



Colac Otway  
SHIRE

COUNCIL MEETING

MINUTES

Wednesday 27 July 2022

at 4:00 PM

by videoconference

Next Council Meeting: 24 August 2022



# COLAC OTWAY SHIRE COUNCIL MEETING

Wednesday 27 July 2022

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## COLAC OTWAY SHIRE COUNCIL MEETING

MINUTES of the *COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at by videoconference on  
Wednesday 27 July 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  
Lenny Jenner, Acting General Manager Corporate Services  
Heath Chasemore, General Manager Environment and Infrastructure  
Ian Seuren, General Manager Development and Community Services  
Marlo Emmitt, Manager Governance and Communications  
Lyndal Redford, Governance 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: 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. Live stream and 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 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](http://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.

### **QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING THEN READ OUT AT THE MEETING**

Written questions were received from the following members of the community.

#### **James Judd, Colac**

- 1. When is the Colac Otway Shire Council going to find the money and carry out the big road and bridge works on Pollack Street, Chapel Street in Colac to make certain the land sold by Council in Bruce Street will not remain at risk of being isolated from the Colac township as often as multiple times in any year? Unless this risk is removed you are doing nothing to lessen the housing shortage in Colac. You cannot isolate people in areas they are unable to go to work places, schools or access required services from.**

#### ***Response from General Manager Infrastructure and Operations***

The Bruce Street site is accessible via a number of routes including the Princes Highway, and therefore this land has good access and is not dependent on any upgrade on Pollack Street.

- 2. Other than all staff expenses and Bluewater deficit expenses in the 2022-2023 financial year, what percentage of total other outlays by the Colac Otway Shire Council is to be raised by rates and charges plus charges by Council for services rendered? Plus, what percentage of expenses is covered by all government grants already received or you expect to receive during this financial year?**

***Response from Acting General Manager Corporate Services***

Because this question seeks information that crosses two financial years - and I'm specifically referring to the government grants element - and we are yet to finalise the end of the year financial position we are unable to provide the detail requested at this time and therefore we'll need to take this question on notice and provide a response later.

3. **Of the money received in advance by the Colac Otway Shire Council from government sources to date in 2021-2022 how much of these funds is subject to being returned in full if not used for a purpose provided for or by a specific date or if a Government changes? Council is great at claiming it had money when it was only to come if a future event went a certain way. This included multi millions of dollars with no certainty the present Government will permit these allocations.**

***Response from Acting General Manager Corporate Services***

All grant funds received by the Colac Otway Shire Council are being expended consistent with the funding agreements with other tiers of Government. Funding agreements provide the means for local Councils to request a variation to a funding agreement if the need arises. The recently elected Federal Labor Government has not communicated any request to return grant funds or change funding conditions.

**Andy Coffey, Marengo**

I am a long time resident and ratepayer with concern about our local community's faith in governance, especially local governance. The quickest way to undermine that faith, or reinforce a lack of faith, is through lack of transparency. We in Apollo Bay and surrounds already have a lack of faith in the COS as seen in the recent community satisfaction survey. Lack of transparency is also the primary tool of vested interest and, ultimately, corrupt government. So I noted with concern, in the previous month, Council voted in a closed Council meeting to allocate the \$2.6 million proceeds from the sale of its Bruce St land to projects in "Colac's and surrounds". What else is the community to think, but councillors had something to hide?

In light of this, my questions are as follows:

1. **Given that Council's Public Transparency policy states that "... *the decision-making processes that it adopts are transparent and open to the Community ...*". Can Council please explain why then, this seemingly non-confidential matter of allocating the Bruce St sale proceeds was debated and decided in a closed council meeting?**

***Response from Manager Governance and Communications***

The matter of the Sale of 36-52 Bruce Street, Colac was considered in confidential session pursuant to the provisions of 66 of the *Local Government Act 2020*, as detailed in the 4 May 2022 resolution which has now been released in full.

Council has resolved to sell the land, but not yet determined how the income will be allocated.

Council will receive a report at a future meeting to determine that matter at meeting open to the public.

2. **The same policy also states ...." *If decisions have already been made, it is important that we inform the community of the reasons why the decision was made*". So can Council please inform the community - especially those communities outside "Colac and surrounds" - the reasons why Council decided to allocate the Bruce St sale proceeds to "Colac and surrounds"?**

***Response from Manager Governance and Communications***

As per my response to the previous question, Council has not resolved to allocate the Bruce Street sale proceeds to "Colac and surrounds".

Council has effectively asked for a report that outlines projects or initiatives for Colac and surrounds, but has not pre-determined a decision or limited its options by doing this.

The report will be presented at a public meeting before the end of February 2023 which will give the community visibility of the report, debate and decision on this matter.

**3. Can Council provide its definition of "Colac & surrounds"?**

***Response from Manager Governance and Communications***

Council didn't define "Colac and Surrounds" for the purposes of the future report. This will be agreed through discussion with Councillors and included in the report to ensure readers are provided clear understanding of the scope.

**Jeff Cooke, Colac**

- 1. At the April 2021 Council meeting officers presented a report quoting a cost of some \$150,000 to replace the gas boilers that heat the pools at the Bluewater centre with electric heat pumps. This report was accepted and councillors voted unanimously to agree with replacing the boilers. But the motion was then "rescinded" at a briefing to Councillors where a feasibility study was noted to have shown that the cost of "electrification" of the centre was \$3.1million. In the interests of transparency can Council please make this \$20,000 feasibility study available to the public so that a true comparison can be made of the options to reduce gas usage at Bluewater?**

***Response from Manager Governance and Communications***

The high efficiency gas boilers were installed as part of the Bluewater redevelopment in 2015-16 and they still have 5-10 years of useful operational life before they will be due for replacement.

The heat pumps are a separate project. At the April 2021 meeting, Council resolved to allocate \$80,000 additional funding in its 2021-22 Council Budget to install electrified heat pumps for the three pools at Bluewater Leisure Centre.

The feasibility of the heat pump electrification was explored and found to be significantly more complex and costly than previously envisaged and cannot be achieved through direct replacement of the pumps as it requires major upgrade to the electrical supply and a larger building footprint encroaching on education land.

The complexities and financial implications were presented to Councillors at a briefing session in March 2022 to explain that the project as intended was not viable and couldn't proceed. This does not represent a 'rescission' of the earlier decision.

I think Councillors, like the community, were disappointed that the project could not be achieved but recognised that it was not possible without multi-million dollar commitment which cannot be made at this time.

In the interests of public transparency, the Feasibility Study will be assessed in accordance with Council's Public Transparency Policy and a determination made following consultation with the appropriate parties.

**Lyn Russell, Colac**

Members of the community have expressed to me, concern at the number of job advertisements for positions and the apparent staff changes at the Colac Otway Shire. They have expressed concern because each staff change cost the Council in loss of local knowledge, new employee costs including training, orientation as well as the cost incurred when a staff member leaves or is made redundant.

1. Could you please answer the question "Why is this happening? Is it part of a restructure, staff dissatisfaction or a management issue"? Jobs advertised recently include:

**Bluewater**

- 1) School Team Leader
- 2) Customer Relations Team Leader
- 3) Gym Instructor
- 4) Programs Team Leader
- 5) Customer Relations Assistant
- 6) Lifeguard
- 7) Centre Manager

**COSWorks**

- 8) Multipurpose Parks and Gardens Officer
- 9) Local Laws
- 10) Multipurpose Officer Roads

**COPACC**

- 11) Front of House
- 12) Front of House and Administration Officer

**Other**

- 13) Administration Relief Staff
- 14) Risk and Insurance Officer
- 15) Workplace Health and Safety Business Partner

I would appreciate an explanation/ answer so I can pass it on to those who have contacted me and look forward to hearing the answer at the next council meeting when I zoom in.

***Response from Acting General Manager Corporate Services***

According to the Australian Bureau of Statistics (ABS), 9.5% of employed people changed jobs during the year ending February 2022, being the highest annual job mobility rate since 2012. While Colac Otway Shire's turnover rate of 19.59% of effective full time staff for the financial year to June 2022, is higher than the Victorian mobility rate of 10.1% in February, Colac Otway Shire has been successful in attracting strong candidates for our advertised roles and welcome new skills, experience and qualifications into our organisation.

The majority of vacancies at Colac Otway Shire have been created through natural attrition being retirements and employees taking advantage of the tight job market that is providing various job and career advancement opportunities. Employees are reevaluating their working arrangements

and making adjustments following the changing employment landscape as a result of the pandemic. We are seeing people wanting to work closer to home and a lot more remote working arrangements.

New positions have been created as a result of an organisation restructure and response to our workforce plan which outlines Council's strategies to attract and retain employees.

Council does collect feedback from exiting employees as well as regular engagement surveys to understand the engagement of our workforce as well as any trends for departing employees. All feedback is analysed and implemented in to our culture and workforce planning processes.

### **Nasser Kotb, Forrest**

**I submitted questions to June 2022 Council meeting that the Council officers chose to ignore answering many of them. This bad practice reflects the culture of opaqueness prevailing among Council officers which is likely to be due to lack of accountability. No wonder the community is highly dissatisfied with Council performance (according to the latest survey). The Council is OBLIGED to answer (not merely respond with few words such as "noted"! ) questions from members of the public truthfully and factually. The habit of Council officers providing a "political narrative" unsupported by facts could reflect incompetence of officers (unaware of the facts and figures) as well as maladministration of the executive team signing off on these poorly constructed responses.**

**However, this is the second chance for the Council to behave transparently. Kindly answer each sub-question with fact and figures.**

#### ***Response from the Mayor***

Mr Kotb submitted 15 questions to the 29 June Council meeting.

Due to the large number of public questions received for the June 2022 Council meeting, we generally only got to two questions per submitter and I do try to spread it out so that everybody gets their chance, and also including people who are in the gallery. Unfortunately Mr Kotb's two questions were not able to be answered on the night and were taken on notice. We will provide a response to those two questions shortly.

Mr Kotb received written responses on 19 July for the remaining 13 questions in accordance with our Governance Rules.

Mr Kotb has resubmitted 11 of the 13 questions that we have already answered in writing and I don't intend to read or response to those again in this forum.

We will now address the two outstanding questions.

**In Forrest, the 2018 audit had the number of "unknown" septic systems was 20 (34%) and the "high risk" was 39 out of 113 properties audited. In 2021 "Domestic wastewater management plan" list the number of "unknown" septic systems as 69 out of 149 (46%).**

- 1a. Would the Council be honest and transparent and publish the progress of attending to their statutory responsibility regarding wastewater in the Shire (with numbers comparing 2015 and 2022 for the categories of "unknown", "high risk" and "EPA compliant"?)**



***Response from General Manager Infrastructure and Operations***

Council is meeting its statutory responsibilities in relation to the assessment, permit and approval process for domestic onsite waste water systems.

Since November 2015, Council has issued 484 permits up to 25 July 2022. Systems installed post 1 July 2016 upon approval would have been EPA compliant.

A calendar year break down of permits will be made available on Council's website in coming days.

- 1b. The Council stated 'Council has responded to a number of individual sites within Forrest since 2017, where the impacts of off-site discharge were directly impacting other properties owners'. How many sites did the Council attend and how many were resolved (numbers please)?**

***Response from General Manager Infrastructure and Operations***

As correctly identified 39 systems from the 2017 audits in Forrest were categorised as high risk based on the risk ranking criteria at the time. Then in 2018, 28 additional inspections were completed in Forrest, 20 follow up inspections and 8 new inspections.

The recommendation from the audits completed in 2017 and 2018 audits were to:

- Defer any short or medium term improvement strategy, education and
- Compliance and enforcement.

Education was the preferred option, however it is unclear how many properties in total received formal education/letters and follow ups.

**Prabha Kutty, Colac**

- 1. Information revealed at the council meeting in June 2022 confirms that the decision to allocate the proceeds of its land sale exclusively to Colac and surrounds was biased, divisive and not in the best interests of the entire municipal community. It was achieved through an amended motion that should never have been presented and agreed to. Will Council now publically give a commitment to ensure a fair and objective process to allocate the proceeds of the land sale to projects that are in most need of the funds, no matter where they may be located within the Shire? If not, will council please reveal which townships in the Shire will not be eligible to benefit from these funds.**

***Response from Manager Governance and Communications***

As per my earlier response to a previous question, Council has not resolved to allocate the Bruce Street sale proceeds to "Colac and surrounds".

Council has effectively asked for a report that outlines projects or initiatives for Colac and surrounds, but has not limited its options by doing this.

The report will be presented at a public meeting before the end of February 2023 which will give the community visibility of the report, the debate and decision on this matter.

## QUESTIONS RECEIVED VERBALLY AT THE MEETING

### Prabha Kutty, Colac

The clarification I was going to seek was this: in that earlier question that the officer responded to, there was an indication of what exactly constitutes 'Colac and surrounds' will be determined at the future Council meeting. Am I correct?

#### *Response from the Mayor*

The response to that question was: that Council didn't define Colac and surrounds for the purpose of the future report. This will be agreed through discussion with councillors and included in the report to ensure readers are provided clear understanding of the scope

### Prabha Kutty

Yes but what I'm trying to say is, the moment... what it should be is 'will be determined in Colac shire'. Once you say that they're going to determine 'Colac and surrounds' - what exactly that constitutes: Colac and surrounds - then you're automatically confining it to a region. So at some stage you're going to decide what 'Colac and surrounds' is and that then confines it to a region. What I'm saying is what is the reason or what is the need to say 'Colac and surrounds' rather than give it to the projects that are in most need it. It may well be that they will all come into Colac, that all the projects may be in Colac because you've determined - based on the needs - that that's where it should be and then so be it, but what I'm saying is that once you say that we are going to give it to 'Colac and surrounds' and we're going to determine what is 'Colac and surrounds' then you automatically said that there's going to be a certain portion of a Shire that will not be considered to even prepare the report, even though they might have projects that are of urgent need.

#### *Response from the Mayor*

I think I might ask the Chief Executive Officer to respond to that one.

#### *Response from the Chief Executive Officer*

I'm sorry Mayor Hanson, I actually am having difficulty hearing the question so I didn't capture all of that question.

### Prabha Kutty

Essentially I'm saying that there is going to be a decision as to what constitutes 'Colac and surrounds' based on that decision by Councillors; the report is going to be prepared. So when that report is being prepared it will take into consideration only those places that come under 'Colac and surrounds' as determined by Councillors. What I'm saying is that that in itself you've already decided that there is going to be a place called 'Colac and surrounds' who are only going to get the benefit of this, instead of basing it on the project most in need wherever they may be located in the Shire. And it may well be that all the projects that are most important are in Colac and whatever you might call it surrounds. What I'm trying to point out is that there you have actually decided that there's going to be only a confined region and I'm saying that what it should be is wherever the most need is in the Shire - in the whole Shire, not just in a region to be determined. Whether it's determined now or later, the very process by which it was done in the original meeting was so that there was an intention to give it a region which will be primarily Colac with some others. So, the question is: why aren't you determining it based on the projects of most need in the entire Shire? Why do you have to go through the process of trying to work out 'Colac and surrounds'? You don't need to go through that process.

***Response from the Chief Executive Officer***

Thank you Mr Kutty for drawing that to a question. I think what you are asking however, is the reasoning for a decision that was made on the 4 May and that is not something that as the CEO, I am in a position to actually make comment on. That's my answer.

**Prabha Kutty**

**Actually I'm not asking from the 4 May. I'm actually asking based on information I received from the last Council meeting.**

Mr Kutty you're referring to a decision that was made on 4 May and you're asking why and all I'm saying is that that is not a matter for me to comment on. Thank you.

**Prabha Kutty**

**So is it still going to be 'Colac and surrounds'?**

***Response from the Mayor***

I think Mr Kutty there is a report asked for, that's all, not determined where the funds are going. The funds can go anywhere.

**Prabha Kutty**

**Anywhere in the Shire?**

***Response from the Mayor***

All that was asked for was a report. Anywhere - the funds could go anywhere –but there has been a request for a report.

**Prabha Kutty**

**Why the need for Colac and surrounds?**

***Response from the Mayor***

Mr Kutty this is a Council meeting and we're not here for debate, so I think your question has been answered.

**6 PETITIONS / JOINT LETTERS**

Nil

**7 DECLARATIONS OF INTEREST**

Nil

## 8 CONFIRMATION OF MINUTES

### RECOMMENDATION

*That Council confirm the minutes of the Council Meeting held on 29 June 2022.*

### MOTION

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

*That Council confirms the Minutes of the Council Meeting held on 29 June 2022 that were circulated to Councillors prior to this meeting with the following amendments:*

- 1. That the answers to the questions from the public read out and responded to at the meeting be the verbatim answers rather than the officer summary.*
- 2. That page 12 of the draft Minutes be corrected to show a Conflict of Interest Declaration by Cr Graham Costin in Part 2 of Item 10.6 rather than in "Cr Graham Potterr" as appears in the draft Minutes.*
- 3. That page 27 of the draft Minutes be corrected to show a Conflict of Interest Declaration by Cr Graham Costin in Part 2 of Item 10.6 rather than in "Cr Graham Potterr" as appears in the draft Minutes.*
- 4. That page 40 of the draft Minutes, in relation to Item 10.6 "Colac Otway Shire Grant Program 2022-2023 – Allocation of Funds" remove the part that begins "The Resolution in its entirety..." through to page 46 where it states "authorises the Chief Executive Officer, under delegation to approve grants for the remaining budget allocations of \$14,311, subject to applications meeting relevant program criteria on a first come first served basis" as the Motions in question were dealt with as a series of Motions and not one consolidated Motion.*

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

**LOST 3 : 4**

### DIVISION

*For the motion: Cr Jamie Bell, Cr Stephen Hart, Cr Graham Costin*

*Against the motion: Cr Margaret White, Cr Kate Hanson, Cr Joe McCracken, Cr Chris Potter*

### RESOLUTION

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

*That Council confirms the Minutes of the Council Meeting held on 29 June 2022 that were circulated to Councillors prior to this meeting with the following amendments:*

- 1. That page 12 of the draft Minutes be corrected to show a Conflict of Interest Declaration by Cr Graham Costin in Part 2 of Item 10.6 rather than in "Cr Graham Potterr" as appears in the draft Minutes.*

2. *That page 27 of the draft Minutes be corrected to show a Conflict of Interest Declaration by Cr Graham Costin in Part 2 of Item 10.6 rather than in "Cr Graham Potterr" as appears in the draft Minutes.*
3. *That page 40 of the draft Minutes, in relation to Item 10.6 "Colac Otway Shire Grant Program 2022-2023 – Allocation of Funds" remove the part that begins "The Resolution in its entirety..." through to page 46 where it states "authorises the Chief Executive Officer, under delegation to approve grants for the remaining budget allocations of \$14,311, subject to applications meeting relevant program criteria on a first come first served basis" as the Motions in question were dealt with as a series of Motions and not one consolidated Motion.*

**CARRIED 7 : 0**

Item: 9.1

## Community Awards Review

<b>OFFICER</b>	Fiona Maw
<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Development and Community Services
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Survey Results - Q 11 Further Comments - Colac Otway January 26 Event Community Consultation Survey [9.1.1 - 3 pages]</li><li>2. Survey Results - Q 10 Further Comments - Colac Otway January 26 Event Community Consultation Survey [9.1.2 - 3 pages]</li><li>3. Response - Colac Otway Shire Community Awards being held at Kana - Executive Committee of the Colac [9.1.3 - 1 page]</li></ol>

## RESOLUTION

**MOVED Cr Joe McCracken, SECONDED Cr Margaret White**

**That Council:**

- 1. Holds the Colac Otway Shire Community Awards at the Colac Kana Festival in 2023 and beyond, until such time an alternative option is identified and agreed to by resolution of Council.**
- 2. Maintains the current Community Award categories for 2023 and beyond, being:**
  - a. Citizen of the Year.**
  - b. Young Citizen of the Year.**
  - c. Community Service of the Year (Individual, Group or Multiple Award).**

**CARRIED 7 : 0**

Item: 9.2

## City Reserves Planning Project

<b>OFFICER</b>	Nicole Frampton
<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Development and Community Services
<b>ATTACHMENTS</b>	1. Colac City Reserves Planning Project - Draft Report [9.2.1 - 44 pages]

### RESOLUTION

**MOVED** Cr Chris Potter, **SECONDED** Cr Graham Costin

**That Council:**

- 1. Receives the Colac City Reserves Planning Project Draft Report inclusive of draft master plans for Eastern Reserve, Western Reserve, Lake Oval (Colac Cricket Ground) and Central Reserve.**
- 2. Notes that the Colac City Reserves Planning Project Draft Report has been prepared based on a high level of engagement with the reserve user groups and key stakeholders.**
- 3. In accordance with Council's Community Engagement Policy 2022, publicly exhibits the Colac City Reserves Planning Project Draft Report from 1 August 2022 to 11 September 2022.**
- 4. Hears verbal presentations from submitters at a Submissions Committee meeting following completion of the public exhibition period, noting that the date and location of a Submissions Committee meeting will be determined and endorsed by Council at a future meeting.**
- 5. Notes that a report on the findings of the consultation and engagement process, and the final version of the Colac City Reserves Planning Project Report incorporating any appropriate changes arising from the public exhibition process, will be presented to a future Council Meeting.**

**CARRIED 7 : 0**

Item: 9.3

## Lake Colac Caravan Park Expression of Interest

<b>OFFICER</b>	James Myatt
<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Development and Community Services
<b>ATTACHMENTS</b>	1. Draft EOI - Lease - Lake Colac Caravan Park - Expressions of Interest - CM 20220727 [9.3.1 - 21 pages]

### RECOMMENDATION

**That Council:**

- 1. Acknowledges that the land located at 51 Fyans Street Colac, known as the Lake Colac Caravan Park, has operated as a caravan park for many years.**
- 2. Notes that the current lease for the Lake Colac Caravan Park expires on 26 January 2023.**
- 3. Advertises its intention to lease the land known as the Lake Colac Caravan Park in accordance with the Local Government Act 2020, seeking feedback from the community.**
- 4. Considers any submissions to its proposal to lease the land known as the Lake Colac Caravan Park before resolving to enter into a lease.**
- 5. Approves the Lake Colac Caravan Park Expression of Interest document, inclusive of the proposed key lease terms, to be released on 29 July 2022 with a submission deadline of 2:00pm on 23 September 2022.**
- 6. Authorises officers to evaluate submissions to the Expression of Interest and enter negotiations with preferred proponent/s before presenting a final lease to Council for approval in accordance with the provisions of the Local Government Act 2020.**
- 7. Notes that Council will consider proposals that request alterations to key terms proposed in the Expression of Interest document.**



## **RESOLUTION**

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

**That Council:**

- 1. Acknowledges that the land located at 51 Fyans Street Colac, known as the Lake Colac Caravan Park, has operated as a caravan park for many years.**
- 2. Notes that the current lease for the Lake Colac Caravan Park expires on 26 January 2023.**
- 3. Advertises its intention to lease the land known as the Lake Colac Caravan Park in accordance with the Local Government Act 2020, seeking feedback from the community from 29 July 2022 to 9 September 2022.**
- 4. Schedules a Submissions Committee meeting for 21 September 2022 if required to hear submitters that wish to be heard in relation to their submission.**
- 5. Considers any submissions to its proposal to lease the land known as the Lake Colac Caravan Park before resolving to enter into a lease.**
- 6. Approves the Lake Colac Caravan Park Expression of Interest document, inclusive of the proposed key lease terms, to be released on 29 July 2022 with a submission deadline of 2:00pm on 23 September 2022.**
- 7. Requires the Expression of Interest document to acknowledge that Council will consider community feedback on its intention to lease the land known as the Lake Colac Caravan Park before determining to lease the land.**
- 8. Should Council determine to lease the land known as the Lake Colac Caravan Park, authorises officers to enter negotiations with preferred proponent/s before presenting a final lease to Council for approval in accordance with the provisions of the Local Government Act 2020.**
- 9. Notes that Council will consider proposals that request alterations to key terms proposed in the Expression of Interest document.**

**CARRIED 7 : 0**

Item: 9.4

## Nomination of G21 Pillar appointments

<b>OFFICER</b>	Ian Seuren
<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	Nil

### RECOMMENDATION

**That Council:**

- 1. Notes that the G21 – Geelong Region Alliance (G21) has recently reviewed and changed its G21 Pillar structure from eight Pillars to four, with the addition of an Advisory Group.**
- 2. Notes Councillor appointments are made to the G21 Pillars annually, with the last appointments made by Council at its November 2021 Meeting.**
- 3. Nominates Councillors to the following new G21 Pillars and Managing Growth Advisory Group:**
  - a. Culture and Economic Development**
  - b. Health and Wellbeing**
  - c. Sustainability**
  - d. Managing Growth Advisory Group**
- 4. Notes that there is no opportunity to appoint a Councillor to the First Nations Conversation Pillar.**
- 5. Notes the Chief Executive Officer will nominate officers for each Pillar and Advisory Group.**
- 6. Endorses that the next review of Councillor appointments to G21 Pillars and the Managing Growth Advisory Group will be at the Council Meeting in November 2022.**

## **RESOLUTION**

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

**That Council:**

- 1. Notes that the G21 – Geelong Region Alliance (G21) has recently reviewed and changed its G21 Pillar structure from eight Pillars to four, with the addition of an Advisory Group.**
- 2. Notes Councillor appointments are made to the G21 Pillars annually, with the last appointments made by Council at its November 2021 Meeting.**
- 3. Nominates Councillors to the following new G21 Pillars and Managing Growth Advisory Group:**
  - a. Cr Chris Potter - Culture and Economic Development**
  - b. Cr Margaret White - Health and Wellbeing**
  - c. Cr Stephen Hart - Sustainability**
  - d. Cr Graham Costin - Managing Growth Advisory Group**
- 4. Notes that there is no opportunity to appoint a Councillor to the First Nations Conversation Pillar.**
- 5. Notes the Chief Executive Officer will nominate officers for each Pillar and Advisory Group.**
- 6. Endorses that the next review of Councillor appointments to G21 Pillars and the Managing Growth Advisory Group will be at the Council Meeting in November 2022.**

**CARRIED 7 : 0**

**The meeting adjourned for a short break at 5.18pm.**

**The meeting resumed at 5.30pm.**

Item: 9.5

## Proposed Draft Governance Rules for Public Consultation

<b>OFFICER</b>	Marlo Emmitt
<b>GENERAL MANAGER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	1. Marked-up version of proposed draft Governance Rules for Colac Otway Shire Council [9.5.1 - 43 pages]

### RECOMMENDATION

*That Council:*

- 1. Notes the proposed changes to the current Governance Rules have been informed by the Regulatory Legislation Amendment (Reform) Act 2022, the Ministerial Good Practice Guideline (MGPG-3) Virtual Meetings and Local Government Sector guidance.*
- 2. Notes that the proposed changes are limited in scope to electronic attendance and participation in council meetings and delegated committee meetings, by Councillors and delegated committee members (participants).*
- 3. Endorses the proposed draft and marked-up Governance Rules (as at Attachment 1) for the purpose of public consultation.*
- 4. Due to time constraints, determines the public consultation process shall:*
  - 4.1. invite written submissions only (there will be no opportunity for members of the public to be heard by a Submissions Committee in support of written feedback); and*
  - 4.2. be for a period of two (2) weeks from public notice.*
- 5. Notes that the final Governance Rules will be presented to the 24 August 2022 Council meeting for adoption, and will take into consideration any written feedback received as part of the public consultation process.*

## **RESOLUTION**

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

**That Council:**

- 1. Notes the proposed changes to the current Governance Rules have been informed by the Regulatory Legislation Amendment (Reform) Act 2022, the Ministerial Good Practice Guideline (MGPG-3) Virtual Meetings and Local Government Sector guidance.**
- 2. Notes that the proposed changes are limited in scope to electronic attendance and participation in council meetings and delegated committee meetings, by Councillors and delegated committee members (participants).**
- 3. Endorses the proposed draft and marked-up Governance Rules (as at Attachment 1) for the purpose of public consultation noting that Council is not obliged to adopt the proposed changes in the final Governance Rules.**
- 4. Due to time constraints, determines the public consultation process shall:**
  - 4.1. invite written submissions only (there will be no opportunity for members of the public to be heard by a Submissions Committee in support of written feedback); and**
  - 4.2. be for a period of six (6) weeks from public notice.**
- 5. Notes that Councillors have not had an opportunity to discuss the proposed changes at a Briefing session and intend to do this during the public exhibition period.**
- 6. Notes that the final Governance Rules will be presented to the 28 September 2022 Council meeting for adoption, and will take into consideration any written feedback received as part of the public consultation process.**

**CARRIED 7 : 0**

Item: 9.6

## Local Government Liability and Commercial Crime Insurance Renewal

<b>OFFICER</b>	Marlo Emmitt
<b>GENERAL MANAGER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	Nil

### RESOLUTION

*MOVED Cr Joe McCracken, SECONDED Cr Chris Potter*

*That Council:*

- 1. Accepts the offer of renewal for the 2022-23 year for the MAV Insurance's Liability Mutual Insurance (LMI) Scheme for the amount of \$326,410.70 (inclusive of stamp duty and GST).*
- 2. Accepts the offer of renewal for the 2022-23 year for the MAV Commercial Crime Insurance for the amount of \$8,000.15 (inclusive of GST).*

**CARRIED 7 : 0**

Item: 9.7

## Authorisation of Officers under the Planning and Environment Act 1987

<b>OFFICER</b>	Belinda Rocka
<b>GENERAL MANAGER</b>	Lenny Jenner
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. To Be Signed Instrument of Authorisation Authorised Officer Planning an (1) [9.7.1 - 1 page]</li><li>2. To Be Signed Instrument of Authorisation Authorised Officer Planning an (2) [9.7.2 - 1 page]</li></ol>

### RESOLUTION

**MOVED** Cr Joe McCracken, **SECONDED** Cr Margaret White

**That Council:**

1. **Appoints Heath Chasemore as an Authorised Officer pursuant to section 147(4) of the Planning and Environment Act 1987;**
2. **Appoints Rhassel Mhasho as an Authorised Officer pursuant to section 147(4) of the Planning and Environment Act 1987;**
3. **Authorises the use of the common seal in accordance with Colac Otway Shire Council's Governance Local Law No 4 – 2020; and**
4. **Notes that the Instrument of Appointment and Authorisation comes into force immediately after the common seal of Council is applied and remains in force until Council determines to vary or revoke it.**

**CARRIED 7 : 0**

Item: 9.8

## Revocation of Authorised Officer under the Planning and Environment Act 1987

<b>OFFICER</b>	Belinda Rocka
<b>GENERAL MANAGER</b>	Lenny Jenner
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	1. Signed Instrument of Appointment and Authorisation - Nicholas Benyon - Planning & Environment Act [9.8.1 - 1 page]

### RESOLUTION

*MOVED Cr Joe McCracken, SECONDED Cr Chris Potter*

*That Council revokes the Instrument of Appointment and Authorisation under the Planning and Environment Act 1987 for Nicholas Benyon dated 28 April 2022.*

*CARRIED 7 : 0*



9.9

## Notice of Motion - Carbon Emissions and Offsets

<b>COUNCILLOR</b>	Cr Graham Costin
<b>ATTACHMENTS</b>	1. COS F Y 2020-21 GHG Emissions Inventory Verification Report - Pangolin - Final - 20220525 [9.9.1 - 47 pages]

### NOTICE OF MOTION

*That Council:*

1. *Reaffirms its 2021-25 Council Plan commitments to:*
  - a. *work towards net zero carbon emissions.*
  - b. *set clean energy targets.*
  - c. *plan for climate change, and*
  - d. *support the community to reduce carbon emissions.*
2. *Receives the Pangolin Associates Greenhouse Gas Assessment for Colac Otway Shire financial year 2020/21 (dated 25 May 2022) and an offsets purchase report at its 27 July 2022 Council Meeting.*
3. *Notes Pangolin's assessment that Council's Scope 1 and 2 Greenhouse Gas (GHG) emissions for financial year 2020/21 amount to 1,520 tonnes of CO<sub>2</sub>-e.*
4. *Undertakes to purchase 1,520 tonnes of eligible (i.e. Australian Government Climate Active Carbon Neutral Standard) offset units to achieve net zero GHG emissions for financial year 2020/21.*
5. *Includes recommendations for future GHG emissions operational boundaries and offsetting in the update of its Environment Strategy.*
6. *Reaffirms its 28 April 2021 resolution to reduce Council's reliance on annual GHG offset purchases and to identify cost-effective GHG emissions reduction opportunities in the 2022 update of its Environment Strategy.*

## **RESOLUTION**

*MOVED Cr Graham Costin, SECONDED Cr Stephen Hart*

*That Council undertakes to purchase 1,520 tonnes of appropriately accredited and certified (i.e. Australian Government Climate Active Carbon Neutral Standard) offset units up to an amount of \$26,000 to achieve scope 1 and 2 net zero Greenhouse Gas Emissions (GHG) for financial year 2020/21.*

*CARRIED 7 : 0*

Item: 9.10

## Report of Informal Meetings of Councillors

<b>OFFICER</b>	Lyndal Redford
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. Informal Meeting of Councillors - Councillor Briefing - 22 June 2022 - CB 20220622 [9.10.1 - 2 pages]</li> <li>2. Informal Meeting of Councillors - Unscheduled Planning Committee Meeting preparation and Council Mee [9.10.2 - 2 pages]</li> <li>3. Informal Meeting of Councillors - Councillor Briefing - 13 July 2022 - CB 20220713 [9.10.3 - 2 pages]</li> <li>4. Informal Meeting of Councillors - Planning Committee Meeting Preparation - 13 July 2022 - PCM 202207 [9.10.4 - 2 pages]</li> </ol>
<b>PURPOSE</b>	To report the Informal Meetings of Councillors

### REPORTING

*The Informal Meetings of Councillors are reported herewith.*

<b>1. Councillor Briefing</b>	<b>22 June 2022</b>
<b>2. Unscheduled Planning Committee &amp; Council Meeting Preparation</b>	<b>29 June 2022</b>
<b>3. Councillor Briefing</b>	<b>13 July 2022</b>
<b>4. Planning Committee Meeting Preparation</b>	<b>13 July 2022</b>

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

*The meeting was declared closed at 6.01pm*

**CONFIRMED AND SIGNED** at the meeting held on 28 September 2022.

  
.....MAYOR