part of my question is in relation to the northern side of the creek, which I understand is in private ownership, not the Council or any of the government agencies. There is an enormous amount of blackberry infestation there and of course it blows into all of our gardens along there.
3. The third part is the waterway of the creek itself, where the cumbungi – and I understand it's a protected species – has just taken over and you wouldn't really know, in a lot of that area, that there is a creek there.

Response from General Manager, Infrastructure & Leisure Services

Council is the managing authority for that area. We do have a maintenance regime on that but I will have to take on notice the questions around the frequency and so forth. I'll also take on notice, and we might do some site inspections, the comments around blackberry growth and other plant material effectively blocking the creek.

Further response from General Manager, Infrastructure & Leisure Services

The Colac Otway Shire Service and Operations Team undertake a fortnightly maintenance regime at the Joseph Paatsch Reserve. Since the 26 February 2020 Ordinary Council Meeting the reserve has had a significant overhaul with wood chips placed in the playground, trees trimmed and

mulch placed in the gardens. The grassed area has been mowed and is scheduled for ongoing mowing.

The blackberry on the northern side of the creek running through the Joseph Paatsch Reserve is located on private land. Council has no powers to enforce weed control on private land, however, we will make contact with the land owner to discuss the problem and explain why it is important for them to control the weeds on their property.

The Cumbungi is a native species that grows naturally in waterways across Australia. Accordingly, the standard provisions for native vegetation protection apply. During drier periods the extent of Cumbungi does increase, but in the wetter periods it tends to recede. Given the relatively dry years over the last decade the extent of Cumbungi along Barongarook Creek has increased. As a result, Council is considering removing some of the Cumbungi in areas where it is blocking up drains and culverts. However, Council has no plans to remove Cumbungi in any other areas because it provides habitat for native fauna and also helps improve the quality of water entering Lake Colac.

Responses to questions taken on notice at the 25 March 2020 Ordinary Council Meeting

Nil. The 25 March 2020 Ordinary Council Meeting was cancelled in response to COVID-19.

7 PETITIONS / JOINT LETTERS

A petition requesting that Council convene a meeting of residents regarding traffic management in Old Coach Road, Skenes Creek has been received from a community member. The petition is from 84 people. While the petition is not fully compliant in accordance with Colac Otway Shire's Governance Local Law 4 and its Petition & Joint Letter Guidelines, a report responding to it will be presented at a future Ordinary Council Meeting.

Chief Executive comment:

It was originally intended to table this petition at the March Ordinary Council Meeting however the meeting was cancelled due to the COVID-19 pandemic, therefore the petition is now being tabled at today's meeting.

Since receiving the petition, Council officers have been in contact with the petition organiser, undertaken some preliminary investigations and installed 'Local Traffic Only' and '4WD only' signs. Officers were planning to install traffic counters on 30 March for a period of two weeks to see how effective the signage has been in minimising vehicle numbers and reducing speeding issues. This has been delayed due to COVID-19 however, once tourism in the region recommences, the information in the traffic counts will be critical for determining mitigation measures. Further consultation with residents will also be undertaken at that time.

The petition organiser has agreed that further investigation of the matter and installation of counters will need to wait until the current restrictions are lifted. A report outlining the findings and recommendations from the investigation will be presented to Council at a future Ordinary Council Meeting.

RESOLUTION

MOVED Cr Chris Potter, SECONDED Cr Brian Crook

That Council consider its response to the petition regarding traffic management on Old Coach Road, Skenes Creek at a future Ordinary Council Meeting, the date of which will be determined when the COVID-19 pandemic has eased and the restrictions on the movement of people have been withdrawn by the State Government.

CARRIED 7 : 0

* * * * *

A petition regarding the Colac Indoor Sports Centre has been received from a community member. The petition is from 1030 people. While the petition is not fully compliant in accordance with Colac Otway Shire's Governance Local Law 4 and its Petition & Joint Letter Guidelines, a report responding to it will be presented at a future Ordinary Council Meeting.

RESOLUTION

MOVED Cr Brian Crook, SECONDED Cr Joe McCracken

That Council consider its response to the petition regarding the Colac Indoor Sports Centre at a future Ordinary Council Meeting, the date of which will be determined when the COVID-19 pandemic has eased and the restrictions on the movement of people have been withdrawn by the State Government.

CARRIED 7 : 0

8 DECLARATIONS OF INTEREST

Nil

9 CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on 26 February 2020.

RESOLUTION

MOVED Cr Joe McCracken, SECONDED Cr Stephen Hart

That Council confirm the minutes of the Ordinary Council Meeting held on 26 February 2020.

CARRIED 6 : 1

The meeting adjourned for a short break at 4.52pm.
The meeting resumed at 5.00pm.

Item: 10.1

Cancellation of Ordinary Council Meeting of 25 March 2020

OFFICER	Sarah McKew
GENERAL MANAGER	Peter Brown
DIVISION	Executive
ATTACHMENTS	Nil
PURPOSE	To report on the cancellation of the 25 March 2020 Ordinary Council Meeting

RESOLUTION

***MOVED** Cr Joe McCracken, **SECONDED** Cr Chris Potter*

That Council notes the report advising that the Chief Executive Officer exercised power under S.24 (1) of Local Law 4 to cancel the Ordinary Council Meeting that was to be held on Wednesday 25 March 2020 at 4pm.

CARRIED 6 : 1

DIVISION

For the motion: Cr Joe McCracken, Cr Chris Potter, Cr Stephen Hart, Cr Brian Crook, Cr Kate Hanson, Cr Jason Schram

Against the motion: Cr Chris Smith

Item: 10.2

Petition - Climate and Biodiversity Emergency

OFFICER	Sarah McKew
GENERAL MANAGER	Peter Brown
DIVISION	Executive
ATTACHMENTS	Nil
PURPOSE	To consider the petition received by Council entitled Climate and Biodiversity Emergency

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Joe McCracken

That Council further defer its consideration of the Climate and Biodiversity Emergency Petition, tabled at the February 2020 Ordinary Council Meeting, to a future Ordinary or Special Council Meeting, the date of which is to be determined once restrictions on the movement of people have been withdrawn by the State Government, such that Council business can be conducted with the resumption of full community participation.

CARRIED 5 : 2

DIVISION

For the motion: Cr Joe McCracken, Cr Chris Potter, Cr Stephen Hart, Cr Brian Crook, Cr Kate Hanson

Against the motion: Cr Chris Smith, Cr Jason Schram

Item: 10.3

Apollo Bay Aquatic Centre Funding Request

OFFICER	Maddy Bisits
GENERAL MANAGER	Tony McGann
DIVISION	Infrastructure and Leisure Services
ATTACHMENTS	Nil
PURPOSE	To respond to a request from the Apollo Bay P-12 College School Council (the school) for funds that will assist the conversion of the current outdoor pool into an indoor facility.

RECOMMENDATION

That in response to the request by the Apollo Bay Aquatic Centre Committee and the Apollo Bay P-12 School for additional funding, being for Capital Works, for the Apollo Bay Aquatic Centre Project, the Council prepare an addendum to the current Apollo Bay Aquatic Centre Funding Agreement, outlining exemptions to the Agreement for execution by the Parties (Apollo Bay P-12 College Council and Colac Otway Shire), specifically:

- 1. Colac Otway Shire Council (Council) agrees to the immediate release of the committed \$85,000 operational funds from the 2019/20 budget to the Apollo Bay P-12 College Council (School) for the purpose of funding remaining capital works;*
- 2. Council agrees to the immediate and early release of \$50,211 from the 2020/2021 operational funds for the purpose of funding capital works;*
- 3. Council agrees that \$20,000 per year from the annual \$200,000 operational funding commitment, for a period of 5 years commencing in 2021/2022, be used to repay the School for its additional capital funding toward the project;*
- 4. Following the final repayment, Council's annual operational contribution must be spent in accordance with the Funding Agreement terms and cannot be used for the purposes of capital works, now or in the future;*

5. *Council will not commit any further funds toward capital works at the Apollo Bay Aquatic Centre, now or in the future, other than as outlined in the clauses above; and*
6. *Council will not commit any further funds to the operation of the Apollo Bay Aquatic Centre, now or in the future, other than in accordance with the terms above and the terms of the Funding Agreement.*

ALTERNATIVE MOTION

MOVED Cr Joe McCracken, **SECONDED** Cr Stephen Hart

That in response to the request by the Apollo Bay Aquatic Centre Committee and the Apollo Bay P-12 School for additional funding, being for Capital Works, for the Apollo Bay Aquatic Centre Project, the Council prepare an addendum to the current Apollo Bay Aquatic Centre Funding Agreement, outlining exemptions to the Agreement for execution by the Parties (Apollo Bay P-12 College Council and Colac Otway Shire), specifically:

1. *Colac Otway Shire Council (Council) agrees to the immediate release of the committed \$85,000 from the 2019/20 budget to the Apollo Bay P-12 College Council (School) for the purpose of funding remaining capital works;*
2. *Council agrees to the immediate and early release of \$50,211 from the 2020/2021 operational funds for the purpose of funding capital works; and*
3. *That the CEO ensures that the funding was to be spent on capital works only.*

CARRIED 7 : 0

ALTERNATIVE MOTION

MOVED Cr Stephen Hart

Further, that in response to the request by the Apollo Bay Aquatic Centre Committee and the Apollo Bay P-12 School for additional funding, being for Capital Works, for the Apollo Bay Aquatic Centre Project, the Council prepare an addendum to the current Apollo Bay Aquatic Centre Funding Agreement, outlining exemptions to the Agreement for execution by the Parties (Apollo Bay P-12 College Council and Colac Otway Shire), specifically:

1. *Council agrees that \$20,000 per year from the annual \$200,000 operational funding commitment, for a period of 5 years commencing in 2021/2022, be used to repay the School for its additional capital funding toward the project;*

2. *In the future, Council's annual operational contribution must be spent in accordance with the Funding Agreement terms and cannot be used for the purposes of capital works, now or in the future;*
3. *Council will not commit any further funds toward capital works at the Apollo Bay Aquatic Centre, now or in the future, other than as outlined in the clauses above;*
4. *Council will not commit any further funds to the operation of the Apollo Bay Aquatic Centre, now or in the future, other than in accordance with the terms above and the terms of the Funding Agreement;*
5. *That this is subject to the CEO being satisfied that the money was spent on capital works and the reimbursement is limited to 50% of the school's contribution or \$100,000, whichever is the lesser, to capital works.*

Cr Stephen Hart withdrew this motion.

ALTERNATIVE MOTION

MOVED *Cr Stephen Hart*, **SECONDED** *Cr Brian Crook*

1. *That the issue of any reimbursement, up to a maximum of \$100,000, to the school of monies already spent be deferred pending a further report from Council regarding specifically the school's contribution and how it relates to this project.*
2. *With the exception of point 1,*
 - a) *Council will not commit any further funds toward capital works at the Apollo Bay Aquatic Centre, now or in the future, other than as outlined in the clauses above; and*
 - b) *Council will not commit any further funds to the operation of the Apollo Bay Aquatic Centre, now or in the future, other than in accordance with the terms above and the terms of the Funding Agreement.*

CARRIED 4 : 2

DIVISION

For the motion: Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Chris Smith, Cr Brian Crook

Against the motion: Cr Kate Hanson, Cr Jason Schram

The meeting adjourned for a short break at 6.03pm.
The meeting resumed at 6.19pm.

Item: 10.4

Provisional Re-Adoption of the 2017-2021 Council Plan

OFFICER	Melanie Duve
CHIEF EXECUTIVE	Peter Brown
DIVISION	Executive
ATTACHMENTS	1. Colac- Otway- Shire- Revised- Council- Plan-2017-2021 [10.4.1 - 31 pages]
PURPOSE	To provisionally readopt the 2017-2021 Council Plan (without the Strategic Resource Plan)

RESOLUTION

MOVED Cr Chris Potter, SECONDED Cr Brian Crook

That Council:

- 1. supports the recommendation that the current Council Plan requires no adjustments in respect of the remaining period of the Council Plan, taking into consideration s125(7) of the Local Government Act 1989 and that this is the final year of the 2017-2021 Council Plan; and*
- 2. provisionally readopts the 2017-2021 Council Plan with no changes, pending inclusion of the Strategic Resource Plan, and notes that the Council Plan should be read in conjunction with the adopted Municipal Public Health and Wellbeing Plan 2017-2021.*

CARRIED 5 : 2

DIVISION

For the motion: Cr Joe McCracken, Cr Chris Potter, Cr Brian Crook, Cr Kate Hanson, Cr Jason Schram

Against the motion: Cr Stephen Hart, Cr Chris Smith

Madeleine Bisits left the meeting at 6.19pm.

Lucy Vesey left the meeting at 6.19pm.

Melanie Duvé left the meeting at 6.27pm.

Item: 10.5

Proposed Lease to Apollo Bay Fishermen's Co-operative Society Limited

OFFICER	Mark McLennan
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	<ol style="list-style-type: none">1. Apollo Bay Fishing Coop Feature Survey Plan 2016.pdf [10.5.1 - 1 page]2. Valuation - Apollo Bay Fishermans Co-op - Preston Rowe and Paterson - 20191120 [10.5.2 - 32 pages]3. Apollo Bay Lease Draft [10.5.3 - 37 pages]4. Licence Apollo Bay - Draft for March Ordinary Council Meeting [10.5.4 - 11 pages]
PURPOSE	To consider a new lease agreement with the Apollo Bay Fisherman's Cooperative.

RESOLUTION

MOVED Cr Chris Smith, SECONDED Cr Chris Potter

That Council:

1. *Grants a Lease to Apollo Bay Fishermen's Co-Operative Society Limited (ASIC Registration No: G0000027H) for the building known as Apollo Bay Fishermans' Cooperative and all that land containing approximately 668 square metres as indicated on the plan (AP/27.5.16) in Appendix One forming portion of Apollo Bay Port Foreshore Reserve in accordance with the Department of Environment, Land, Water and Planning template with terms as follows:*
 - a. *Term of Lease (21) twenty-one years.*
 - b. *Rent \$33,880 (ex GST) per annum.*
 - c. *Rent review on the third anniversary of the commencement date and then every three years thereafter throughout the term of the lease.*
 - d. *Tenant to pay \$20 million public liability insurance.*
 - e. *Tenant to pay all outgoings.*
 - f. *Tenant is responsible for all maintenance.*

2. *Authorises Council officers to give public notice of the proposed lease in accordance with sections 190 and 223 of the Local Government Act 1989 for a period of four weeks.*
3. *Determines that a 'Committee of Council' in accordance with the Local Government Act 1989 will hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submission.*
4. *In the event that no submissions are received, resolves to grant the lease on the terms set out in this recommendation and authorises the Chief Executive or delegate to complete all administrative processes necessary to execute the Lease on behalf of Council.*
5. *Grants a Licence to Apollo Bay Fishermen's Co-Operative Society Limited (ASIC Registration No: G0000027H) for the land and improvements indicated by blue border (excluding the Lease Area) on plan (AP/27.5.16) in Appendix One forming portion of Apollo Bay Port Foreshore Reserve in accordance with the Department of Environment, Land, Water and Planning template with terms as follows:*
 - a. *Term of Licence (21) twenty-one years*
 - b. *Rent \$120 (ex GST) per annum*
 - c. *Tenant to pay \$20 million public liability insurance.*
 - d. *Tenant to pay all outgoings.*
 - e. *Tenant is responsible for all maintenance.*
6. *Authorises the Chief Executive to execute all necessary documents in order to affect any Transfer or Assignment of Lease and Licence throughout the term of the Lease and Licence.*

CARRIED 7 : 0

Marni Young attended the meeting at 6.30pm.

Item: 10.6

MAV WorkCare Scheme Participation

OFFICER	Marni Young
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	Nil
PURPOSE	To provide Council with a summary of the MAV WorkCare Scheme and recommendation to join; commencing with the scheme on 1 November 2020.

RECOMMENDATION

That Council register commitment to participate in the MAV WorkCare Scheme commencing on 1 November 2020 for an initial 4-year period.

ALTERNATIVE MOTION

MOVED Cr Chris Smith, SECONDED Cr Stephen Hart

That Council informs the MAV WorkCare Scheme that Colac Otway Shire does not wish to participate in the scheme commencing on 1 November 2020.

LOST 2 : 5

DIVISION

For the motion: Cr Chris Smith, Cr Jason Schram

Against the motion: Cr Joe McCracken, Cr Chris Potter, Cr Stephen Hart, Cr Brian Crook, Cr Kate Hanson

RESOLUTION

MOVED Cr Brian Crook, SECONDED Cr Chris Potter

That Council register commitment to participate in the MAV WorkCare Scheme commencing on 1 November 2020 for an initial 4-year period.

CARRIED 5 : 2

DIVISION

For the motion: Cr Joe McCracken, Cr Chris Potter, Cr Stephen Hart, Cr Brian Crook, Cr Kate Hanson

Against the motion: Cr Chris Smith, Cr Jason Schram

Marni Young left the meeting at 7.08pm.

Item: 10.7

**Amendment C90cola - Consideration of Planning Panel
report and approval of Amendment**

OFFICER	Sean O’Keeffe
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	<ol style="list-style-type: none">1. C90 Panel Report [10.7.1 - 31 pages]2. Land Subject to Inundation Schedule [10.7.2 - 2 pages]3. Floodway Overlay Schedule [10.7.3 - 2 pages]4. Map 1 [10.7.4 - 1 page]5. Map 2 [10.7.5 - 1 page]6. Map 3 [10.7.6 - 1 page]7. Map 4 [10.7.7 - 1 page]8. Map 5 [10.7.8 - 1 page]
PURPOSE	To consider the Planning Panel’s report on Amendment C90 and to resolve to refer the Amendment to the Minister for Planning for approval.

This item was withdrawn from the agenda.

Item: 10.8

Environmental Significance Overlay Planning Scheme Amendment (C101cola)

OFFICER	Simon Clarke
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	<ol style="list-style-type: none">1. Attachment 1 - Extent of ESO1 Mapping [10.8.1 - 1 page]2. Attachment 2 - Extent of ESO2 Mapping in Colac [10.8.2 - 1 page]3. Attachment 3 - Exhibition Documents [10.8.3 - 20 pages]
PURPOSE	To adopt Amendment C101cola, which seeks to remove unnecessary permit triggers associated with the Environmental Significance Overlay and forward it to the Minister for Planning for approval.

RESOLUTION

MOVED Cr Joe McCracken, SECONDED Cr Chris Potter

That Council:

- 1. Notes the importance of continually updating the Colac Otway Planning Scheme to ensure accuracy, improve efficiency and remove any redundant provisions of the development approval process;*
- 2. Pursuant to section 29 (1) of the Planning and Environment Act 1987, adopt Amendment C101cola in full;*
- 3. Pursuant to section 31 (1) of the Planning and Environment Act 1987, submit Amendment C101cola to the Minister for Planning;*
- 4. Pursuant to section 35 (1) of the Planning and Environment Act 1987, request the Minister for Planning to approve Amendment C101cola.*

CARRIED 7 : 0

Peter Brown left the meeting at 7.09pm.

Peter Brown returned to the meeting at 7.10pm.

Item: 10.9

Section 86 Committees Transition Report

OFFICER	Peter Macdonald
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	<ol style="list-style-type: none">1. Section 86 Committees Progress Report - April 2020 [10.9.1 - 3 pages]2. COS S86 Management Agreement (MASTER TEMPLATE) [10.9.2 - 27 pages]
PURPOSE	To provide an update on Section 86 Committee transitions

RECOMMENDATION

That Council:

1. *notes that one Section 86 Committee has transitioned to an incorporated Community Asset Committee;*
2. *notes the progress of transition of 22 other Section 86 Committees to incorporated Community Asset Committees;*
3. *acknowledges that the following Section 86 Committees may be better suited to transitioning to a governance structure other than that of a Community Asset Committee:*
 - a. *Tirrengower Drainage Scheme Committee;*
 - b. *Old Beechy Rail Trail Committee;**and that Council officers will continue to work with these Committees to assist with appropriate transitions;*
4. *acknowledges that while ongoing efforts will be made to assist Section 86 Committees transition to incorporated Community Asset Committees by June 2020, officers will continue to provide assistance and support to them; and*
5. *acknowledges that implications of the COVID-19 pandemic and the introduction of the Local Government Act 2020 will require Council to be flexible in its approach to dealings with Section 86 Committees until 1 September 2020.*

ALTERNATIVE MOTION

MOVED Cr Stephen Hart, SECONDED Cr Joe McCracken

That Council:

- 1. Notes that the term of appointment of members to most section 86 Special Committees have expired, in many cases more than a year ago, or expire today, 22 April 2020;**
- 2. Notes that due to changes being introduced, arising from the new Local Government Act, Council may be unable to appoint members to the section 86 Special Committees after 1 May 2020;**
- 3. Reappoints all individuals, where they are still eligible to serve, to the section 86 Special Committees who were members immediately prior to the most recent expiry of membership for each section 86 Committee, where the membership term of appointment has expired or expires today;**
- 4. Acknowledges that individuals are free to resign their appointment with no reason required;**
- 5. Determines that each appointment is until 31 December 2022 unless revoked earlier by a subsequent Council decision or legislative requirement;**
- 6. Directs the Chief Executive Officer to take all reasonable steps to transition the section 86 Special Committees into Community Asset Committees to comply with the requirements contained in the new Local Government Act; and**
- 7. Writes to the membership explaining the process.**

CARRIED 7 : 0

Tamzin McLennan attended the meeting at 7.30pm.

Item: 10.10

Colac Municipal Aerodrome Terms of Reference revision

OFFICER	Tamzin McLennan
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	1. March 2020 - Terms of Reference Advisory Committee [10.10.1 - 6 pages]
PURPOSE	To re-ratify the Colac Municipal Aerodrome Terms of Reference and dissolve the previous S86 Committee.

RECOMMENDATION

That Council:

- 1. Notes the establishment of the Colac Municipal Aerodrome Advisory Committee endorsed by Council at the Ordinary Council Meeting of 24 April 2019;*
- 2. Endorses the updated Colac Municipal Aerodrome Terms of Reference, incorporating the Advisory Committee's additional references to business users of the facility; and*
- 3. Dissolves Section 86 Committee entitled Colac Municipal Aerodrome and revokes its instrument of delegation.*

MOTION

MOVED Cr Joe McCracken

That Council consider items:

10.10 Colac Municipal Aerodrome Terms of Reference revision

10.11 Great Ocean Road Event Closure Guidelines - community consultation

en bloc, allowing for questions for items 10 and 11.

CARRIED 7 : 0

RESOLUTION

MOVED Cr Joe McCracken, **SECONDED** Cr Stephen Hart

That Council adopt the recommendations from items:

10.10 Colac Municipal Aerodrome Terms of Reference revision

10.11 Great Ocean Road Event Closure Guidelines - community consultation

en bloc, as detailed below.

1. That Council:

- 1.1 Notes the establishment of the Colac Municipal Aerodrome Advisory Committee endorsed by Council at the Ordinary Council Meeting of 24 April 2019;**
- 1.2 Endorses the updated Colac Municipal Aerodrome Terms of Reference, incorporating the Advisory Committee's additional references to business users of the facility; and**
- 1.3 Dissolves Section 86 Committee entitled Colac Municipal Aerodrome and revokes its instrument of delegation.**

2. That Council:

- 2.1 Endorses a six-week community consultation period on the draft Great Ocean Road Event Closure Guidelines.**
- 2.2 Determines that the draft Guidelines will be presented to a future Ordinary Council meeting for consideration, including any recommended changes arising from feedback received from the community.**
- 2.3 Expresses disappointment in the Department of Transport's previous delays to the Guidelines review that has necessitated a one-year extension to the current events holding permits to close the Great Ocean Road, being the Great Ocean Road Running Festival and the Gran Fondo.**
- 2.4 Reaffirms that it does not support the Gran Fondo event in its current format and location, as per the resolutions of Council at the December 2017 Ordinary Council Meeting (OM171312-6) and October 2018 Ordinary Council Meeting (OM182410-2).**
- 2.5 Recommends and strongly advocates to the Department of Transport, Surf Coast Shire Council and the event organiser that the 2021 Gran Fondo event not be held within the Colac Otway Shire.**
- 2.6 Writes to the Minister for Transport requesting that the 2021 Gran Fondo event not be held within the Colac Otway Shire.**

CARRIED 7 : 0

Item: 10.11

Great Ocean Road Event Closure Guidelines community consultation

OFFICER	Tamzin McLennan
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	<ol style="list-style-type: none">1. DRAFT Great Ocean Road Event Closure Guidelines - Draft Aug 2018 - marked up copy [10.11.1 - 8 pages]2. DRAFT GOR Great Ocean Road Event Closure Guidelines - V 4 Jan 2020 - clean copy [10.11.2 - 6 pages]
PURPOSE	To seek Council's endorsement to release the draft Great Ocean Road Event Closure Guidelines for community consultation

RECOMMENDATION

That Council:

- 1. Endorses a six-week community consultation period on the draft Great Ocean Road Event Closure Guidelines.*
- 2. Determines that the draft Guidelines will be presented to a future Ordinary Council meeting for consideration, including any recommended changes arising from feedback received from the community.*
- 3. Expresses disappointment in the Department of Transport's previous delays to the Guidelines review that has necessitated a one-year extension to the current events holding permits to close the Great Ocean Road, being the Great Ocean Road Running Festival and the Gran Fondo.*
- 4. Reaffirms that it does not support the Gran Fondo event in its current format and location, as per the resolutions of Council at the December 2017 Ordinary Council Meeting (OM171312-6) and October 2018 Ordinary Council Meeting (OM182410-2).*

5. *Recommends and strongly advocates to the Department of Transport, Surf Coast Shire Council and the event organiser that the 2021 Gran Fondo event not be held within the Colac Otway Shire.*
6. *Writes to the Minister for Transport requesting that the 2021 Gran Fondo event not be held within the Colac Otway Shire.*

This item was heard en bloc with item 10.10. Please refer to the resolution under item 10.10.

Tamzin McLennan left the meeting at 7.42pm.

Item: 10.12

Interim Live Streaming of Council Meetings Policy

OFFICER	Lyndal McLean
CHIEF EXECUTIVE	Peter Brown
DIVISION	Executive
ATTACHMENTS	1. Live Streaming of Council Meetings - Interim Council Policy - April 2020 OCM agenda [10.12.1 - 4 pages]
PURPOSE	For Council to consider the adoption of the Interim Live Streaming of Council Meetings Policy.

RECOMMENDATION

That Council adopt the Interim Live Streaming of Council Meetings Policy.

ALTERNATIVE MOTION

MOVED Cr Chris Smith, SECONDED Cr Joe McCracken

That Council adopt the Interim Live Streaming of Council Meetings Policy, with the added clause "Failure to comply could lead to prosecution." to be inserted under the Use of Live Streams heading.

CARRIED 6 : 0

DIVISION

For the motion: Cr Chris Smith, Cr Joe McCracken, Cr Chris Potter, Cr Stephen Hart, Cr Brian Crook, Cr Kate Hanson, Cr Jason Schram

Against the motion: Nil

CARRIED 7 : 0

Item: 10.13

Review of Council Policy 16.3 - Investment

OFFICER	Nick Howard
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	1. 16.3 Investment Policy (Not Marked Up) [10.13.1 - 5 pages] 2. 16.3 Investment Policy (Marked Up) [10.13.2 - 6 pages]
PURPOSE	To review Council Policy 16.3 - Investment

RECOMMENDATION

That Council adopt the attached amended Council Policy 16.3 - Investment, as recommended by the Audit Committee.

MOTION

MOVED Cr Joe McCracken

That Council consider items:

- 10.13** Review of Council Policy 16.3 - Investment
- 10.14** Grants, Contributions & Sponsorship Policy

en bloc, allowing for questions for items 13 and 14.

CARRIED 7 : 0

RESOLUTION

MOVED Cr Chris Potter, **SECONDED** Cr Brian Crook

That Council adopt the recommendations from items:

10.13 *Review of Council Policy 16.3 - Investment*

10.14 *Grants, Contributions & Sponsorship Policy*

en bloc, as detailed below.

1. *That Council adopt the attached amended Council Policy 16.3 - Investment, as recommended by the Audit Committee.*

2. *That Council:*

2.1 *receives the draft Grants, Contributions & Sponsorship Policy;*

2.2 *exhibits the draft Grants, Contributions & Sponsorship Policy in line with Council's Community Engagement Policy for a period of six weeks from 24 April 2020 to 5 June 2020 to seek community feedback; and*

2.3 *considers for adoption a draft Grants, Contributions & Sponsorship Policy at a future Ordinary Council meeting.*

CARRIED 6 : 0

DIVISION

For the motion: Cr Joe McCracken, Cr Chris Potter, Cr Stephen Hart, Cr Brian Crook, Cr Kate Hanson, Cr Jason Schram

Against the motion: Cr Chris Smith

Item: 10.14

Grants, Contributions & Sponsorship Policy

OFFICER	Alison Martin
GENERAL MANAGER	Peter Brown
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. 20200312 Grants, Contributions & Sponsorship Policy Draft [10.14.1 - 3 pages]2. 6.1 Landscaping Sponsorship [10.14.2 - 3 pages]3. 6.2 Funding Advances to Community Organisations [10.14.3 - 4 pages]4. 6.3 Donations Miscellaneous Policy [10.14.4 - 2 pages]
PURPOSE	For Council's consideration of the draft Grants, Contributions & Sponsorship Policy prior to its public exhibition for community feedback

RECOMMENDATION

That Council:

1. *receives the draft Grants, Contributions & Sponsorship Policy;*
2. *exhibits the draft Grants, Contributions & Sponsorship Policy in line with Council's Community Engagement Policy for a period of six weeks from 24 April 2020 to 5 June 2020 to seek community feedback; and*
3. *considers for adoption a draft Grants, Contributions & Sponsorship Policy at a future Ordinary Council meeting.*

This item was heard en bloc with item 10.13. Please refer to the resolution under item 10.13.

Item: 10.15

Old Beechy Rail Trail Minutes and Assemblies of Councillors notes

OFFICER	Lyndal McLean
CHIEF EXECUTIVE	Peter Brown
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none"> 1. Assembly of Councillors - Colac Regional Saleyards Advisory Committee - 31 January 2020 [10.15.1 - 1 page] 2. Assembly of Councillors - Council Meeting Preparation - 26 February 2020 [10.15.2 - 1 page] 3. Assembly of Councillors - Councillor Briefing - 4 March 2020 [10.15.3 - 2 pages] 4. Assembly of Councillors - Councillor Briefing - 11 March 2020 [10.15.4 - 3 pages] 5. Assembly of Councillors - Councillor Briefing - 18 March 2020 [10.15.5 - 2 pages] 6. Assembly of Councillors - Councillor Briefing - 25 March 2020 [10.15.6 - 2 pages] 7. Assembly of Councillors - Councillor Briefing - 1 April 2020 [10.15.7 - 2 pages] 8. Old Beechy Rail Trail Committee - Meeting Minutes with attachments - 2019 28 November - Confirmed [10.15.8 - 17 pages]
PURPOSE	To report the minutes of the Old Beechy Rail Trail and report the Assemblies of Councillors.

REPORTING

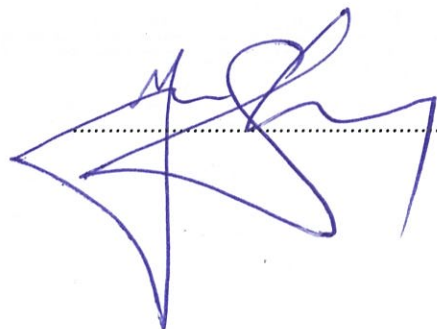
1. *The Assemblies of Councillors are reported herewith.*
2. *The Minutes of the Old Beechy Rail Trail Committee 28 November 2019 are reported herewith.*

The Local Government Act 1989 does not require a Council decision.

Cr Smith requested that his opposition to this item be noted.

The meeting was declared closed at 8.06pm.

CONFIRMED AND SIGNED at the meeting held on 27 May 2020



.....MAYOR