



Colac Otway  
SHIRE

**ORDINARY COUNCIL MEETING**

**MINUTES**

**Wednesday 23 October 2019**

**at 4:00 pm**

**COPACC**

**95 - 97 Gellibrand Street, Colac Victoria**

**Next Council Meeting: 27 November 2019**



# COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

Wednesday 23 October 2019

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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 23 October 2019 at 4:00 pm.

### MINUTES

#### **1 DECLARATION OF OPENING OF MEETING**

##### **OPENING PRAYER**

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

AMEN

#### **2 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  
Jo Grainger, Manager, People & Culture  
Maree East, Coordinator, Customer Service  
Tamara Stewart, Human Resources Project Officer  
Shellie Nicholls, Coordinator, Human Resources  
Jason Clissold, Manager, Financial Services  
Nick Howard, Coordinator, Finance  
Melanie Duvé, Corporate Planning & Reporting Officer  
Madeleine Bisits, Manager, Arts & Leisure  
Buddhima Edi, Coordinator, Assets Management  
Mark McLennan, Strategic Property Coordinator  
Frank Castles, Manager, Service and Operations  
Lee Castles, Senior Procurement and Contracts Officer



Ben McLaughlin, Coordinator, Procurement and Tenders  
Jeremy Rudd, Manager, Assets & Project Delivery  
Tamzin McLennan, COPACC Manager

### **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 are audio recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings.

Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy.

In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

Council will not use or disclose the recordings for any other purpose. It is an offence to make an unauthorised recording of the meeting.

### **5 QUESTION TIME**

A maximum of 30 minutes is allowed for question time. To ensure that each member of the gallery has the opportunity to ask questions, it may be necessary to allow a maximum of two questions from each person in the first instance. You must ask a question; if you do not ask a question you will be asked to sit down and the next person will be invited to ask a question. Question time is not a forum for public debate or statements.

#### **QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING**

**James Judd**, Colac

1. For the month of July 2019 what was the net operating expenses of the Bluewater Complex in Colac reimbursed from the Colac Otway Shire Council funds, total operating expenses less total income from users and other sponsors net of any funds paid by Council?

*Response from General Manager, Infrastructure & Leisure Services*

For the month of July 2019, Bluewater recorded a net operating expense of \$51,727.



2. Prior to the half yearly review for the six months ending 31 December 2019 does the Colac Otway Shire Council expect to know if the increased user charges at the Bluewater complex in Colac is yet reducing the net costs to Council to operate this facility, or, will another call for a prompt review of user charges be made if net cost not reducing?

*Response from General Manager, Infrastructure & Leisure Services*

Bluewater Leisure Centre undergoes a pricing adjustment once annually as part of Colac Otway Shire Council's budget process. Fees and charges will not be reviewed again until next financial year. Whilst the increases will help to cover the costs of running the centre they may not directly contribute to a reduction in Council's subsidy. Variables such as utility costs, chemical costs, maintenance costs and income from memberships, casual visits and facility bookings will all influence the subsidy amount. This means that Council cannot accurately predict what the subsidy will be for the operation of the Bluewater facility at 31 December.

3. If solar panels exposed to sunlight only are subject to temperatures of 25 degrees centigrade or over very few times in the long summer period in Colac, Victoria, Australia, how do you explain that vehicles heat up in very few minutes to very high temperatures if left in the sun even when the air temperature is low since solar panels also have some metal in them?

*Response from General Manager, Development & Community Services*

Just like vehicles on warm, sunny, summer days the panels can reach temperatures of 55-65°C. These high temperatures actually reduce the panels' yield by approximately 15%. However, this is compensated for by more sunlight hours during the summer months. There are several ways to minimize the negative effects of high temperatures on performance of solar panels which include installation of the panels on frames that allow convective air flow between the roof and the panels to cool. Such measures have been used for the solar arrays on Council's two main facilities to help ensure energy production is reliable during hot weather.

4. Have any enquiries yet been made by the Colac Otway Shire Council over the eventual development of sports grounds if land received at the Colac High School site as funds from a possible source in doubt within the next four years at least?

*Response from General Manager, Development & Community Services*

Council continues to work with the Department of Treasury and Finance and the Victorian School Building Authority on acquisition of the former Colac High School site. No discussions on the development of the site can be meaningfully held until Council knows how much land will be acquired.

5. In the 2018-2019 financial year other than included in disclosed payments to Councillors, did the Colac Otway Shire Council pay or accrue any defined benefits tax payable to the Australian Taxation Office on any outlays to benefit directly or indirectly any Councillor?

*Response from General Manager, Corporate Services*

No

6. Since the Mayor for the Colac Otway Shire Council was elected in 2018 for a 12 month term, plus no notice given that term to be extended, when will the Mayoral election for the period

up until the 2020 Council elections and the appointments to all committees be held, as the Mayor's term expires prior to the November 2019 Council Meeting being held?

***Response from Manager, Governance & Communications***

The Special Council meeting at which the election of the Mayor is to take place has been scheduled for Wednesday 13 November 2019 and is to be advertised in due course. The appointments of Councillors to committees will form part of the agenda for November Ordinary Council meeting.

**QUESTIONS RECEIVED VERBALLY AT THE MEETING**

**Dieter Wessner, Colac**

According to the agenda we had a surplus of \$6 million plus. Why was it necessary to ask the seniors for the James Blundell concert \$15 when other councils in the region either paid in full or asked for a donation? One council put a lunch in.

***Response from General Manager, Infrastructure & Leisure Services***

Thank you for the question. I will take the question on notice. One of the things that I'll need to do is to understand whether that was an event that was organised and sponsored by Council or, sometimes particular artists simply hire our venue and then charge an admission price. I will do some benchmarking on how other shires approach these sort of issues.

**Marjorie Hamilton, Colac**

1. Part of my question is to the Mayor, Councillors and Mr Seuren – he is well aware. Part of the question has been answered so my question is at what stage you're at in acquisition of the High School land for open space / sport and recreation comprising of the 2.5 hectares been gifted plus the 4 acres that was gifted by Council as deed of gift – no payment – to the Department of DET? This totalled 6.5 hectares. (Excuse me if I say acres.) As the Department received this land at no cost – the Lady Franklin Farm – to Council for open space and it was only used for secondary school sporting facility until it closed, why do we have to purchase that 4 acres again?

***Response from General Manager, Development & Community Services***

A number of years ago it was established that the land is owned by the State Government, even though back in 1908/1909 there was a contribution from the local community. We did advocate to the State Government over a period of time and they were quite adamant that it wasn't the community's land, it was State Government land. So hence we did work through a process of trying to acquire some of the land or all of the land. They've agreed to give us 30% but the rest we would need to purchase.

2. Who has the titles for the land in question? You've got the drawings on the agenda sheet: the yellow, the green and the blue, or the yellow, blue and green. Where are the titles for this land up there at the High School? Who has the titles?



***Response from General Manager, Development & Community Services***

The Victorian Government because it's their land.

**3. Can you get those titles? A copy of those titles?**

***Response from General Manager, Development & Community Services***

Yes, we can ask the question.

**4. Mr Seuren, you said (via an email) they were wanting the Council to buy the High School itself. Why were you concerned about contamination when you have three sporting organisations with junior and senior competitors plus spectators on a toxic rubbish tip, for example, the Eastern Reserve: methane gas, lead, paint tins, oil; all that is toxic. Yet you've still got those sporting facilities still down there.**

***Response from General Manager, Development & Community Services***

Eastern Reserve, as you would probably be aware, was a former landfill site that has been capped. That cap meets the requirements of the EPA so you can use it for a range of purposes. In terms of the former High School site, it is open land and there is some contamination there. It is quite minor but if we were going to use that – rezone it for Public Open Space - there needs to be some auditing undertaken to make sure that's clear for use for whatever purpose, whether it's children in a playground or a childcare centre, or whatever it might be.

***Response from the Mayor***

Very good. I'm sure Mr Seuren will be available at some stage for a one-on-one meeting.

**Graham Howard, Colac East**

**1. This has only come to my attention again this morning. The situation is that for the last three years I've been trying to get it fixed up between the back of my house along Flaxmill Road and I've been told that VicRoads are going to move in and plant it out with groundcover in the next week or two, which I'm totally against. It harbours snakes and rats and mice and everything else along that area. I've offered – and have done it for 15 years prior to this work going on – and I've mowed it and maintained it for the Shire Council free of charge and time and I want to know what's going to be done about it?**

Cr Schram left the meeting at 4:19pm due to a conflict of interest.  
Cr McCracken assumed the role of Chair.

I'd just like clarification. I believe some of the Shire workers went against or supported me with not getting this planted out and the other problem is (why I'm sticking to it) the road is extremely dangerous. Now VicRoads tell us it's safe but it's not. Even going back to this morning, we had fog and you cannot see as you're trying to get out the gateway. It's a few seconds that we've got to get out the gateway and we cannot get out. I want to know whether the Shire is going to support us in getting this problem fixed or are we going to have to sell the place which is already on the market to get out of it?



### *Response from General Manager, Infrastructure & Leisure Services*

The works that Mr Howard is referring to is part of a VicRoads project. I will take the question generally on notice but what I will say is that we have been in discussions with VicRoads and Mr Howard for a period of time. What I'll need to do is come up to speed as to exactly where VicRoads are at in that process.

2. The situation is that Mr McGann knows that there is a major problem there and as I said we've been asking for three years to have this rectified. The situation is there was a bloke from VicRoads at my property, or two of them this morning, and he says there is going to be groundcover placed there. As I said, it is not practical; it is not safe. It is not safe to do it because I got it that steep nobody can mow it and we've got snakes that are going to live under there – and I must admit there are Tiger snakes because we've had them around the house. I'm not sure what year it was... We had a chap from the Council who came out and he cleaned it up with my help along there and we mowed it every two to three weeks, or even this time of year every week. And I didn't only mow the back piece along Flaxmill's Road or Marriner Street – whichever it was called at that time. I used to mow that from there down to the Beeac corner free of charge: my tractor, my fuel, my time and that was done three or four times in a row. I even spoke to the Council about it and they were talking about wanting to keep the entrance to the town nice and clear and tidy, which I was doing. So I want to know why are the Council or the Council employees going to let VicRoads plant this groundcover and cause another fire hazard and a problem?

### *Response from the Chief Executive*

Thank you Mr Howard for your question. A number of officers have been out to visit your property. Mr Rudd, I know, has been; Mr McGann, I believe has been; I've been. I also understand Councillors have been to your property. We've written to VicRoads a number of times. I understand that the problem, or the issue that you have, is between you and VicRoads and that there is not one issue but there are a couple and one of them is related to plantings but the other is related to access onto the road.

We've taken those matters up with VicRoads and really it is their issue. It's something that Council has limited ability to affect but we have made a considerable effort to understand your issue and take those matters up with VicRoads. Mr McGann has offered to do that again and we will do that. I guess it has to be clear that we have put significant resources into trying to help you with this issue that is between you and VicRoads.

Yes, I understand that very well but this is the problem. We are having awful trouble trying to get anywhere with VicRoads and you know it and there's a lot of other people who are in the same boat. And it looks like – it sounds like – to me after this morning it will finish up in a court matter, unfortunately. That's the way it will have to go.

3. The other problem I've noticed at the moment since we've come home from holidays is the cutting through where they've done this what-do-you-call-it fancy-name gabion wall or whatever. On the north side it's up so high; on the south side it's up about the same height but then you've got the road that goes that much higher and there's rocks falling off that over the gabion wall down onto the road. Who's going to be responsible for that type of thing if there's an accident with the stones because I had a small accident several years ago down on the Shire road where there was a stone left on the road and my machinery hit the road and I was told I couldn't make a claim because it was under \$1,000.

***Response from the Deputy Mayor***

So your question was “who’s responsible”?

**Who’s going to be responsible if stones fall off that south side of the gabion wall which I believe – and I have seen – some has fallen off it?**

***Response from General Manager, Infrastructure & Leisure Services***

Thank you for the question. I wasn’t aware that that problem was occurring, in terms of rock falls in that area. The answer to the question as to who carries liability for that road is quite simple; that would be VicRoads because it’s a highway.

**Right, I accept that but as I say, if it’s like what I’m going through at the moment, it’s going to be fun. Thank you.**

**The Mayor returned to the meeting at 4:26pm and resumed the chair.**

**Yvonne Francis, Apollo Bay**

1. **I’ve got a bit of a jumble of a question here about the harbour in Apollo Bay. Are the harbour co-op members liable to pay rates for conducting a restaurant on the so-called whale-watching platform considering that the Council is going to continue to manage the harbour for another few years, and \$12 million has been secured from the Geelong City Deal for far more than jetty and infrastructure repairs? It’s not really just a resource for the fishing industry, is it, when really we need so much more attention to other local roads, drains and toilets and other infrastructure so crucial to the survival of our town?**

***Response from the Mayor***

If we could answer the first one, on does the co-op need to pay rates or need a permit or something to use the whale watching platform out the front of their restaurant?

***Response from General Manager, Corporate Services***

Being a rates question, it’s probably a little technical so I’d like to take that on notice and check out the complexities around that.

***Response from the Mayor***

Okay, you’ll take on notice. Can you also find out for Ms Francis if they need a permit? I know street furniture and things need a permit.

***Response from General Manager, Development & Community Services***

Just to clarify, I’m not sure about the rates question but they certainly pay a commercial lease fee. They’ve got a lease and a licence for that area and they do pay a fee to Council to utilise that area. Part of the City Deal funding is to redevelop the Co-op but that’s only a component of that funding. The rest of the funding will be to develop the broader harbour precinct.



***Response from the Mayor***

If you could just add a few things, like Mother's Beach toilet, walking track, if you know them off-hand?

***Response from General Manager, Infrastructure & Leisure Services***

That would be things like a permanent toilet at Mother's Beach, sealing the Mother's Beach carpark, relocating the port depot out of what is now prime real estate, into that Mother's Beach carpark area, improved pedestrian access between the township and the harbour, and upgrade of road access between the Great Ocean Road and the harbour itself.

***Response from the Mayor***

Is any of that information readily available? Does the Shire have a fact sheet on what's going on that could be either presented to Ms Francis or the Apollo Bay community, or directed to a website?

***Response from General Manager, Infrastructure & Leisure Services***

That's a very good question. I'm not sure if it's currently on the website but if it's not we'll take action to get some information there as soon as we can.

2. **Would the Colac Otway Shire please elaborate on the actions it plans to take over the next three years to warn riders of motorcycles and drivers of vehicles when they're using the road that connects the residents of Apollo Bay, Marengo and Skenes Creek to vital services like this Council's office... and the office in Apollo Bay was closed very early today and I wasn't able to get a copy of the agenda. I mean, these creatures need to be protected from traffic but people also need to be warned that they're there. I've seen so many echidnas actually injured, wallabies have proliferated due to chopping out forests along the electricity supply routes and today I saw a koala wandering across a blind corner. All these things constitute enormous hazards to drivers and riders of motorcycles. And secondly, why have the iconic beech trees in the Otway forests virtually died out, and what steps have been taken to stop trucks and bulldozers spreading *phytophthora cinnamoni* fungal disease on their tracks?**

***Response from the Mayor***

I think there are two parts to that question?

There are – at least two.

***Response from the Mayor***

What are we doing about signage on roads to warn motorbike riders; then, what are we doing about the beech tree rot?

***Phytophthora (it's hard to say) cinnamoni in the beech trees – myrtle beeches.***



***Response from General Manager, Infrastructure & Leisure Services***

There's a few components there. My understanding now is that in terms of obtaining agendas for meetings and so forth the place to go for that is the GORVIC office on the foreshore. So that service is not provided out of the Nelson Street property any more.

The second issue: what I'd like to do there in terms of signage on the Great Ocean Road is perhaps for council staff to meet with Ms Francis to discuss those issues. Signage on the Great Ocean Road, of course, is a VicRoads issue but I'd just like to get a better understanding of what the issues are and then we can possibly advocate to VicRoads on that.

***Response from the Mayor***

Thank you. Mr Seuren, on the fungus disease affecting the myrtle beeches of the semi rain-forest in the Otways?

***Response from General Manager, Development & Community Services***

Look, that's the first I've heard of that issue Ms Francis so we'll have to take your question on notice but I'm not sure it's a Council responsibility.

Thank you. I'd just like to add that you are the local government authority and should be advising bodies like VicRoads and National Parks about these issues because huge bodies like that can't be aware of all the minor problems. And the road I was referring to was, in particular, the Apollo Bay to Colac through Forrest Road, not the Great Ocean Road.

**Belinda Stewart, Birregurra**

I'd like to ask a question about road permits with respect to the current sessional logging permit on Wickham's Lane. Does Council have a current, endorsed traffic management plan? That is my question, as I have very serious concerns for the safety of the road users on Wickham's Road and adjoining roads. I personally use the road on a daily basis and it is extremely dangerous, narrow and have had very close encounters with log trucks. I'd like to see this closely scrutinised before there is a really serious incident.

***Response from the Mayor***

Can I just clarify – is it Wickham's Lane or Road? Is it Barwon Downs?

It's Murroon. It's on the edge of Pennyroyal.

***Response from General Manager, Infrastructure & Leisure Services***

Thank you for pointing that out. I'm not sure what permits and so forth have been issued for that operation so I will take that on notice and respond to Ms Stewart in the next couple of days.

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

Nil

## 7 PETITIONS / JOINT LETTERS

Nil

## 8 DECLARATIONS OF INTEREST

Cr Jason Schram	Question Time
Nature of Disclosure	Direct Interest
Type of interest	Section 77B
Nature of interest	Question from Graham Howard regarding landscape work by VicRoads my company is engaged to carry out.

Cr Stephen Hart	Item 10.2 - Priority Projects - Recommendation 2 of the Revised Officer Recommendation
Nature of Disclosure	Indirect Interest
Type of interest	Section 78E
Nature of interest	Lavers Hill to Crowes and Melba Gully Trail would run along the front of my home property. It may affect my residential amenity.

## 9 CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on 25 September 2019.

### RESOLUTION

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

*That Council confirm the minutes of the Ordinary Council Meeting held on 25 September 2019.*

**CARRIED 6 : 1**

**Item: 10.1**

**Annual Report 2018/19**

<b>OFFICER</b>	Melanie Duve
<b>GENERAL MANAGER</b>	Peter Brown
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	1. Final Annual Report 2018 - 2019 v 10 20190930 [10.1.1 - 172 pages]
<b>PURPOSE</b>	To note the 2018-2019 Annual Report as submitted to the Minister for Local Government.

**RESOLUTION**

*MOVED Cr Stephen Hart, SECONDED Cr Brian Crook*

*That Council notes the Colac Otway Shire Annual Report 2018-19.*

**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*

Mark McLennan attended the meeting at 4.38pm.  
Madeleine Bisits left the meeting at 4.50pm.  
Madeleine Bisits returned to the meeting at 4.52pm.  
Frank Castles attended the meeting at 5.43pm.  
Lee Castles attended the meeting at 5.09pm.  
Melane Duvé left the meeting at 5.12pm.



## Item: 10.2 Priority Projects

<b>OFFICER</b>	Alison Martin
<b>GENERAL MANAGER</b>	Peter Brown
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	Nil
<b>PURPOSE</b>	To seek Council endorsement of its Priority Projects

Cr Stephen Hart	Item 10.2 - Priority Projects - Recommendation 2 of the Revised Officer Recommendation
Nature of Disclosure	Indirect Interest
Type of interest	Section 78E
Nature of interest	Lavers Hill to Crowes and Melba Gully Trail would run along the front of my home property. It may affect my residential amenity.

### RECOMMENDATION

*That Council adopt the following Priority Projects which guide the strategic advocacy of the Council in its engagement with the State Government, Federal Government and the community in line with the Council Plan 2017-21.*

Funding Priorities	Council Plan
Reclaiming Water for Regional Economic Development – Economic Feasibility & Cost Benefit Analysis	Our Prosperity
Lake Colac Foreshore Master Plan Implementation	Our Prosperity, Our Places, Our Community
Colac & Apollo Bay Residential Housing Strategy	Our Prosperity, Our Community
Colac Integrated Water Cycle Management Plan (Irrewillipe Road Basin)	Our Places
Elliminyt Recreation Reserve Master Plan Implementation	Our Community
COS Tourism & Parking Strategy Implementation	Our Prosperity, Our Places
Memorial Square Master Plan Implementation	Our Prosperity, Our Community
Strategic Local Roads Upgrades and Maintenance	Our Places
Former Colac High School Site Master Plan & Implementation	Our Places, Our Community
Western Reserve Master Plan & Implementation	Our Community
Birregurra Recreation Reserve Lighting and Pavilion	Our Community
Joint G21 Councils Energy Efficient Lighting	Our Places, Our Leadership & Management
Colac 2050 Development Planning	Our Places
Large Solar Array Investigation (Bruce St)	Our Places, Our Leadership & Management
Apollo Bay Harbour Development (completion)	Our Prosperity
Apollo Bay Early Years Hub	Our Community
Forrest Common Master Plan Implementation	Our Community
Port of Apollo Bay Renewal	Our Prosperity, Our Places
Forrest Mountain Bike Trail Strategy Implementation	Our Prosperity
Urban Forest Strategy Implementation	Our Places
Local Coastal Hazard Assessment (Stage 2)	Our Places
Colac Bypass Cost Benefit Analysis	Our Prosperity
Colac to Cororooke Shared Path Feasibility	Our Places
Colac CBD & Entrances Strategy Implementation (Corangamite to Armstrong St)	Our Prosperity, Our Places
Apollo Bay Senior Citizens Centre Upgrade	Our Community
Lavers Hill to Crowes and Melba Gully Trail Plan Implementation	Our Places



Advocacy Priorities	Responsible Authority	Council Plan
Increased Commuter Rail Services and Fast Rail	DoT	Our Prosperity, Our Leadership & Management
Forrest Wastewater Improvements	Barwon Water/COS/RDV	Our Prosperity, Our Places
Blue Church Corner Upgrade	RRV	Our Places
Improved Digital Access for Schools G21 Priority	DET	Our Community
Colac Specialist School Business Case	DET	Our Community
Colac WEB Project	DELWP	Our Places
Colac & Apollo Bay Accommodation	DELWP/RDV/DHHS	Our Prosperity
GROW (Addressing Disadvantage) G21 Priority	DHHS/RDV	Our Community
Arterial Road Network Upgrades and Maintenance	RRV	Our Places, Our Leadership & Management
Princes Highway West Upgrade (Colac to SA Border)	RRV	Our Places
Colac Area Health Emergency Department Upgrade	DHHS	Our Community
Colanda Centre Future Land Use Plan	DHHS	Our Prosperity, Our Community
Mobile Phone Blackspots	Department of Communications and the Arts/Telstra	Our Prosperity, Our Places
Great Ocean Road Authority Head Office	DELWP/GOR Authority	Our Prosperity, Our Leadership & Management
Forrest Fire Refuge	DELWP	Our Places
Armstrong Street-Murray Street Intersection - safety improvement/traffic lights	RRV	Our Places, Our Community

	<b>Legend</b> PP = Partnership Project PV = Parks Victoria DELWP = Department of Land, Water & Planning BW = Barwon Water RDV = Regional Development Victoria DoT = Department of Transport DET = Department of Education DHHS = Department of Health and Human Services DCA = Department of Communications and the Arts (Federal)
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## REVISED OFFICER RECOMMENDATION

### RECOMMENDATION 1

**MOVED Cr Joe McCracken, SECONDED Cr Kate Hanson**

***That Council adopt the following Priority Projects which guide the strategic advocacy of the Council in its engagement with the State Government, Federal Government and the community in line with the Council Plan 2017-21.***

Funding Priorities	Council Plan
Reclaiming Water for Regional Economic Development – Economic Feasibility & Cost Benefit Analysis	Our Prosperity
Lake Colac Foreshore Master Plan Implementation	Our Prosperity, Our Places, Our Community
Colac & Apollo Bay Residential Housing Strategy	Our Prosperity, Our Community
Colac Integrated Water Cycle Management Plan (Irrewillipe Road Basin)	Our Places
Elliminyt Recreation Reserve Master Plan Implementation	Our Community
COS Tourism & Parking Strategy Implementation	Our Prosperity, Our Places
Memorial Square Master Plan Implementation	Our Prosperity, Our Community
Strategic Local Roads Upgrades and Maintenance	Our Places
Former Colac High School Site Master Plan & Implementation	Our Places, Our Community
Western Reserve Master Plan & Implementation	Our Community
Birregurra Recreation Reserve Lighting and Pavilion	Our Community
Joint G21 Councils Energy Efficient Lighting	Our Places, Our Leadership & Management
Colac 2050 Development Planning	Our Places
Large Solar Array Investigation (Bruce St)	Our Places, Our Leadership & Management
Apollo Bay Harbour Development (completion)	Our Prosperity
Apollo Bay Early Years Hub	Our Community
Forrest Common Master Plan Implementation	Our Community
Port of Apollo Bay Renewal	Our Prosperity, Our Places
Forrest Mountain Bike Trail Strategy Implementation	Our Prosperity
Urban Forest Strategy Implementation	Our Places
Local Coastal Hazard Assessment (Stage 2)	Our Places
Colac Bypass Cost Benefit Analysis	Our Prosperity
Colac to Cororooke Shared Path Feasibility	Our Places
Colac CBD & Entrances Strategy Implementation (Corangamite to Armstrong St)	Our Prosperity, Our Places
Apollo Bay Senior Citizens Centre Upgrade	Our Community

Advocacy Priorities	Responsible Authority	Council Plan
Increased Commuter Rail Services and Fast Rail	DoT	Our Prosperity, Our Leadership & Management

Advocacy Priorities	Responsible Authority	Council Plan
Forrest Wastewater Improvements	Barwon Water/COS/RDV	Our Prosperity, Our Places
Blue Church Corner Upgrade	RRV	Our Places
Improved Digital Access for Schools G21 Priority	DET	Our Community
Colac Specialist School Business Case	DET	Our Community
Colac WEB Project	DELWP	Our Places
Colac & Apollo Bay Accommodation	DELWP/RDV/DHHS	Our Prosperity
GROW (Addressing Disadvantage) G21 Priority	DHHS/RDV	Our Community
Arterial Road Network Upgrades and Maintenance	RRV	Our Places, Our Leadership & Management
Princes Highway West Upgrade (Colac to SA Border)	RRV	Our Places
Colac Area Health Emergency Department Upgrade	DHHS	Our Community
Colanda Centre Future Land Use Plan	DHHS	Our Prosperity, Our Community
Mobile Phone Blackspots	Department of Communications and the Arts/Telstra	Our Prosperity, Our Places
Great Ocean Road Authority Head Office	DELWP/GOR Authority	Our Prosperity, Our Leadership & Management
Forrest Fire Refuge	DELWP	Our Places
Armstrong Street-Murray Street Intersection - safety improvement/traffic lights	RRV	Our Places, Our Community

	<b>Legend</b> PP = Partnership Project PV = Parks Victoria DELWP = Department of Land, Water & Planning BW = Barwon Water RDV = Regional Development Victoria DoT = Department of Transport DET = Department of Education DHHS = Department of Health and Human Services DCA = Department of Communications and the Arts (Federal)
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**CARRIED 5 : 2**

#### **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

**CARRIED 6 : 1**



Having declared a conflict of interest, Cr Stephen Hart adjourned from the meeting at 5.41pm and did not take part in debate nor vote on Recommendation 2.

## **RECOMMENDATION 2**

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

*That Council adopt the following Priority Project as the last item on the funding list which guide the strategic advocacy of the Council in its engagement with the State Government, Federal Government and the community in line with the Council Plan 2017-21.*

Funding Priorities	Council Plan
Lavers Hill to Crowes and Melba Gully Trail Plan Implementation	Our Places

**CARRIED 5 : 1**

## **DIVISION**

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

*Against the motion: Cr Chris Smith*

Cr Stephen Hart returned to the meeting at 5.46pm.

Ben McLaughlin attended the meeting at 5.17pm.

Tony McGann left the meeting at 5.41pm.

Ian Seuren left the meeting at 5.41pm.

Tony McGann returned to the meeting at 5.43pm.

Ian Seuren returned to the meeting at 5.43pm.

The meeting adjourned for a short break at 5.45pm.

The meeting resumed at 5.50pm.



**Item: 10.3**

**Apollo Bay Pool Funding Agreement**

<b>OFFICER</b>	Madeleine Bisits
<b>GENERAL MANAGER</b>	Tony McGann
<b>DIVISION</b>	Infrastructure & Leisure Services
<b>ATTACHMENTS</b>	1. APPENDIX 1 APOLLO BAY AQUATIC CENTRE Funding Agreement KEY TERMS final 15.10.19 [10.3.1 - 2 pages]
<b>PURPOSE</b>	To endorse the new Funding Agreement for the Apollo Bay Pool.

**RESOLUTION**

*MOVED Cr Stephen Hart, SECONDED Cr Chris Potter*

*That Council:*

- 1. Endorse the Apollo Bay Pool Funding Agreement.*
- 2. In accordance with section 190 of the Local Government Act 1989, authorise the Chief Executive to execute the agreement on behalf of Council, affixing the Common Seal of Colac Otway Shire Council to the agreement.*
- 3. Make the Key Terms of the Funding Agreement public.*
- 4. Agree to release \$15,000 out of the \$100,000 operational allocation for 2019/20 to the Apollo Bay P-12 School Council, one month prior to the estimated date of Practical Completion of the works, to assist with preparation of operational set up of the upgraded facility.*

**CARRIED 7 : 0**

Jeremy Rudd attended the meeting at 5.52pm.  
Tamzin McLennan left the meeting at 5.59pm.  
Jason Clissold left the meeting at 5.59pm.  
Nick Howard left the meeting at 5.59pm.  
Madeleine Bisits left the meeting at 5.59pm.

**Item: 10.4**

**CON 1953 - Provision of Cleaning Services**

<b>OFFICER</b>	Mark McLennan
<b>GENERAL MANAGER</b>	Tony McGann
<b>DIVISION</b>	Infrastructure & Leisure Services
<b>ATTACHMENTS</b>	Nil
<b>PURPOSE</b>	To approve and award Contract 1953 - Cleaning Services.

**RECOMMENDATION**

*That Council:*

- 1. Awards Contract 1953 - Cleaning Services, to Bluegum Services Group Pty Ltd at the lump sum price referred to in the confidentially distributed document pertaining to this contract.*
- 2. Authorises the Chief Executive to sign the contracts following award of Contract 1953.*
- 3. Requests that the Chief Executive ensures the contract price is listed on Council's website once steps listed in point 2 have been completed.*

**ALTERNATIVE MOTION**

**MOVED Cr Chris Smith**

*That Council:*

- 1. Awards Contract 1953 - Cleaning Services, to Colac Cleaning Services Pty Ltd at the lump sum price referred to in the confidentially distributed document pertaining to this contract.*
- 2. Authorises the Chief Executive to sign the contracts following award of Contract 1953.*
- 3. Requests that the Chief Executive ensures the contract price is listed on Council's website once steps listed in point 2 have been completed.*

**LAPSED due to no seconder**



## **MOTION**

**MOVED Cr Chris Smith**

*That this item be heard as the last item of today's Council meeting.*

**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*

## **RECOMMENDATION**

*That Council:*

- 1. Awards Contract 1953 - Cleaning Services, to Bluegum Services Group Pty Ltd at the lump sum price referred to in the confidentially distributed document pertaining to this contract.*
- 2. Authorises the Chief Executive to sign the contracts following award of Contract 1953.*
- 3. Requests that the Chief Executive ensures the contract price is listed on Council's website once steps listed in point 2 have been completed.*

## **AMENDMENT**

**MOVED Cr Chris Smith**

*That a fourth point be added to read:*

- 4. Awards Contract 1953 – Cleaning Services to Bluegum Services Group Pty Ltd for a period of 1 year, plus 1 year option.*

## **MOTION**

**MOVED Cr Joe McCracken**

*That this amendment be put.*

*Cr Joe McCracken withdrew this motion*

*The Mayor ruled the AMENDMENT out of order as the RECOMMENDATION had not been moved or seconded.*

## **RECOMMENDATION**

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

**That Council:**

- 1. Awards Contract 1953 - Cleaning Services, to Bluegum Services Group Pty Ltd at the lump sum price referred to in the confidentially distributed document pertaining to this contract.**
- 2. Authorises the Chief Executive to sign the contracts following award of Contract 1953.**
- 3. Requests that the Chief Executive ensures the contract price is listed on Council's website once steps listed in point 2 have been completed.**

## **AMENDMENT**

**MOVED Cr Chris Smith**

**That a fourth point be added to read:**

- 4. Awards Contract 1953 – Cleaning Services to Bluegum Services Group Pty Ltd for a period of 1 year, plus 1 year option.**

**LAPSED due to no seconder**

## **RESOLUTION**

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

**That Council:**

- 1. Awards Contract 1953 - Cleaning Services, to Bluegum Services Group Pty Ltd at the lump sum price referred to in the confidentially distributed document pertaining to this contract.**
- 2. Authorises the Chief Executive to sign the contracts following award of Contract 1953.**
- 3. Requests that the Chief Executive ensures the contract price is listed on Council's website once steps listed in point 2 have been completed.**

**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**



**Peter Brown left the meeting at 6.35pm.**

**Peter Brown returned to the meeting at 6.35pm.**

**Mark McLennan left the meeting at 6.41pm.**

**Lee Castles left the meeting at 6.41pm.**

**Cr Jason Schram left the meeting at 6.41pm.**

**The meeting adjourned for a short break at 6.41pm.**

**The meeting resumed at 6.44pm.**

**Cr Joe McCracken Chaired for the remainder of the meeting.**

**Item: 10.5**

**Contract 1956 - 2019/2020 Roadside Drainage Works Programme**

<b>OFFICER</b>	John Wilson
<b>GENERAL MANAGER</b>	Tony McGann
<b>DIVISION</b>	Infrastructure & Leisure Services
<b>ATTACHMENTS</b>	Nil
<b>PURPOSE</b>	To consider tenders received for Contract 1956 – 2019/2020 Roadside Drainage Works Programme

**RECOMMENDATION**

*That Council:*

- 1. Awards Contract 1956 – 2019/2020 Roadside Drainage Works Programme to Bailey, Roger, at the lump sum price referred to in the confidentially distributed document pertaining to this contract.*
- 2. Authorises the Chief Executive to sign the contracts following award of Contract 1956 – 2019/2020 Roadside Drainage Works Programme.*
- 3. Requests that the Chief Executive ensures the contract price is listed on Council's website once steps listed in point 2 have been completed.*

**MOTION**

**MOVED Cr Chris Potter**

*That Council considers items:*

**10.5 - Contract 1956 - 2019/2020 Roadside Drainage Works Programme**

**10.6 - Contract 2016 - Provision of Labour Hire Services**

*en bloc, allowing for questions for items 5 and 6.*



**CARRIED 4 : 2**

**DIVISION**

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

*Against the motion: Cr Chris Smith, Cr Stephen Hart*

**RESOLUTION**

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

*That Council adopt the recommendations from items:*

*10.5 - Contract 1956 - 2019/2020 Roadside Drainage Works Programme*

*10.6 - Contract 2016 - Provision of Labour Hire Services*

*en bloc, as detailed below.*

**1. That Council:**

- 1.1 Awards Contract 1956 – 2019/2020 Roadside Drainage Works Programme to Bailey, Roger, at the lump sum price referred to in the confidentially distributed document pertaining to this contract.*
- 1.2 Authorises the Chief Executive to sign the contracts following award of Contract 1956 – 2019/2020 Roadside Drainage Works Programme.*
- 1.3 Requests that the Chief Executive ensures the contract price is listed on Council's website once steps listed in point 2 have been completed.*

**2. That Council:**

- 2.1 Awards Contract Contract 2016 – Provision of Labour Hire Services, for a period of one year with the option of an extension of two years, to Comensura Pty Limited at the prices referred to in the confidentially distributed document pertaining to this contract.*
- 2.2 Authorises the Chief Executive to sign the contracts following award of Contract Contract 2016 – Provision of Labour Hire Services.*

**CARRIED 5 : 0**

**DIVISION**

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

*Against the motion: Nil*

*Abstain: Cr Chris Smith*

Cr Chris Smith requested that it be noted that he abstained from this vote due to his democratic right being disallowed.

**Item: 10.6**

**Contract 2016 - Provision of Labour Hire Services**

<b>OFFICER</b>	Ben McLaughlin
<b>GENERAL MANAGER</b>	Errol Lawrence
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	Nil
<b>PURPOSE</b>	To recommend the neutral vendor managed service through the Municipal Association of Victoria (MAV) for temporary labour hire services.

**RECOMMENDATION**

***That Council:***

- 1. Awards Contract 2016 – Provision of Labour Hire Services, for a period of one year with the option of an extension of two years, to Comensura Pty Limited at the prices referred to in the confidentially distributed document pertaining to this contract.***
- 2. Authorises the Chief Executive to sign the contracts following award of Contract 2016 – Provision of Labour Hire Services.***

***This item was considered en bloc with item 10.5. Please refer to the resolution under item 10.5.***



Item: 10.7

## Council Meeting and Planning Committee Meeting Dates 2020

<b>OFFICER</b>	Lyndal McLean
<b>CHIEF EXECUTIVE</b>	Peter Brown
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	Nil
<b>PURPOSE</b>	To confirm the scheduling of Ordinary Council meetings and Planning Committee meetings for 2020.

### RESOLUTION

*MOVED Cr Kate Hanson, SECONDED Cr Chris Potter*

*That Council:*

- confirms the meeting dates and venues for Ordinary Council meetings for 2020 at 4pm as follows:*

• <i>Wednesday, 29 January 2020</i>	<i>COPACC, Colac</i>
• <i>Wednesday, 26 February 2020</i>	<i>COPACC, Colac</i>
• <i>Wednesday, 25 March 2020</i>	<i>Apollo Bay Senior Citizens' Centre</i>
• <i>Wednesday, 22 April 2020</i>	<i>COPACC, Colac</i>
• <i>Wednesday, 27 May 2020</i>	<i>COPACC, Colac</i>
• <i>Wednesday, 24 June 2020</i>	<i>COPACC, Colac</i>
• <i>Wednesday, 22 July 2020</i>	<i>COPACC, Colac</i>
• <i>Wednesday, 26 August 2020</i>	<i>COPACC, Colac</i>
• <i>Wednesday, 16 September 2020</i>	<i>Apollo Bay Senior Citizens' Centre</i>
• <i>Wednesday, 25 November 2020</i>	<i>COPACC, Colac</i>
• <i>Wednesday, 16 December 2020</i>	<i>COPACC, Colac</i>

2. *confirms that meeting dates and venues for the Planning Committee meetings for 2020 to commence at 4pm as follows:*

- |                                      |                      |
|--------------------------------------|----------------------|
| • <i>Wednesday, 12 February 2020</i> | <i>COPACC, Colac</i> |
| • <i>Wednesday, 11 March 2020</i>    | <i>COPACC, Colac</i> |
| • <i>Wednesday, 8 April 2020</i>     | <i>COPACC, Colac</i> |
| • <i>Wednesday, 13 May 2020</i>      | <i>COPACC, Colac</i> |
| • <i>Wednesday, 10 June 2020</i>     | <i>COPACC, Colac</i> |
| • <i>Wednesday, 8 July 2020</i>      | <i>COPACC, Colac</i> |
| • <i>Wednesday, 12 August 2020</i>   | <i>COPACC, Colac</i> |
| • <i>Wednesday, 9 September 2020</i> | <i>COPACC, Colac</i> |
| • <i>Wednesday, 18 November 2020</i> | <i>COPACC, Colac</i> |
| • <i>Wednesday, 9 December 2020</i>  | <i>COPACC, Colac</i> |

**CARRIED 5 : 1**

#### **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*



**Item: 10.8**

**Authorisation of an Officer under the Planning and Environment Act 1987**

<b>OFFICER</b>	Maree Powell
<b>GENERAL MANAGER</b>	Errol Lawrence
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	1. Authorisation - Simon Hunnam - Planning & Environment Act [10.8.1 - 1 page]
<b>PURPOSE</b>	For Council to appoint Simon Hunnam, Compliance Officer, as an authorised officer.

**RESOLUTION**

*MOVED Cr Chris Potter, SECONDED Cr Brian Crook*

*That Council:*

- 1. Appoints Simon Hunnam, Compliance Officer, as an authorised officer pursuant to section 147(4) of the Planning and Environment Act 1987.*
- 2. Notes that the Instrument of Appointment and Authorisation comes into force immediately the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it.*
- 3. Delegates to the Chief Executive authority to sign and place under Council Seal the Instrument of Appointment and Authorisation.*

**CARRIED 5 : 1**

**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*

**Item: 10.9**

**Assembly of Councillors**

<b>OFFICER</b>	Lyndal McLean
<b>CHIEF EXECUTIVE</b>	Peter Brown
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Assembly of Councillors - Council Meeting Preparation - 25 September 2019 [<b>10.9.1</b> - 2 pages]</li><li>2. Assembly of Councillors - Councillor Briefing - 2 October 2019 [<b>10.9.2</b> - 2 pages]</li><li>3. Assembly of Councillors - Councillor Briefing - 9 October 2019 [<b>10.9.3</b> - 3 pages]</li><li>4. Assembly of Councillors - Planning Meeting Preparation - 9 October 2019 [<b>10.9.4</b> - 1 page]</li></ol>
<b>PURPOSE</b>	To report the Assemblies of Councillors

**REPORTING**

*The Assemblies of Councillors are reported to Council herewith.*

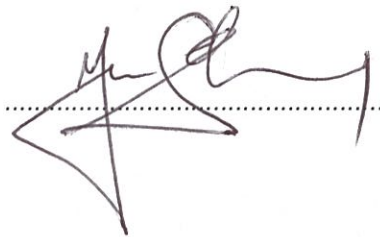
*The Local Government Act 1989 does not require a Council decision.*

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



*The meeting was declared closed at 7.08pm.*

*CONFIRMED AND SIGNED at the meeting held on 27 November 2019.*

.....MAYOR