



Colac Otway
SHIRE

COUNCIL MEETING

MINUTES

Wednesday 25 August 2021

at 4:00 PM

By videoconference

Next Council Meeting: 22 September 2021



COLAC OTWAY SHIRE COUNCIL MEETING

Wednesday 25 August 2021

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COLAC OTWAY SHIRE COUNCIL MEETING

MINUTES of the **COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** held at videoconference on
Wednesday 25 August 2021 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
Tony McGann, General Manager, Environment & Infrastructure
Ian Seuren, General Manager, Development & Community Services
Marlo Emmitt, Manager, Governance & Communications
Lyndal McLean, Governance Coordinator
Doug McNeill, Manager, Planning, Building & Health
Kristy Cochrane, Project Delivery Coordinator
Madeleine Bisits, Manager, Assets & Project Delivery
Melanie Duvé, Corporate Planning & Reporting Officer
Dora Novak, Environment Coordinator
Tony Gullone, Acting Manager Environment and Community Safety
Jane Preston-Smith, Executive Officer Development & Community Services
Nicole Frampton, Recreation and Open Space 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: This Council meeting was recorded with the exception of matters identified as confidential items. This included the public participation sections of the meetings.

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

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

James Judd, Colac

1. **Of the Colac Otway Shire Council's forward planning, how many of these proposals are subject to approval or amendment by future Councils before they are introduced when at least one would require a very large Government allocation first? Plus the development of any sports fields at the Colac High School site has been quoted by Council officers of needing multi-millions of dollars to come from outside sources.**

Response from General Manager, Development & Community Services

The Colac 2050 Growth Plan is a plan for the future growth of Colac that established 2050 as a time horizon. Growth in Colac will be phased in stages as described in the plan. The Deans Creek Outline Development Plan is the first major residential growth corridor to be planned for in Colac and work has commenced on the project. Council is confident of attracting grant funding to match Council's contribution to the project. Council decisions will be required on this project at various stages, along with other relevant projects, as is the normal process. It is also not unusual that major sporting facilities require significant government funding. Future development of the former Colac High School site for sporting facilities will require such funding.

2. **Since businesses in the Colac region have started planning based on the basis the Colac 2050 Growth Plan will be introduced on time – this is multiple full terms of Council in the future – is Council yet able to give any definite undertaking it will happen, or, is this subject to decisions**

by future Councils and/or funds being received prior to doing required works to introduce the Plan?

Response from General Manager, Development & Community Services

The Colac 2050 Growth Plan is a strategic framework to guide the future development and population growth of Colac. The Plan sets a vision for Colac, identifies where growth should occur and the appropriate planning controls to manage growth. The growth of the town will be dependent on many factors, some the responsibility of Council. It is likely that further Council and State Government resources will be required to support residential growth, along with contributions from land developers. Council has provided funding in its 2021/22 budget for the Deans Creek Corridor Outline Development Plan to help facilitate residential land development in the short to medium term.

3. What certainty exists that the land at the old Colac High School site will be in ownership of the Colac Otway Shire Council prior to the next Victorian State election or is this subject to amendment if the State Government changes at the next State election? Because if subject to amendment the officers claim that because of land to be received at the High School site so no open space is required to be provided at Council's Bruce Street site is meaningless.

Plus Council has long claimed it could never develop these lands at the High School site without very large amounts of money coming from other sources first.

Plus is Council trying to avoid the obligations it puts on private people to provide land or funds equal to the value of land that should have been provided as the Bruce Street land is owned by the Colac Otway Shire Council,

Or will any who take this land out of Council's ownership be hit with a demand to supply cash before selling the then developed land?

Response from General Manager, Development & Community Services

The Victorian Government has confirmed in writing its acceptance to sell and donate 4.483ha of the former Colac High School site to Council. Council and the Victorian Government are working through the disposal/acquisition process which should be finalised in coming months. A future Victorian Government election will have no bearing on the acquisition of this site.

The future development of the site for recreation purposes will be subject to a master planning process, which will determine the type and level of infrastructure required along with estimated costs. As stated previously, as per the majority of major infrastructure projects undertaken by Council, it is likely that funding from other levels of government will be required.

Whilst the question regarding the Bruce Street land is not clear, Council has no intention of enabling private developers to avoid obligations of any kind when it comes to developing for residential purposes.

4. As very secure security systems are being hacked around the world and details stolen could the Colac Otway Shire Council give a definitive guarantee that all communications conducted by email, online and the web can never be hacked and remain confidential communications?

Response from General Manager, Corporate Services

Unfortunately it is not possible for any organisation to give a definitive guarantee that all communications conducted by email, online and the web can never be hacked and remain confidential communications. The reality is that organisations the likes of Microsoft, with the

most advanced cyber security, are being hacked. Colac Otway Shire has implemented extra measures in recent times to provide extra levels of security. This is, and will continue to be, an ongoing challenge.

To reduce the risks associated with hackers, the Colac Otway Shire Council has implemented security controls such as firewalls, password policies, pro-active patching of infrastructure, email security, web security and a 24/7 managed cyber detect and response service, as well as delivering cyber awareness training to all staff. The implementation of additional security controls using 2-factor authentication technologies further reduces these risks. Confidential communications are captured into Council's Electronic Document Record Management System as required under State record legislation (Victorian Public Records Act 1973). Within this system, confidential records have restricted access controls applied. Council is committed to continuously updating and maintaining security of all systems in line with the requirements of the Victorian Data Security Protection Standards.

- 5. How much money was paid by the Colac Otway Shire Council to produce the papers for the EOI for land development and sale in Bruce Street Colac when multiple false statements were made on the map to show the location of the land? The school is in the second block west of Bruce Street, not the second block west of Bunnings. Also the main way to Geelong is on the highway not via Forrest and Apollo Bay. That is a very long way with shocking roads.**

Response from General Manager, Development & Community Services

Council officers followed the Procurement Policy to engage a marketing agent for the sale of the land. In order to seek best value for money, officers went beyond the minimum requirement of the policy and requested six quotes from suitability qualified firms. Two quotes were received and assessed by the Project Control Group. The cost of the information memorandum is a proportion of the overall engagement for a scope of services provided by the marketing agent.

The location of the Colac Primary School as indicated by the number 6 on the map is incorrect. This text should have displayed Memorial Square not Colac Primary School, this error has been rectified. The site location in reference to the arrow pointing to Geelong is to indicate the sites geographic position being west of Geelong not a preferred route.

Phoebe Nagorcka-Smith, Birregurra

- 1. Will Council fly the rainbow flag from its service centres on 17 May next year, for the International Day Against Homophobia, Biphobia and Transphobia (IDAHOBIT Day)?**

Response from General Manager, Corporate Services

The flags that are to be flown permanently at its Rae Street Colac Offices, pursuant to this policy, are the Australian National Flag and the Aboriginal Flag, except in inclement weather. Flags flown in response to Council's governance responsibilities will be flown in accordance with the relevant legislation and protocol guidelines in force at the time (Council Policy 18.12 - Flag Protocol Policy).

An action with the Reconciliation Action Group Plan is to investigate the addition of a third flag pole to enable Colac Otway Shire to fly the Torres Strait Island flag. To date there has not been any discussion regarding a fourth flag pole to fly alternative flags for dedicated days. This would need to be reviewed under the current flag protocol policy as adopted by Council.

Bob Knowles, Apollo Bay Chamber of Commerce

1. **Will council assist with the erection of a hoarding to spare visitors the ugly sight of the fire devastation in the main street of Apollo Bay. Photos of attractions around the shire could feature.**

Response from General Manager, Development & Community Services

Council would consider supporting the erection of hoarding as a visual barrier to the vacant blocks in the main street of Apollo Bay. This would normally be undertaken by landowners and the Apollo Bay Chamber of Commerce might consider approaching landowners to support this concept. Whilst the concept, including the photos of attractions of the shire, has merit, it should be noted that Council does not have budget for this type of project. Without understanding the potential cost, Council couldn't commit to undertaking this project without further information.

2. **Officers allocated to the Joint Affordable Worker Housing Task Force are struggling to fit the work required into their existing schedules. Will Council allocate more appropriate resources to expedite the extraction of meaningful data and help build the case for timely solutions?**

Response from General Manager, Development & Community Services

Council understands that affordable housing for workers is a significant issue for our community, which led to the declaration of a Key and Essential Worker Housing Crisis at the June 2021 Ordinary Council Meeting. Council officers are providing support to the Joint Task Force, but noting that officers' capacity to support is limited due to other key tasks of their roles.

Council is a partner to the Great South Coast Key Worker Housing project stage 2, which has recently commenced. Council has instructed that the stage 2 project, from a Colac Otway perspective, has a specific focus on housing issues in our coastal areas. Through funding support from the Victorian Government, the project will appoint an Executive Officer to lead and deliver the project which will provide some resource to addressing our housing challenges.

It would be challenging to allocate further resources to the Joint Affordable Worker Housing Task Force at this point in time, considering the 2021/22 has been adopted and Council has set a requirement for the organisation to find \$200,000 of operational savings for the 2021/22 year.

3. **Will Council commit to a six month moratorium on the sale of the Apollo Bay Kindergarten site in order to allow time for the development of a Key & Essential worker accommodation proposal on the site?**

Response from General Manager, Development & Community Services

Council has previously resolved in-principle to sell the current Apollo Bay Kindergarten site and support the relocation of the kindergarten to the Apollo Bay P-12 College. The new kindergarten development is dependent on the revenue to be received from the sale of site. Officers plan to discuss the potential sale of the site with Councillors in the near future, and in this briefing session will include consideration of the Apollo Bay Chamber's request to delay the sale by six months. It should be noted that any sale process will take some time and that as part of a sale process, Council would advertise its intention to sell the site, seeking feedback from the community.

Tim Cobb, Skenes Creek

1. In the Quarterly Performance Report (1.1.5) it states that a Draft Community Infrastructure Plan for Apollo Bay, Marengo, Skenes Creek should go to the September 2021 Council Meeting before being released for consultation.

According to the COS website the draft plan was due for release Jan-Jun 2020 so the project is already more than 12 months behind schedule. The final report was due for completion in June 2020!

Are Council confident about hitting this new timeline as the lack of a CIP continues to stymie progress in our communities?

Response from General Manager, Development & Community Services

The Community Infrastructure Plan has taken significantly longer than planned to complete due to a number of factors including resolution of key traffic management and crown land issues with other government agencies. Council is confident now that these have been sufficiently resolved and the consultants are now preparing a draft plan for presentation to Council at its November or December meeting. This will enable community engagement on the draft Plan over the December-February peak holiday period, and maximise community participation in the process.

- 2.1. When VicRoads built a section of rockwall round Thomas's corner they designed it so that the proposed Skenes Creek to Wild Dog trail could be built on top. Has Council been in touch with the Skenes Creek/Cumberland River trail project team (part of the Geelong City Deal) re the design of the storm drain at Bass Crescent?

Response from General Manager, Environment & Infrastructure

Please see below response

- 2.2 Will Council's works at Bass Crescent include allowance for the proposed Skenes Creek to Cumberland River trail to run alongside the coastal side of the GOR?

Response from General Manager, Environment & Infrastructure

Council's designer for the Bass Crescent outfall project is required to liaise with the Geelong City Deal team to address any considerations arising from the planning for the Skenes Creek/Cumberland River trail.

- 2.3 Will Council's works include a pedestrian traffic island to allow safe road crossing at the bottom of Bass Crescent as identified in input to the Skenes Creek community Infrastructure plan?

Response from General Manager, Environment & Infrastructure

The scope of Council's Bass Crescent project does not include the pedestrian island.

- 3.1. The major tourism and visitor centres in the Shire are along the Great Ocean Road, particularly in Apollo Bay where visitor demands for toilet facilities are much greater than elsewhere in the Shire. What was the cost of the small temporary toilet block built in Apollo Bay?

Response from General Manager, Environment & Infrastructure

The temporary facility in Apollo Bay cost \$110,730 exclusive of GST.

3.2 Why did Council not design a permanent facility?

Response from General Manager, Environment & Infrastructure

Council did not build a permanent facility at that time for a number of reasons. Firstly there was little in the way of a tested strategic basis to do so. Secondly there was no available budget to be able to fund a more expensive permanent facility. It was also thought that the temporary toilet building would be able to be reused once no longer needed in Apollo Bay and this is still the case. Third, we had an urgent operational need with heavy tour bus loads which were creating a problem for nearby residents. We needed to urgently respond to that situation. A purpose designed and procured permanent facility would have taken too long to get in place. We consulted with the Apollo bay Chamber of Commerce on this urgent and temporary response and really appreciate the support they gave.

3.3 Why are similar temporary toilet facility not being considered for Colac which has much lower visitor numbers?

Response from General Manager, Environment & Infrastructure

A Draft Public Toilet Strategy has been prepared that includes a review of all Council owned public toilet facilities and provides recommendations regarding future provision. The Strategy will guide decisions and priorities for provision of public toilets in Colac, however the current priority for Colac is the development of a new toilet and Changing Places facility at Memorial Square, which receives similar patronage to toilets in coastal areas.

Jilda Liddicut, Birregurra

- 1. I herein direct this letter to all interested councillors of the Colac/Otway Shire, particularly those on the Planning Committee, for consideration at the forthcoming August Council meeting. I feel this matter is urgent.**

I have come to appreciate that I am far from alone in my despair about the rapid, seemingly ill-considered, changing character of the Historic township of Birregurra. I have met other residents who venture out when the prolonged noise of chainsaws reverberates through the air. Usually it's too late to do anything as we are confronted by the sad vision of yet another tree 'carcass' laying over the ground - awaiting final obliteration by one of those ear shattering Mulchers.

I believe some of these trees may have considerable heritage value apart from their value as a tree in it's own right.

Also, it seems that as land comes up for sale in and around the township, it's often developers who acquire it, thereafter clearing all or certainly most trees and carving it up into smaller blocks (which in turn, bring in more revenue from Rates so this fact may well create some conflict of interest?)

I believe the residents of Birregurra are entitled to be kept well in the loop and provided the opportunity to contest or appeal any intention to remove trees from our Townscape, especially bigger trees that have providing air cleaning, oxygen, habitat for our wildlife, beauty and shade from increasing climate change.

The lame planting of new trees, in no way makes up for that which is lost by the wilful, nearsighted act of tree removal.

I wonder if we could please have greater oversight of what is going on in and around the perimeter of this township, before it is too late and we lose a main feature of the charm that attracts both visitors and tourists to this historic town.

I would like to bring your attention to 'Campfires at the Cross' by Heather Let Griffon, a wonderful informative account of Bunting Dale Aboriginal Mission at Birregurra 1839-1851 in which you can read about the rich history of this region and appreciate how more tourism could perhaps be promoted.

There are many reasons to retain the natural beauty, character and charm of Birregurra and I am one of the many residents who share similar concerns and request of you greater oversight of this town as part of the Global world community desperately concerned about the loss of habitat and amenity that make this town an asset into the future.

However, if poorly considered changes continue unabated may well only look back with regret that we did not plan with greater sensitivity and wisdom when we had the chance.

I appeal to each and every one of you to please give due attention as you read this letter.

Response from General Manager, Development & Community Services

Council is aware of the significant interest of the Birregurra community in the preservation of the low density, vegetated rural character of the town. Following the implementation of a town wide sewerage scheme by Barwon Water 8 years ago, Council undertook strategic planning in partnership with the community to develop and implement planning controls to moderate the impacts of new development. Despite these provisions coming into effect, including permit requirements for the removal of large trees in some areas, new development may result in a change to the streetscapes of the town as further intensification occurs. Council planners have a responsibility to assess applications against these planning provisions. It is anticipated that Council will be reviewing the Birregurra Structure Plan and neighbourhood character controls over the next few years subject to budget funding.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Any person wishing to participate in public question time was requested to register their intention to do so by contacting the Shire prior to 5:00pm on Monday 23 August 2021. No requests were received.

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

Nil

7 PETITIONS / JOINT LETTERS

Nil

8 DECLARATIONS OF INTEREST

Cr Kate Hanson declared a general conflict of interest pursuant to section 127 of the *Local Government Act 2020*.

Cr Kate Hanson	Item 10.5 Community Nominees for Mooleric Road Quarry Consultative Committee
Nature of Disclosure	General conflict of interest
Nature of interest	General conflict due to my long association with people involved and living adjacent to the quarry.

9 CONFIRMATION OF MINUTES

- Council Meeting held on 28 July 2021.

RESOLUTION

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

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

CARRIED 7 : 0

Item: 10.1

Draft Social Housing Plan - Consideration of Submissions

OFFICER	Doug McNeill
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	1. Draft Colac Otway Shire Social Housing Plan May 2021 [10.1.1 - 25 pages]
PURPOSE	To consider submissions received in relation to the draft Colac Otway Social Housing Plan and seek Council resolution to adopt the Plan.

RECOMMENDATION

That Council:

1. *Considers the submissions raised in relation to the draft Colac Otway Social Housing Plan.*
2. *Adopts the final Colac Otway Social Housing Plan as attached.*
3. *Writes to the submitters thanking them for their submission and advising of the outcome.*

ALTERNATIVE MOTION

MOVED Cr Graham Costin, SECONDED Cr Margaret White

That Council:

1. *Considers the submissions raised in relation to the draft Colac Otway Social Housing Plan.*
2. *Adopts the final Colac Otway Social Housing Plan as attached.*
3. *Writes to the submitters thanking them for their submission and advising of the outcome.*
4. *Requests that Councillors receive monthly updates through briefing reports on the progress being made in the achievement of the actions contained in the plan.*
5. *Notes the progress already being made in the implementation of these actions including the progression of an Expression of Interest process for sale of land at Bruce Street Colac which is to include social housing, negotiations occurring with potential developers for provision of social housing in newly zoned residential areas, advocacy to State Government concerning*

suitable sites for social housing investment in the Shire and collaborative work with other G21 councils to develop partnerships with housing providers.

CARRIED 7 : 0

Item: 10.2

Council Policy Review - 20.1 Environmental Sustainability Policy

OFFICER	Dora Novak
GENERAL MANAGER	Tony McGann
DIVISION	Environment & Infrastructure Services
ATTACHMENTS	<ol style="list-style-type: none">1. Environmental- Sustainability - Colac Otway (current) 20210813 [10.2.1 - 4 pages]2. Environmental Sustainability Policy - Colac Otway - Reviewed - Final - 20210813(6) [10.2.2 - 4 pages]3. Environmental Sustainability Framework - Colac Otway - Final - 2021 [10.2.3 - 1 page]
PURPOSE	To seek Council consideration and approval to release for public consultation the amended and updated Council Policy 20.1 - <i>Environmental Sustainability</i> and related Environmental Sustainability Framework.

RESOLUTION

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

That Council:

1. *Considers the reviewed and amended Colac Otway Council Policy 20.1 - Environmental Sustainability and related Environmental Sustainability Framework;*
2. *Releases the reviewed and amended Colac Otway Council Policy 20.1 - Environmental Sustainability and related Environmental Sustainability Framework for a six-week public consultation period, in line with Council's Community Engagement Policy; and*
3. *Considers any feedback from the exhibition and consultation period at a future Councillor Briefing and Council meeting.*

CARRIED 7 : 0

Item: 10.3

Barwon South West Climate Alliance

OFFICER	Dora Novak
GENERAL MANAGER	Tony McGann
DIVISION	Environment & Infrastructure
ATTACHMENTS	Nil
PURPOSE	The purpose of this report is to outline the project to establish a formal Climate Alliance of local governments and relevant agencies in the Barwon South West region; provide an update on the project's progress to date; and to seek Council's endorsement to become a founding member of the Barwon South West Climate Alliance.

RECOMMENDATION

Cr Jamie Bell left the meeting at 5:20pm; returned at 5:21pm.

That Council:

1. *Agrees to become a Founding Member of the Barwon South West Climate Alliance to assist in establishing the structure and governance of the alliance; and*
2. *Notes that it will receive a future report that will inform Council of the final structure and membership arrangements of the Barwon South West Climate Alliance prior to Council considering financial membership.*

ALTERNATIVE MOTION

MOVED Cr Joe McCracken, Seconded Cr Jamie Bell

That Council:

1. *Notes that the stated aims of establishing a Climate Alliance in our region are to provide a unified voice on climate change for our region, increase effective climate adaptation across the region, reduce the risks and impacts of climate change, share knowledge and*

experience across Councils, sectors and the region and to co-ordinate a range of mutually beneficial climate adaptation and mitigation projects across the region;

- 2. Generally support the aims outlined in point 1;*
- 3. Notes Colac-Otway Shire is the first rural municipality in Victoria to achieve 'Carbon Neutrality' across its operations, among other achievements;*
- 4. Requests officers to investigate an appropriate arrangement to pursue regional climate change priorities through or in conjunction with the G21 Regional Alliance or any other regional group we are currently a member of;*
- 5. Resolves that Colac Otway Shire does not seek to become a founding member of the Barwon South West Regional Alliance; and*
- 6. Resolves that any commitment of arrangements, other than that outlined in point 4, requires an explicit resolution of Council.*

CARRIED 4 : 3

DIVISION

For the motion: Cr Joe McCracken, Cr Jamie Bell, Cr Chris Potter, Cr Kate Hanson

Against the motion: Cr Stephen Hart, Cr Graham Costin, Cr Margaret White

The meeting adjourned for a short break at 5.32pm.

The meeting resumed at 5.40pm.

Item: 10.4

Memorial Square Public Toilet Redevelopment - Concept Plans for Public Consultation

OFFICER	Madeleine Bisits
GENERAL MANAGER	Tony McGann
DIVISION	Environment & Infrastructure Services
ATTACHMENTS	<ol style="list-style-type: none">1. For Consultation - Memorial Square Public Toilet Redevelopment - Proposed Public Toilet Layout Plan [10.4.1 - 1 page]2. For Consultation - Memorial Square Public Toilet redevelopment - Proposed Parking and Pedestrian Con [10.4.2 - 1 page]
PURPOSE	To present concept designs for the Memorial Square Public Toilet Redevelopment for endorsement to go on public exhibition.

RESOLUTION

Cr Jamie Bell left the meeting at 5:43pm; returned at 5:45pm.

MOVED Cr Chris Potter, SECONDED Cr Margaret White

That Council:

1. *Approves placing the Memorial Square Public Toilet Redevelopment Draft Concept Plans on public exhibition for a six-week period, in line with Council's Community Engagement Policy.*
2. *Considers any feedback from the exhibition and consultation period at a future Council Briefing and Council meeting.*

CARRIED 7 : 0

Item: 10.5

Community Nominees for Mooleric Road Quarry Consultative Committee

OFFICER	Doug McNeill
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	Nil
PURPOSE	To select a community representative for the Mooleric Road Ombersley Quarry Consultative Committee.

RECOMMENDATION

Cr Kate Hanson declared a general conflict of interest pursuant to section 127 of the *Local Government Act 2020* and left the meeting at 5.46pm prior to discussion taking place.

Cr Kate Hanson	Item 10.5 Community Nominees for Mooleric Road Quarry Consultative Committee
Nature of Disclosure	General conflict of interest
Nature of interest	General conflict due to my long association with people involved and living adjacent to the quarry.

Cr Graham Costin assumed the role of Chair for this item.

That Council resolves:

- 1. To accept the nomination of Daryl Collins to be a Community Representative of the Mooleric Road, Ombersley Quarry Consultative Committee.*
- 2. To appoint Tim Holt as a reserve Community Representative of the Mooleric Road, Ombersley Quarry Consultative Committee, to be invited to attend Committee meetings in circumstances when either of the two community representatives cannot attend.*
- 3. That the reserve member of the Committee will be accepted as an on-going member of the Committee should either of the two community representatives resign their position.*

REVISED OFFICER RECOMMENDATION

MOVED Cr Stephen Hart, SECONDED Cr Chris Potter

That Council resolves:

- 1. To accept the nomination of Tim Holt to be a Community Representative of the Mooleric Road, Ombersley Quarry Consultative Committee.**
- 2. To appoint Daryl Collins as a reserve Community Representative of the Mooleric Road, Ombersley Quarry Consultative Committee, to be invited to attend Committee meetings in circumstances when either of the two community representatives cannot attend.**
- 3. That the reserve member of the Committee will be accepted as an on-going member of the Committee should either of the two community representatives resign their position.**

CARRIED 6 : 0

Cr Kate Hanson returned to the meeting at 5.50pm after the vote was taken and resumed the role of Chair.

Item: 10.6

Special Delegation - Urgent Works - Bass Crescent Stormwater Renewal Contract 2201

OFFICER	Maddy Bisits
GENERAL MANAGER	Tony McGann
DIVISION	Environment & Infrastructure
ATTACHMENTS	<ol style="list-style-type: none">1. Bass Crescent Concept Design - Cardno May 2020 - OCM Attachment [10.6.1 - 2 pages]2. Bass Cres Drainage Outfall AS Miner Group Landslip Report Final [10.6.2 - 20 pages]
PURPOSE	To seek pre approval for the Chief Executive Officer to award a contract for upgrade works to the drainage outfall at Skenes Creek.

RESOLUTION

Cr Jamie Bell left the meeting at 5:51pm; returned at 5:54pm.

MOVED Cr Chris Potter, SECONDED Cr Graham Costin

That Council:

1. *Acknowledges the urgent nature of the works required on the Bass Crescent, Skenes Creek stormwater outlet.*
2. *Notes that interim risk management actions are being implemented in accordance with the recommendations of the geotechnical engineer.*
3. *Approves a Request for Quotation process for CON2201, due the urgent nature of the works, noting that this is inconsistent with Council's adopted Procurement Policy.*
4. *Delegates the Chief Executive Officer (CEO) the power to award a contract for the Bass Crescent Stormwater Renewal Contract CON2201 in the event that the preferred quotation exceeds the S5 Delegation to the CEO subject to:*
 - a. *the awarded contract being within the approved project budget; and*

- b. Council receiving a report from the CEO at a subsequent Council Meeting detailing the procurement and contract award processes.*
- 5. Authorises the CEO to enter into a contract for the Bass Crescent Stormwater Renewal Contract CON2201 on Council's behalf.*
- 6. Authorises the CEO to perform all roles of the Principal.*
- 7. Requests that the CEO ensures the contract price is listed on Council's website.*

CARRIED 7 : 0

Item: 10.7

Quarterly Performance Report 2020/21 - April to June 2021

OFFICER	Melanie Duve
CHIEF EXECUTIVE	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. Fourth Quarter Performance Report - 1 April to 30 June 2021 - Final [10.7.1 - 28 pages]
PURPOSE	To provide Council with the fourth Quarterly Performance Report for 2020/21 - April to June 2021.

RESOLUTION

MOVED Cr Joe McCracken, SECONDED Cr Margaret White

That Council notes the Quarterly Performance Report 2020/21 for the period of 1 April to 30 June 2021.

CARRIED 7 : 0

Item: 10.8

Council Policy - Draft Capital Project Prioritisation Policy and Draft Capital Funds Allocation Policy

OFFICER	Maddy Bisits
GENERAL MANAGER	Tony McGann
DIVISION	Environment & Infrastructure
ATTACHMENTS	<ol style="list-style-type: none"> 1. 16 11 Council Policy Capital Funds Allocation Policy Draft For Consultation [10.8.1 - 7 pages] 2. 16 12 Council Policy Capital Project Prioritisation Policy Draft for consultatio [10.8.2 - 3 pages]
PURPOSE	To present two new draft policies for public consultation.

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Joe McCracken

That Council:

1. *Endorses the Draft Capital Funds Allocation Policy and Draft Capital Projects Prioritisation Policy to be placed on public exhibition for a six week period.*
2. *Considers any feedback from the exhibition and consultation period at a future Council Briefing and Council meeting,*
3. *Considers adoption of the Policies at a future Council Meeting.*

CARRIED 7 : 0

Item: 10.9

Authorisation of Officers under the Planning and Environment Act 1987

OFFICER	Maree Powell
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	1. Instrument of Appointment and Authorisation - Anne Sorensen - Planning & Environment Act [10.9.1 - 1 page]
PURPOSE	For Council to appoint an officer as an authorised officer under section 147(4) of the <i>Planning and Environment Act 1987</i> .

The CEO withdrew this item from the agenda for further review.

Item: 10.10

Audit and Risk Committee Minutes - 12 May 2021

OFFICER	Lyndal McLean
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. Audit and Risk Committee - Minutes - 12 May 2021 - Signed [10.10.1 - 25 pages]
PURPOSE	To receive for information the Colac Otway Shire Audit and Risk Committee minutes dated 12 May 2021.

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Joe McCracken

That Council receives for information the Colac Otway Shire Audit and Risk Committee minutes dated 12 May 2021.

CARRIED 7 : 0

10.11

**Report from Delegate - Municipal Association of Victoria
(MAV) State Council Meeting held on 21 May 2021**

COUNCILLOR	Cr Stephen Hart
ATTACHMENTS	<ol style="list-style-type: none">1. Res 28 State- Council- Agenda-and- Business- Papers- May- 2021 [10.11.1 - 1 page]2. State- Council- Resolutions- May-2021 [10.11.2 - 37 pages]
PURPOSE	To provide a report from the Municipal Association of Victoria – 2021 delegate

RESOLUTION

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

That Council notes the report from Council's Municipal Association (MAV) Delegate regarding the State Council meeting held on 21 May 2021.

CARRIED 7 : 0

Item: 10.12

Report of Informal Meetings of Councillors

OFFICER	Lyndal McLean
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none"> 1. Informal Meeting of Councillors - Councillor Briefing - 21 July 2021 CB 20210721 [10.12.1 - 3 pages] 2. Informal Meeting of Councillors - Council Preparation Meeting - 28 July 2021 OCM 20210728 [10.12.2 - 2 pages] 3. Informal Meeting of Councillors Record - City Deals Executive Steering Committee - 20210803 [10.12.3 - 1 page] 4. Informal Meeting of Councillors - Councillor Briefing - 4 August 2021 CB 20210804 [10.12.4 - 3 pages]
PURPOSE	To report the Informal Meetings of Councillors.

REPORTING


The Informal Meetings of Councillors are reported herewith:

- | | |
|--|----------------------|
| • <i>Councillor Briefing</i> | <i>21 July 2021</i> |
| • <i>Council Meeting Preparation</i> | <i>28 July 2021</i> |
| • <i>City Deals Executive Steering Committee</i> | <i>3 August 2021</i> |
| • <i>Councillor Briefing</i> | <i>4 August 2021</i> |

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

The meeting was declared closed at 6:25pm.

CONFIRMED AND SIGNED at the meeting held on 22 September 2021.

.....**MAYOR**