



ORDINARY COUNCIL MEETING

MINUTES

Wednesday 26 May 2021

at 4:00 PM

Apollo Bay Senior Citizens' Centre

Whelan Street, Apollo Bay

Next Council Meeting: 24 June 2021



COLAC OTWAY SHIRE COUNCIL MEETING

Wednesday 26 May 2021

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COLAC OTWAY SHIRE COUNCIL MEETING

MINUTES of the **COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** held at Apollo Bay Senior Citizens' Centre on Wednesday 26 May 2021 at 4:00pm.

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 Kate Hanson (Mayor)
Cr Graham Costin (Deputy Mayor)
Cr Jamie Bell
Cr Stephen Hart
Cr Joe McCracken
Cr Chris Potter
Cr Margaret White

Peter Brown, Chief Executive
Errol Lawrence, General Manager, Corporate Services
Tony McGann, General Manager, Environment & Infrastructure
Ian Seuren, General Manager, Development & Community Services
Marlo Emmitt, Manager, Governance & Communications
Lyndal McLean, Governance Coordinator
Alison Martin, Coordinator, Communications
Doug McNeill, Manager, Planning, Building & Health
Frank Castles, Project Director, City Deals Projects
Cameron Duthie, Manager, Services & Operations
Simone Robertson, Waste Management Officer
Dorien Evenhuis, Customer Service Team Leader
Stephanie Rankin, Customer Experience System Support Officer

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.

RECORDING AND PUBLICATION OF MEETINGS

Please note: This Council meeting was recorded with the exception of matters identified as confidential items in the Agenda. This included the public participation sections of the meeting.

By participating in open Council meetings, individuals consent to the use and disclosure of the information they share at the meeting (including any personal and/or sensitive information).

As soon as practicable following the open Council meeting, the recording will be accessible on Council's website. Audio recordings are also taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy. Audio recordings will be retained by Council for a period of four years.

As stated in the Governance Rules, other than an official Council recording, no video or audio recording of proceedings of Council Meetings are permitted without specific approval by resolution of the relevant Council 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. Question time is not a forum for public debate or statements.

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

Jenny Barrett, Apollo Bay Climate Action Team

1. There are emerging opportunities for regional councils such as Colac Otway Shire to partner with an urban council seeking carbon offsets in ways advantageous to both partners and to the local environment, particularly through regenerative farming operations. With other members of the local Climate Action Team, I would like to see our shire involved in such a scheme.

Have Councillors discussed and resolved whether they are prepared to meet with a council (for example, Maribrynmong or Darebin) to explore and advance this opportunity for local enterprise development and regenerative farming in the Shire?

Response from General Manager, Environment & Infrastructure

Council is aware of some Metropolitan councils identifying drawdown opportunities to remove excess carbon out of the atmosphere by restoring and protecting their open spaces and undertaking greening opportunities within and potentially beyond their municipality. Colac Otway Shire Council has not been approached or invited by those Councils to further explore those opportunities to date. This appears to be a long term goal for metro municipalities to build

a coordinated, verified and scientifically robust process to reduce and account for carbon emissions and reduce their reliance on offsets.

Council considers the state's network of Greenhouse and Climate Alliances to be an ideal platform for pursuing and exploring such drawdown programs and will be discussing how to progress such initiatives across our region with the soon to be established Barwon South West Climate Alliance and these discussions will be in terms of:

- our own communities' emissions resulting directly from agriculture in our region (>50% of community emissions);
- other community emissions in the region (energy, waste and transport);
- our own corporate emissions; and
- opportunities to assist other metropolitan councils to do the same in the future.

Jeff Cooke, Colac Climate Action Team

1. I recognize that Council has done its best in fulfilling the requirement under legislation to consult with the community. The 2050 Vision survey and the deliberative engagement process will provide a broad overview. Because climate change is now accepted as an urgent crisis and this decade needing to be one of action I ask Council to consider establishing a Climate Action Plan Committee to develop mitigation and adaptation plans for the Shire. This would form part of the Council's Plan. There is a great level of expertise within our local community that could develop the needed plan in collaboration with Council staff. With many local government's responding to the climate crisis by initiating community inclusion when will Council establish such a volunteer group for our shire?

Response from General Manager, Environment & Infrastructure

Following on from an extensive community engagement process, Council is currently preparing the Council Plan. There have been no decisions made on the Council Plan at this time. It will be released for community consultation once Council has prepared a draft Council Plan.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Tony Webber, Otway Forum

1. My question is on social housing and there are probably a number of solutions that have been thought of about this. One of them, maybe, the short-term rental: the rates could increase on that and then being revenue neutral you could decrease the rates on long-term rentals. Would the Council consider that?

Response General Manager, Corporate Services

Council has a rating plan that has been reviewed for this coming budget. It's out for consultation at the moment with the budget document. There has been a commitment made by the Organisation, by the Council, to do a full and detailed review of the rating plan in 2021-22. That will involve extensive consultation with the community and that will inform the budget for 2022-23.

2. Another possible solution is co-housing, which means that you have people sharing facilities and you'd probably need a special permit for that. So would the Council consider possibly co-housing as a solution, particularly in Apollo Bay to address the shortage of housing for workers who get a job down here and then have to leave because they can't find accommodation?

Response General Manager, Development & Community Services

Certainly we'd be looking at a whole range of options and co-housing would be one of those. Obviously there are some considerations that we'd need to take into account and without a proposal it's quite hard to provide any specific response to that but certainly working with the Apollo Bay Chamber of Commerce we're looking at a range of options on how we can try to address the issues that we're facing here along the coast.

3. The last question is on the election. Now, people received their ballot papers here on the day that the election closed – the postal election – so would the Council or the Victorian Government consider extending the period for people to vote? Because the mail down here can be difficult; it has to sometimes travel up into the hills, all over the Otways, so people did actually receive their ballot papers on the Friday that the election closed. And then some of them received the on the Monday after.

Response Chief Executive

We'd be happy to make representations on your behalf in relation to this. We would need some more information and so perhaps we might, off-line, have a talk to you about the circumstances that you were quoting. That is quite concerning that ballot papers took until the Friday before the election because I believe they were probably mailed out something like three weeks prior. So that is a concern – one that we need to refer back to the Victorian Electoral Commission.

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

Cr Stephen Hart

My question relates to a proposed recycling charge to take effect from 1 January 2022. I'm not sure if – hopefully someone in here is familiar with that – and the question is: could we get some indication... has the cost to dispose of recycling compared to rubbish to landfill – has that changed significantly in recent years? And do we have any approximate idea as to how that has changed; how significant that change has been if it has indeed changed?

General Manager, Environment & Infrastructure

It certainly has changed significantly in recent years given that it's not that many years ago that Council were actually paid for that resource and now the equation has completely flipped and Council and the community need to pay to dispose of that resource. In terms of the exact numbers I'd be happy to take that on notice and provide Council with some exact figures on how the trend has move over, say, the last five years.

Further response from Manager, Services & Operations

The costs of waste to landfill have increased significantly over the past few years and this is in the most part due to the increase in the Landfill levy. The price has fluctuated (positive) also due to the introduction of revised waste contracts.

The price per ton is as follows:

2018 – \$143
2019 – \$145
2020 – \$177
2021 – \$120 (regional landfill price).

2020 saw the introduction of a revised waste contract and better pricing due to our waste being carted to a regional landfill, this is presently \$120 per ton.

Recycling (comingle) by comparison has also changed significantly.
The price per ton is as follows:

2018 – - \$26 (return)
2019 – \$75
2020 – \$100
2021 – \$105.

As you can see, as per the above charges and rates have changed significantly over the years (\$131) and this is due to:

- 1) Increases year on year for the landfill levy for waste to landfill; and
- 2) Increases applicable to the processing of comingle due to the collapse of the Victorian recycling system in 2018.

Presently there is a difference in price of only \$15 between the processing of waste to landfill and comingle streams and as such provides the justification for the introduced charge.

7 PETITIONS / JOINT LETTERS

Nil

8 DECLARATIONS OF INTEREST

Nil

9 CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on 28 April 2021.

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Chris Potter

That Council confirm the minutes of the Ordinary Council Meeting held on 28 April 2021.

CARRIED 7 : 0

Item: 10.1

Petition - Speed of Traffic in Main Street Beeac

OFFICER	Timothy Brain
GENERAL MANAGER	Tony McGann
DIVISION	Environment & Infrastructure
ATTACHMENTS	Nil
PURPOSE	To respond to the petition tabled at the April 2021 Council Meeting, requesting Council improve road condition and traffic issues in Main Street, Beeac

RESOLUTION

MOVED Cr Chris Potter, SECONDED Cr Joe McCracken

That Council:

- 1. Undertakes a traffic assessment involving installation of three traffic counters at either end of Main Street, Beeac and at Colac Ballarat Road, north of the Princes Highway for a period of 2 weeks to determine speed, traffic volumes and heavy vehicle percentages;*
- 2. Requests that the Chief Executive, upon completion of the traffic assessment, determines if further action or advocacy is warranted; and*
- 3. Writes to the petition organiser at the completion of the traffic assessment advising of the outcome.*

CARRIED 7 : 0

Item: 10.2

Colac Otway Shire Resource Recovery and Waste Management Strategy

OFFICER	Cameron Duthie
GENERAL MANAGER	Tony McGann
DIVISION	Environment & Infrastructure
ATTACHMENTS	<ol style="list-style-type: none">1. DRAFT - Waste- Management- Strategy - OCM May 2021 [10.2.1 - 40 pages]2. Draft Waste- Management- Strategy- Doc-2021-2030 SUMMARY [10.2.2 - 11 pages]3. Draft - Waste- Management- Strategy- Doc-2021-2030 Implementation Plan [10.2.3 - 7 pages]
PURPOSE	To seek endorsement for the <i>Draft Colac Otway Shire Resource Recovery and Waste Management Strategy</i> and approval to engage the community for feedback on the Strategy.

RECOMMENDATION

That Council:

1. *Endorses the Draft Colac Otway Shire Resource Recovery and Waste Management Strategy, Summary and Implementation Plan as attached to this report; and*
2. *Authorises the documents to be placed on public exhibition for a 6-week period for community consultation.*

ALTERNATIVE MOTION

MOVED Cr Graham Costin, **SECONDED** Cr Stephen Hart

That Council:

- 1a. *Endorses the Draft Colac Otway Shire Resource Recovery and Waste Management Strategy, Summary and Implementation Plan as attached to this report;*

- 1b. Seeks feedback on fortnightly collection of landfill (red) bin and weekly collection of food and organic waste (green) bin;*
- 2. Notes that the suggested hard waste “booked service” option in the draft Waste Strategy is just one option and that this will not preclude Council from providing a different hard waste collection option;*
- 3. Notes that the request for a discussion on hard waste collection options called for on 16 September 2020 requires a further briefing to be held by 31 July 2021;*
- 4. Requests the draft strategy is amended to reflect the intent of point 2 above; and*
- 5. Authorises the documents to be placed on public exhibition for a 6-week period for community consultation.*

CARRIED 7 : 0

Item: 10.3

Draft Social Housing Strategy

OFFICER	Doug McNeill
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	1. Draft Colac Otway Shire Social Housing Plan May 2021 [10.3.1 - 25 pages]
PURPOSE	Present a draft Social Housing Plan for public exhibition

RESOLUTION

MOVED Cr Joe McCracken, SECONDED Cr Chris Potter

That Council:

- 1. Notes the work undertaken to prepare a draft Social Housing Plan for Colac Otway Shire as part of a broader G21 Regional Social Housing Strategy; and*
- 2. Supports placing the draft Social Housing Plan on public exhibition for 6 weeks to seek feedback.*

CARRIED 7 : 0

Item: 10.4

36-52 Bruce Street Colac - Land Sale Options

OFFICER	Simon Clarke
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	1. UrbanXchange Review of Affordable Housing Options [10.4.1 - 41 pages]
PURPOSE	To present Council with options regarding the potential to achieve social and affordable housing options through the sale of 36-52 Bruce Street, Colac.

RECOMMENDATION

That Council:

- 1. Notes the assessment of affordable housing options outlined in the recent UrbanXchange Affordable and Social Housing Review.*
- 2. Reaffirms its intention to sell its land at 36-52 Bruce Street, Colac for residential development.*
- 3. Resolves to advertise its intention to sell the land in accordance with the provisions of the Local Government Acts 1989 and 2020.*
- 4. As part of the sale process, establishes a competitive Expression of Interest (EOI) process to seek interest from suitable Community Housing providers and land developers to achieve a minimum of 15% of land that is to be developed for dwellings (exclusive of roads, reserves and other features outside of allotments to be sold) to be constructed and owned/managed by a Housing Association for rental as social housing (Build to Rent).*
- 5. Resolves that the Expression of Interest process should encourage other innovative forms of affordable housing such as Affordable Purchase to be provided in excess of the minimum social housing requirement, aimed at meeting the needs of key and essential workers in Colac, provided that an acceptable financial return from the site is realised.*
- 6. Notes that officers will develop an Evaluation Plan that establishes common criteria for evaluation of Expressions of Interest and specifies members of the Evaluation Panel, and that this will be the subject of a Council briefing prior to initiation of the formal process.*

7. *Notes that officers will investigate the benefit of including a second step in the process following receipt of Expressions of Interest to seek a Request for Proposal from short listed proponents.*
8. *Notes that a Probity Advisor will be engaged to oversee the process.*
9. *Notes that whilst an option is for Council to develop and subdivide the land itself for sale as individual residential allotments, Council's position is that in order to achieve the best affordable housing outcomes for the site its preference is to sell the land as a whole for development by a suitable third party.*

ALTERNATIVE MOTION

MOVED Cr Stephen Hart, SECONDED Cr Chris Potter

That Council:

1. *Notes the assessment of affordable housing options outlined in the recent UrbanXchange Affordable and Social Housing Review.*
2. *Reaffirms its intention to sell its land at 36-52 Bruce Street, Colac for residential development.*
3. *Resolves to advertise its intention to sell the land in accordance with the provisions of the Local Government Acts 1989 and 2020.*
4. *As part of the sale process, establishes a competitive Expression of Interest (EOI) process to seek interest from suitable Community Housing providers and land developers to achieve, as a guide, a minimum of 15% of land that is to be developed for dwellings (exclusive of roads, reserves and other features outside of allotments to be sold) to be constructed and owned/managed by a Housing Association for rental as social housing (Build to Rent).*
5. *Resolves that the Expression of Interest process should encourage other innovative forms of affordable housing such as Affordable Purchase and/or Affordable By Design to be provided in excess of the minimum social housing requirement, aimed at meeting the needs of key and essential workers in Colac, provided that an acceptable financial return from the site is realised.*
6. *Notes that officers will develop an Evaluation Plan that establishes common criteria for evaluation of Expressions of Interest and specifies members of the Evaluation Panel, and that this will be the subject of a Council briefing prior to initiation of the formal process.*
7. *Notes that officers will investigate the benefit of including a second step in the process following receipt of Expressions of Interest to seek a Request for Proposal from short listed proponents.*
8. *Notes that a Probity Advisor will be engaged to oversee the process.*
9. *Notes that whilst an option is for Council to develop and subdivide the land itself for sale as individual residential allotments, Council's position is that in order to achieve the best affordable housing outcomes for the site its preference is to sell the land as a whole for development by a suitable third party.*

10. Notes that nothing in this resolution is intended to exclude consideration of alternative proposals where it can be demonstrated that the proposal meets Council's stated objectives to provide extra residential land and increasing levels of social housing.

CARRIED 7 : 0

**Dorien Evenhuis left the meeting at 4.43pm.
Stephanie Rankin left the meeting at 4.43pm.
Doug McNeill left the meeting at 4.43pm.**

Item: 10.5

Quarterly Performance Report - January to March 2021

OFFICER	Marlo Emmitt
CHIEF EXECUTIVE	Peter Brown
DIVISION	Executive
ATTACHMENTS	1. January to March 2021 Quarterly Report FINAL [10.5.1 - 53 pages]
PURPOSE	To provide Council with the Quarterly Performance Report, 1 January to 31 March 2021.

RESOLUTION

MOVED Cr Joe McCracken, SECONDED Cr Chris Potter

That Council notes the Quarterly Performance Report 2020-2021 for the period of 1 January 2021 to 31 March 2021.

CARRIED 7 : 0

Item: 10.6

Election Report: 2020 Colac Otway Shire Council general election

OFFICER	Marlo Emmitt
CHIEF EXECUTIVE	Peter Brown
DIVISION	Executive
ATTACHMENTS	1. 2020 Colac Otway Shire Council Election Report [10.6.1 - 44 pages]
PURPOSE	To submit to Council the Election Report prepared by the Victorian Electoral Commission on the 2020 Colac Otway Shire Council general election.

RESOLUTION

MOVED Cr Joe McCracken, SECONDED Cr Graham Costin

That Council notes the Election Report provided by the Victorian Electoral Commission for the 2020 Colac Otway Shire Council general election.

CARRIED 7 : 0

Item: 10.7

Councillor attendance at the Australian Local Government Association's National General Assembly in Canberra and change of Council meeting date in June 2021

OFFICER	Marlo Emmitt
CHIEF EXECUTIVE	Peter Brown
DIVISION	Executive
ATTACHMENTS	Nil
PURPOSE	To approve Councillor attendance at the Australian Local Government Association's National General Assembly in Canberra and reschedule the June Council meeting.

RESOLUTION

***MOVED** Cr Chris Potter, **SECONDED** Cr Stephen Hart*

That Council:

- 1. Approves the following Councillors attending the Australian Local Government Association's National General Assembly in Canberra during the period 20 to 23 June 2021:***
 - 1.1. Mayor, Cr Kate Hanson***
 - 1.2. Cr Margaret White***
 - 1.3. Cr Chris Potter.***
- 2. Resolves to change the date of the June Council meeting from Wednesday 23 June 2021 to Thursday 24 June 2021.***

CARRIED 7 : 0

Item: 10.8

Contract 2123 Truck and Trailer (Combination) procurement

OFFICER	Hailey Spokes
GENERAL MANAGER	Tony McGann
DIVISION	Environment & Infrastructure
ATTACHMENTS	Nil
PURPOSE	Council approval is required to award Contract 2123 – Supply and delivery one 9 metre Tipper Truck and Trailer (Truck and Trailer Combination).

RESOLUTION

MOVED Cr Graham Costin, SECONDED Cr Chris Potter

That Council:

- 1. Awards CON 2123 – Heavy Plant Equipment - 9m Truck and Trailer (Combination) to Fuso Truck and Bus for the tendered price of \$387,084 (ex GST);*
- 2. Authorises the Chief Executive Officer to sign the contracts following award of Contract CON 2123 – Heavy Plant Equipment - 9m Truck and Dog Trailer; and*
- 3. Authorises the Chief Executive Officer to perform all roles of the principal.*

CARRIED 7 : 0

MOTION

MOVED Cr Joe McCracken

That Council consider items:

10.9 Audit and Risk Committee - Biannual Audit and Risk Report

10.10 Audit and Risk Committee Minutes - 10 February 2021

en bloc, allowing for questions for items 10.9 and 10.10.

CARRIED 7 : 0

Item: 10.9

Audit and Risk Committee - Biannual Audit and Risk Report

OFFICER	Lyndal McLean
CHIEF EXECUTIVE	Peter Brown
DIVISION	Executive
ATTACHMENTS	1. ARC - Biannual Report to Council - Oct 2020 to Feb 2021 [10.9.1 - 4 pages]
PURPOSE	To receive for information the Colac Otway Shire Audit and Risk Committee biannual audit and risk report.

RECOMMENDATION

That Council receives for information the Colac Otway Shire Audit and Risk Committee biannual report dated 25 February 2021.

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Joe McCracken

That Council adopt the recommendations from items:

10.9 Audit and Risk Committee - Biannual Audit and Risk Report

10.10 Audit and Risk Committee Minutes - 10 February 2021

en bloc as detailed below:

- 1. That Council receives for information the Colac Otway Shire Audit and Risk Committee biannual report dated 25 February 2021.*
- 2. That Council receives for information the Colac Otway Shire Audit and Risk Committee minutes dated 10 February 2021.*

CARRIED 7 : 0

Item: 10.10

Audit and Risk Committee Minutes - 10 February 2021

OFFICER	Lyndal McLean
CHIEF EXECUTIVE	Peter Brown
DIVISION	Executive
ATTACHMENTS	1. Audit and Risk Committee Meeting - Minutes - Signed - 10 February 2021 [10.10.1 - 24 pages]
PURPOSE	To receive for information the Colac Otway Shire Audit and Risk Committee minutes dated 10 February 2021.

RECOMMENDATION

That Council receives for information the Colac Otway Shire Audit and Risk Committee minutes dated 10 February 2021.

This item was heard en bloc with item 10.10 - Audit and Risk Committee Minutes - 10 February 2021. Please refer to the resolution under item 10.9.

Item: 10.11

Report of Informal Meetings of Councillors

OFFICER	Lyndal McLean
CHIEF EXECUTIVE	Peter Brown
DIVISION	Corporate Services
ATTACHMENTS	<ol style="list-style-type: none"> 1. Informal Meeting of Councillors Record - City Deals Executive Steering Committee - 20210413 [10.11.1 - 1 page] 2. Informal Meeting of Councillors - Councillor Briefing - 21 April 2021 CB 20210421 [10.11.2 - 3 pages] 3. Informal Meeting of Councillors - Lake Colac Advisory Committee - 26 April 2021 [10.11.3 - 1 page] 4. Informal Meeting of Councillors - Council Plan and MHWBP Session with Councillors - 28 April 2021 OC [10.11.4 - 2 pages] 5. Informal Meeting of Councillors - Council Preparation Meeting - 28 April 2021 OCM 20210428 [10.11.5 - 2 pages] 6. Informal Meeting of Councillors - Councillor Briefing - 5 May 2021 CB 20210505 [10.11.6 - 3 pages] 7. Informal Meeting of Councillors - Councillor Briefing - 12 May 2021 CB 20210512 [10.11.7 - 2 pages] 8. Informal Meeting of Councillors - Friends of the Botanic Gardens - 13 May 2021 [10.11.8 - 1 page]
PURPOSE	To report the Informal Meetings of Councillors.

REPORTING

The Informal Meetings of Councillors are reported herewith:

• <i>City Deals Executive Steering Committee</i>	<i>13 April 2021</i>
• <i>Councillor Briefing</i>	<i>21 April 2021</i>
• <i>Lake Colac Advisory Committee Meeting</i>	<i>26 April 2021</i>
• <i>Council Plan and MHWBP Session with Councillors</i>	<i>28 April 2021</i>
• <i>Council Meeting Preparation</i>	<i>28 April 2021</i>
• <i>Councillor Briefing</i>	<i>5 May 2021</i>
• <i>Councillor Briefing</i>	<i>12 May 2021</i>


- *Friends of the Botanic Gardens Committee*

13 May 2021

The Colac Otway Shire Governance Rules does not require a decision.

The meeting was declared closed at 5.15pm.

CONFIRMED AND SIGNED at the meeting held on 24 June 2021.

.....**MAYOR**