



Colac Otway
SHIRE

COUNCIL MEETING

MINUTES

Wednesday 25 May 2022

at 4:00 PM

COPACC

95 - 97 Gellibrand Street, Colac

Next Council Meeting: 29 June 2022



COLAC OTWAY SHIRE COUNCIL MEETING

Wednesday 25 May 2022

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COLAC OTWAY SHIRE COUNCIL MEETING

MINUTES of the *COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at COPACC on
Wednesday 25 May 2022 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 Kate Hanson (Mayor)
Cr Graham Costin (Deputy Mayor)
Cr Jamie Bell
Cr Stephen Hart
Cr Joe McCracken
Cr Chris Potter
Cr Margaret White

Anne Howard, Chief Executive Officer
Errol Lawrence, General Manager Corporate Services
Bryan Lancaster, Acting General Manager Environment and Infrastructure
Ian Seuren, General Manager Development and Community Services
Marlo Emmitt, Manager Governance and Communications
Lyndal McLean, Governance Coordinator

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: All Council meetings are live streamed and recorded when the meeting is held either at COPACC or online. This includes the public participation sections of the meetings. When meetings are held in other locations, Council will endeavour to make an audio recording of the meeting for community access. Matters identified as confidential items in the Agenda will not be live streamed or recorded regardless of venue of mode.

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

As soon as practicable following each open Council meeting, the live stream recording will be accessible on Council's website. Recordings are also taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy. 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 will be permitted without specific approval by resolution of the relevant Council Meeting.

This meeting was livestreamed to the public via Council's YouTube channel (search Colac Otway Shire Council at www.youtube.com).

5 QUESTION TIME

A maximum of 30 minutes is allowed for question time. Question time is not a forum for public debate or statements.

Written questions were received from the following members of the community (a summary of which is provided below):

James Judd asked questions regarding:

Council giving a definitive undertaking it will find the money and spend it in the Colac 2050 Growth Plan area to upgrade and improve the drainage system.

Response from Acting General Manager Environment and Infrastructure

- Developers of land in the Colac 2050 Growth Plan area will be required to establish drainage treatment and conveyance and / or detention systems on their own land as it is developed
- Developers will also be required to make financial contributions to Council to help establish broader drainage infrastructure to support new development.

Where the water for the music festival at Pennyroyal will be sourced and how it will impact on other water supplies if required, especially during the holiday period.

Response from General Manager Development and Community Services

- If approved, the proposed music festival would need to provide sufficient water supply to cater for the event. Therefore, it would not adversely impact the water supply available to residents of the Shire.

Baby welfare services growing to cater for any increased demand by the increased population in areas where needed, or is any increase limited to certain geographic areas.

Response from General Manager Development and Community Services

- Birth rates have been higher-than-average in the past year in the Colac Otway Shire. Overall population growth is still approximately 0.6 per cent.
- Council has Maternal and Child Health Centres in Colac, Apollo Bay and Cororooke, and also provides occasional visiting services to hired venues in Birregurra and Kawarren, based on local demand.
- Council's Maternal and Child Health Nurses also make house calls, especially to some of our more remote customers.
- With these approaches combined, local families have many options when accessing Maternal and Child Health services. Our services will continue to adequately service demand as our population grows.

Justification of refusal to promptly replace garbage bin lids when Council changes what is allowed to be put in a bin.

Response from Acting General Manager Environment and Infrastructure

- Officers provided the most up to date recycling information which was attached to the purple glass only bins recently when they were delivered.
- Officers note that the bins have a life cycle of 10 years and given the fast evolution of the waste system we will not be in future putting such specific information on lids to avoid any possible confusion for residents.
- The replacement of the current bins is likely to be post 2026, subject to bin condition. On this basis it is not prudent for the Shire to replace all lids given the number (10,500) and the associated cost, which would be a burden on ratepayers and an impost on the waste charge.

In response to a series of questions from Andrew Buchanan regarding to the temporary Loading Zone at 135 Great Ocean Road, the Acting General Manager Environment and Infrastructure made the following comments:

- Council surveyed owners/occupiers in February 2022 regarding the installation of the trial loading zone at this location. Of the 20 owners/occupiers contacted, Council received only three responses, of which there was no positive responses received.
- Consideration and investigation included an assessment of availability of loading bays within the vicinity of the area. The trial location was assessed taking into account safety, appropriate loading bay size and if the area would service the needs of businesses.
- Council is aware properties have access from Pascoe Street, however not all businesses are able to utilise the back laneways for all deliveries due to larger vehicles being unable to manoeuvre as required.

- Given the feedback received, Council will remove the loading zone including signage, following notification to affected businesses and consideration will be given as to whether or not the hardstand should remain or be removed.
- Council has also received other requests for the temporary loading bay to be removed.
- Pedestrian use was considered in more recent studies. The studies included the Apollo Bay, Skenes Creek and Marengo Community Infrastructure Plan and the Colac Otway Shire Tourism and Parking Strategy.
- Council notes the information contained within the study completed in 1992, however development of areas like that described in the image provided are no longer referenced in more recent studies.

Jeff Cooke asked questions regarding:

The timing for the completion of the Environment Strategy and the Climate Change Action Plan and Council's communication with the public on same.

Response from Acting General Manager Environment and Infrastructure

- Council Plan was adopted by Council and set targets for the development of a new Environment Strategy and Climate Change Action Plan. Officers report against these initiatives in regular reports presented at Council meetings.

Developing the Climate Change Action Plan ahead of the Environment Strategy.

Response from Acting General Manager Environment and Infrastructure

- Council's new Environment Strategy will set the strategic direction, priorities and targets for a number of key focus areas, including Climate Change, Natural and Built Environments, Waste and Water - which will inform and guide the Action Plan priorities and outcomes.
- Council will continue to seek opportunities to work together with other Local governments, state and federal government agencies and community groups to take action on climate change and continue to reduce carbon emissions.

Forming a taskforce consisting of community members to work with Council and staff to complete the Climate Change Action Plan as a matter of urgency.

Response from Acting General Manager Environment and Infrastructure

- Officers are currently planning the development of Council's new Environment Strategy and Climate Action Plan which will include extensive community engagement and consultation prior to and after the development of the new Draft Environment Strategy and related Action Plan to follow.
- Community engagement opportunities will commence in June 2022 as the new strategy is developed. Engagement opportunities will including workshops with key stakeholder groups such as local environmental, sustainability and climate groups.

Bill Gross asked a question regarding:

A temporary loading zone which was permitted at the request of the owner outside 135 Ocean Road Apollo Bay (the site of the proposed BWS shop), the BWS permit application and the objections to the loading zone from adjacent retail businesses.

Response from Acting General Manager Environment and Infrastructure

- Whilst it is noted the applicant requesting planning approval for development is seeking an on-street loading zone near the premises, the outcome of the trial loading zone is not linked to the planning application. Any determination relating to the planning application is separate to this issue.

Jo Dunsmuir asked questions regarding:

The minimum size trucks that BWS (Endeavour Group) will use to deliver goods to their proposed premises in Collingwood Street, Apollo Bay, via the currently temporary loading zone.

Response from Acting General Manager Environment and Infrastructure

- The information provided by BWS (Endeavour Group) advises the facility would be serviced using a half tonne, 6 metre long delivery vehicle.

The size of the loading zone if BWS have a permit granted and the reduction on size of the adjacent parklet.

Response from Acting General Manager Environment and Infrastructure

- The loading bay would be approximately 7 metres in length.
- A loading bay can be provided in this area without impact to the size of the parklet.

Rosamund Longmore asked questions regarding:

Council providing evidence of future efforts in the area of exploring, investigating and seeking funding for greenhouse emission reduction projects and opportunities and supports local community sustainability and environment groups with their projects and Council providing leadership by declaring a community-wide emissions reduction target.

Response from Acting General Manager, Environment and Infrastructure

- Future actions range from land use planning projects to protect the community from the impacts of climate change to increasing clean renewable energy generation in our municipality and continuing to reduce Council's own corporate emissions which have been reduced by over 60% during the last 10 years.
- Council is also supporting a number of community groups that are delivering projects that address the impacts of climate change.
 - Some examples of our recent and ongoing work includes:
 - Continuing to restore and revegetate Council managed land to improve biodiversity and habitat and support community groups to do the same;
 - Continuing to integrate more electric vehicles into Council's vehicle fleet;
 - Supporting the recently completed G21/Geelong+ Solar Bulk Buy program that delivered 240 kW of Solar and 167 kWh of Battery Storage installed at 45 households and businesses in Colac Otway.
- Council recently committed to become a member of the Barwon South West Climate Change Alliance to progress our efforts across the region towards emissions reductions.
- Targets relating to emissions reduction will be discussed and considered as part of the development of Council's new Environment Strategy

- The Strategy will be based on wide ranging community and stakeholder consultation regarding the priorities and targets that are within the remit of Council to affectively control or influence.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Tony Weber asked questions regarding:

The Gambier Street part of the Recreation Reserve being a public open space and seeking clarification if Council, in their structure plan, will advocate for keeping it as public open space.

Response from General Manager Development and Community Services

- Officers are aware that the Recreation Reserve is public open space including the area adjacent to Gambier Street.
- The Draft Community Infrastructure plan recommends that the Recreation Reserve remains and future development will be subject to a master planning process.

The Infrastructure Plan it is states that the War Memorial may be moved or beautified. Clarification was sought that this will not result in the reinstatement of the roundabout on the Great Ocean Road and Nelson Street.

Response from General Manager Development and Community Services

- The Draft Plan (when it goes on public exhibition) doesn't show a roundabout there. The Plan is recommending that the Memorial move just slightly to provide better access for the community

The proposal to have pedestrian traffic lights or a zebra crossing at Marengo and Skenes Creek and the suggestion from the Otway Forum to have stop/go lights instead.

Response from General Manager Development and Community Services

- I suggest once the draft plans go on public exhibition that the Otway Forum might look to put a submission in based on what you have just said.

A final report been presented to Council.

Response from the Chief Executive Officer

- Council has received an update in relation to the final financial matters. There hasn't been a final report presented to Council yet.

Andrew Buchanan asked a question regarding:

The timing of the removal of the temporary loading zone in the Apollo Bay main street.

Response from Acting General Manager Environment and Infrastructure

- As soon as Council consults with the businesses it will be removing that sign.

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

Nil

7 PETITIONS / JOINT LETTERS

A co-signed letter regarding the funding agreement for the Lavers Hill Pool was received from the community on 18 May 2022. Forty-three community members have put their name to the co-signed letter. A redacted copy of the co-signed letter is annexed to these Minutes.

The Lavers Hill Pool funding agreement is listed for consideration in Item 10.5 of this agenda - Lavers Hill Pool Funding Agreement - Supplementary Report.

8 DECLARATIONS OF INTEREST

Cr Joe McCracken	10.1 Hillview Planning Scheme Amendment Request
Nature of Disclosure	Material conflict of interest
Nature of interest	My property is in close proximity to the new development that is proposed. It may impact my amenity at home.

9 CONFIRMATION OF MINUTES

- Council meeting held on 27 April 2022
- Unscheduled Council meeting held on 4 May 2022

RESOLUTION

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

That Council confirm the minutes of the:

1. Council meeting held on 27 April 2022.
2. Unscheduled Council meeting held on 4 May 2022.

CARRIED 7 : 0

Item: 10.1

Hillview Planning Scheme Amendment Request

OFFICER	Erin Sonego
GENERAL MANAGER	Ian Seuren
DIVISION	Development and Community Services
ATTACHMENTS	<ol style="list-style-type: none"> 1. Draft Concept Development Plan [10.1.1 - 1 page] 2. Proposed Draft Development Plan Overlay - Schedule 9 [10.1.2 - 4 pages]

Cr Joe McCracken declared a general conflict of interest pursuant to section 128 of the *Local Government Act 2020* and left the meeting at 4.26pm prior to discussion taking place.

Cr Joe McCracken	10.1 Hillview Planning Scheme Amendment Request
Nature of Disclosure	Material conflict of interest
Nature of interest	My property is in close proximity to the new development that is proposed. It may impact my amenity at home.

RESOLUTION

MOVED Cr Chris Potter, *SECONDED* Cr Graham Costin

That Council:

1. *Resolves to seek Ministerial authorisation to prepare and exhibit Planning Scheme Amendment C122cola for the rezoning of land from Farming Zone to General Residential, application of the Development Plan Overlay, and inclusion of Development Plan Overlay Schedule 9 within the Colac Otway Planning Scheme.*
2. *Authorises officers to make any necessary minor formatting and administrative corrections to Amendment C122cola documentation prior to lodgement with the Minister for Planning for authorisation.*
3. *Considers verbal presentations from any submissions received following public exhibition of the amendment at a Planning Committee meeting prior to formal consideration of the submissions under the Planning and Environment Act 1987 at a future Council meeting.*
4. *Notes that officers will continue to work with the proponent of the amendment to develop a Shared Infrastructure Funding Plan that relates to funding of future infrastructure needs arising from the rezoning, and that this agreement will be finalised before Council considers adoption of the amendment.*

5. *Notes that officers will continue to progress negotiations with the proponent concerning the provision of social housing within the area to be rezoned, with the objective of reaching agreement on this issue before Council considers adoption of the amendment.*

CARRIED 6 : 0

Cr Joe McCracken returned to the meeting at 4.34pm after the vote was taken.

Item: 10.2

Draft Apollo Bay, Skenes Creek and Marengo Community Infrastructure Plan

OFFICER	Sally Conway
GENERAL MANAGER	Ian Seuren
DIVISION	Development and Community Services
ATTACHMENTS	1. Draft Apollo Bay Skenes Creek & Marengo Community Infrastructure Plan - For Public Exhibition [10.2.1 - 131 pages]

RESOLUTION

MOVED Cr Graham Costin, SECONDED Cr Chris Potter

That Council:

- 1. Receives the draft Apollo Bay, Skenes Creek and Marengo Community Infrastructure Plan.*
- 2. Notes that the project has been undertaken in partnership with the Great Ocean Road Coast and Parks Authority.*
- 3. Publicly exhibits the draft Apollo Bay, Skenes Creek and Marengo Community Infrastructure Plan for a period of six weeks in accordance with its Community Engagement Policy, to commence after the Great Ocean Road Coast and Parks Authority Board has confirmed its endorsement for exhibition.*
- 4. Authorises the Chief Executive Officer to approve minor changes to the attached draft Apollo Bay, Skenes Creek and Marengo Community Infrastructure Plan if requested by the Great Ocean Road Coast and Parks Authority.*
- 5. Hears verbal presentations from submitters at a Submissions Committee meeting following completion of the public exhibition period, prior to consideration of adoption of the Apollo Bay, Skenes Creek and Marengo Community Infrastructure Plan at a future Council meeting.*
- 6. Notes that the date and location of a Submissions Committee meeting will be determined through agreement with the Great Ocean Road Coast and Parks Authority and endorsed by Council at a future meeting.*

CARRIED 7 : 0

Item: 10.3

Asset Management Strategy and Policy

OFFICER	Robert Uebergang
GENERAL MANAGER	Bryan Lancaster
DIVISION	Environment and Infrastructure
ATTACHMENTS	<ol style="list-style-type: none">1. Draft Asset Management Policy [10.3.1 - 6 pages]2. Colac Otway Asset Management Strategy [10.3.2 - 23 pages]

RECOMMENDATION

MOVED Cr Joe McCracken, SECONDED Cr Margaret White

That Council:

- 1. Endorse the draft Asset Management Policy for community consultation, to be placed on exhibition for a minimum of 6 weeks.*
- 2. Consider submissions received in relation to the draft Asset Management Policy at a Submissions Hearing convened prior to formal consideration at a future Council Meeting.*
- 3. Adopt the Asset Management Strategy.*

CARRIED 7 : 0

Item: 10.4

Quarterly Performance Report - Jan to Mar 2022

OFFICER	Melanie Duve
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. Quarterly Performance Report - January to March 2022 [10.4.1 - 61 pages]

RESOLUTION

MOVED Cr Joe McCracken, SECONDED Cr Chris Potter

That Council notes the Quarterly Performance Report for the third quarter 2021-22, for the period January to March 2022.

CARRIED 7 : 0

Item: 10.5

Lavers Hill Pool Funding Agreement - Supplementary Report

OFFICER	James Myatt
GENERAL MANAGER	Ian Seuren
DIVISION	Development and Community Services
ATTACHMENTS	1. Lavers Hill Pool Funding Agreement - Council Meeting Agenda - 27 April 2022 [10.5.1 - 5 pages]

RECOMMENDATION

That Council:

1. *Confirms its commitment to public safety at aquatic facilities in line with the Royal Life Saving Australia (RLSA) Guidelines for Safe Pool Operations, including the provision of continuous supervision by lifeguards at all public pools that are either part of a Council service, or non-Council service that Council provides funding to.*
2. *Acknowledges that the community has valued the opportunity for public access at the pool located at the Lavers Hill K-12 College for over 30 years.*
3. *Notes that its adopted Budget 2021-22 included an allowance for a contribution to the Lavers Hill K-12 College to support the continued operation of the pool notwithstanding that the agreement between Council and Lavers Hill K-12 College expired on 26 June 2021.*
4. *Approves a one-off payment of \$12,500 (exclusive of GST) prior to 30 June 2022 to the Lavers Hill K-12 College in recognition of the community health and wellbeing outcomes provided by public access to the pool in a challenging COVID-impacted period.*
5. *Recognises the opportunity for ongoing community health and wellbeing outcomes through the ongoing operation of the Lavers Hill K-12 College pool, in particular for residents of Lavers Hill and surrounding areas that have limited alternatives with respect to recreation facilities in the local area.*
6. *Authorises the Chief Executive Officer to execute on Council's behalf a one year funding agreement with the Lavers Hill K-12 College to support ongoing public access to its pool with the following key terms:*
 - a. *The commencement date of the agreement is 1 July 2022.*
 - b. *The funding amount is set at \$12,720 (exclusive of GST) to be paid quarterly.*
 - c. *The Lavers Hill K-12 College will:*

- i. Obtain an annual audit by 30 September from a qualified auditor that the facility is operating in accordance with the Royal Life Saving Australia Guidelines for Safe Pool Operations.
 - ii. Provide to Council, within one month of the audit, an action plan that demonstrates that the pool will achieve compliance with the Royal Life Saving Australia Guidelines for Safe Pool Operations within three months of receiving the audit report.
 - iii. Report as soon as practicable:
 - a. Any material public risk identified during the normal operation of the facility; or
 - b. Any health and safety hazard or incident that requires external reporting.
 - iv. Provide annual usage and membership data to enable Council to understand the level of public use.
 - d. Council will:
 - i. Reimburse the Lavers Hill K-12 College for the cost of the audit against the Royal Life Saving Australia Guidelines for Safe Pool Operations upon receiving a copy of the audit and invoice.
 - ii. Provide support to Lavers Hill K-12 College upon request to assist its management of a safe and effective facility, through the provision of relevant information or sources of information, examples of policies and procedures, shared training where appropriate and other forms of support by agreement.
 - e. In the event that one or more of the terms of the agreement are not satisfied, the Chief Executive Officer:
 - i. may suspend quarterly payments and provide the Lavers Hill K-12 College with written advice regarding Council's expectations; and
 - ii. will provide a report to Council if issues remain unresolved for more than three months from the written advice to the Lavers Hill K-12 College.
7. Authorises the Chief Executive Officer to execute a further and separate funding agreement prior to 30 June 2023 consistent with the terms set out in point 6 of this resolution subject to:
 - a. Satisfactory compliance with the one year agreement for 2022-23;
 - b. The term of the agreement being five years with a commencement date of 1 July 2023; and
 - c. The annual funding amount will increase in line with Council's average general rate increase (as determined through the annual budget process), to be calculated from a base of \$12,720 (exclusive of GST) on 1 July 2022.
8. Recommends to the Lavers Hill K-12 College that it undertake annual reviews of the membership and user fees for the pool, including benchmarking and user surveys, to assist it to identify opportunities for ensuring ongoing financial sustainability of the facility.
9. Notes that neither of the agreements outlined in points 6 or 7 require or infer a Council representative to be a member of any management committee as the management and operation of the pool is the responsibility of the Lavers Hill K-12 College and not a Council-delivered service.

REVISED OFFICER RECOMMENDATION

That Council:

1. *Confirms its commitment to public safety at aquatic facilities in line with the Royal Life Saving Australia (RLSA) Guidelines for Safe Pool Operations, including the provision of continuous supervision by lifeguards at all public pools that are either part of a Council service, or non-Council service that Council provides funding to.*
2. *Acknowledges that the community has valued the opportunity for public access at the pool located at the Lavers Hill K-12 College for over 30 years.*
3. *Notes that its adopted Budget 2021-22 included an allowance for a contribution to the Lavers Hill K-12 College to support the continued operation of the pool notwithstanding that the agreement between Council and Lavers Hill K-12 College expired on 26 June 2021.*
4. *Approves a one-off payment of \$12,500 (exclusive of GST) prior to 30 June 2022 to the Lavers Hill K-12 College in recognition of the community health and wellbeing outcomes provided by public access to the pool in a challenging COVID-impacted period.*
5. *Recognises the opportunity for ongoing community health and wellbeing outcomes through the ongoing operation of the Lavers Hill K-12 College pool, in particular for residents of Lavers Hill and surrounding areas that have limited alternatives with respect to recreation facilities in the local area.*
6. *Authorises the Chief Executive Officer to execute on Council's behalf a one year funding agreement with the Lavers Hill K-12 College to support ongoing public access to its pool with the following key terms:*
 - a. *The commencement date of the agreement is 1 July 2022.*
 - b. *The annual funding amount is set at \$12,720 (exclusive of GST) to be paid in quarterly instalments.*
 - c. *The Lavers Hill K-12 College will:*
 - i. *Obtain an annual audit by 30 September from a qualified auditor that the facility is operating in accordance with the Royal Life Saving Australia Guidelines for Safe Pool Operations.*
 - ii. *Provide to Council, within one month of the audit, an action plan that demonstrates that the pool will achieve compliance with the Royal Life Saving Australia Guidelines for Safe Pool Operations within three months of receiving the audit report.*
 - iii. *Report as soon as practicable:*
 - a. *Any material public risk identified during the normal operation of the facility; or*
 - b. *Any health and safety hazard or incident that requires external reporting.*
 - iv. *Provide annual usage and membership data to enable Council to understand the level of public use.*
 - d. *Council will:*
 - i. *Reimburse the Lavers Hill K-12 College for the cost of the audit against the Royal Life Saving Australia Guidelines for Safe Pool Operations upon receiving a copy of the audit and invoice.*
 - ii. *Provide support to Lavers Hill K-12 College upon request to assist its management of a safe and effective facility, through the provision of relevant information or sources*

of information, examples of policies and procedures, shared training where appropriate and other forms of support by agreement.

- e. In the event that one or more of the terms of the agreement are not satisfied, the Chief Executive Officer:
 - i. may suspend quarterly payments and provide the Lavers Hill K-12 College with written advice regarding Council's expectations; and*
 - ii. will provide a report to Council if issues remain unresolved for more than three months from the written advice to the Lavers Hill K-12 College.**
- 7. Authorises the Chief Executive Officer to execute a further and separate funding agreement prior to 30 June 2023 consistent with the terms set out in point 6 of this resolution subject to:
 - a. Satisfactory compliance with the one year agreement for 2022-23;*
 - b. The term of the agreement being five years with a commencement date of 1 July 2023; and*
 - c. The annual funding amount will increase in line with Council's average general rate increase (as determined through the annual budget process), to be calculated from a base of \$12,720 (exclusive of GST) on 1 July 2022.**
 - 8. Recommends to the Lavers Hill K-12 College that it undertake annual reviews of the membership and user fees for the pool, including benchmarking and user surveys, to assist it to identify opportunities for ensuring ongoing financial sustainability of the facility.*
 - 9. Notes that neither of the agreements outlined in points 6 or 7 requires or infer a Council representative to be a member of any management committee as the management and operation of the pool is the responsibility of the Lavers Hill K-12 College and not a Council-delivered service.*

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Margaret White

That Council:

- 1. Confirms its commitment to public safety at aquatic facilities in line with the Royal Life Saving Australia (RLSA) Guidelines for Safe Pool Operations, including the provision of continuous supervision by lifeguards at all public pools that are either part of a Council service, or non-Council service that Council provides funding to.*
- 2. Acknowledges that the community has valued the opportunity for public access at the pool located at the Lavers Hill K-12 College for over 30 years.*
- 3. Notes that its adopted Budget 2021-22 included an allowance for a contribution to the Lavers Hill K-12 College to support the continued operation of the pool notwithstanding that the agreement between Council and Lavers Hill K-12 College expired on 26 June 2021.*
- 4. Approves a one-off payment of \$12,500 (exclusive of GST) prior to 30 June 2022 to the Lavers Hill K-12 College in recognition of the community health and wellbeing outcomes provided by public access to the pool in a challenging COVID-impacted period.*
- 5. Recognises the opportunity for ongoing community health and wellbeing outcomes through the ongoing operation of the Lavers Hill K-12 College pool, in particular for residents of Lavers*

Hill and surrounding areas that have limited alternatives with respect to recreation facilities in the local area.

6. *Authorises the Chief Executive Officer to execute on Council's behalf a one year funding agreement with the Lavers Hill K-12 College to support ongoing public access to its pool with the following key terms:*
 - a. *The commencement date of the agreement is 1 July 2022.*
 - b. *The annual funding amount is set at \$20,000 (exclusive of GST) to be paid in quarterly instalments.*
 - c. *The Lavers Hill K-12 College will:*
 - i. *Obtain an annual audit by 30 September from a qualified auditor that the facility is operating in accordance with the Royal Life Saving Australia Guidelines for Safe Pool Operations.*
 - ii. *Provide to Council, within one month of the audit, an action plan that demonstrates that the pool will achieve compliance with the Royal Life Saving Australia Guidelines for Safe Pool Operations within three months of receiving the audit report.*
 - iii. *Report as soon as practicable:*
 - a. *Any material public risk identified during the normal operation of the facility; or*
 - b. *Any health and safety hazard or incident that requires external reporting.*
 - iv. *Provide annual usage and membership data to enable Council to understand the level of public use.*
 - d. *Council will:*
 - i. *Reimburse the Lavers Hill K-12 College for the cost of the audit against the Royal Life Saving Australia Guidelines for Safe Pool Operations upon receiving a copy of the audit and invoice.*
 - ii. *Provide support to Lavers Hill K-12 College upon request to assist its management of a safe and effective facility, through the provision of relevant information or sources of information, examples of policies and procedures, shared training where appropriate and other forms of support by agreement.*
 - e. *In the event that one or more of the terms of the agreement are not satisfied, the Chief Executive Officer:*
 - i. *may suspend quarterly payments and provide the Lavers Hill K-12 College with written advice regarding Council's expectations; and*
 - ii. *will provide a report to Council if issues remain unresolved for more than three months from the written advice to the Lavers Hill K-12 College.*
7. *Authorises the Chief Executive Officer to execute a further and separate funding agreement prior to 30 June 2023 consistent with the terms set out in point 6 of this resolution subject to:*
 - a. *Satisfactory compliance with the one year agreement for 2022-23;*
 - b. *The term of the agreement being five years with a commencement date of 1 July 2023; and*
 - c. *The annual funding amount will be \$20,000 (exclusive of GST).*

8. *Recommends to the Lavers Hill K-12 College that it undertake annual reviews of the membership and user fees for the pool, including benchmarking and user surveys, to assist it to identify opportunities for ensuring ongoing financial sustainability of the facility.*
9. *Notes that neither of the agreements outlined in points 6 or 7 requires or infer a Council representative to be a member of any management committee as the management and operation of the pool is the responsibility of the Lavers Hill K-12 College and not a Council-delivered service.*
10. *Thanks the public for their co-signed letter and writes to the first signatory and advises that this matter has been addressed.*

CARRIED 7 : 0

The meeting adjourned for a short break at 5.09pm.
The meeting resumed at 5.15pm.

Item: 10.6

Audit and Risk Committee - Biannual Audit and Risk Report

OFFICER	Lyndal McLean
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. Report to Council of Colac Otway May 2022 - Biannual Audit and Risk Report [10.6.1 - 3 pages]

RESOLUTION

MOVED Cr Margaret White, SECONDED Cr Joe McCracken

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

CARRIED 7 : 0

Item: 10.7

Sale of 36-52 Bruce Street, Colac

OFFICER	Marlo Emmitt
GENERAL MANAGER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

RECOMMENDATION

That Council, in relation to Confidential Item 4.1 of the 4 May 2022 unscheduled Council meeting:

- 1. Acknowledges that once contract documentation is executed, the release of the resolution will provide transparency to the community and provide context to the preparation of future reports to Council.*
- 2. Determines to release the resolution following the execution of relevant contract documentation.*
- 3. Notes that the remainder of the agenda and minutes will remain confidential.*

MOTION

MOVED Cr Graham Costin, SECONDED Cr Stephen Hart

That Council, in relation to Confidential Item 4.1 of the 4 May 2022 Unscheduled Council meeting:

- 1. Acknowledges that once contract documentation is executed, the release of the officer recommendation, motions and voting will provide transparency to the community and provide context to the preparation of future reports to Council.*
- 2. Determines to release to the public the officer recommendation, motions and voting following the execution of relevant contract documentation.*
- 3. Notes that the remainder of the agenda and minutes will remain confidential.*

Cr Jamie Bell foreshadowed he would move an alternative motion in the event that the motion currently before Council was lost.

LOST 2 : 5

RESOLUTION

MOVED Cr Jamie Bell, SEDONDED Cr Chris Potter

That Council, in relation to Confidential Item 4.1 of the 4 May 2022 unscheduled Council meeting:

- 1. Acknowledges that once contract documentation is executed, the release of the resolution will provide transparency to the community and provide context to the preparation of future reports to Council.*
- 2. Determines to release the resolution following the execution of relevant contract documentation.*
- 3. Notes that the remainder of the agenda and minutes will remain confidential.*

CARRIED 7 : 0

Item: 10.8

Revocation of Authorised Officers under the Planning and Environment Act 1987

OFFICER	Maree Powell
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	1. For Revocation - Instrument of Appointment and Authorisation - Tony Mc Gann [10.8.1 - 1 page]

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Graham Costin

That Council revokes the Instrument of Appointment and Authorisation under the Planning and Environment Act 1987 for Tony McGann.

CARRIED 7 : 0

Item: 10.9

Report of Informal Meetings of Councillors

OFFICER	Lyndal Redford
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none"> 1. Informal Meeting of Councillors - Councillor Briefing - 13 April 2022 - CB 20220413 [10.9.1 - 2 pages] 2. Informal Meeting of Councillors - Bruce Street land sale meeting - 20 April 2022 - 20220420 [10.9.2 - 2 pages] 3. Informal Meeting of Councillors - Special Council meeting preparation - 20 April 2022 - SCM 20220420 [10.9.3 - 2 pages] 4. Informal Meeting of Councillors - Bruce Street land sale meeting - 27 April 2022 - 20220427 [10.9.4 - 2 pages] 5. Informal Meeting of Councillors - Council meeting preparation - 27 April 2022 - CM 20220427 [10.9.5 - 2 pages] 6. Informal Meeting of Councillors - Councillor Briefing - 4 May 2022 - CB 20220504 [10.9.6 - 2 pages] 7. Informal Meeting of Councillors - Unscheduled Council meeting preparation - 4 May 2022 - UCM 2022050 [10.9.7 - 2 pages] 8. Informal Meeting of Councillors Record - City Deals Executive Steering Committee - 20220510 [10.9.8 - 1 page] 9. Informal Meeting of Councillors - Councillor Briefing - 11 May 2022 - CB 20220511 [10.9.9 - 3 pages] 10. Assembly of Councillors - Colac Regional Saleyards Advisory Committee Meeting - 13 May 2022 [10.9.10 - 1 page]
PURPOSE	To report the Informal Meetings of Councillors

REPORTING

The Informal Meetings of Councillors are reported herewith.

- | | |
|--|----------------------|
| 1. <i>Councillor Briefing</i> | <i>13 April 2022</i> |
| 2. <i>Bruce Street Land Sale Meeting</i> | <i>20 April 2022</i> |

- | | |
|--|----------------------|
| <i>3. Special Council Meeting Preparation</i> | <i>20 April 2022</i> |
| <i>4. Bruce Street Land Sale Meeting</i> | <i>27 April 2022</i> |
| <i>5. Council Meeting Preparation</i> | <i>27 April 2022</i> |
| <i>6. Councillor Briefing</i> | <i>4 May 2022</i> |
| <i>7. Unscheduled Council Meeting Preparation</i> | <i>4 May 2022</i> |
| <i>8. City Deals Executive Steering Committee</i> | <i>10 May 2022</i> |
| <i>9. Councillor Briefing</i> | <i>11 May 2022</i> |
| <i>10. Colac Regional Saleyards Advisory Committee</i> | <i>13 May 2022</i> |

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

The meeting was declared closed at 5.35pm

CONFIRMED AND SIGNED at the meeting held on 29 June 2022.

.....**MAYOR**

Anne Howard, CEO
Colac Otway Shire
and all Councillors

Sunday 15th May, 2022

Lavers Hill, Vic, 3238
Mb.

RE: Funding agreement for Lavers Hill Pool

Dear Ms. Howard and Councillors,

We are very concerned to hear of a threat to Council's continued funding of Lavers Hill pool, and council seeking to impose unreasonable costs and restrictions on the use of our pool.

The Cliff Young School and Community Recreation Centre pool and gym has been a great asset to the community. People have learnt to swim, attended hydrotherapy classes, swimming sports have been held, lap swimmers plough the pool and it is used for family fun. All of this promotes the mental and physical health of our community. It makes our community safer, because people who otherwise wouldn't have learned to swim. Some people come from far afield to use the Lavers Hill pool – it provides a social benefit as well as physical. We have long term members who travel each week to catch up with old friends at the pool during Tuesday's aqua exercise session.

For the past 30 years the school has had an agreement with the Council that it pays 40% of the maintenance costs (with an annual cap of \$10,000 **plus CPI** being introduced into the agreement in 2009). This agreement expired in June 2021.

Council officers have considered the school's request for continued funding and put forward a list of recommendations, including (for the first 12 months of the agreement):

- "an annual funding limit of \$12,500"
- "The Lavers Hill K-12 College is to provide an action plan for increasing compliance with Royal Lifesaving Australia Guidelines for Safe Pool Operations audit"
- "Council will not have a representative on the Lavers Hill Indoor Swimming Pool Committee of Management"

- And (at the expiration of the initial 12 month agreement):
“the public can only access the pool at times where lifeguard supervision is provided”
- “user fees for access to Lavers Hill Swimming Pool are no less than 50% of fees at Bluewater Leisure Centre or Apollo Bay Aquatic Centre, whichever is less.”

These recommendations put to Council are unreasonable and impractical for our small pool. The guidelines for running large public pools such as at Bluewater and Apollo Bay cannot apply to Lavers Hill Pool.

We have always had a Council representative on our Committee of Management. Without one, after 30 years, Council would be abdicating its responsibility.

The school needs more help from the Shire to allow this to happen and to cover a proportion of everyday running costs. Our Shire contributes very little to our small town compared to other similar towns in the Shire. The pool is the ONLY recreational facility in Lavers Hill, Colac Otway Shire provides no park, no football field, no other recreational facility in Lavers Hill or anywhere nearby.

Of particular concern is the extraordinary proposal to increase the membership to a minimum of 50% the fee of Bluewater or Apollo Bay pool. This would make them well over double the current fee. Memberships are kept low to keep them affordable for the many low income families in our area. The facilities are very basic, they do not compare to the extensive choices and premium equipment at Bluewater in Colac. We are happy with our basic facilities, we are not asking for Bluewater to be recreated at Lavers Hill. We need a price that reflects the reality of the facilities as they are, and the ability of our community to pay.

If accepted by Council at its next meeting, the recommendations would make it impossible for the public to have access to the pool.

Please look at these very impractical recommendations and realize that if they are adopted, it will be the death of the Lavers Hill pool. Please work in good faith with Lavers Hill K-12 College in a long-term partnership to keep our much loved community pool open and accessible.

Yours Faithfully,

& the attached list of names of concerned residents of Colac Otway
Shire

We the undersigned endorse the letter 'Re: Funding agreement for Lavers Hill Pool' dated 15th May 2022

Name	Address	Email	Phone	Signed
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We the undersigned endorse the letter 'Re: Funding agreement for Lavers Hill Pool' dated 15th May 2022

Name	Address	Email	Phone	Signed

Name	Address	Email	Phone	Signed
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