



**Colac Otway**  
SHIRE

**COUNCIL MEETING**

**AGENDA**

**Wednesday 27 March 2024**

**at 4:00 PM**

**Apollo Bay Bowls Club**

**6 Moore Street, Apollo Bay**

**Next Council Meeting: 24 April 2024**



# COLAC OTWAY SHIRE COUNCIL MEETING

Wednesday 27 March 2024

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# COLAC OTWAY SHIRE COUNCIL MEETING

NOTICE is hereby given that the next **COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** will be held at Apollo Bay Bowls Club on Wednesday 27 March 2024 at 4:00 AM.

## AGENDA

### **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**

### **3 APOLOGIES AND LEAVE OF ABSENCE**

### **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 will be 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 or 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. Audio recordings are also taken to facilitate the preparation of the minutes of open Council meetings and to ensure their accuracy. Recordings will be retained by Council for a period of four years.

This meeting will be 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. Any person wishing to participate in public question time by videoconference will need to register their intention to do so by contacting the shire prior to 5pm on Monday 25 March 2024. To ensure that each member of the gallery has the opportunity to ask questions, it may be necessary to allow a maximum of two questions from each person in the first instance. You must ask a question. Question time is not a forum for public debate or statements.

1. Questions received in writing prior to the meeting. Written questions must be received by 5pm on Monday 25 March 2024.
2. Questions via videoconference by prior arrangement.
3. Questions from the floor.

## **6 PETITIONS / JOINT LETTERS**

Nil

## **7 DECLARATIONS OF INTEREST**

A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.

## **8 CONFIRMATION OF MINUTES**

- **Council Meeting held on 28 February 2024.**

### ***RECOMMENDATION***

***That Council confirm the minutes of the Council Meeting held on 28 February 2024.***

Item: 9.1

## Marengo Beacon Reinstatement

<b>OFFICER</b>	Doug McNeill
<b>GENERAL MANAGER</b>	Doug McNeill
<b>DIVISION</b>	Infrastructure and Operations
<b>ATTACHMENTS</b>	Nil

### 1. PURPOSE

To provide an update on the status of the reinstatement of the historic Marengo Beacon in response to a resolution at the 26 April 2023 Council Meeting and seek an allocation of funds to enable the project to proceed.

### 2. EXECUTIVE SUMMARY

Whilst Council has resolved to reinstate the beacon, there is currently no funding for implementation of this resolution. Council will need to prepare documentation for lodgement of an application for *Marine and Coastal Act* (MACA) consent with the Great Ocean Road Coast and Parks Authority (GORCAPA) and is unable to lodge this application without a funding commitment. It is proposed that Council allocates a project budget of \$20,000 (exc. GST) for this purpose, allowing officers to progress action to implement the resolution.

### 3. RECOMMENDATION

*That Council:*

- 1. Notes that neither of the initiatives referenced in its resolution of 26 April 2023 have funding commitment to support implementation.*
- 2. Allocates \$20,000 (excluding GST) from the Unallocated Discretionary Funds for the purpose of gaining approvals and reinstating the beacon.*
- 3. Refers the update of the Colac Otway Heritage Study to the development process for Council's 2024-25 Budget to enable consideration along with other project candidates.*

## 4. KEY INFORMATION

The former Marengo Beacon was located on the foreshore of Marengo as shown on the aerial photo below, indicated by the red marker:



The site is crown land managed by GORCAPA. The former navigational aid (pictured below) was removed by Council staff from the site in the summer of 2019/20. The structure was decaying and with the installation of new navigational aids obsolete and redundant for the purpose of navigation. The removed timber is currently in storage at Council's Nelson Street Depot which consists only of the vertical post, as the supporting structures (pictured) had decayed and were discarded during removal.



There has been support expressed within the Apollo Bay and Marengo community for the beacon structure to be reinstated, resulting in a Notice of Motion being presented at the 26 April 2023 Council Meeting, with Council resolving as follows:

**That Council:**

- 1. Reinstate the Marengo Pillar Beacon; and**
- 2. Update the Colac Otway Heritage Plan to include significant heritage features other than buildings.**

Council's resolution of April 2023 provides its intention to seek to have the structure reinstated in response to community concerns. Following liaison with officers of GORCAPA in 2023, the Authority advised that:

*"The Marine and Coastal Management Framework, including the Great Ocean Road and Environs Protection Act (2020) (GOREPA), Marine and Coastal Act (2018) (MACA), Marine and Coastal Policy (2020) and Marine and Coastal Strategy (2022), are strong mechanisms to ensure the protection of the Victorian Coastline. As marine and coastal land managers the Great Ocean Road Coast and Parks Authority (the Authority) must align with the Marine and Coastal Management Framework which supports the protection of intangible and tangible cultural values. Any development of coastal Crown land requires a Marine and Coastal Act consent application approval; of which a third party can be a proponent but does require the endorsement of the land manager, who submits the consent to the Department of Energy, Environment and Climate Action (DEECA) for assessment and approval."*

The Authority advised that there would be the following considerations:

- 1) *To reinstall the Beacon, we (GORCAPA) will consider the rights, assertions, and knowledge of the Traditional Owners (Eastern Maar Aboriginal Corporation or EMAC). The MACA policy (enacted in March 2020) and GOREPA have strongly emphasised Traditional Owners care for and respect Country through self-determination and we as Land Managers are required to facilitate this. Therefore, they must be involved in any discussions to reinstall the Beacon.*
- 2) *Expenses associated with producing a MACA consent application, which will be approved by DEECA, could be up to \$5,000, additionally there could be a cost of the restoration of the Beacon itself to ensure it is not an environmental or public safety hazard, also, the installation and ongoing maintenance costs.*
- 3) *DEECA will require robust reasoning for reinstalling the Beacon, this might include (but is not limited to):*
  - a) *Community concern and appetite – are a great number of people concerned about the removal of the Beacon? A large groundswell of community support will support a robust MACA application,*
  - b) *Do the Traditional Owners (Eastern Maar Aboriginal Corporation) support the Beacon being reinstated?*
  - c) *Is the project fully funded and by whom?*
  - d) *Is the Beacon safe to install?*
  - e) *Who will manage and fund the ongoing maintenance of Beacon?*
  - f) *Land Manager endorsement of the project.*



- 4) *What other options have been considered by the proponents of this reinstatement proposal? Given the fragile nature of the Beacon and its current condition a location indoors may be more appropriate to ensure prolonged preservation”.*

Council will need to prepare an application for *Marine and Coastal Act* consent and demonstrate that matters referred to above have been satisfactorily addressed.

Discussions have occurred with the Traditional Owners and a letter of support has been received. In order to advance the MACA application and enact Council’s resolution funding is required to be committed by Council. This will enable the relevant documentation to be prepared and lodged with the Authority for approval.

#### Estimated Cost

It is anticipated that up to \$10,000 would be required for engineering, design and a MACA consent. A further \$10,000 would likely be required for the ground works. As there is no Council budget for this project officers are seeking a resolution to allocate \$20,000 through this report. It is hoped that this is the upper estimate of project costs and that the total cost will be far less than this. Any savings would be returned to the Council budget.

#### Cultural Heritage

The above cost estimates do not include the need to undertake a Cultural Heritage Management Plan under the *Aboriginal Heritage Act 2006*, or any other cultural heritage assessment, on the basis that ground at this location has already been disturbed and the structure would be reinstated in its former position. As noted above, a letter has been received from Eastern Maar as the Registered Aboriginal Party expressing support for the reinstatement.

#### Scope of Reinstatement

Whilst it is intended to pursue reinstatement of the structure as far as practical, the beacon itself which sat atop the post (as seen in the photo above) cannot be reinstated given it no longer has a navigational purpose. The post will be returned and supporting timber at the base of the post sourced to recreate that which was decayed and disposed of previously. Some of the timber from the former installation is in storage at the Council depot located at Nelson Street Apollo Bay.

#### Project Timeframe

On ground works for the reinstatement of the beacon are not able to commence prior to MACA consent. The process of obtaining consent may take up to 6 months for joint document preparation and assessment. During the permit phase engineering and material quotations can be undertaken.

#### Future Heritage Review

The second point of Council’s April 2023 resolution expressed support for an update of the Colac Otway Heritage Plan to include significant heritage features other than buildings. At present there is no scheduled review of the 2003 Heritage Study or heritage overlays in the Planning Scheme. Any proposal to undertake further heritage assessment of places not yet identified in the Heritage Study or included in the Heritage Overlay would require a future budget commitment from Council.

## 5. CONSIDERATIONS

### **Overarching Governance Principles (s(9)(2) LGA 2020)**

This report aims to achieve transparency in decision making in accordance with the Governance principles.

### **Policies and Relevant Law (s(9)(2)(a) LGA 2020)**

As indicated above, Council will need to demonstrate that the proposed beacon reinstatement is consistent with the *Marine and Coastal Act*.

### **Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)**

It is unlikely the proposed reinstatement will have adverse environmental impacts given it will be sited in its former position.

### **Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)**

Community engagement is not required for this proposal. Officers are seeking to respond to a Council resolution on the matter.

### **Public Transparency (s58 LGA 2020)**

As noted above this report aims to achieve transparency in decision making concerning this issue by outlining the process required to reinstate the beacon together with anticipated costs.

### **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 2 - Valuing the Natural and Built Environment

Objective 3: Protect and enhance the natural environment

The proposal will need to align with the *Marine and Coastal Act* requirements.

### **Financial Management (s101 Local Government Act 2020)**

As noted above, it is considered that a project budget of up to \$20,000 will be required to reinstate the beacon. Any unused funds would be returned to the budget. It is proposed these funds be drawn from the Unallocated Discretionary Funds.

### **Service Performance (s106 Local Government Act 2020)**

The project will be carried out by the Services and Operations team. Funds required are for the costs of documentation for the MACA consent process and the physical cost of the works.

### **Risk Assessment**

All relevant risks will be considered in the development of a MACA application. There is some risk the project will not be supported however discussions with the Authority to date have been positive and support has been received from the Eastern Maar Traditional Owners.

### **Communication/Implementation**

The community will be kept up to date with progress on the reinstatement.

## Human Rights Charter

No impact.

## Officer General or Material Interest

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

## Options

### Option 1 – Allocate funding to reinstate the former beacon

This option is recommended by officers given the resolution in April 2023 to undertake the reinstatement. Project funds need to be allocated to enable the project to proceed.

### Option 2 – Decide not to proceed with the reinstatement of the former beacon

This option is not recommended by officers given Council's previous resolution but is an option if Council does not agree to allocate the estimated funds required.

### Option 3 – Rather than support reinstatement of the beacon, allocate funds to support the installation of a plaque or sign

This option is not recommended by officers given Council's previous resolution but is an option that could be considered. Whilst community members would prefer reinstatement of the beacon itself, the erection of a plaque or suitable sign on the site of the former beacon could appropriately acknowledge its navigational history at a lower cost than full reinstatement of the beacon itself. It is estimated that up to \$7,000 would need to be allocated if this approach was to be pursued.

Item: 9.2

## Project Budget Adjustments and Cash Reserve Transfers - March 2024

<b>OFFICER</b>	Paula Gardiner
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	Nil

### 1. PURPOSE

To present the project budget adjustments and cash reserve transfers for Council ratification and approval. These budgets are for 2023-24 Capital Works and Operational projects.

### 2. EXECUTIVE SUMMARY

The project budget adjustments presented in this report relate to the 2023-24 financial year. It seeks formal approval to adjust project budgets, create new projects where needed, or recognise that some projects are complete and can be formally closed. The report demonstrates good governance and project management practice and provides improved transparency to the community about matters that occur outside of the annual budget cycle.

### 3. RECOMMENDATION

*That Council:*

- 1. Approves the new projects as presented in Tables 1 and 2 of this report, at a total cost to Council of \$150,000 (exc. GST), funded from:**
  - a. LRCI Phase 3 of \$115,000**
  - b. Operational Project Reallocation of \$5,000**
  - c. Unallocated Renewal Fund of \$30,000**
- 2. Approves the project budget adjustments in Table 3a.**
- 3. Approves the project budget adjustments in Table 3b.**

## 4. KEY INFORMATION

The following project budget transfers are presented for Council consideration and transparency to the community. Amounts are presented as exclusive of GST as per Council's adopted budget and financial reporting as follows:

- Increases in the project expense budget are presented without brackets.
- Decreases in the project expense budget are presented with brackets.

Council allocates funding to projects through its annual budget or by specific resolution. Where matters arise that require urgent action to address compliance or safety concerns, and the service delivery cannot be reasonably stopped, the Chief Executive Officer may need to approve establishment of a project to address the issue. In these instances, the Chief Executive Officer will advise all Councillors as soon as possible, and the project will be ratified by Council at the next practical meeting through Table 1.

The opening balances, at the time of writing this report, before any transfers recommended in this report are considered, are:

- Unallocated Renewal Funds: \$905,473
- Unallocated Discretionary Funds: \$29,698

The balance of Unallocated Discretionary Funds may have been adjusted through Council's consideration of an earlier item in this agenda.

**Table 1 – New projects for Council ratification**

Project name	Funding source	Basis for variation	Project allocation (exc. GST)	
			Exp	Income
Nil to Report				

Where an opportunity or need arises outside of the annual budget development process, it should be approved by Council before work on the project commences. This enables Council to confirm any financial commitment it makes to the project in a manner that is transparent to the community. Projects presented for Council approval are presented in Table 2.

**Table 2 – Newly initiated projects for Council approval**

Project name			Funding source	Basis for variation	Project allocation (exc. GST)	
					Exp	Inc
<b>Lavers Hill Hall Septic Replacement</b>	LRCI Phase 3 (\$115,000) Lavers Hill Hall	The current septic system for the public toilets and Lavers Hill Hall is in urgent need of replacement to ensure it is	\$150,000		\$115,000	

Project name		Funding source	Basis for variation	Project allocation (exc. GST)	
				Exp	Inc
Septic Investigation (funded project \$5,000)	Unallocated Renewal (\$30,000)		compliant with relevant regulations. Three projects funded under LRCI Phase 3 have been successfully completed well under the allocated budgets (see Table 3a) and results in funding being available to support this new project. It is recommended by officers that this Lavers Hill Hall project be supported by redirecting \$115,000 LRCI Phase 3 funding, with an allocation of Council cash from (i) the Operational Project for the Lavers Hill Hall Septic System Investigation which is no longer required (currently funded with a budget of \$5,000) and an allocation from the Unallocated Renewal Fund (\$30,000)		

From time to time, situations arise whereby initial budgets need to be reconsidered to achieve their planned objectives and project scope. It is important that Council's decisions to adjust project budgets are open and transparent to the community. Therefore, any changes to project budgets or cash reserves are reported in Tables 3a and 3b of this report to demonstrate the diligence and transparency of the organisation's financial management principles.

**Table 3a – Project budgets requiring adjustment (Capital Projects)**

Project Name	Transfers from project account	Transfers to project account	Basis for variation	Project budget adjustment (exc. GST) Note increases are without brackets	
				Expenditure	Income
Bridge Renewal Program - Forrest Road South (0.5 from Woodrowvale Rd)	WO 00037933 - 2023 - 2024 Capital Works Bridge Renewal Program - Forrest Road South (0.5 from Woodrowvale Rd)	WO 00031845 Unallocated Renewal Funds	Project to be cancelled. Planned construction cannot proceed without further detailed design which should be completed to establish an updated construction estimate.	(\$55,000)	\$0
Forrest Caravan Park Fire Services	WO 00037848 - 2022 - 2023 Capital Works - Building Renewal Program - Forrest Caravan Park Fire Services	WO 00031845 Unallocated Renewal Funds	Project completed with savings	(\$4,901)	\$0
Central Bowling Club - Kitchen Renewal	New Income – Insurance Claim	WO 00037945 – 2023 – 2024 Capital Works Buildings Renewal Program – Kitchen Renewal, Colac Central Bowling Club	Insurance claim approved to undertake works to remediate water damage, which has increased the scope of this project.	\$62,880	\$62,880
Footpath Renewal Program	Footpath Renewal Program	WO 00031845 Unallocated Renewal Funds	Program of works complete with minor savings	(\$2,506)	\$0
Colac Aerodrome Lighting Upgrade.	WO 00031845 Unallocated Renewal Funds	WO 00037926 – 2022 – 2023 Capital Works – Colac Aerodrome RAP	Additional budget allocation required for	\$10,000	\$0

Project Name	Transfers from project account	Transfers to project account	Basis for variation	Project budget adjustment (exc. GST) Note increases are without brackets	
				Expenditure	Income
		Round 2 Taxiway and Lighting	project contingency.		
Drainage Renewal Program - Yacht club Pipe replacement	WO 00037958 - 2023 - 2024 Capital Works Drainage Renewal Program - Yacht club Pipe replacement	WO 00031845 Unallocated Renewal Funds	Project complete with savings	(\$8,333)	\$0
Lighting of existing three flagpoles to enable the Australian flag to fly "permanently"	WO 00037982 - 2023 - 2024 Capital Works Open Space Renewals - Lighting of existing three flagpoles to enable the Australian flag to fly "permanently"	WO 00031845 Unallocated Renewal Funds	Project complete with savings	(\$10,640)	\$0
Heavy Fleet Replacement Program – Supply and Delivery of 9m Truck	Major Plant Replacement Reserve	WO 00037902 – 2022-2023 Capital Works – 9m Truck 1	Additional funds from reserve required for purchase	\$70,750	\$0
Heavy Fleet Replacement Program – Supply and Delivery of 9m Truck	Major Plant Replacement Reserve	WO 00037903 – 2022-2023 Capital Works – 9m Truck 2	Additional funds from reserve required for purchase	\$70,750	\$0
Heavy Fleet Replacement Program – Supply and Delivery of 3m Truck	Major Plant Replacement Reserve	WO 00037991 – 2022-2023 Capital Works – 3m Truck	Additional funds from reserve required for purchase	\$12,000	\$0



Project Name	Transfers <u>from</u> project account	Transfers <u>to</u> project account	Basis for variation	Project budget adjustment (exc. GST) Note increases are without brackets	
				Expenditure	Income
Heavy Fleet Replacement Program – Supply and Delivery of 5m Truck	Major Plant Replacement Reserve	WO 00037992 – 2022-2023 Capital Works – 5m Truck 2	Additional funds from reserve required for purchase	\$40,000	\$0
LRCI Funding Round 3 - Western Oval Drainage Improvements	WO 00037506 - 2021 - 2022 Capital Works - LRCI Funding Round 3 - Western Oval Drainage Improvements	New Project – Lavers Hill Hall Septic Replacement	Works complete under budget.	(\$75,665)	(\$75,665)
LRCI Funding Round 3 - Open Space Cororooke Masterplan Implementation - New Picnic Area	WO 00037540 - 2021 - 2022 Capital Works - LRCI Funding Round 3 - Open Space Cororooke Masterplan Implementation - New Picnic Area	New Project – Lavers Hill Hall Septic Replacement	Works complete under budget.	(\$33,566)	(\$33,566)
LRCI Fund Round 3 - Playground Program - Beeac Park Playground	WO 00037502 - 2021 - 2022 Capital Works - LRCI Fund Round 3 - Playground Program - Beeac Park Playground	New Project – Lavers Hill Hall Septic Replacement	Works complete under budget.	(\$5,769)	(\$5,769)

**Table 3b – Project budgets requiring adjustment (Operational Projects)**

Project name	Transfers <u>from</u> project account	Transfers <u>to</u> project account	Basis for variation	Project allocation (exc. GST)	
				Expenditure	Income
2022 - 2023	New Income	WO 00038141 -	Minor unspent grant allocation	\$294	\$294

Project name	Transfers from project account	Transfers to project account	Basis for variation	Project allocation (exc. GST)	
				Expenditure	Income
Grants Program - Consolidated Community Grants Carried Forward		2022 - 2023 Grants Program - Consolidated Community Grants Carried Forward	returned from funding recipients.		

Closure of projects is another important process for maintaining a well-managed program and involves financial review, asset management, and project review activities. Closed projects are presented in Table 4 for Council's ratification and to provide transparency to the community that these projects are deemed to be complete.

**Table 4 – Project closures for ratification**

Project name	Funding source for return of unexpended budget funds	Project Allocation (Expenditure)	Actual YTD
Nil to Report			

## 5. CONSIDERATIONS

### **Overarching Governance Principles** (s(9)(2) LGA 2020)

This report contributes to financial viability by ensuring Council approves and is well informed about the allocation and movement of project funds to achieve the best outcomes for the municipal community.

### **Policies and Relevant Law** (s(9)(2)(a) LGA 2020)

Not applicable.

### **Environmental and Sustainability Implications** (s(9)(2)(c) LGA 2020)

Not applicable.

### **Community Engagement** (s56 LGA 2020 and Council's Community Engagement Policy)

Not applicable.

### **Public Transparency** (s58 LGA 2020)

This report contributes to public transparency by ensuring that the allocation and movement of project funds is made available to the community.

## **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 4 – Strong Leadership and Management

Objective 1: We commit to a program of best practice and continuous improvement

Objective 2: We are a financially robust organisation.

## **Financial Management (s101 Local Government Act 2020)**

This report contributes to financial management principles by recording the allocation and movement of project funds that may impact on the budget, current and future.

## **Service Performance (s106 Local Government Act 2020)**

This report contributes to service performance for project delivery by considering the allocation and movement of project funds for successful project outcomes.

## **Risk Assessment**

There are no identified Workplace Health and Safety implications or identified risks associated with this report.

## **Communication/Implementation**

Implementation of Council's decision will be undertaken by the responsible officers within Council. Project partners and stakeholders will be notified of Council's decision where relevant by the Project Sponsor or Project Manager.

## **Human Rights Charter**

There are no matters identified with this report that impact on human rights as defined in the charter.

## **Officer General or Material Interest**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

## **Options**

Option 1 – Approve transfers as per the recommendation.

This option is recommended as the project budgets and cash reserve transfers supports implementation of Council's strategies.

Option 2 – Not approve transfers as recommended.

This option is not recommended as transfers are necessary to allow ongoing delivery and closure of projects, which have been through a series of governance checks.

Item: 9.3

## Quarter 2 Performance Report against 2023-2024 Annual Plan

<b>OFFICER</b>	Janine Johnstone
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	1. Annual Plan - Quarter 2 [9.3.1 - 28 pages]

### 1. PURPOSE

To provide an update on progress made towards Council's 2023-24 Annual Plan, for the period 1 October to 31 December 2023.

### 2. EXECUTIVE SUMMARY

This report provides a progress report against the actions for the second quarter of the 2023-24 Annual Plan.

### 3. RECOMMENDATION

*That Council notes the progress made towards Council's 2023-24 Annual Plan, for the period 1 October to 31 December 2023.*

## 4. KEY INFORMATION

Council's 2023-24 Annual Plan comprises 64 actions.

Below is an update on how we are progressing against these commitments (expressed under each Council Plan theme).

<b>Annual Actions</b>	<b>Not started</b>	<b>In progress</b>	<b>Completed</b>	<b>TOTAL</b>
Theme 1: Strong and Resilient Economy	0	17	3	20
Theme 2: Valuing the Natural and Built Environment	0	7	6	13
Theme 3: Healthy and Inclusive Community	1	10	1	12
Theme 4: Strong Leadership and Management	5	14	0	19
<b>TOTAL</b>	<b>6</b>	<b>48</b>	<b>10</b>	<b>64</b>

At the halfway mark for the 2023-24 Financial Year, approximately:

- 15% of Actions have been completed
- 75% of Actions are in progress
- 10% of Actions have not yet commenced.

## 5. CONSIDERATIONS

### **Overarching Governance Principles (s(9)(2) LGA 2020)**

The principles relevant to this report include:

- the municipal community is to be engaged in strategic planning and strategic decision making;
- innovation and continuous improvement is to be pursued; and
- the transparency of Council decisions, actions and information is to be ensured.

### **Policies and Relevant Law (s(9)(2)(a) LGA 2020)**

Local Government Act 2020.

### **Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)**

Not applicable.

### **Community Engagement** (s56 LGA 2020 and Council's Community Engagement Policy)

Comprehensive community consultation and engagement was undertaken during the development of the Council Plan 2021-2025 and 2023-24 Budget. The 2023-24 Annual Plan was also presented to and endorsed at an open Council meeting held on 28 June 2023.

### **Public Transparency** (s58 LGA 2020)

Council information on Council Plan progress is scheduled to be reported quarterly to an open Council meeting.

### **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 4 – Strong Leadership and Management

Objective 1: We commit to a program of best practice and continuous improvement

Objective 2: We are a financially robust organisation

Objective 4: We support and invest in our people.

### **Financial Management** (s101 Local Government Act 2020)

2023-24 Annual Plan actions are budgeted for in the endorsed 2023-24 Budget.

### **Service Performance** (s106 Local Government Act 2020)

Not applicable.

### **Risk Assessment**

Not applicable.

### **Communication/Implementation**

The third quarter Performance Report 2023-24 will be presented to a future Council Meeting.

### **Human Rights Charter**

No impact.

### **Officer General or Material Interest**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

### **Options**

Option 1 – Note the Quarterly Performance Report against the 2023-24 annual plan for the period 1 September 2023 to 31 December 2023

This option is recommended by officers as this report meets Council's reporting requirements.




Option 2 – Do not receive the Quarterly Performance Report against the 2023-24 annual plan for the period 1 September 2023 to 31 December 2023

This option is not recommended by officers as it would be inconsistent with the intent of the reporting requirements.

## Theme 1 – STRONG AND RESILIENT ECONOMY

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 2 (October to December)	% Complete	Status (Not started, In progress or Completed)
<b>1.1 Affordable and available housing will support our growing community and economy</b>						
1.1.1	<b>Deliver a strategic growth plan for the shire and settlement strategy for all small towns and rural living areas ●</b>	<ul style="list-style-type: none"> <li>Strategic Growth Plan and Settlement Strategy developed</li> <li>Relevant Planning Scheme Amendments adopted</li> </ul>	<b>Commence Birregurra structure plan review ●</b>	A request for quote process has been undertaken that will result in consultants being appointed early in 2024 to commence the review of the structure plan.	20%	In progress
			<b>Commence Northern Towns Growth Plan projects ●</b>	A request for quote process has been undertaken that will result in consultants being appointed early in 2024 to commence the review of the structure plan.	20%	In progress
1.1.2	<b>Deliver a refreshed Apollo Bay Structure Plan ●</b>	<ul style="list-style-type: none"> <li>Refreshed Apollo Bay Structure Plan delivered by 2022-23</li> <li>Relevant Planning Scheme Amendments adopted</li> </ul>	<b>Prepare information for Council to consider funding this as a 2024-25 project</b>	Preparation of information for Council's funding consideration in 2024-25 is underway.	50%	In progress
1.1.3	<b>Facilitate the delivery of more diverse housing stock in Colac and Apollo Bay ●●</b>	<ul style="list-style-type: none"> <li>Increase land supply by 200 new lots annually</li> <li>Increased availability of affordable housing</li> <li>Levels of housing stress including rental and mortgage stress</li> </ul>	<b>Continue to work with Developers to promote greater diversity in housing stock, particularly developers of Great Ocean Road subdivision at Apollo Bay, Bruce Street in Colac and the two sites being rezoned at Elliminyt in Irrewillipe Road and Harris Road/Colac Lavers Hill Road ●●</b>	<p>Through planning scheme amendments C123 &amp; 127 the two sites at Elliminyt have been approved by the Minister for Planning. Requirements have been established for the provision of social/affordable housing.</p> <p>The Minister of Planning has made changes to the planning scheme that will facilitate the provision of small second dwellings without the requirement of a planning permit. This is expected to diversify the types of housing available.</p>	50%	In progress

## Theme 1 – STRONG AND RESILIENT ECONOMY

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 2 (October to December)	% Complete	Status (Not started, In progress or Completed)
1.1.4	<b>Increase residential land supply in Colac</b> 	<ul style="list-style-type: none"> <li>• Number of hectares rezoned</li> <li>• Number of residential lots approved by planning permits</li> </ul>	<b>Continue to progress the Deans Creek Precinct Structure Plan</b> 	<p>The Deans Creek Precinct Structure Plan is progressing well and is on track. Phase one technical assessments including Biodiversity, Post Contact Heritage, Arboricultural, and Landscape and Visual Assessments are complete.</p> <p>Other technical reports including an Aboriginal Cultural Heritage and Impact assessment, Aboriginal Cultural Values assessment, Land Capability and Soils assessment and the Integrated Water Management and Stormwater Assessment, Retail and Employment Land Assessment and Community Infrastructure Plan have all commenced and are due to be completed by mid 2024.</p> <p>Further reports including the Development Contributions Plan, Transport Assessment and Services Assessment will be commissioned towards the middle of 2024.</p> <p>An expression of interest process has been undertaken to appoint a Community Reference Group (CRG) with members to be appointed by Council early in 2024. This will precede further public engagement processes in 2024 including a landowner forum and co-design workshop.</p>	50%	In progress
			<b>Finalise the Colac West Development Plan</b> 	<p>The development plan has been submitted and will be placed on public exhibition after receipt of the Shared Infrastructure Funding Plan for the main developer in the precinct.</p>	80%	In progress



## Theme 1 – STRONG AND RESILIENT ECONOMY

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 2 (October to December)	% Complete	Status (Not started, In progress or Completed)
			<b>Progress Planning Scheme Amendments for rezoning land to residential in Colac</b> ●●	<p>Planning scheme amendments C123 and C127 have been approved by the Minister for Planning and will deliver a combined future lot yield of approx. 900 residential lots.</p> <p>Officers are continuing to work with proponents of a rezoning at Marriner Street, Colac and will attend a panel hearing for a planning scheme amendment in Sinclair Street Colac early in 2024 which seeks to facilitate a subdivision of approximately 65 lots.</p>	50%	Completed
1.1.5	<b>Deliver a Social Housing Strategy</b> ●●●	<ul style="list-style-type: none"> <li>Number of dwellings made available for social housing</li> <li>Social Housing Strategy completed and implemented</li> </ul>	<b>Continue to work with Homes Victoria to advocate for social housing projects in the Shire</b>	Officers continue to advocate to Homes Victoria in relation to potential public housing projects at Pound Road, Colac and in Apollo Bay.	50%	In progress
1.1.6	<b>Increase access to affordable accommodation for essential workers</b> ●●	<ul style="list-style-type: none"> <li>Level of rental and mortgage stress</li> <li>More accommodation options are available in towns including Apollo Bay, Birregurra, Forrest and Colac, specifically for workers</li> </ul>	<b>Commence Stage 1 exploration of Key Worker Housing Feasibility on Council owned land at Nelson Street Apollo Bay'</b> ●●	A grant application has been lodged in partnership with Urbis, Deakin University, Formflow and other partners, to attract additional funds from Government to widen the scope of feasibility for affordable worker housing to be established on this land.	50%	In progress



## Theme 1 – STRONG AND RESILIENT ECONOMY

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 2 (October to December)	% Complete	Status (Not started, In progress or Completed)
			Continue to advocate to State and Federal Government for funding support towards provision of key worker accommodation	Discussions are ongoing with the State Government to maintain an awareness of local housing issues and identify potential funding streams.	50%	In progress
<b>1.2 Attract, retain and grown business in our Shire</b>						
1.2.1	<b>Deliver Economic Development Strategy</b>	<ul style="list-style-type: none"> <li>At least 80% of actions from Strategy completed</li> <li>Community satisfaction with business and tourism increases annually from current result of 59%</li> <li>Increased level of investment in the region by 2025</li> <li>Number of commercial and industrial lots approved by planning permits</li> </ul>	Prepare targeted accommodation investment prospectus for Colac and present to industry stakeholders	Information prepared and provided to potential accommodation developers.	50%	In progress
1.2.2	<b>Attract and retain a diverse range of businesses and industries, particularly</b>	<ul style="list-style-type: none"> <li>Gross Regional product increased</li> <li>Greenfield industrial land in Colac developed</li> </ul>	No year 3 action planned			

## Theme 1 – STRONG AND RESILIENT ECONOMY

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 2 (October to December)	% Complete	Status (Not started, In progress or Completed)
	those with green credentials ●●					
1.2.3	Deliver City Deals project in Colac Otway Shire's coastal towns ●	<ul style="list-style-type: none"> <li>All three City Deals projects delivered on time and on budget</li> </ul>	<p><b>NOTE: Council no longer has a delivery responsibility but will continue to support the implementation of the City Deals projects to achieve the community's aspirations</b></p>			
1.2.4	Develop the Apollo Bay Harbour precinct for community activity, commerce and tourism ●●	<ul style="list-style-type: none"> <li>Doubled berthings for recreational and commercial boats (currently 33 combined)</li> <li>Funding secured from private sector or government for commercial development of the harbour waterfront</li> </ul>	<p><b>Support GORCAPA/s delivery of Great Ocean Road City Deal projects</b> ●●</p>	<p>NBN has completed a major infrastructure upgrade of connectivity to the Harbour by running fibre optic cable to that location.</p> <p>Officers are participating in governance groups for the City Deals projects to support the Apollo Bay Harbour and Kennett River projects, and have contributed feedback to the GORCAPA led review of the Harbour Development Plan.</p>	50%	In Progress

## Theme 1 – STRONG AND RESILIENT ECONOMY

1.3 Key infrastructure investment supports our economy and livability						
1.3.1	<p>Attract investment to implement key master plans and projects that will drive economic growth including but not limited to Lake Colac Foreshore Masterplan, Public Toilet Strategy, CBD and Entrances Plan, Apollo Bay, Marengo and Skenes Creek CIP, Murray Street upgrades, township masterplans, Colac Civic Health and Rail Precinct, Memorial Square Masterplan Tourism Traffic and Parking Strategy </p>	<ul style="list-style-type: none"> <li>• Number of projects that have attracted funding</li> <li>• \$ funding received</li> </ul>	<p><b>Complete Memorial Square Toilets project</b> </p>	<p>A contract has been awarded and construction has commenced.</p>	50%	In progress
1.3.2	<p>Deliver improvements to Colac and Apollo Bay CBD's to support their role as a hub for commerce, tourism and the community</p>	<ul style="list-style-type: none"> <li>• Grant funds secured for Colac and Apollo Bay CBD streetscape upgrades</li> </ul>	<p><b>Finalise the Colac Civic Precinct Master Plan</b></p>	<p>Progress on the draft plan preparation was paused late in 2023 to review its scope, and further refinements will be made to enable the draft plan to be placed on public exhibition early in 2024.</p>	30%	In progress
1.3.3	<p>Advocate to relevant authorities for new and upgraded infrastructure to support business growth e.g. roads, utilities, NBN</p>	<ul style="list-style-type: none"> <li>• Priority upgrades are achieved (e.g. mobile black spots)</li> </ul>	<p><b>Seek grant funding to upgrade Mooleric Road</b></p>	<p>Funding application has been submitted to the Federal Government's Heavy Vehicle Safety and Productivity Program.</p>	100%	Completed

## Theme 1 – STRONG AND RESILIENT ECONOMY

1.3.4	<b>Advocate for implementation of the Forrest Wastewater scheme</b>	<ul style="list-style-type: none"> <li>Funding secured to deliver Wastewater Scheme in Forrest</li> </ul>	<b>Support efforts by Barwon Water to introduce reticulated wastewater to Forrest</b> ●	Officers are working with Barwon Water staff to support their efforts in scoping the sewerage reticulation project, including the identification of a site for sewerage treatment.	50%	In Progress
1.3.5	<b>Include consideration of arts and culture in strategic processes and projects</b>	<ul style="list-style-type: none"> <li>Arts and culture groups are actively engaged as part of consultation processes for relevant strategic projects</li> </ul>	<b>Engage with arts groups as the Civic Precinct Plan progresses</b> ●	This action is linked to the action concerning development of the Civic Precinct Master Plan. Progress on the draft plan preparation was paused late in 2023 to review its scope, and further refinements will be made to enable the draft plan to be placed on public exhibition early in 2024.	30%	In Progress
<b>1.4 Colac Otway Shire is a destination to visit</b>						
1.4.1	<b>Promote the Shire as a destination, not a gateway</b> ●	<ul style="list-style-type: none"> <li>Increased visitor spend and stay</li> </ul>	<b>Continue to participate with GORRT promotions</b> ●	Participated in all relevant promotions. Drive Victoria campaign launched which provides consumers with retail offers and hot deals that are bookable direct with local businesses.	50%	In progress
1.4.2	<b>Maximise our key tourist attractions</b>	<ul style="list-style-type: none"> <li>Increased total visitor overnight stays</li> </ul>	<b>Forrest Mountain Bike trails</b> ●●●	Launch event for newly completed trails held and all trails now open.	100%	Completed

## Theme 1 – STRONG AND RESILIENT ECONOMY

1.4.3	<b>Work with our community to promote our towns as places to stop, visit and explore</b>	<ul style="list-style-type: none"> <li>• Delivery of Destination Actions Plans</li> <li>• In partnership with GORA, achieve Ecotourism Certification</li> </ul>	<b>Consult with community stakeholders to complete the visitor servicing review ●</b>	Community and business survey undertaken to understand community perception of visitor servicing.	50%	In progress
1.4.4	<b>Facilitate development of sustainable visitor infrastructure and accommodation</b>	<ul style="list-style-type: none"> <li>• Increased availability of visitor accommodation</li> <li>• Public Toilet Strategy completed and 60% of actions delivered by 2025</li> </ul>	<b>No year 3 action planned</b>			
<b>1.5 Grow the Colac Otway Shire's permanent population by at least 1.5%</b>						
1.5.1	<b>Support business growth through population attraction and retention ●</b>	<ul style="list-style-type: none"> <li>• Increase total population of working-aged people and young families</li> <li>• 1.5% annual population growth achieved</li> <li>• Reduced seasonality impacts on businesses by having stable permanent population</li> </ul>	<b>NOTE: Council is not actively promoting population growth as this is currently self-driven but constrained by accommodation access</b>			

## Theme 2 – VALUING THE NATURAL AND BUILT ENVIRONMENT

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 2 (October to December)	% Complete	Status (Not started, In progress or Completed)
<b>2.1 We mitigate impacts to people and property arising from climate change</b>						
2.1.1	<b>Deliver a Climate Change Action Plan in partnership with other organisations</b> ●●●●	<ul style="list-style-type: none"> <li>Action Plan completed by 2022</li> </ul>	<b>Finalise the Climate Change Action Plan for Council Adoption</b> ●●●●	Climate Change Action Plan formally adopted by Council at October 2023 council Meeting.	100%	Completed
2.1.2	<b>Green our streets and public places</b> ●●●●●	<ul style="list-style-type: none"> <li>Number of trees planted in public spaces (open space and streetscape)</li> <li>Development of an urban cooling strategy and canopy target as part of the reviewed environmental strategy</li> <li>Review the quality of street trees and streetscapes when planting appropriate trees in the future</li> </ul>	<b>Deliver Council's Street Tree planting program to identified candidate streets</b> ●●●●●	The planting program for 2023-24 has commenced, candidate streets identified and appropriate species have been selected. A number of trees have been planted in Spring 2023 with the remaining program to be delivered in autumn 2024.	50%	In progress
			<b>Complete the Colac Botanic Gardens Master Plan</b> ●●●●●	The review of the Colac Botanic Masterplan commenced in September 2023 following appointment of a specialist heritage consultant. The first round of community consultation is complete and a draft plan will be prepared early in 2024. Draft concepts have been created and provided to the Project Working Group.	60%	In progress

## Theme 2 – VALUING THE NATURAL AND BUILT ENVIRONMENT

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 2 (October to December)	% Complete	Status (Not started, In progress or Completed)
2.1.3	Minimise the effects of climate change and extreme weather events on our community ●●	<ul style="list-style-type: none"> <li>Emergency Management Plan regularly reviewed</li> <li>Community satisfaction with emergency and disaster management increases annually from current result of 71%</li> <li>Upgrades completed in vulnerable locations</li> </ul>	Finalise the Climate Change Action Plan for Council Adoption ●●●	Climate Change Action Plan formally adopted by Council at the October 2023 Council meeting.	100%	Completed
<b>2.2 We operate sustainably with a reduced carbon footprint</b>						
2.2.1	Improve Council's sustainability practices through the reduction of Council's carbon emissions and/or need to pay for carbon offsets ●●●	<ul style="list-style-type: none"> <li>Maintain Council's net zero carbon emissions and reduce dependence on carbon offsets through implementation of emission education projects</li> <li>Community satisfaction with environmental sustainability increases annually from current result of 61%</li> </ul>	Investigate further the electrification of heat pumps and other plant at Bluewater Leisure Centre including exploration of external funding programs ●●	Investigation of electrical capacity at the site with Powercor has been completed and a review of the cost estimate for the preferred option for electrification of the centre has been commissioned.	50%	In Progress



## Theme 2 – VALUING THE NATURAL AND BUILT ENVIRONMENT

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 2 (October to December)	% Complete	Status (Not started, In progress or Completed)
2.2.2	Council supports the community to reduce carbon emissions ●●	<ul style="list-style-type: none"> <li>• Raised awareness of whole-of-community climate change mitigation/adaptation focused activities</li> <li>• Reduction in CO2 emissions for Colac Otway (Source: Victorian Greenhouse Gas Emissions Report)</li> <li>• Council has considered opportunities for regional partnerships in relation to climate change</li> </ul>	<b>Progress actions prioritised in the adopted Climate Change Action Plan (duplicate of action against priority 2.1.1) – will be subject to funding</b> ●●●	Officers will soon commence development of mapping of heat resilience and tree canopy cover across the Shire to provide baseline data for future measurement of progress against urban greening initiatives. Projects are being scoped for funding under the Geelong Sustainability Electric Homes Program which would replace gas appliances in some Council buildings and increase use of solar energy.	50%	In Progress
			<b>Support community initiated environmental projects through the Colac Otway Shire Grant Program</b>	For the 2023-24 financial year, Council's community grants program funded approximately \$65,000 for a number of environmental, sustainability and climate change related programs and projects (under its three existing streams - events, environmentally sustainable business grants and general community grants). The funded projects include: solar installations; energy efficient appliance upgrades; environmental education, events and forums; invasive species reduction and biodiversity protection enhancement.	100%	Completed
2.2.3	Educating and assisting our community to act on climate change by reducing waste, emissions and water usage ●	<ul style="list-style-type: none"> <li>• Reduced waste to landfill, emissions and water usage in the community</li> </ul>	No year 3 action planned			

## Theme 2 – VALUING THE NATURAL AND BUILT ENVIRONMENT

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 2 (October to December)	% Complete	Status (Not started, In progress or Completed)
<b>2.3 Protect and enhance the natural environment</b>						
2.3.1	<b>Environment Strategy reviewed</b> ●	<ul style="list-style-type: none"> <li>Reviewed Environment Strategy adopted by Council and implementation commenced by 2022</li> </ul>	<b>Finalise and adopt an Environmental Sustainability Strategy 2023-2033</b> ●	An Environmental Sustainability Strategy was adopted at the October 2023 Council meeting.	100%	Completed
2.3.2	<b>Protect native vegetation, ecosystems, flora and fauna</b> ●	<ul style="list-style-type: none"> <li>Number of community activities and education initiatives that promote stewardship of the natural environment</li> </ul>	<b>Finalise and adopt an Environmental Sustainability Strategy 2023-2033</b> ●	An Environmental Sustainability Strategy was adopted at the October 2023 Council meeting.	100%	Completed
2.3.3	<b>Undertake pest plant and animal management control programs and community education to target and reduce invasive species in natural systems</b> ●	<ul style="list-style-type: none"> <li>Connecting and supporting Landcare and environmental interest groups</li> <li>Kilometres or hectares of roadside weed control conducted</li> </ul>	<b>No Year 3 actions planned beyond BAU</b>			

## Theme 2 – VALUING THE NATURAL AND BUILT ENVIRONMENT

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 2 (October to December)	% Complete	Status (Not started, In progress or Completed)
<b>2.4 We will satisfy our community's reasonable expectations to reduce waste going to landfill, increase resource recovery and minimise waste charges</b>						
2.4.1	<b>Increase community satisfaction by community education, phone apps, reducing waste to landfill, pursuing joint waste contracts and other innovative approaches in partnership with our community and business sectors ●</b>	<ul style="list-style-type: none"> <li>Community satisfaction survey (waste management components)</li> <li>Waste management charges</li> </ul>	<b>Support the roll out of the Victorian Government reforms including the Container Deposit Scheme</b>	Council is continuing to promote the GoodSort waste and recycling App with approximately 50% of the community now using the App every week. Council is also seeing an increase in searches of the waste materials guide (over 95,000 searches).	70%	In progress
2.4.2	<b>Reduce the % of food and organic (FOGO) waste in the landfill waste stream (red bin) by awareness raising and innovative approaches ●</b>	<ul style="list-style-type: none"> <li>% of FOGO waste diverted from landfill stream and composted</li> </ul>	<b>Finalise the Events in a Public Place Policy</b>	The Events in a Public Policy was adopted by Council in November 2023. The revised policy provides clear guidance and expectations for waste management and environmental sustainability at events.	100%	Completed
2.4.3	<b>Reduce the % of contamination of the recycling waste stream (yellow bin) by awareness raising and innovative approaches ●</b>	<ul style="list-style-type: none"> <li>% of contamination in recycling stream</li> </ul>	<b>No year 3 action planned</b>			

## Theme 2 – VALUING THE NATURAL AND BUILT ENVIRONMENT

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 2 (October to December)	% Complete	Status (Not started, In progress or Completed)
2.4.4	Divert glass from landfill by rollout of glass recycling bins (purple bin) and public awareness raising and innovative approaches ●	<ul style="list-style-type: none"> <li>% of glass diverted from landfill stream</li> </ul>	No year 3 action planned			
2.4.5	Trial a hard waste collection service	<ul style="list-style-type: none"> <li>Trial conducted, evaluated and recommendations made to Council</li> </ul>	No year 3 action planned			
<b>2.5 Provide and maintain an attractive and safe built environment</b>						
2.5.1	Maintain road and drainage assets to ensure they are safe and reliable	<ul style="list-style-type: none"> <li>Community satisfaction with sealed roads increases annually from current result of 50%</li> <li>Community satisfaction with unsealed roads increases annually from current result of 44%</li> <li>Development of a Road Safety Strategy</li> <li>Road safety funding attracted and priority improvements implemented</li> <li>Road Management Plan compliance 100%</li> </ul>	No Year three actions planned beyond BAU			

## Theme 2 – VALUING THE NATURAL AND BUILT ENVIRONMENT

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 2 (October to December)	% Complete	Status (Not started, In progress or Completed)
2.5.2	<b>Deliver a relevant Capital Works Program</b>	<ul style="list-style-type: none"> <li>Complete 85% or more of capital projects annually against allocated budget</li> <li>Greater than 85% of renewal work for sealed and unsealed roads annually</li> </ul>	<p><b>No Year 3 actions planned beyond BAU</b></p> <p><i>(Note, Capital Works progress is reported separately)</i></p>			
2.5.3	<b>Council meets annual infrastructure renewal gap</b>	<ul style="list-style-type: none"> <li>Asset Management Plans completed</li> <li>Capital funding allocated annually in accordance with levels identified in AMPs</li> </ul>	<b>Update Buildings AMP based on new condition data</b>	A building assessor has been engaged to undertake condition assessments and valuations for each of Council's buildings.	50%	In progress
2.5.4	<b>Ensure planning processes and policies for new developments meet the intent of this objective</b>	<ul style="list-style-type: none"> <li>Landscape Guidelines for developers completed</li> <li>Conditions relating to quality landscape, open space, streetscape and urban design outcomes developed and enforced</li> </ul>	<b>Consider the principles of the Safer Design Guidelines for Victoria and other relevant guidance documents when assessing planning application for new developments</b>	Guidelines considered when assessing planning applications as appropriate.	50%	In progress

## Theme 3 – HEALTHY AND INCLUSIVE COMMUNITY

	Four-year Priorities	Indicator	Year 3 Annual Actions	Progress Against Quarter 2 (October to December)	% Complete	Status (Not started, In progress or Completed)
<b>3.1 All people have the opportunity to achieve and thrive in our Shire</b>						
3.1.1	<b>Advocate for access to and provision of education, employment and lifelong learning opportunities</b> ●●●	<ul style="list-style-type: none"> <li>Reduced youth unemployment rate</li> <li>Reduced total unemployment rate</li> <li>Links facilitated between employers and educators to ensure workforce skills meet community needs</li> <li>Increase Year 12 or equivalent completion rate to at least the Victorian average (43.5% as at the 2016 census)</li> </ul>	<b>No year 3 action planned</b>			
3.1.2	<b>Create environments where children can be happy, healthy, supported, educated and safe</b> ●●●●	<ul style="list-style-type: none"> <li>Funding for early years infrastructure secured (\$)</li> <li>Increased childcare options/availability</li> <li>Partner with agencies to decrease 23.3% children developmentally vulnerable in more than one domain</li> <li>Increase in 3 and 4-year-old kindergarten participation rates</li> </ul>	<b>Continue to work towards securing long-term childcare solutions for Apollo Bay and Colac</b> ●	Advocacy to state and federal government has continued.	Ongoing	In progress
			<b>Complete Early Years Infrastructure Plan to guide facility maintenance and investment decisions across the shire</b> ●	Development of Kindergarten Infrastructure Services Plan is well underway, with data projections provided to Department of Education in line with requirements.	50%	In progress

## Theme 3 – HEALTHY AND INCLUSIVE COMMUNITY

	Four-year Priorities	Indicator	Year 3 Annual Actions	Progress Against Quarter 2 (October to December)	% Complete	Status (Not started, In progress or Completed)
3.1.3	<p><b>Provide services to enable lifelong health and wellbeing from the early to senior years</b> ●</p> <p>●●</p>	<ul style="list-style-type: none"> <li>Community satisfaction for Family Support Services increases annually from current result of 66%</li> <li>Community satisfaction for Elderly Support Services increases annually from current result of 68%</li> <li>Participation rates in Maternal and Child Health checks</li> </ul>	<p><b>Complete Community Care Best Value Review</b></p>	<p>Progress report finalised and provided. Final report to provided early in 2024.</p>	80%	In progress
<p><b>3.2 People are active and socially connected through engaging quality spaces and places</b></p>						
3.2.1	<p><b>Provide safe, inclusive, accessible and integrated transport networks that support active transport</b></p> <p>●●●</p>	<ul style="list-style-type: none"> <li>New or upgraded priority footpath, trail and cycling connections and improvements delivered annually (meters)</li> <li>Review strategic footpath plans for Apollo Bay and Colac</li> </ul>	<p><b>No Year 3 actions planned beyond BAU</b></p>			

## Theme 3 – HEALTHY AND INCLUSIVE COMMUNITY

	Four-year Priorities	Indicator	Year 3 Annual Actions	Progress Against Quarter 2 (October to December)	% Complete	Status (Not started, In progress or Completed)
3.2.2	Plan for and supply quality public open space to meet community needs ●●●	<ul style="list-style-type: none"> <li>Council-managed open space provision aligns with standards for development outlined in the Public Open Space Strategy</li> </ul>	Complete Birregurra Play Space redevelopment project ●●	First-phase community engagement complete. Concept design underway.	15%	In progress
			Complete Donaldson's Play Space renewal works ●●	First-phase community engagement complete. Concept design underway.	15%	In progress
3.2.3	Provide fit for purpose accessible and well-utilised recreation, arts and community facilities and services ●●●●	<ul style="list-style-type: none"> <li>Colac Otway Playspace Strategy developed and adopted</li> <li>Community satisfaction for recreation facilities increases annually from current result of 68%</li> <li>Community satisfaction for arts, centres and libraries increases annually from current result of 73%</li> <li>Increased participation rates at libraries; and increased visitation to COPACC programs</li> <li>All new and upgraded Council facilities are universally accessible</li> </ul>	Undertake Birregurra Hall and streetscape works ●	Works to commence in early 2024.	10%	In Progress
			Undertake Kitchen renewal at Colac Central Bowling Club ●●	Works to commence in early 2024.	10%	In Progress
			Undertake key renewal works at Lavers Hill Hall ●	Currently scoping works to be undertaken.	10%	In Progress








## Theme 3 – HEALTHY AND INCLUSIVE COMMUNITY

	Four-year Priorities	Indicator	Year 3 Annual Actions	Progress Against Quarter 2 (October to December)	% Complete	Status (Not started, In progress or Completed)
3.2.4	<b>Plan, design and maintain attractive and safe public spaces in partnership with our community and key agencies</b> ●●●	<ul style="list-style-type: none"> <li>Community satisfaction for appearance of public spaces increases annually from current result of 70%</li> <li>Perceptions of safety during the day greater than 97.6% and after dark greater than 65.5%</li> </ul>	No year 3 action planned			
3.2.5	<b>Increase participation in physical activity throughout the shire through direct service provision and partnerships with health services and the wider community</b> ●●●	<ul style="list-style-type: none"> <li>Increased visitation and memberships at Bluewater Leisure Centre and Apollo Bay Aquatic Centre</li> <li>Level of community grants funding directed to projects that encourage physical activity</li> </ul>	<b>Community grants process scheduled for review in 2024-25, to encourage projects that encourage physical activity</b> ●●	Will commence in Quarter 4, after the completion of the 2024 Grants Program.	0%	Not Started
3.2.6	<b>Promote and demonstrate gender equity</b> ●●●	<ul style="list-style-type: none"> <li>Gender Equity Plan for Council adopted and implemented</li> <li>New and upgraded community facilities accommodate gender neutral design principles</li> <li>Community facility fees and charges structures encourage facility users to embrace gender equity</li> </ul>	<b>Report GEAP implementation to Gender Equality Commissioner</b> ●●●	Partnered with Leisure Networks to roll out of the State Government's Fair Access Policy Roadmap. Colac Otway Shire Council Draft Fair Access Policy developed and was released for public exhibition in Quarter 2. Sporting club information sessions relating to Fair Access (Gender Equity) were conducted in Quarter 2.	25%	In progress

## Theme 3 – HEALTHY AND INCLUSIVE COMMUNITY

	Four-year Priorities	Indicator	Year 3 Annual Actions	Progress Against Quarter 2 (October to December)	% Complete	Status (Not started, In progress or Completed)
<b>3.3 We are a safe, equitable and inclusive community</b>						
3.3.1	<b>Support stakeholders such as Colac Area Health, Great Ocean Road Health, Barwon Health, Hesse Rural Health, Headspace and other community groups to improve mental health and wellbeing in our community ●</b>	<ul style="list-style-type: none"> <li>• Accessibility of services that lead to reduced rates of:               <ul style="list-style-type: none"> <li>➢ Suicide and self-inflicted injuries (101 per 100,000 people)</li> <li>➢ Psychological distress (20.3%)</li> <li>➢ Anxiety or depression (31.7%)</li> </ul> </li> </ul>	<b>No year 3 action planned</b>			
3.3.2	<b>Support relevant stakeholders to improve healthy eating and living in our community ●</b>	<ul style="list-style-type: none"> <li>• Reduced rates of diet-related chronic disease</li> <li>• Community facility fees and charges structures encourage facility users to embrace healthy eating, reduced tobacco, alcohol and other drug use</li> <li>• Increased partnerships and advocacy with relevant organisations</li> </ul>	<b>No year 3 action planned</b>			

## Theme 3 – HEALTHY AND INCLUSIVE COMMUNITY

	Four-year Priorities	Indicator	Year 3 Annual Actions	Progress Against Quarter 2 (October to December)	% Complete	Status (Not started, In progress or Completed)
3.3.3	<b>Diversity is embraced</b> 	<ul style="list-style-type: none"> <li>Greater than 45% of residents support multiculturalism as measured by Department of Health data</li> <li>Contribute to greater than 57% of residents feel valued by society</li> <li>Key council documents and communications are provided in accessible formats and multiple languages</li> <li>Increase in number of community events that celebrate diversity</li> </ul>	<b>Install Ceremonial/ Recognition Flagpole at Civic Precinct Colac</b> 	Project to be delivered in Quarter 3. Draft Flag Policy to be presented to Council in early 2024.	20%	In progress
3.3.4	<b>Deliver a Reconciliation Action Plan in consultation with Eastern Maar Aboriginal Cooperative</b> 	<ul style="list-style-type: none"> <li>Reflect level Reconciliation Action Plan delivered by 2022</li> </ul>	<b>No year 3 action planned</b>			
3.3.5	<b>Provide community safety services that enhance the liveability of our shire</b> 	<ul style="list-style-type: none"> <li>Community satisfaction for enforcement and local laws increases annually from current result of 64% Local Law reviewed by 2023</li> </ul>	<b>Complete General Local Law review</b> 	The General Local Law was completed and adopted by Council on 23 August 2023.	100%	Completed

### Theme 3 – HEALTHY AND INCLUSIVE COMMUNITY

	Four-year Priorities	Indicator	Year 3 Annual Actions	Progress Against Quarter 2 (October to December)	% Complete	Status (Not started, In progress or Completed)
3.3.6	Support health, enforcement and other services to support initiatives to reduce all forms of violence ●●●	<ul style="list-style-type: none"> <li>Decrease family violence incident rates</li> </ul>	No year 3 action planned			
3.3.7	Reduce gambling-related harm in the Colac Otway Shire ●●	<ul style="list-style-type: none"> <li>Gambling Policy developed for inclusion in the planning scheme</li> </ul>	No year 3 action planned			

## Theme 4 – STRONG LEADERSHIP AND MANAGEMENT

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 2 (October to December)	% Complete	Status (Not started, In progress or Completed)
<b>4.1 We commit to a program of best practice and continuous improvement</b>						
4.1.1	<b>Identify and embrace best practice and modernise systems to realise efficiencies</b>	<ul style="list-style-type: none"> <li>Community satisfaction for Councils overall performance increases annually from current result of 58%</li> </ul>	<b>Undertake an internal audit relating to cybersecurity controls</b>	A scope for an internal audit has been approved by the Audit and Risk Committee. The procedures will be undertaken in January 2024.	50%	In progress
4.1.2	<b>Digital transformation to improve customer experience and interactions with community</b>	<ul style="list-style-type: none"> <li>Number of services that can be accessed by customers online</li> </ul>	<b>No year 3 action planned</b>			
4.1.3	<b>Building and Planning services are customer and solution focussed</b>	<ul style="list-style-type: none"> <li>Community satisfaction for Planning and Building services greater than 50% by 2025</li> <li>85% of planning applications, and 100% of Vic Smart applications determined in 60 days</li> </ul>	<b>Undertake service specific feedback activity to identify opportunities to improve community perception</b>	Survey responses from planning permit applicants are being used to provide a more genuine indicator of service satisfaction levels and opportunities for improvement. Processes have been refined utilising this feedback, including information available on the Council web site.	50%	In progress
4.1.4	<b>Undertake a rolling program of service reviews</b>	<ul style="list-style-type: none"> <li>Conduct at least two service reviews annually and implement decisions made by Council, with a view to saving at least \$250,000 per year</li> </ul>	<b>Complete Best Value Review of Community Care Review</b>	Progress report finalised and provided. Final report to provided early in 2024.	80%	In progress
			<b>Complete a service review of Colac Regional Saleyards</b>	Project commenced with review of infrastructure.	15%	In progress

## Theme 4 – STRONG LEADERSHIP AND MANAGEMENT

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 2 (October to December)	% Complete	Status (Not started, In progress or Completed)
			<b>Complete a service review of Services and Operations</b>	Light fleet management is the first area to be reviewed from service and operations.  The review is at final report stage.	90%	In progress
			<b>Complete visitor servicing review</b>	Benchmarking and background research complete. Local business and community engagement complete.	40%	In progress
<b>4.2 We are a financially robust organisation</b>						
4.2.1	<b>Plan for sustainable portfolio of assets to deliver the services the community needs within our financial constraints ●</b>	<ul style="list-style-type: none"> <li>Asset Management Policy reviewed to address asset decommissioning and divestment</li> <li>Asset Management Strategy and Plans adopted</li> </ul>	<b>Implement Asset Management Strategy actions ●</b>	Condition assessment cycles and valuation of assets has been formalised. Building Condition assessment commissioned for Council buildings.	50%	In progress
4.2.2	<b>Adopt a policy and approach to guide the disposal of assets no longer required ●</b>	<ul style="list-style-type: none"> <li>Asset Management Plans include strategic service planning recommendations</li> <li>Capital Funds Allocation and Prioritisation Policies adopted</li> </ul>	<b>No year 3 action planned</b>			

## Theme 4 – STRONG LEADERSHIP AND MANAGEMENT

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 2 (October to December)	% Complete	Status (Not started, In progress or Completed)
4.2.3	<b>Manage procurement to get best value for the community</b>	<ul style="list-style-type: none"> <li>Agreed audit recommendations are implemented within defined timelines</li> <li>Rolling internal audit program implemented</li> </ul>	<b>Implement Internal Audit into Procurement</b>	<p>Procurement training has been developed and delivered for Council Officers.</p> <p>Draft updated Procurement Policy is scheduled to go to the March Audit and Risk Committee and Council early in 2024.</p>	50%	In progress
4.2.4	<b>Council businesses maximise community utilisation and minimise council subsidy ratios</b>	<ul style="list-style-type: none"> <li>Reduced subsidy ratio for Council businesses (airports, saleyards, COPACC, Bluewater and Visitor Information Centres)</li> </ul>	<b>Undertake strategic fee review for COPACC and Bluewater</b>	To commence in Quarter 3.	0%	Not Started
4.2.5	<b>Financial and risk management practices are responsible and sustainable</b>	<ul style="list-style-type: none"> <li>Deliver ten-year financial plan</li> <li>VAGO LGPRF financial sustainability measures</li> </ul>	<b>Develop Statutory and Discretionary Reserve Policy</b>	To commence in Quarter 3.	0%	Not Started
			<b>Review Council's Borrowing Policy</b>	To commence in Quarter 3.	0%	Not Started

## Theme 4 – STRONG LEADERSHIP AND MANAGEMENT

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 2 (October to December)	% Complete	Status (Not started, In progress or Completed)
			<b>Review Council's Investment Policy</b>	To commence in Quarter 3.	0%	Not Started
<b>4.3 We provide exceptional customer service</b>						
<b>4.3.1</b>	<b>Council service delivery is efficient, accessible, solution-focused and responsive to the needs of the community</b>	<ul style="list-style-type: none"> <li>Community satisfaction for Customer Service increases annually from current result of 68%</li> <li>Seek to understand factors contributing to the community's perception of Council's performance in Apollo Bay and surrounds</li> </ul>	<b>Establish Customer Experience improvement program</b>	<p>Monthly Customer Experience reporting now includes assessment of responsiveness to customer requests, planning application decision timeliness, and Customer Service statistics in addition to complaints and compliments data.</p> <p>A Customer Experience Strategy is being developed.</p>	50%	In progress



## Theme 4 – STRONG LEADERSHIP AND MANAGEMENT

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 2 (October to December)	% Complete	Status (Not started, In progress or Completed)
			<b>Review Complaints Policy</b>	<p>The Complaints Policy has been reviewed and is due for Audit and Risk Committee feedback prior to Council consideration.</p> <p>A Complaints Handling Procedure has been endorsed by EMT for organisational wide training to commence.</p>	50%	In progress
<b>4.4 We support and invest in our people</b>						
4.4.1	<b>We respect and invest in our employees and continue to strengthen our workplace culture</b> ●●	<ul style="list-style-type: none"> <li>Employee satisfaction and engagement</li> </ul>	<b>Develop action plan based on People Matters Survey results</b> ●●	Training in relation to sexual harassment and bullying prevention has been updated and is being rolled out to all staff.	60%	In progress
4.4.2	<b>We commit to safe work practices and take a positive approach to our work</b> ●	<ul style="list-style-type: none"> <li>Delivery of targets and measures as outlined in the OHS Strategic Plan</li> </ul>	<b>Implement actions from Internal Audit into WHS systems</b> ●	<p>A draft OHS manual, which focuses on setting up the foundations for a successfully run OHS system, has been developed so that legislative compliance is assured.</p> <p>The proposed OHS Manual was presented to Council's Health and Safety Committee for consultation and feedback.</p>	40%	In progress

## Theme 4 – STRONG LEADERSHIP AND MANAGEMENT

	Four-year Priorities	Indicators	Year 3 Annual Actions	Progress Against Quarter 2 (October to December)	% Complete	Status (Not started, In progress or Completed)
4.4.3	<b>Develop a skilled and diverse workforce by investing in training and development</b> ●●●	<ul style="list-style-type: none"> <li>Attraction and retention of skilled workforce</li> <li>Number of secondments within the organisation</li> <li>Number of internal promotions</li> <li>Number of hours of training</li> <li>Number of traineeships/apprenticeships</li> <li>Development of a Workforce Plan</li> </ul>	<b>Develop an organisation wide training program for mandatory and compliance training</b> ●●●	<p>Council uses a blended learning approach for mandatory and compliance training.</p> <p>Our Learning Management System has been upgraded to track mandatory and compliance training. The compliance training modules involve occupational health and safety instruction, anti-harassment, fraud awareness education, information privacy and diversity.</p>	50%	In progress
4.4.4	<b>Council provides clear, accessible communication and opportunities for the community to participate in decisions that affect them in line with the Community Engagement Framework</b>	<ul style="list-style-type: none"> <li>Community satisfaction for Consultation and Engagement increases annually from current result of 54%</li> <li>Rolling program of Community Conversations implemented</li> </ul>	<b>Conduct two 'community conversations' in small towns</b>	Community conversations to be scheduled in Q3 and Q4 of the annual plan.	0%	Not started
4.4.5	<b>Council decisions are open and transparent and the public has access to relevant Council information</b>	<ul style="list-style-type: none"> <li>Number of decisions made in closed Council meetings</li> <li>Community satisfaction for Council's community decision making increases annually from current result of 54%</li> <li>Compliance with Public Transparency Policy</li> </ul>	<b>Review decisions made in closed Council meetings and develop further guidance to maximise public decision-making</b>	In Q1 and Q2, only 1 of 92 Council decisions was made in a closed Council meeting. This demonstrates a very high level of transparency in Council decision making.	50%	In progress

Item: 9.4

## Proposed discontinuance of Road Reserve - 80a Hart Street Colac ( Council Land)

<b>OFFICER</b>	David Butterfield
<b>GENERAL MANAGER</b>	Andrew Tenni
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	1. Attachment 1 -80 a Hart Street Colac [9.4.1 - 1 page]

### 1. PURPOSE

The purpose of this report is to enable Council to consider discontinuance of part of an unused road reserve adjacent to 80a Hart Street, Colac, and to seek community views on this matter.

### 2. EXECUTIVE SUMMARY

It is proposed that the unused Road Reserve that runs east-west on the southern boundary of 80a Hart Street, Colac, be discontinued. Once discontinued, this land can be consolidated to become part of the property 80a Hart Street, Colac.

If the Road Reserve is discontinued and consolidated into 80a Hart Street, Colac, Council will be able to then consider commencement of the disposal process of 80a Hart Street, Colac.

### 3. RECOMMENDATION

***That Council:***

- 1. Gives public notice of its intention to discontinue the Road Reserve as set out in the plan (as per Attachment 1), pursuant to Section 12 of the Road Management Act 2004 and Section 206 of the Local Government Act 1989, seeking submissions from interested parties for a period of six weeks.***
- 2. Provides an opportunity for any person wishing to speak to their written submission at a meeting of the Submissions Committee.***
- 3. Considers any submissions received, prior to making a decision to discontinue the road, at a future Council meeting.***
- 4. Authorises the General Manager Infrastructure and Operations to do all things required to discontinue the Road Reserve described in point 1 and consolidate the land into 80a Hart Street, Colac, if no public submissions are received.***
- 5. Notes that a further report will be presented prior to commencement of a process to consider sale of the property.***

### 4. KEY INFORMATION

The unused Road Reserve is on a freehold Certificate of Title in the name of Colac Otway Shire Council (483.55 Square meters). Council is also the Registered Proprietor of the land known as 80a Hart Street, Colac (1014.40 Square meters).

There is no identified municipal purpose for 80a Hart Street, Colac or the unused road reserve adjacent to this property. This enables the land to be treated as surplus to the needs of Council, as described in Council's Acquisition and Disposal of Council Property Policy.

Discontinuance of the unused road reserve as designated in Image 1 in this report will would enable the land to be consolidated into the Land Title for 80a Hart Street, Colac, to increase the size of that parcel of land.

There is a Barwon Water easement running along the West side of the Road reserve. There is no intention to disrupt or change the easement or the infrastructure in the easement.

It is proposed that Council commence the Statutory Procedure by giving notice of its intention to discontinue the Road Reserve. The Notice of Intention to Discontinue the Road Reserve will be advertised and invite submissions for a period of six weeks. In the event that any submission expresses a request to be heard, a Submissions Meeting will take place, prior to a future Council meeting seeking a resolution for discontinuance.

Below is a picture of the subject Road Reserve (Image 1) and an extract from the Certificate of Title (Image 2). The section of road reserve to be discontinued is from Hart Street to the red line as indicated on the diagram.

Image 1.

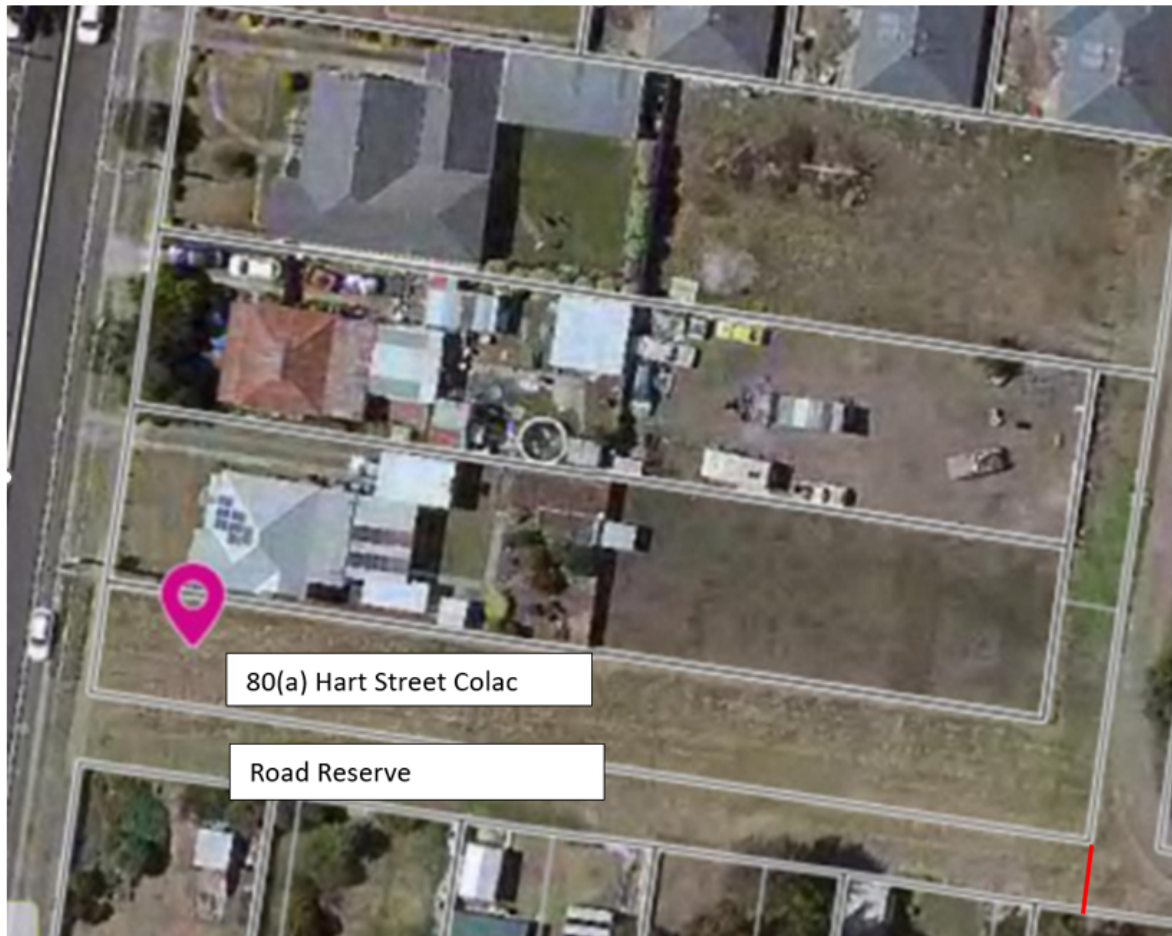
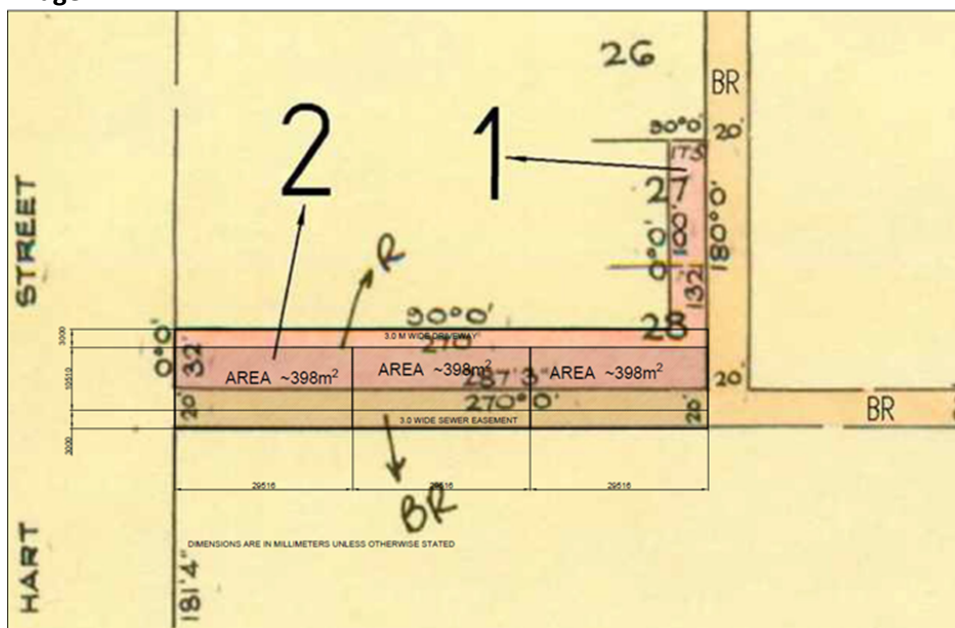


Image 2



## 5. CONSIDERATIONS

### **Overarching Governance Principles** (s(9)(2) LGA 2020)

Council has determined that the subject land has no operational or strategic benefit and is surplus to Council requirements. Council Officers believe it is in the best interests of Council to dispose of the property.

### **Policies and Relevant Law** (s(9)(2)(a) LGA 2020)

*Local Government Act 2020 – Disposal of Council Property*

*Section 12 of the Road Management Act 2004. - Road Reserve Discontinuance*

*Section 206 of the Local Government Act 1989 – Road Discontinuance*

### **Environmental and Sustainability Implications** (s(9)(2)(c) LGA 2020)

There is no known environment or sustainability implications if the recommended Resolution is made.

### **Community Engagement** (s56 LGA 2020 and Council's Community Engagement Policy)

A Notice of Intention to Discontinue the Road Reserve would be advertised in the Colac Herald and on Council's website for a period of six weeks, calling for submissions from interested parties.

In the event that a submitter requests to be heard, a Submissions meeting will be scheduled to give that opportunity.

### **Public Transparency** (s58 LGA 2020)

There are no known public transparency issues in this report.

### **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 4 – Strong Leadership and Management

Objective 1: We commit to a program of best practice and continuous improvement

Objective 2: We are a financially robust organisation

The above objectives are considered to be relevant to the subject of this report as follows:

1. The procedures outlined in this report are in accordance with relevant legislation and policies. The proposed actions will consolidate the Road Reserve into the Council owned property 80(a) Hart Street, Colac and will increase the size of the allotment.
2. At the conclusion of the discontinuance and consolidation process, it is proposed to provide a further Council Report seeking to dispose of the consolidated property 80(a) Hart Street, Colac.

### **Financial Management** (s101 Local Government Act 2020)

Council currently maintains the Road Reserve. If the Road Reserve is discontinued and consolidated it will enable Council to consider disposal of the property 80(a) Hart Street, Colac. This would provide Council with the proceeds of sale of the property.

### **Service Performance** (s106 Local Government Act 2020)

Not Applicable to this report.

### **Risk Assessment**

All risk is mitigated through following the requirements of the *Local Government Act 1989* and the *Road Management Act 2004*.

### **Communication/Implementation**

A Notice of Discontinuance of Road Reserve is publicised in The Colac Herald and on Colac Otway Shire Council website.

### **Human Rights Charter**

The writers of this report have considered the Human Rights Charter and confirm that no Person's Human Rights have been diminished in this report.

### **Officer General or Material Interest**

The Chief Executive Officer and General Manager Corporate Services have declared general conflicts of interest in this matter as the land is in reasonable proximity to their residences.

### **Options**

#### Option 1 – Adopt.

This option is recommended by Officers as it commences the requirements required to discontinue the Road Reserve.

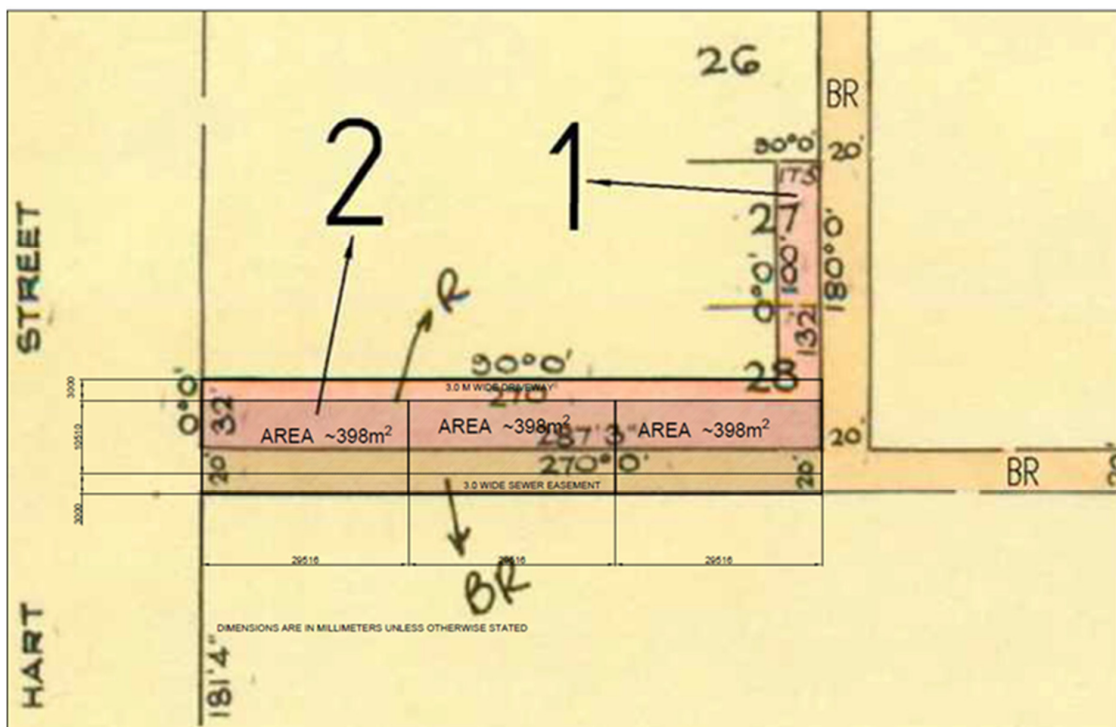
#### Option 2 – Adopt with amendments

This option is not recommended by Officers unless Councillors deem necessary.

#### Option 3 – Do not adopt

This option is not recommended by Officers as it will result in the Road Reserve remaining and not consolidated into the property 80(a) Hart Street, Colac

Attachment 1.





Item: 9.5

## Award of Contract 2410 - Barham River Road Landslip Rehabilitation - 6 Sites

<b>OFFICER</b>	{author-name}
<b>GENERAL MANAGER</b>	Doug McNeill
<b>DIVISION</b>	Infrastructure and Operations
<b>ATTACHMENTS</b>	Nil

### 1. PURPOSE

To consider the award of Contract 2410 for the rehabilitation of six landslips in Barham River Road arising from 2021 storm damage.

### 2. EXECUTIVE SUMMARY

It is sought through Contract 2410 to engage the services of a contractor to rehabilitate landslips at six sites in Barham River Road that were caused by storm events in September 2021. A request for tender was advertised on 15 December 2023 and closed on 7 February 2024. Council received eight submissions by the closing date. An evaluation of the tenders is attached as a confidential attachment.

The recommended contractor provided a tender submission that demonstrated good value for money, good understanding of the project requirements, previous experience on Council projects and availability of a suitable plan and resources to carry out the works under the contract. The recommended contractor has carried out works for Council in the past and demonstrated the capacity and availability to undertake the works within the available budget and timelines.

### 3. RECOMMENDATION

*That Council:*

- 1. Awards Contract 2410 – Landslip Rehabilitation – Barham River Road to Tenderer 2 (as per the confidential attachment to this report for a lump sum of \$470,000 (excluding GST)).*
- 2. Authorises the Chief Executive Officer to execute the contract documents on behalf of the Council.*
- 3. Authorises the Chief Executive Officer to perform all roles of the principal.*
- 4. Appoints the General Manager Community and Economy to the role of superintendent for the contract, including managing variations in accordance with the contract conditions.*
- 5. Notes that unsuccessful tenderers will be advised of the outcome of the tender process and successful tenderer and contract price as listed on Council’s website.*

### 4. KEY INFORMATION

In September and October 2021 two large storm events caused considerable damage to Council Road infrastructure, particularly through landslips. This damage was assessed by Council staff and consulting engineers. The events were part of statewide event that are eligible for Natural Disaster funding. Council has provided a list of sites and nominated cost estimates to rectify this damage through the funding department. These works have been approved and funding will be provided as the works occur and relevant claims are lodged.

Council has completed geotechnical investigations, survey, and designs for twenty-two sites including the six sites which are subject to this tender in readiness for this tender process.

A request for tender for the works to rectify landslips at six sites in Barham River Road was advertised in the Colac Herald and via eProcure on 15 December 2023 and closed 31 January 2024. Council had received eight submissions by the closing date.

The recommended contractor provided a high-quality tender submission demonstrating good value for money, good understanding of the project requirements, previous experience on other council projects and availability of suitable plant and resources to carry out the works under contract. The start date will begin on the day of execution of the Contract and the practical completion date is specified as 30 June 2024.

The recommended contractor has carried out roadworks for Council in the past and demonstrated the capability and availability to undertake the works within the available budget and timeline.

The Tender Evaluation Panel (TEP) report is attached as a Confidential Attachment to this report.

## 5. CONSIDERATIONS

### **Overarching Governance Principles** (s(9)(2) LGA 2020)

This report aligns with governance principles by completing a public tender process that competitively tested the market to produce a suitable tenderer for the project, which is within the project budget.

### **Policies and Relevant Law** (s(9)(2)(a) LGA 2020)

The tender process has been conducted in accordance with the *Local Government Act 2020* and Council's Procurement Policy and procedures.

### **Environmental and Sustainability Implications** (s(9)(2)(c) LGA 2020)

The successful tenderer is required to provide a Construction Environmental Management Plan (CEMP) that addresses environmental and social considerations. The CEMP will be actively managed by Council throughout the contract term.

### **Community Engagement** (s56 LGA 2020 and Council's Community Engagement Policy)

Local business and residents in the area will be informed of the upcoming works and any traffic management requirements associated with the project.

### **Public Transparency** (s58 LGA 2020)

The matter is transparent to the community through the decision being made in a meeting open to the public.

### **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 1 - Strong and resilient community

Objective 3: Key infrastructure investment supports our economy and liveability

Theme 2 - Valuing the Natural and Built Environment

Objective 5: Provide and maintain an attractive and safe built environment

Theme 4 - Strong leadership and management

Objective 1: We commit to a program of best practice and continuous improvement.

The rehabilitation of these landslips is a key project in returning these assets to a pre-disaster state that provides the community with a safe road network.

### **Financial Management** (s101 Local Government Act 2020)

These projects were identified as part of the September 2021 natural disaster storms and are funded through the Natural Disaster Funding Arrangements.

### **Service Performance** (s106 Local Government Act 2020)

These works have been approved for rectification through the natural Disaster funding arrangements with the State and Federal Governments. All associated costs including project management will be funded through this program.

## **Risk Assessment**

The landslip rehabilitation designs have been prepared by consultant engineers and been informed by geotechnical investigations. Conditions experienced with other landslips in Barham River Road in recent rectification works has influenced the design and scope of works.

As noted above, the preferred contractor is a well-known and experienced construction company that has undertaken various works for Council in the past. The rehabilitation materials used, and the methods employed to perform the works under contract are minimal risk.

Traffic restrictions will be in place for the duration of the works, and impacts will be managed by the contractor who has confirmed that access will be maintained for local residents, local businesses and emergency services.

There are various known services in the vicinity of the work site and the contractor is responsible for obtaining the necessary approvals and protecting the services during construction.

## **Communication/Implementation**

As part of the contract the tenderer is required to provide a letter to the owners of adjoining properties as well as providing a VMS electronic sign board on-site two weeks prior to works commencing to notify road users of the upcoming works. Further communication will be provided to emergency services, bus lines and government agencies once works programming has been finalised.

## **Human Rights Charter**

No impact.

## **Officer General or Material Interest**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

## **Options**

### Option 1 – Adopt the recommendation to award Contract 2410 to Tenderer 1.

This option is recommended by officers as Tenderer 1 has submitted a tender that is within the available budget and has the capability and experience to undertake the necessary works following a comprehensive tender evaluation process that considered a range of criteria.

### Option 2 – Award Contract 2410 to an alternative tenderer.

This option is not recommended. Council has undertaken a comprehensive tender process and based on the assessment of all tenders, Tenderer 1 has ranked highest.

### Option 3 – Not award the contract.

This option is not recommended as it will delay the commencement of these necessary road reconstruction works, resulting in a service level that is below the community's expectations for this section of road. Council has allocated funds in the 2023-24 budget to undertake the project (to be recouped from State and Federal Government) and the recommended tenderer is within the project budget allocation.

Item: 9.6

## Award of Contract 2413 - Wild Dog Road Landslip Rehabilitation - 9 Sites

<b>OFFICER</b>	Kanishka Gunasekara
<b>GENERAL MANAGER</b>	Doug McNeill
<b>DIVISION</b>	Infrastructure and Operations
<b>ATTACHMENTS</b>	Nil

### 1. PURPOSE

To consider the award of Contract 2413 for the rehabilitation of nine landslips in Wild Dog Road, Apollo Bay arising from 2021 storm damage.

### 2. EXECUTIVE SUMMARY

It is sought through Contract 2413 to engage the services of a contractor to rehabilitate landslips at nine sites in Wild Dog Road that were caused by storm events in September 2021. A request for tender was advertised on 15 December 2023 and closed on 7 February 2024. Council received nine submissions by the closing date.

The recommended contractor provided a tender submission that demonstrates good value for money, good understanding of the project requirements, previous experience on Council projects and availability of a suitable plan and resources to carry out the works under the contract. The recommended contractor has carried out works for other Councils across the State in the past and demonstrated the capacity and availability to undertake the works within the available budget and timelines.

### 3. RECOMMENDATION

*That Council:*

- 1. Awards Contract 2413 – Wild Dog Road Landslip Rehabilitation – 9 sites to Tenderer 1 (as per the confidential attachment to this report) for a lump sum of \$407,141 (excluding GST).*
- 2. Authorises the Chief Executive Officer to execute the contract documents on behalf of the council.*
- 3. Authorises the Chief Executive Officer to perform all roles of the principal.*
- 4. Nominates the General Manager Community and Economy to the role of superintendent for the contract, including managing variations in accordance with the contract conditions.*
- 5. Notes that unsuccessful tenderers will be advised of the outcome of the tender process and successful tenderer and contract price as listed on Council's website.*

### 4. KEY INFORMATION

In September and October 2021 two large storm events caused considerable damage to Council Road infrastructure, particularly through landslips. This damage was assessed by Council staff and consulting engineers. The events were part of statewide event that are eligible for Natural Disaster funding. Council has provided a list of sites and nominated cost estimates to rectify this damage through the funding department. These works have been approved and funding will be provided as the works occur and relevant claims are lodged. Council has completed geotechnical investigations, survey, and designs for twenty-two sites including the nine sites which are subject to this tender in readiness for this tender process.

A request for tender for the works was advertised in the Colac Herald and via eProcure on 15 December 2023 and closed 31 January 2024. Council had received nine submissions by the closing date. The recommended contractor provided a high-quality tender submission demonstrating good value for money, good understanding of the project requirements, previous experience on project for other councils across the state and availability of suitable plant and resources to carry out the works under contract. The start date will begin on the day of execution of the Contract and the practical completion date is specified as 30 June 2024. The recommended contractor has carried out roadworks for Council in the past and demonstrated the capability and availability to undertake the works within the available budget and timeline.

The Tender Evaluation Panel (TEP) report is attached as a Confidential Attachment to this report.

### 5. CONSIDERATIONS

**Overarching Governance Principles (s(9)(2) LGA 2020)**

This report aligns with governance principles by completing a public tender process that competitively tested the market to produce a suitable tenderer for the project, which is within project budget.

**Policies and Relevant Law (s(9)(2)(a) LGA 2020)**

The tender process has been conducted in accordance with the *Local Government Act 2020* and Council's procurement Policy and procedures.

**Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)**

The successful tenderer is required to provide a Construction Environmental Management Plan (CEMP) that addresses environmental and social considerations. The CEMP will be actively managed by Council throughout the contract term.

**Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)**

Local business and residents in the area will be informed of the upcoming works and any traffic management requirements associated with the project.

**Public Transparency (s58 LGA 2020)**

The matter is transparent to the community through the decision being made in a meeting open to the public.

**Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 1 Strong and resilient community

Objective 3: Key infrastructure investment supports our economy and liveability

Theme 2 - Valuing the Natural and Built Environment

Objective 5: Provide and maintain an attractive and safe built environment

Theme 4 - Strong leadership and management

Objective 1: We commit to a program of best practice and continuous improvement.

The rehabilitation of these landslips is a key project in returning these assets to a pre-disaster state that provides the community with safe road network.

**Financial Management (s101 Local Government Act 2020)**

These projects were identified as part of the September 2021 natural disaster storms and are funded through the Natural Disaster Funding Arrangements.

**Service Performance (s106 Local Government Act 2020)**

These works have been approved for rectification through the natural Disaster funding arrangements with the State and Federal Governments. All associated costs including project management will be funded through this program.

**Risk Assessment**

The landslip rehabilitation designs have been prepared by consultant engineers and been informed by geotechnical investigations. Conditions experienced with other landslips in Wild Dog Road in recent rectification works has influenced the design and scope of works.

As noted above, the preferred contractor is a well-known and experienced construction company that has undertaken various works for other Councils in the past. The rehabilitation materials used, and the methods employed to perform the works under contract are minimal risk.

Traffic restrictions will be in place for the duration of the works, and impacts will be managed by the contractor who has confirmed that access will be maintained for local residents, local businesses and emergency services.

There are various known services in the vicinity of the work site and the contractor is responsible for obtaining the necessary approvals and protecting the services during construction.

### **Communication/Implementation**

As part of the contract the tenderer is required to provide letter to adjoining properties as well as providing a VMS on site two weeks prior to works commencing to notify road users of the proposed upcoming works. Further communication will be provided to emergency services, bus lines and government agencies once works programming has been finalised.

### **Human Rights Charter**

No impact.

### **Officer General or Material Interest**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

### **Options**

#### Option 1 – Adopt the recommendation to award Contract 2413 to Tenderer 1.

This option is recommended by officers as Tenderer 1 has submitted a tender that is within the available budget and has the capability and experience to undertake the necessary works following a comprehensive tender evaluation process that considered a range of criteria.

#### Option 2 – Award Contract 2413 to an alternative tenderer.

This option is not recommended. Council has undertaken a comprehensive tender process and based on the assessment of all tenders, Tenderer 1 has ranked highest.

#### Option 3 – Not award the contract.

This option is not recommended as it will delay the commencement of these necessary road reconstruction works, resulting in a service level that is below the community's expectations for this section of road. Council has allocated funds in the 2023-24 budget to undertake the project (to be recouped from State and Federal Government) and the recommended tenderer is within the project budget allocation.



Item: 9.7

## Award of Contract 2415 - Wild Dog Road Landslip Rehabilitation - 7 Sites

<b>OFFICER</b>	Kanishka Gunasekara
<b>GENERAL MANAGER</b>	Doug McNeill
<b>DIVISION</b>	Infrastructure and Operations
<b>ATTACHMENTS</b>	Nil

### 1. PURPOSE

To consider the award of Contract 2415 for the rehabilitation of seven landslips on Wild Dog Road, Apollo Bay, arising from 2021 storm damage.

### 2. EXECUTIVE SUMMARY

It is sought through Contract 2415 to seek the services of a contractor to rehabilitate landslips at seven sites in Wild Dog Road that were caused by storm events in September 2021. A request for tender was advertised on 15 December 2023 and closed on 7 February 2024. Council received seven submissions by the closing date. An evaluation of the tenders is attached as a confidential attachment.

The recommended contractor provided a tender submission that demonstrates good value for money, good understanding of the project requirements, previous experience on Council projects and availability of a suitable plan and resources to carry out the works under the contract. The recommended contractor has carried out works for other Councils across the State in the past and demonstrated the capacity and availability to undertake the works within the available budget and timelines.

### 3. RECOMMENDATION

***That Council:***

- 1. Awards Contract 2415 – Wild Dog Road Landslip Rehabilitation – 7 sites to Tender 1 (as per the confidential attachment to this report) for a lump sum of \$562,742 (excluding GST).***
- 2. Authorises the Chief Executive Officer to execute the contract documents on behalf of the council.***
- 3. Authorises the Chief Executive Officer to perform all roles of the principal.***
- 4. Appoints the General Manager Community and Economy to the role of superintendent for the contract, including managing variations in accordance with the contract conditions.***
- 5. Notes that unsuccessful tenderers will be advised of the outcome of the tender process and successful tenderer and contract price as listed on Council’s website.***

### 4. KEY INFORMATION

In September and October 2021 two large storm events caused considerable damage to Council Road infrastructure, particularly through landslips. This damage was assessed by Council staff and consulting engineers. The events were part of statewide event that are eligible for Natural Disaster funding. Council has provided a list of sites and nominated cost estimates to rectify this damage through the funding department. These works have been approved and funding will be provided as the works occur and relevant claims are lodged.

Council has completed geotechnical investigations, survey, and designs for twenty-two sites including the seven sites which are subject to this tender in readiness for this tender process.

A request for tender for the works to rectify landslips at seven sites in Wild Dog Road was advertised in the Colac Herald and via eProcure on 15 December 2023 and closed 31 January 2024. Council had received seven submissions by the closing date.

The recommended contractor provided a high-quality tender submission demonstrating good value for money, good understanding of the project requirements, previous experience on similar project for council and availability of suitable plant and resources to carry out the works under contract. The start date will begin on the day of execution of the Contract and the practical completion date is specified as 30 June 2024.

The recommended contractor has carried out roadworks for Council in the past and demonstrated the capability and availability to undertake the works within the available budget and timeline.

The Tender Evaluation Panel (TEP) report is attached as a Confidential Attachment to this report.

## 5. CONSIDERATIONS

### **Overarching Governance Principles** (s(9)(2) LGA 2020)

This report aligns with governance principles by completing a public tender process that has competitively tested the market to produce a suitable tenderer for the project, which is within the project budget.

### **Policies and Relevant Law** (s(9)(2)(a) LGA 2020)

The tender process has been conducted in accordance with the *Local Government Act 2020* and Council's procurement Policy and procedures.

### **Environmental and Sustainability Implications** (s(9)(2)(c) LGA 2020)

The successful tenderer is required to provide a Construction Environmental Management Plan (CEMP) that addresses environmental and social considerations. The CEMP will be actively managed by Council throughout the contract term.

### **Community Engagement** (s56 LGA 2020 and Council's Community Engagement Policy)

Local business and residents in the area will be informed of the upcoming works and any traffic management requirements associated with the project.

### **Public Transparency** (s58 LGA 2020)

The matter is transparent to the community through the decision being made in a meeting open to the public.

### **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 1 - Strong and resilient community

Objective 3: Key infrastructure investment supports our economy and liveability

Theme 2 - Valuing the Natural and Built Environment

Objective 5: Provide and maintain an attractive and safe built environment

Theme 4 - Strong leadership and management

Objective 1: We commit to a program of best practice and continuous improvement.

The rehabilitation of these landslips is a key project in returning these assets to a pre-disaster state that provides the community with a safe road network.

### **Financial Management** (s101 Local Government Act 2020)

These projects were identified as part of the September 2021 natural disaster storms (AGRN – 985) and are funded through the National Disaster Recovery Funding Arrangements.

### **Service Performance** (s106 Local Government Act 2020)

These works are in the Disaster Recovery Funding Arrangement process and have been approved for rectification. All associated costs including project management will be funded through this program.

## **Risk Assessment**

The landslips designs have been prepared by consultant engineers and informed by geotechnical investigations and Council design preferences. Conditions experienced with other landslips in Wild Dog Road in recent rectification works has influenced the design and scope of works.

The preferred contractor is a known and experienced construction company that has undertaken various works including landslip rehabilitation for Councils in the past. The rehabilitation materials used, and the methods employed to perform the works under contract are minimal risk.

Traffic restrictions will be in place for the duration of the works and impacts will be managed by the contractor, who has confirmed access will be maintained for local residents, local businesses, and emergency services. There are various known services in the vicinity of the work site and the contractor is responsible for obtaining the necessary approvals and protecting the services during construction.

## **Communication/Implementation**

As part of the contract the tenderer is required to provide letter to adjoining properties as well as providing a VMS on site two weeks prior to works commencing to notify road users of the proposed upcoming works. Further communication will be provided to emergency services, bus lines and government agencies once works programming has been finalised.

## **Human Rights Charter**

No impact.

## **Officer General or Material Interest**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

## **Options**

### Option 1 – Adopt the recommendation to award Contract 2415 to Tenderer 1.

This option is recommended by officers as Tenderer 1 has submitted a tender that is within the available budget and has the capability and experience to undertake the necessary works following a comprehensive tender evaluation process that considered a range of criteria.

### Option 2 – Award Contract 2415 to an alternative tenderer.

This option is not recommended. Council has undertaken a comprehensive tender process and based on the assessment of all tenders Tenderer 1 has ranked highest.

### Option 3 – Not award the contract.

This option is not recommended as it will delay the commencement of these necessary road reconstruction works, resulting in a service level that is below the community's expectations for this section of road. Council has allocated funds in the 2023-24 budget to undertake the project (to be recouped from State and Federal Government) and the recommended tenderer is within the project budget allocation.

## 9.8

### Contract 2416 - Forest Street Pavement Rehabilitation (Wallace Street to Colanda Street) Colac

<b>OFFICER</b>	Matthew Skewes
<b>GENERAL MANAGER</b>	Doug McNeill
<b>DIVISION</b>	Infrastructure and Operations
<b>ATTACHMENTS</b>	Nil

## 1. PURPOSE

To consider the award of Contract 2416 for Forest Street Pavement Rehabilitation (Wallace Street to Colanda Street) Colac.

## 2. EXECUTIVE SUMMARY

Contract 2416 – Forest Street Pavement Rehabilitation (Wallace Street to Colanda Street) is for the rehabilitation of a section of the Forest Street Road pavement between Wallace Street and Colanda Street, Colac. The width and height of the existing road will be maintained. A request for tender for the works was advertised between 2 February 2024 to 28 February 2024. Council received six submissions by the closing date.

The recommended contractor provided a high-quality tender submission demonstrating good value for money, good understanding of the project requirements, high experience on similar projects and availability of suitable plant and resources to carry out the works under contract. The recommended contractor has carried out similar roadworks in the past and demonstrated the capability and availability to undertake the works within the available budget and timeline.

### 3. RECOMMENDATION

***That Council:***

- 1. Awards Contract 2416 – Forest Street Pavement Rehabilitation (Wallace Street to Colanda Street) Colac to Tenderer 1 (as per the confidential attachment to this report) for the lump sum price of \$821,978.00 (excluding GST).***
- 2. Authorises the Chief Executive Officer to execute the contract documents on behalf of Council.***
- 3. Authorises the Chief Executive Officer to perform all roles of the principal.***
- 4. Nominates the General Manager Community and Economy to the role of Superintendent for the contract, including managing variations in accordance with the contract conditions.***
- 5. Notes that unsuccessful tenderers will be advised of the outcome of the tender process and the successful tenderer and contract price will be listed on Council's website.***

### 4. KEY INFORMATION

Council's annual Road Reconstruction Program ensures a continuous investment into Council's sealed road network. The section of Forest Street covered under Contract 2416 (Wallace St to Colanda St) services an industrial area and forms part of a heavy vehicle route.

The existing road pavement shows signs of structural deterioration along with various repairs and patches. This section of road has been identified for renewal having reached an optimum intervention level for renewal to ensure that service levels are maintained for the community. The timing of the pavement rehabilitation of Forest Street between Wallace Street and Colanda Street follows on from the reconstruction of Forest Street between Colanda Street and Hearn Street carried out in 2021-22. The works under Contract 2416 will also coincide with the Forest Street Reconstruction between J Barrys Road/Hearn Street and Pound Road under contract 2412 which was recently awarded by Council.

Works to be undertaken under the contract include removal and disposal of the existing asphalt material, mechanical stabilising and reconstruction of the road pavement, and laying a new asphalt wearing course.

A request for tender for the works was advertised in the Colac Herald and via eProcure on 2 February 2024 and closed 28 February 2024. Council received six submissions by the closing date.

The recommended contractor provided a high-quality tender submission demonstrating good value for money, good understanding of the project requirements, high experience on similar projects and availability of suitable plant and resources to carry out the works under contract.

The start date will begin on the day of execution of the Contract and the practical completion date is specified as 30 June 2024.

The Tender Evaluation Panel (TEP) report is attached as a Confidential Attachment to this report.

## 5. CONSIDERATIONS

### **Overarching Governance Principles** (s(9)(2) LGA 2020)

This report aligns with governance principles by reporting a public tender process that competitively tested the market to produce a suitable tenderer for the project, which is within the project budget.

### **Policies and Relevant Law** (s(9)(2)(a) LGA 2020)

The tender process has been conducted in accordance with the Local Government Act 2020 and Council's Procurement Policy and procedures.

### **Environmental and Sustainability Implications** (s(9)(2)(c) LGA 2020)

The successful tenderer is required to provide a Construction Environmental Management Plan (CEMP) that addresses environmental and social considerations. The CEMP will be actively managed by Council throughout the contract term.

### **Community Engagement** (s56 LGA 2020 and Council's Community Engagement Policy)

Local businesses and residents in the area will be informed of the upcoming works and any traffic management requirements associated with the project.

### **Public Transparency** (s58 LGA 2020)

This matter is transparent to the community through the decision being made in a meeting open to the public.

### **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 1 - Strong and Resilient Community

Objective 3: Key infrastructure investment supports our economy and liveability

Theme 4 – Strong Leadership and Management

Objective 1: We commit to a program of best practice and continuous improvement

The road pavement reconstruction is a key project that will support maintenance of an essential transport route for local business. The road connects the Princes Highway with the Otways to the south and heavy vehicles accessing industrial development at Colac East.

### **Financial Management** (s101 Local Government Act 2020)

This project is identified within the 2023-24 budget and is partly funded (20%) via the Commonwealth Government LRCI funding program, with the balance (80%) from Council contributions. The preferred tender is well within the allocated budget.

### **Service Performance** (s106 Local Government Act 2020)

These works have been identified in Council's Road Reconstruction Program as necessary to maintain an acceptable level of service performance for this section of Forest Street. Project management of the works will be funded within the project allocation.

## **Risk Assessment**

Conditions experienced with other sections of Forest Street in recent upgrades have influenced the design and scope of project works and were considered within the development of the overall project cost and scope estimates.

The preferred contractor is a well-known national road construction company that has carried out many similar roadwork projects in the past. The roadwork materials used, and the methods employed to perform the works under contract are low risk.

Traffic restrictions will be in place for the duration of the works, impacts will be managed by the contractor, who has confirmed access will be maintained for local residents, local businesses and emergency services.

There are various known services in the vicinity of the work site and the contractor is responsible for obtaining the necessary approvals and for protecting the services during the works under contract.

## **Communication/Implementation**

Preliminary notification letters have already been issued to local residents and businesses on Forest Street advising them of the proposed upcoming works. Further communications to residents and businesses as well as bus lines, emergency services, and Department of Transport and Planning will be issued upon contract execution and once the contractor's work schedule is agreed. Notifications will also be released on local media to inform the broader community.

## **Human Rights Charter**

No impact.

## **Officer General or Material Interest**

No officer declared an interest under the Local Government Act 2020 in the preparation of this report.

## **Options**

### Option 1 – Adopt the recommendation to award Contract 2416 to Tenderer 1.

This option is recommended as Tenderer 1 has submitted a tender that is within the available budget and has the capability and experience to undertake the necessary works following a comprehensive tender evaluation process that considered a range of criteria.

### Option 2 – Award Contract 2416 to an alternative tenderer.

This option is not recommended. Council has undertaken a comprehensive tender process and based on the assessment of all tenders Tenderer 1 has ranked highest.

### Option 3 – Not award the contract.

This option is not recommended as it will delay the commencement of these necessary road reconstruction works, resulting in a service level that is below the community's expectations for this section of road. Council has allocated funds in the 2023-24 budget to undertake the project and the recommended tenderer is within the project budget allocation.



Item: 9.9

## Contract 2402 - Colac Aerodrome Lighting Works

<b>OFFICER</b>	Paula Gardiner
<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Community and Economy
<b>ATTACHMENTS</b>	Nil

### 1. PURPOSE

To consider the award of Contract 2402 for Colac Aerodrome Lighting Works.

### 2. EXECUTIVE SUMMARY

Contract 2402 – Colac Aerodrome Lighting Works is for switchboard replacement, windsock replacement and re-location, and runway lighting replacement at Colac Municipal Aerodrome. A request for tender for the works was advertised on 23 June 2023 and closed 19 July 2023. Council received two submissions by the closing date.

Following the close of the submission, the evaluation phase was placed on hold to enable necessary negotiations with the funding agency on scope and timing of the project. Confirmation of project funding was provided in February 2024, and Council recommenced the evaluation process which involved requesting confirmation of pricing and timeframes from the tenderers. This information has now been assessed by the evaluation panel, and the panel was able to proceed to recommend award of the Contract.

The recommended contractor provided a high-quality tender submission demonstrating a good understanding of the project requirements, high experience on similar projects and availability of suitable resources to carry out the works under contract. The recommended contractor has carried out similar projects in the past and demonstrated the capability and availability to undertake the works within the available timeline.

### 3. RECOMMENDATION

***That Council:***

- 1. Awards Contract 2402 – Colac Aerodrome Lighting Works to Tenderer 1 (as per the confidential attachment to this report) for the lump sum price of \$363,907 (excluding GST).***
- 2. Authorises the Chief Executive Officer to execute the contract documents on behalf of Council.***
- 3. Authorises the Chief Executive Officer to perform all roles of the principal.***
- 4. Nominates the General Manager Infrastructure and Operations to the role of Superintendent for Contract 2402 – Colac Aerodrome Lighting Works, including managing variations in accordance with the contract conditions.***
- 5. Notes that unsuccessful tenderers will be advised of the outcome of the tender process and the successful tenderer and contract price will be listed on Council’s website.***

### 4. KEY INFORMATION

Council received funding from the Commonwealth Government’s Regional Airports Program Round 2 to undertake an improved lighting system at the Colac Aerodrome. Council had also previously received funding for other works at the Colac Aerodrome through the Regional Airports Program Round 1, with works through that stage now complete.

Council sought tender responses to engage a suitably experienced and capable contractor to undertake the design and installation of a pilot activated lighting system on the sealed runway and associated works at the Colac Aerodrome, with the tender submission period closing on 19 July 2023.

During the initial evaluation phase, it was evident the allocated project budget would not be sufficient to deliver the scope of works, and a briefing was provided to Council in September 2023 outlining options to progress the project. Council indicated their support to seek approval from the Commonwealth Government to use the remaining available funding allocation from Round 1 to assist with the project funding shortfall, and if successful to seek support from Council to allocate necessary funds to complete the project from the Unallocated Renewal Fund. Additional budget of \$40,000 for the project was approved by Council at the 27 September 2023 Council Meeting

Approval from the Commonwealth Government was recently received to vary the two funding agreements, with some of the works that were originally part of the Round 2 scope now approved to be completed as part of the Round 1 grant.

### 5. CONSIDERATIONS

**Overarching Governance Principles (s(9)(2) LGA 2020)**

The report aligns with governance principles by completing a public tender process that competitively tested the market to produce a suitable tenderer for the project, which is within the project budget.

**Policies and Relevant Law (s(9)(2)(a) LGA 2020)**

The tender process has been conducted in accordance with the *Local Government Act 2020* and Council's Procurement Policy and procedures.

**Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)**

Not applicable.

**Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)**

Key stakeholders at the Colac Municipal Aerodrome, including the Colac Municipal Aerodrome Advisory Committee, will be informed of upcoming works including any aerodrome closure requirements associated with the project.

**Public Transparency (s58 LGA 2020)**

This matter is transparent to the community through the decision being made in a meeting open to the public.

**Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 1 - Strong and Resilient Community

Objective 3: Key infrastructure investment supports our economy and liveability

Theme 3 – Healthy and Inclusive Community

Objective 3: We are a safe, equitable and inclusive community

Theme 4 – Strong Leadership and Management

Objective 2: We are a financially robust organisation

**Financial Management (s101 Local Government Act 2020)**

The project is funded through the Regional Airports Program Round 1 and 2 grants plus contributions from Council. The preferred tenderer is within the allocated budget.

**Service Performance (s106 Local Government Act 2020)**

The project will allow for activation of the Colac Municipal Aerodrome during dark and low light hours, as well as improving the primary windsock's visibility from the air.

**Risk Assessment**

The preferred contractor has significant experience in runway lighting and other electrical projects at airfields across Australia. The method reduces ground impact and runway closure time to reduce risk.

The Aerodrome will be closed during runway works.

**Communication/Implementation**

Key stakeholders at the Colac Municipal Aerodrome, including the Colac Municipal Aerodrome Advisory Committee, will be informed of upcoming works including aerodrome closure requirements associated with the project.

**Human Rights Charter**

No impact.

### **Officer General or Material Interest**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

### **Options**

#### Option 1 – Award Contract 2416 to Tenderer 1.

This option is recommended as Tenderer 1 has submitted a tender that has the capability and experience to undertake the necessary works following a comprehensive tender evaluation process that considered a range of criteria.

#### Option 2 – Not award the contract.

This option is not recommended as it will delay the commencement of this project, which may result in the funding agreement needing to be cancelled. This will result in the improvement works at Colac Municipal Aerodrome not proceeding.

Item: 9.10

## Contract 2409 - Supply and Delivery of Two 9m Trucks

<b>OFFICER</b>	Paula Gardiner
<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Community and Economy
<b>ATTACHMENTS</b>	Nil

### 1. PURPOSE

To award Contract 2409 for the supply and delivery of two 9m trucks for use in the Council's Services and Operations activities to replace aging heavy plant.

### 2. EXECUTIVE SUMMARY

Contract 2409 is for the supply and delivery of two 9m Trucks. The procurement of this item is in accordance with Council's 10-year fleet replacement plan.

Two new 9m trucks are required to replace the current units, which are due for replacement as they have reached the end of their useful life.

A Request for Tender (RFT) was advertised through VendorPanel, utilising the panel contracts with the Municipal Association of Victoria (MAV) seeking responses from suitable vendors to undertake the contract. Four tender submissions were received from suppliers by the closing date of 7 February 2024. The submissions were evaluated by the Tender Evaluation Panel (TEP) using a set list of weighted criteria.

The recommended supplier is a well-known supplier within the public and private sector, and the selected vehicles are considered fit for purpose and suitable for the functional requirements of the Services and Operations department. The supply time for delivery is expected to be twelve months.

### 3. RECOMMENDATION

**That Council:**

1. **Awards Contract 2409 – Supply of Delivery of two 9m Trucks to Tenderer 2 (as per the confidential attachment to this report) for a total contract value of \$788,590 including GST (\$716,900 excluding GST).**
2. **Authorises the Chief Executive Officer to execute the contracts for Contract 2409 – Supply and Delivery of two 9m Trucks.**
3. **Authorises the Chief Executive Officer to perform all roles of the Principal.**
4. **Notes the unsuccessful tenderers will be advised of the outcome of the tender process and the successful tenderer and the contract price will be listed on Council’s website.**

### 4. KEY INFORMATION

The Services and Operations Department own and operate a range of plant and machinery to enable the delivery of all services managed on behalf of Council. This includes the cartage of gravel materials to enable road maintenance and renewal, particularly gravel road resheeting activities. The truck fleet includes 9m trucks, with two due for replacement as per the plant replacement program. One truck will be located at the Apollo Bay Depot and one located at the Colac Depot.

The replacement of two 9m trucks was identified in this year’s plant replacement program and there is provision within the 2023-24 Capital Works program for the procurement of these vehicles.

### 5. CONSIDERATIONS

#### **Overarching Governance Principles (s(9)(2) LGA 2020)**

This report’s recommendations focus on delivering best value outcomes for the community and aligns with the Governance Principles.

#### **Policies and Relevant Law (s(9)(2)(a) LGA 2020)**

This report complies with the *Local Government Act 2020* and Local Government (Planning and Reporting) Regulations 2020, as well as Council’s Procurement Policy.

#### **Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)**

Modern trucks compared to older machines are more ergonomic and more environmentally friendly. New diesel vehicles are proven to be more efficient and produce fewer emissions than older generation vehicles. Whilst electric technology has advanced significantly, electric application for trucks and busses is currently limited and there are very few if any heavy electric vehicles available on the market which are applicable for this operation at this point in time.

#### **Community Engagement (s56 LGA 2020 and Council’s Community Engagement Policy)**

Not applicable.

### **Public Transparency (s58 LGA 2020)**

The contract for the supply of two 9m trucks is being considered in an open Council meeting and the relevant contract details will be published on Council's website.

### **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 2 - Valuing the Natural and Built Environment

Objective 5: Provide and maintain an attractive and safe built environment

Theme 4 – Strong Leadership and Management

Objective 2: We are a financially robust organisation

### **Financial Management (s101 Local Government Act 2020)**

The budget for the supply of two 9m trucks has been identified within the 2023-24 Heavy Plant Replacement Program. The supply and delivery of two 9m trucks is identified in the 10-year replacement program and is within the allocated budget.

### **Service Performance (s106 Local Government Act 2020)**

The truck purchases are required to ensure that Council's Services and Operations team can continue to undertake its maintenance and capital works activities in accordance with scheduled work requirements.

### **Risk Assessment**

The 9m trucks recommended to be supplied will comply with all relevant legislation and Australian and International Standards.

### **Communication/Implementation**

Not applicable.

### **Human Rights Charter**

No impact.

### **Officer General or Material Interest**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

### **Options**

#### Option 1 – Award Contract 2409 as recommended

This option is recommended by officers as the supplier has been assessed through Council's tender procurement process as providing the best value for money for the proposed supply and delivery of the two 9m trucks. This supplier has a proven track record within the industry for the supply and support for heavy vehicles.

#### Option 2 – Do not award the contract and re-tender.

This option is not recommended by officers as the proposal submitted by the preferred supplier is assessed as providing best value for money, and the trucks are assessed to meet the functional needs of the Services and Operations Department. By returning to the market via a re-tender, it is not expected to return better value or quality of machinery.

Item: 9.11

## Community Asset Committees - New Member - Apollo Bay Senior Citizens Centre

<b>OFFICER</b>	Janine Johnstone
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	Nil

### 1. PURPOSE

For Council to appoint a new committee member to the Apollo Bay Senior Citizens Centre Community Asset Committee.

### 2. EXECUTIVE SUMMARY

This report proposes appointing a new member to the Apollo Bay Senior Citizens Centre Community Asset Committee.

### 3. RECOMMENDATION

***That Council appoints Karlijn Sas to the Apollo Bay Senior Citizens Centre Community Asset Committee.***

### 4. KEY INFORMATION

For the purposes of managing the Apollo Bay Senior Citizens Centre community assets in the Colac Otway Shire and to ensure compliance with section 65 of the *Local Government Act 2020*, formal appointment of the member by Council, is required.

The Apollo Bay Senior Citizen Centre Community Asset Committee has proposed Karlijn Sas as a new member.



## 5. CONSIDERATIONS

### **Overarching Governance Principles** (s(9)(2) LGA 2020)

The overarching governance principles relevant to this report, include:

- a) Council decisions are to be made and actions taken in accordance with the relevant law
- b) priority is to be given to achieving the best outcomes for the municipal community, including future generation
- c) innovation and continuous improvement is to be pursued
- d) the transparency of Council decisions, actions and information is to be ensured.

### **Policies and Relevant Law** (s(9)(2)(a) LGA 2020)

Section 65 of the Local Government Act 2020 provides:

(1) A Council may establish a Community Asset Committee and appoint as many members to the Community Asset Committee as the Council considers necessary to enable the Community Asset Committee to achieve the purpose specified in subsection (2).

(2) A Council may only establish a Community Asset Committee for the purpose of managing a community asset in the municipal district.

### **Environmental and Sustainability Implications** (s(9)(2)(c) LGA 2020)

Not applicable.

### **Community Engagement** (s56 LGA 2020 and Council's Community Engagement Policy)

Council officers have encouraged Community Asset Committees to continue to provide feedback about how Council can complement and better assist Committees to confidently undertake their delegated responsibilities.

### **Public Transparency** (s58 LGA 2020)

Council's previous resolutions to establish Community Asset Committees and appoint Community Asset Committee members were made in an open Council meeting.

Reporting continues to be made at an open Council meeting.

### **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 4 – Strong Leadership and Management

Objective 1: We commit to a program of best practice and continuous improvement

### **Financial Management** (s101 Local Government Act 2020)

The support provided to, and management of, Community Asset Committees is within Council's existing budget.

### **Service Performance** (s106 Local Government Act 2020)

Community assets are provided in a manner to ensure equity of access and inclusion. These principles form part of the Instrument of Delegation that defines the purpose of community assets and the role and responsibilities of all Community Asset Committee members.

**Risk Assessment**

Not applicable.

**Communication/Implementation**

Following Council's resolution, Council officers will advise the Community Asset Committee of Council's decision.

**Human Rights Charter**

No impact.

**Officer General or Material Interest**

No officer declared an interest under the Local Government Act 2020 in the preparation of this report.

**Options****Option 1 – Adopt the recommendation as presented**

This option is recommended by officers to formally appoint a new Community Asset Committee member.

**Option 2 – Do not adopt the recommendation as presented**

This option is not recommended by officers as it will not enable the new member to be appointed to the Apollo Bay Senior Citizens Centre Community Asset Committee.

Item: 9.12

## Appointment of Community Representatives for the Oudit Quarry Consultative Committee

<b>OFFICER</b>	Darren Rudd
<b>GENERAL MANAGER</b>	Doug McNeill
<b>DIVISION</b>	Infrastructure and Operations
<b>ATTACHMENTS</b>	Nil

### 1. PURPOSE

The purpose of this report is to appoint community representatives for the Oudit Quarry Consultative Committee.

### 2. EXECUTIVE SUMMARY

Nominations have been sought to fill two vacant community representative positions for the Oudit Quarry Consultative Committee. The Committee performs a key role under the planning permit issued for the quarry in ensuring that there is an on-going relationship between the quarry operator, regulators and the community concerning the operation of the quarry. Both current community members are not seeking to extend their tenure on the Consultative Committee. A Council resolution is required to appoint replacement community representatives. Five applications were received. It is recommended that two be appointed to fill the vacancy, and that a third be appointed as a reserve member.

### 3. RECOMMENDATION

*That Council:*

- 1. Notes that planning permits issued in the past for the Ondit Quarry at 75 Potters Road Ondit require a Consultative Committee to operate with a mix of membership from Council, other agencies and two community representatives.*
- 2. Notes that Council has advertised for nominations from the community to fill the two community representative positions and received five nominations.*
- 3. Appoints two members to the Ondit Quarry Consultative Committee from the nominees listed in the Confidential Attachment to this report.*
- 4. Appoints a reserve member in the event that either of the two nominated representatives are unable to attend particular meetings.*
- 5. Writes to each person that submitted an Expression of Interest to inform them of this decision and to thank them for their interest in the Ondit Quarry Consultative Committee.*
- 6. Writes to both Rod Angus and Pat McCarthy to thank them for their years of service on the Committee.*

### 4. KEY INFORMATION

Holcim (Australia) P/L has operated a basalt quarry at 75 -95 Potters Road, Ondit since 1972. A planning permit (reference PP283/1995-2) was issued by Council in 1997 for an extractive industry. Condition 32 of the planning permit requires that a Consultative Committee be formed to assist with the harmonious operation of the quarry. Its primary function is to review the operator's environmental performance and enhance communication between the quarry operator, Council, government agencies and the community.

The role of the Committee is one of consultation and not one of decision-making. The Committee is unable to approve a Work Plan, amend a planning permit or discharge any other legislated authority. Recommendations from the Committee are intended to assist the regulating agencies including the Council in the enforcement of work authority and planning permit conditions, assessment of proposed changes to the operation, and can influence the operator in its management of the quarry's operation.

The membership of the Committee is:

- Colac Otway Shire Councillor (Chair) - currently Cr Max Arnott;
- Colac Otway Shire Manager Planning and Strategic Focus, or their delegate;
- Two representatives of the Permit Holder/Quarry Operator;
- One representative of the Department of Environment, Energy and Climate Action (DEECA);
- One representative of Southern Rural Water;
- One representative of the Department of Jobs, Precincts and Regions (DJPR, or any successor government body);

- Two representatives of residents/landowners; and
- Other relevant representatives if deemed appropriate by the Responsible Authority (i.e. Council).

The two community representatives Pat McCarthy and Rod Angus have both been on the Consultative Committee for over 15 years and were elected to this role following the issue of the 1997 planning permit. Given a change in circumstances of both representatives, the Committee had resolved to renew the community membership and seek nominations to fill the positions. A Council resolution is required to appoint the two replacement members.

The Terms of Reference indicate that community representatives need not have a technical background but should ideally have strong links with the local community and be neighbours or amongst those living close to the quarry. As a group, the community representatives should geographically represent all areas local to the quarry, not just a single location. The Terms of Reference also state that a community representative should have the following qualities:

- An interest in the activities at the quarry site;
- A willingness to contribute positively to meetings;
- An ability and willingness to represent community interests and to provide feedback to members of the community;
- An ability to look beyond personal interests; and
- A willingness to work together on a common challenge.

Expressions of interest have been sought from community members to nominate for the community representative roles. Five nominations were received. Attached is a confidential summary of the information provided by the five candidates and an assessment of these nominations. The assessment commentary is based on responses provided on nomination forms and where relevant the qualities listed in the terms of reference.

Apart from one of the nominees, all live or reside on properties close to the site and have a direct interest in the quarry operations whether this be from an amenity or groundwater perspective. A resolution is required from the Council to appoint the preferred community representatives for the Committee.

## 5. CONSIDERATIONS

### **Overarching Governance Principles (s(9)(2) LGA 2020)**

There is a legal obligation for the Consultative Committee to operate under the planning permit and the Terms of Reference require community representation. The current nomination process has been open and transparent and allowed all members of the community to express an interest.

### **Policies and Relevant Law (s(9)(2)(a) LGA 2020)**

As noted above.

### **Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)**

The community representatives of the Committee play a key role in expressing any concerns (including environmental) of the community concerning the operation of the quarry.

**Community Engagement** (s56 LGA 2020 and Council's Community Engagement Policy)

The nomination process was conducted over a three week period. Local land holders within a radius of 2km of the quarry were notified in writing, and advertisements were placed in the Colac Herald and the Birregurra Mail, Facebook and via media release.

**Public Transparency** (s58 LGA 2020)

An assessment of applications against the terms of reference and advertised criteria has been completed and is provided as a confidential attachment. These details cannot be made publicly available due to privacy obligations however the successful nominees will be publicly disclosed.

**Alignment to Plans and Strategies**

As stated earlier, the planning permit for the quarry dictates that the Consultative Committee be formed, and that it comprises membership of two community representatives. The Terms of Reference guides the operation of the group.

**Financial Management** (s101 Local Government Act 2020)

There are no budgetary implications of this report. Council staff assist with the administration of the Committee as part of its statutory planning responsibilities.

**Service Performance** (s106 Local Government Act 2020)

Not applicable.

**Risk Assessment**

There is reputational risk if Council fails to act on the requirement to support the operation of the Quarry Consultative Committee.

**Communication/Implementation**

The appointed nominees will commence membership of the Committee and will be notified in writing and contacted via telephone along with the proposed reserve members. Other interested parties including unsuccessful nominees, other consultative committee members and landowners will be notified in writing, extending due courtesy and appreciation to past members, nominated members and those that nominated and were not appointed.

**Human Rights Charter**

No impact.

**Officer General or Material Interest**

No officer declared an interest under the Local Government Act 2020 in the preparation of this report.

**Options**

Council has the discretion to choose any combination of two Community representatives for the Consultative Committee members. Officers have provided an assessment of the applicants against criteria in the Terms of Reference to guide Council's decision.

Council also has the option of appointing a reserve community member to enable full community representation in the event nominated members cannot attend particular meetings.

### Item: 9.13

## Proposed renaming of the Irrewillipe Public Hall and Recreation Reserve Community Asset Committee

<b>OFFICER</b>	Janine Johnstone
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	Nil

### 1. PURPOSE

To seek Councils endorsement to change the Irrewillipe Hall and Recreation Reserve Community Asset Committee (CAC) name to the “Irrewillipe Sports and Entertainment Complex Community Asset Committee”.

### 2. EXECUTIVE SUMMARY

The Irrewillipe Hall and Recreation Reserve CAC has requested the name of the CAC be changed to the Irrewillipe Sports and Entertainment Complex Community Asset Committee. Council refers to the CAC as the “Irrewillipe Hall and Reserve Community Asset Committee” and the Committee identifies as the “Irrewillipe Sports and Entertainment Complex Community Asset Committee”.

### 3. RECOMMENDATION

***That Council renames the Irrewillipe Hall and Reserve Community Asset Committee to the Irrewillipe Sports and Entertainment Complex Community Asset Committee.***

### 4. KEY INFORMATION

At the 14 December 2022 Council Meeting, Council appointed/reappointed members to the Community Asset Committees, one of which was the Irrewillipe Hall and Reserve CAC.

The CAC was established, and members appointed by Council, as the “Irrewillipe Hall and Reserve Community Asset Committee”.

As part of the induction process, Council officers have met with members of the Irrewillipe Hall and Reserve CAC. At the induction meeting members from the Committee requested that the name of the CAC be changed to the “Irrewillipe Sports and Entertainment Complex”.

The CAC has provided a copy of the Minutes from their 10 November 2003 meeting that details the proposed name change.

The Community Asset Committee members refer to the asset as the “Irrewillipe Sports and Entertainment Complex”.

The difference in names may create confusion and may warrant formal re-naming by Council.

## 5. CONSIDERATIONS

### **Overarching Governance Principles** (s(9)(2) LGA 2020)

The overarching governance principles relevant to this report, include:

- a) priority is to be given to achieving the best outcomes for the municipal community, including future generation
- b) innovation and continuous improvement is to be pursued
- c) the transparency of Council decisions, actions and information is to be ensured.

### **Policies and Relevant Law** (s(9)(2)(a) LGA 2020)

Section 65 of the Local Government Act 2020 provides:

(1) A Council may establish a Community Asset Committee and appoint as many members to the Community Asset Committee as the Council considers necessary to enable the Community Asset Committee to achieve the purpose specified in subsection (2).

(2) A Council may only establish a Community Asset Committee for the purpose of managing a community asset in the municipal district.

### **Environmental and Sustainability Implications** (s(9)(2)(c) LGA 2020)

Not applicable.

### **Community Engagement** (s56 LGA 2020 and Council’s Community Engagement Policy)

Council officers have encouraged Community Asset Committees to continue to provide feedback about how Council can complement and better assist Committees to confidently undertake their delegated responsibilities.

### **Public Transparency** (s58 LGA 2020)

Council’s previous resolutions to establish Community Asset Committees and appoint Community Asset Committee members were made in an open Council meeting.

Reporting continues to be made at an open Council meeting.



### **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 4 – Strong Leadership and Management

Objective 1: We commit to a program of best practice and continuous improvement

### **Financial Management** (s101 *Local Government Act 2020*)

The support provided to, and management of, Community Asset Committees is within Council's existing budget.

### **Service Performance** (s106 *Local Government Act 2020*)

Community assets are provided in a manner to ensure equity of access and inclusion. These principles form part of the Instrument of Delegation that defines the purpose of community assets and the role and responsibilities of all Community Asset Committee members.

### **Risk Assessment**

Not applicable.

### **Communication/Implementation**

Following Council's resolution, Council officers will advise the Community Asset Committee of Council's decision.

### **Human Rights Charter**

No impact.

### **Officer General or Material Interest**

No officer declared an interest under the Local Government Act 2020 in the preparation of this report.

### **Options**

#### Option 1 – Adopt the recommendation as presented

This option is recommended by officers to remove the current ambiguity that exists with the name of the Community Asset Committee.

#### Option 2 – Do not adopt the recommendation as presented

This option is not recommended by officers as it will not remove the current ambiguity that exists with the name of the Community Asset Committee.

Item: 9.14

## Audit and Risk Committee - Unconfirmed Minutes - 14 March 2024

<b>OFFICER</b>	Natasha Skurka
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	1. Unconfirmed Minutes - Audit and Risk Committee Meeting - 14 March 2024 [9.14.1 - 19 pages]

### 1. PURPOSE

To provide for information the Colac Otway Shire Audit and Risk Committee unconfirmed minutes, dated 14 March 2024.

### 2. EXECUTIVE SUMMARY

The Audit and Risk Committee Charter (revised version adopted by Council on 28 September 2022), requires that the draft minutes of each meeting be presented to the next practicable Council meeting as 'unconfirmed minutes'.

If the Audit and Risk Committee (which meets quarterly) determines that changes are required to the unconfirmed minutes (i.e., changes other than minor administrative changes), then the final minutes will be re-presented to Council.

The unconfirmed minutes of the Audit and Risk Committee meeting held on 14 March 2024 are presented at Attachment 1.

### 3. RECOMMENDATION

***That Council receives for information the Colac Otway Shire Audit and Risk Committee unconfirmed minutes, dated 14 March 2024.***

## 4. KEY INFORMATION

The Audit and Risk Committee (ARC) plays an important role in providing oversight of Colac Otway Shire Council's governance, risk management, internal control practices, internal and external audit functions. This oversight mechanism also serves to provide confidence in the integrity of these practices.

Section 53(1) of the *Local Government Act 2020* stipulates that a Council must establish an ARC. The Colac Otway Shire ARC consists of two Councillors and four independent members. The ARC meets at least four times per year.

The ARC Charter states that the draft minutes of Committee meetings will be prepared and circulated to Committee members within ten working days of each meeting. These draft minutes will then be presented as 'unconfirmed minutes' to the next practicable Council meeting to ensure that Council receives the Committee's advice in a timely manner.

The ARC will confirm its minutes at its next meeting scheduled on 6 June 2024 and will become the 'final minutes'. Final minutes will only be represented to a Council meeting if there are significant changes to the unconfirmed minutes by the ARC (i.e. changes other than minor administrative changes).

## 5. CONSIDERATIONS

### **Overarching Governance Principles (s(9)(2) LGA 2020)**

The Overarching Governance Principles that are most applicable to the work of the Audit and Risk Committee are:

- a) Council decisions are to be made and actions taken in accordance with the relevant law
- b) priority is to be given to achieving the best outcomes for the municipal community, including future generations
- e) innovation and continuous improvement is to be pursued
- g) the ongoing financial viability of the Council is to be ensured.

### **Policies and Relevant Law (s(9)(2)(a) LGA 2020)**

Audit and Risk Committee Charter  
*Local Government Act 2020*

### **Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)**

Not applicable.

### **Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)**

Not applicable.

### **Public Transparency (s58 LGA 2020)**

Whilst the meetings and agendas of the Audit and Risk Committee are confidential, the outcomes/recommendations from the meeting are reported to the next practicable open Council meeting.

### **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 4 – Strong Leadership and Management

Objective 1: We commit to a program of best practice and continuous improvement

### **Financial Management (s101 Local Government Act 2020)**

Not applicable.

### **Service Performance (s106 Local Government Act 2020)**

Not applicable.

### **Risk Assessment**

Not applicable.

### **Communication/Implementation**

Not applicable.

### **Human Rights Charter**

No impact.

### **Officer General or Material Interest**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

### **Options**

Option 1 – Receive for information the Colac Otway Shire Audit and Risk Committee Unconfirmed minutes dated 14 March 2024

This option is recommended by officers as the Audit and Risk Committee Charter requires that the ‘unconfirmed minutes’ be presented to the next practicable Council meeting.

Option 2 – Do not receive for information the Colac Otway Shire Audit and Risk Committee Unconfirmed minutes dated 14 March 2024

This option is not recommended by officers as the Audit and Risk Committee Charter requires that the ‘unconfirmed minutes’ be presented to the next practicable Council meeting.



**AUDIT AND RISK COMMITTEE MEETING**

**MINUTES**

**Thursday 14 March 2024**

**at 9:00 AM**

**COPACC**

**95 - 97 Gellibrand Street, Colac**

## COLAC OTWAY SHIRE AUDIT AND RISK COMMITTEE MEETING

Thursday 14 March 2024

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## **COLAC OTWAY SHIRE AUDIT AND RISK COMMITTEE MEETING**

MINUTES of the **AUDIT AND RISK COMMITTEE MEETING OF THE COLAC OTWAY SHIRE** held at COPACC on  
Thursday 14 March 2024 at 9:00 AM.

### MINUTES

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

#### **2 PRESENT**

Melissa Field (Chair)  
Richard Trigg  
John Gavens  
John Sutherland  
Cr Margaret White (Mayor)  
Cr Max Arnott

Anne Howard, Chief Executive Officer  
Andrew Tenni, General Manager Corporate Services  
Doug McNeill, Acting General Manager Infrastructure and Operations  
Ian Seuren, General Manager Community and Economy  
Lenny Jenner (Manager Governance)  
Xavier Flanagan (Manager Financial Services)  
Wilson Tang (Moore Australia)  
David Butterfield (Manager Property Procurement and Contracts)  
Natasha Skurka (Risk and Insurance Officer)

#### **3 APOLOGIES**

Nil

#### **4 DECLARATIONS OF INTEREST**

Nil

## 5 CONFIRMATION OF MINUTES

- Audit and Risk Committee Meeting held on 6 December 2023.

### **Recommendation**

***That the Audit and Risk Committee confirm the minutes from the Audit and Risk Committee Meeting held on 6 December 2023.***

- Audit and Risk Committee Meeting held on 6 December 2023.

***Resolved Unanimously***

## 6 BUSINESS ARISING FROM THE PREVIOUS MEETING

Nil





**Item: 7.1**

**Chief Executive Officer Update**

<b>OFFICER</b>	Anne Howard
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	Nil

**OUTCOME / ACTION**

*That the Audit and Risk Committee receives and notes the Chief Executive Officer's report.*

*Resolved Unanimously*



**Item: 7.2**

**Review oversight of the approach to ensuring a safe, inclusive and compliant workplace**

<b>OFFICER</b>	Danny Milincic
<b>GENERAL MANAGER</b>	Andrew Tenni
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	Nil

**OUTCOME / ACTION**

*That the Audit and Risk Committee note this report.*

*Resolved Unanimously*



Item: 7.3

**Financial and Performance Reporting: Review Management Finance Reports and Performance Statements - December 2023**

<b>OFFICER</b>	Xavier Flanagan
<b>GENERAL MANAGER</b>	Andrew Tenni
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	1. Quarterly Budget Report 31 December 2023 [7.3.1 - 8 pages]

**OUTCOME / ACTION**

***That the Audit and Risk Committee notes the attached Budget Report for the six months ending 31 December 2023.***

***Resolved Unanimously***



Item: 7.4

**Legislative Compliance Survey - Quarter 1 - July to December 2023**

<b>OFFICER</b>	Janine Johnstone
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	Nil

**OUTCOME / ACTION**

*That the Audit and Risk Committee:*

- 1. Receives the results of the Quarter 2, October to December 2023, Legislative Compliance Survey.*
- 2. Notes the increased participation from team leaders and coordinators and the associated level of feedback received.*
- 3. Notes the processes undertaken to ensure that feedback received is shared with senior management and is acted upon.*

*Resolved Unanimously*



Item: 7.5

**Mid Year LGPRF Performance Indicator Results - July to December 2023**

<b>OFFICER</b>	Janine Johnstone
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	1. Review mid-year LGPRF indicators update - Assessment against Service - July to December 2023 [7.5.1 - 1 page]

**OUTCOME / ACTION**

*That the Audit and Risk Committee receives the mid-year LGPRF Performance Indicator report for the period 1 July to 31 December 2023.*

*Resolved Unanimously*



**Item: 7.6**

**Draft Revised Procurement Policy**

<b>OFFICER</b>	David Butterfield
<b>GENERAL MANAGER</b>	Andrew Tenni
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	1. Doc Assembler Officer Reports - Audit and Risk Committee - Draft Revised Procurement Policy - Attach [7.6.1 - 18 pages]

**OUTCOME / ACTION**

***That the Audit and Risk Committee reviews and provides feedback on the Draft Council Procurement Policy (Attachment 2).***

***Resolved Unanimously***



**Item: 7.7**

**Internal Audit Plan Delivery - Progress Update -  
Procurement, Workplace Health and Safety and Delegations  
and Authorisations**

<b>OFFICER</b>	Andrew Tenni
<b>GENERAL MANAGER</b>	Andrew Tenni
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	1. COS Internal Audit Implementation Roadmap Tracking Regi (2) [7.7.1 - 5 pages] 2. Internal Audit Plan Update March 2024 [7.7.2 - 3 pages]

**OUTCOME / ACTION**

***That the Audit and Risk Committee:***

- 1. Notes the progress on recommendations from the Procurement Internal Audit.***
- 2. Notes the progress on recommendations from the Workplace Health and Safety Internal Audit***
- 3. Notes the progress on recommendations from the Delegations and Authorisations Internal Audit.***
- 4. Notes the status of the Internal Audit Plan.***

***Resolved Unanimously***



## Item: 7.8

## Risk Management - Review Council's risk management framework, risk profile, risk appetite - Operational Risk Register

<b>OFFICER</b>	Lenny Jenner, Manager Governance
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>Draft Operational Risk Register - 50% of Op Risks [7.8.1 - 88 pages]</li> <li>Revised Risk Matrices - Risk Management Framework [7.8.2 - 4 pages]</li> </ol>

### OUTCOME / ACTION

*That the Audit and Risk Committee:*

- Reviews and provides feedback on the process for reviewing Operational Risks.*

*Resolved Unanimously*





**Item: 7.9**

**Workplace Health and Safety Reporting**

<b>OFFICER</b>	Andrew Tenni
<b>GENERAL MANAGER</b>	Andrew Tenni
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	1. OHS Data Report Audit and Risk March 2024 [7.9.1 - 11 pages]

**OUTCOME / ACTION**

*That the Audit and Risk Committee notes this report.*

*Resolved Unanimously*



**Item: 7.10**

**Review Key Policies - Governance Rules**

<b>OFFICER</b>	Lenny Jenner Manager Governance
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	Colac Otway Governance Rules Discussion

**OUTCOME / ACTION**

***That the Audit and Risk Committee:***

- 1. Note the outline of the work progressing on the Governance Rules and the range of improvements being proposed for Council's consideration.***

***Resolved Unanimously***



**Item: 7.11**

**Internal Audit Report - Property Management**

<b>OFFICER</b>	Mark McLennan
<b>GENERAL MANAGER</b>	Andrew Tenni
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	1. Doc Assembler Officer Report - COS Property Management Internal Audit Report FINAL by Moore - 202403 [7.11.1 - 60 pages]

**OUTCOME / ACTION**

*That the Audit and Risk Committee receives the internal Audit Report on the Property Management Internal Audit noting Management comments.*

*Resolved Unanimously*



**Item: 7.12**

**Internal Audit report - Cyber Security**

<b>OFFICER</b>	Rikk Price
<b>GENERAL MANAGER</b>	Andrew Tenni
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	1. COS Cyber Security - Essential 8 Report Feb 2024 [7.12.1 - 42 pages]

**OUTCOME / ACTION**

*That the Audit and Risk Committee receives the Internal Audit Report on the IT Cyber Security audit noting management comments.*

*Resolved Unanimously*



**Item: 7.13**

**External Audit - Review External Audit scope and plan**

<b>OFFICER</b>	RSD Auditors
<b>GENERAL MANAGER</b>	Andrew Tenni
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	Nil

**OUTCOME / ACTION**

*That the Audit and Risk Committee note the Audit Strategy Memorandum (ASM) for the financial year ending 30 June 2023.*

*Resolved Unanimously*



**Item: 7.14**

**Meeting Schedule: Review Audit and Risk Committee 2024 Work Plan**

<b>OFFICER</b>	Natasha Skurka
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>2024 ARC Work Plan - Current at 1 March 2024 [7.14.1 - 1 page]</li><li>2024 ARC Work Plan - 6 June 2024 meeting [7.14.2 - 2 pages]</li><li>ARC Meeting Resolutions and Actions - 14 March 2024 Meeting [7.14.3 - 5 pages]</li></ol>

**OUTCOME / ACTION**

*That the Audit and Risk Committee:*

- 1. Notes the updated 2024 Audit and Risk Committee Work Plan at Attachment 1.*
- 2. Notes the items listed in the 2024 Audit and Risk Committee Work Plan for the 6 June 2024 meeting at Attachment 2.*
- 3. Notes the Audit and Risk Committee resolutions and actions since 7 December 2022 at Attachment 3.*

*Resolved Unanimously*

*The meeting was declared closed at 11.26AM*

**CONFIRMED AND SIGNED** at the meeting held on 6 June 2024.

.....CHAIR

Item: 9.15

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

<b>OFFICER</b>	Janine Johnstone
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	1. To be revoked - Signed - S 11 A - Instrument of Appointment and Authorisation - Planning and Environ [9.15.1 - 1 page]

### 1. PURPOSE

To revoke the Instrument of Appointment and Authorisation to Alex Broomfield, as he has changed positions within Council and the new role does not require the Instrument of Appointment and Authorisation.

### 2. EXECUTIVE SUMMARY

Instruments of Appointment and Authorisation to Council officers under the *Planning and Environment Act 1987* (the Act) are required to be signed under resolution of Council. When an employee resigns or the incumbent changes roles that does not warrant the Instrument of Appointment and Authorisation, Council is required to revoke the Instrument.

### 3. RECOMMENDATION

***That Council revokes the Instrument of Appointment and Authorisation under the Planning and Environment Act 1987 to Alex Broomfield, dated 1 December 2023 (refer Attachment 1).***

### 4. KEY INFORMATION

The *Planning and Environment Act 1987* (Act) establishes a framework for planning the use, development, and protection of land in Victoria in the present and long-term interests of all Victorians. Various staff members within Council are required to undertake assessments, give advice, or



investigate various issues in relation to the Act. In order to undertake these assessments authorisation is required under section 147(4) of the Act.

## 5. CONSIDERATIONS

### **Overarching Governance Principles (s(9)(2) LGA 2020)**

Council decisions are to be made and actions taken in accordance with the relevant law. Under section 224(1) of the *Local Government Act 1989*, a Council may appoint any person, other than a Councillor, to be an authorised officer for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council. Authorisations to Council officers under the Act are required to be signed and/or revoked by resolution of Council.

### **Policies and Relevant Law (s(9)(2)(a) LGA 2020)**

Instruments of Appointment and Authorisation are only provided to any person required to be an authorised officer for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council. Those authorised under the Act must be made or revoked by resolution of Council.

### **Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)**

Not applicable.

### **Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)**

Not applicable.

### **Public Transparency (s58 LGA 2020)**

Not applicable.

### **Alignment to Plans and Strategies**

Alignment to Council Plan 2021-2025:

Theme 4 – Strong Leadership and Management

Objective 1: We commit to a program of best practice and continuous improvement

### **Financial Management (s101 Local Government Act 2020)**

Not applicable.

### **Service Performance (s106 Local Government Act 2020)**

Not applicable.

### **Risk Assessment**

Not applicable.

### **Communication/Implementation**

If so resolved, the Instrument of Appointment and Authorisation, noting revocation of the instrument, will be sent to the Chief Executive Officer for signing.

### **Human Rights Charter**

No impact.

### **Officer General or Material Interest**

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

### **Options**

#### Option 1 – Endorse the Revocation of the Instrument of Authorisation and Appointment

This option is recommended as the officer is no longer employed by Council in a role that requires being an Authorised Officer of Council.

#### Option 2 – Endorse the Revocation of the Instruments of Authorisation and Appointment with amendments

This option is not recommended as the Instrument needs to be revoked to cease its currency.

S11A

**Colac Otway Shire Council**  
**Instrument of Appointment and Authorisation**  
**(Planning and Environment Act 1987)**

In this instrument "officer" means –

**ALEX BROOMFIELD**

By this instrument of appointment and authorisation Colac Otway Shire Council -

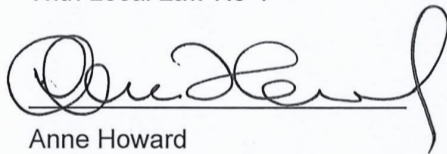
1. under s 147(4) of the *Planning and Environment Act 1987* appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the Colac Otway Shire Council on 22 November 2023.

THE COMMON SEAL of Colac Otway Shire Council was hereunto affixed in accordance With Local Law No 4 )  
)  
)

  
Anne Howard  
Chief Executive Officer



1/12/23  
Date

Revoked by Anne Howard,  
Chief Executive Officer

\_\_\_\_\_  
Signature:

\_\_\_\_\_  
Date:

## Item: 9.16

# Report of Informal Meeting of Councillors

<b>OFFICER</b>	Council Business
<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 - 21 February 2024 [9.16.1 - 3 pages]</li> <li>2. Informal Meeting of Councillors - Pre- Council Meeting Preparation - 28 February 2024 [9.16.2 - 2 pages]</li> <li>3. Informal Meeting of Councillors - Councillor Briefing - 6 March 2024 [9.16.3 - 2 pages]</li> <li>4. Informal Meeting of Councillors - Site visit P P 308 2022-1 - 10 and 14 Pascoe Street and 51-53 and [9.16.4 - 1 page]</li> <li>5. Informal Meeting of Councillors - Councillor Briefing - 13 March 2024 [9.16.5 - 2 pages]</li> <li>6. Informal Meeting of Councillors - Pre Planning Committee Meeting - 13 March 2024 [9.16.6 - 2 pages]</li> </ol>

## 1. PURPOSE

To report the Informal Meetings of Councillors.

## 2. EXECUTIVE SUMMARY

The Colac Otway Shire Governance Rules require that records of informal meetings of Councillors which meet the following criteria:

*If there is a meeting of Councillors that:*

- *is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors*
- *is attended by at least one member of Council staff*
- *is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting.*

be tabled at the next convenient meeting of Council and recorded in the minutes of that Council meeting.

All relevant meetings have been recorded and documented, as attached.

### 3. REPORTING

*The Informal Meetings of Councillors reported are:*

1. Councillor Briefing	21 February 2024
2. Pre-Council Meeting Preparation	28 February 2024
3. Councillor Briefing	6 March 2024
4. Planning Committee Site Visit – Pascoe St. Apollo Bay	7 March 2024
5. Councillor Briefing	13 March 2024
6. Pre-Planning Meeting Preparation	13 March 2024

### 4. KEY INFORMATION

The following Informal Meetings of Councillors have been held and are attached to this report:

1. Councillor Briefing	21 February 2024
2. Pre-Council Meeting Preparation	28 February 2024
3. Councillor Briefing	6 March 2024
4. Planning Committee Site Visit – Pascoe St. Apollo Bay	7 March 2024
5. Councillor Briefing	13 March 2024
6. Pre-Planning Meeting Preparation	13 March 2024

### 5. OFFICER GENERAL OR MATERIAL INTEREST

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.



## Informal Meeting of Councillors Record

### Councillor Briefing

**Date:** 21 February 2024

**Time:** 12.30pm

**Meeting Location:** Meeting Rooms 3 & 4 Colac Community Library and Learning Centre - 173 Queen St, Colac

<b>Invitees:</b>
Cr Max Arnott, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Anne Howard, Andrew Tenni, Doug McNeill, Ian Seuren,
<b>Attendees:</b>
Cr Graham Costin, Cr Kate Hanson, Cr Chris Potter, Cr Margaret White, Cr Max Arnott, Anne Howard, Andrew Tenni, Doug McNeill, David Butterfield, Erin Sonego, Darren Rudd, Simon Hunnam, Blaithin Butler, Rhassel Mhasho, Cr Stephen Hart (video conference), Director Strategy, Engagement & Transformation - GORCAPA, Capital Works Manager - GORCAPA, Community Engagement Coordinator – GORCAPA, Project Manager Infrastructure and Planning GORCAPA
<b>External attendees:</b>
<b>Apologies:</b>
Cr Tosh-Jake Finnigan
<b>Absent:</b>
Nil

**Meeting Commenced at:** 12.46pm

### Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Cr Max Arnott	Material	1.0 – Aged and Disability Service Review	Family member receives OPASS services



Council Meeting – 21 February 2024 (continued)		
Time	Item	Attendees
12.46pm – 12.58pm	Revised Procurement Policy - Introduction	David Butterfield
12.58pm – 1.14pm	Social Housing at 36-52 Bruce Street Colac	Doug McNeill
1.14pm – 1.30pm	Colac Civic Health and Rail Precinct Plan – Proposed re-scope update	Erin Sonogo Darren Rudd
1.30pm – 1.53pm	Apollo Bay Bushfire Place of Last Resort <i>Cr Kate Hanson attended the meeting – 1.33pm</i>	Rhassel Mhasho Simon Hunnam
1.53pm – 1.55pm	Alvie Landfill Rehabilitation	Rhassel Mhasho
1.55pm – 2.02pm	Break	
2.02pm – 2.56pm	Great Ocean Road Coast and Parks Authority	Carley Scott - Director Strategy, Engagement & Transformation (GORCAPA) Patrick Corkery - Capital Works Manager (GORCAPA) Emma Ashton - Community Engagement Coordinator (GORCAPA) Leigh Irvine - Project Manager Infrastructure and Planning (GORCAPA)
2.56pm – 3.30pm	Break	
3.30pm – 3.52pm	Use of Land for a Childcare Centre at 28 Hesse Street, Colac (PP334/2022-1)	Blaithin Butler
3.52pm – 4.18pm	General Business <ul style="list-style-type: none"> <li>Guidelines for Grants – applications for money from Commonwealth Games - EOI closes 24 February 2024</li> <li>MAV – Local Government Victoria</li> </ul>	



	<ul style="list-style-type: none"> <li>• Old Coach Road – conclusion of boom gate trial - report to Council Meeting 28 February 2024</li> </ul>	
4.18pm – 4.28pm	<p>Aged and Disability Services Review</p> <p><i>Cr Max Arnott left the meeting – Conflict of Interest</i></p>	
FIO	<ul style="list-style-type: none"> <li>• Colac East Entrance Maintenance</li> <li>• Strachan Street Birregurra - Road reconstruction update</li> <li>• Colac Otway Shire Grants Program 2024/2025 – Guidelines</li> <li>• Provision of Labour Hire Services</li> <li>• Community Asset Committees - new member - Kennett River Tennis Reserve</li> <li>• Contract 2412 Forrest Street Reconstruction (J Barrys Road to Pound Road) Colac</li> </ul>	
4.28pm	Meeting Closed	





## Informal Meeting of Councillors Record

### Pre-Council Meeting Preparation

**Date:** 28 February 2024

**Time:** 2.00pm

**Meeting Location:** Meeting Rooms 1 and 2, COPACC

<b>Invitees:</b>
Cr Max Arnott, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Anne Howard, Andrew Tenni, Doug McNeill, Ian Seuren,
<b>Attendees:</b>
Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Cr Max Arnott, Anne Howard, Andrew Tenni, Doug McNeill, Ian Seuren, Blaithin Butler, Kendrea Pope
<b>External attendees:</b>
Nil
<b>Apologies:</b>
Nil
<b>Absent:</b>
Nil

**Meeting Commenced at:** 2.05pm

### Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Anne Howard	Material	9.6 - Review of Chief Executive Officer Employment Matters Policy and Committee ToR	Employment related conflict



Pre-Council Meeting Preparation 28 February 2024 (continued)		
Time	Item	Attendees
2.05pm – 3.44pm	Council Meeting Preparation	
3.44pm	Meeting Closed	



## Informal Meeting of Councillors Record

### Councillor Briefing

**Date:** 6 March 2024

**Time:** 12.45pm

**Meeting Location:** Meeting Rooms 1 and 2, COPACC

<b>Invitees:</b>
Cr Max Arnott, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Anne Howard, Andrew Tenni, Doug McNeill, Ian Seuren,
<b>Attendees:</b>
Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Cr Max Arnott, Anne Howard, Andrew Tenni, Doug McNeill, Ian Seuren, James Myatt, Helen Evans, Blaithin Butler, Ian Williams, Lenny Jenner
<b>External attendees:</b>
Jodie Sizer (CEO, GORCAPA), Peter Dorling (Board Member, GORCAPA), Cath Oliver (Director, Infrastructure and Planning - GORCAPA)
<b>Apologies:</b>
Nil
<b>Absent:</b>
Nil

**Meeting Commenced at:** 12.58pm

### Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Nil			



Councillor Briefing – 6 March 2024 (continued)		
Time	Item	Attendees
12.58pm – 1.25pm	Update on Ruby Court Crossover, footpath and drainage rectification works <i>1.03pm Cr Finnigan joined the meeting online</i>	
1.25pm – 2.00pm	Colac Visitor Servicing Review Workshop 2	James Myatt
2.00pm – 2.16pm	PP219/2021-1 - Staged Development of twenty-seven (27) Dwellings, additions and alterations to existing buildings and associated infrastructure works – 17 Balnagowan Avenue Colac	Helen Evans Blaithin Butler
2.16pm – 2.25pm	PP308/2022 - 10-14 Pascoe Street and 51-55 Great Ocean Road, Apollo Bay – Construction of Retail Premises, Accommodation and Public Toilets, Reduction in Parking, Signage and Liquor Licence <i>2.22pm – Cr Hanson joined the meeting</i>	Blaithin Butler Ian Williams
2.26pm – 2.39pm	General Business <ul style="list-style-type: none"> <li>Wadawurrung Native Title Claim</li> </ul>	Lenny Jenner
2.39pm – 3.01pm	Break <i>2.52pm – Cr Finnigan joined the meeting in person</i>	
3.01pm – 3.59pm	GORCAPA Presentation	Jodie Sizer (GORCAPA) Peter Dorling (GORCAPA) Cath Oliver (GORCAPA)
3.59pm	Meeting Closed	
FIO	Community Nominees for Ondit Quarry Consultative Committee	
FIO	Bluewater Electrification Funding Opportunity	
FIO	Climate Change Action Plan Implementation Update – Carbon Offsets and 23/24	



## Informal Meeting of Councillors Record

This form must be completed by the attending Council Officer and the completed form must be provided to [governance@colacotway.vic.gov.au](mailto:governance@colacotway.vic.gov.au) for reporting at the next practicable Council Meeting.

Please refer to Chapter 5 (Disclosure of Conflict of Interest) and Chapter 6 (Informal Meetings of Councillors) of the Governance Rules and the guidelines over page.

### Meeting Details

**Meeting name:** Planning Committee site visit \_\_\_\_\_

**Date:** 7/03/2024      **Time:** 1pm \_\_\_\_\_ am / pm

**Meeting Location:** 14 Pascoe Street (Pascoe Street car park), and footpaths adjacent 10 Pascoe Street and 51-53 and 55 Great Ocean Road, Apollo Bay \_\_\_\_\_

(eg. COPACC; Colac Otway Shire Offices – 2-6 Rae Street, Colac; Shire Offices – Nelson Street, Apollo Bay)

**Matter/s Discussed:** Planning application PP308/2022-1 \_\_\_\_\_

(eg. Discussions with property owners and/or residents; Planning Permit Application No. xxxx re proposed development at No. xx Pascoe Street, Apollo Bay; Council Plan steering committee with Councillors and officers.)

### In Attendance:

<b>Councillors:</b>
Cr. White Cr. Potter Cr. Arnott Cr. Hart Cr. Costin
<b>Officers:</b>
Bláithín Butler Ian Williams

### Conflict of Interest Disclosures for Councillors and Officers: (refer to over page for guidelines)

Name	Type of interest	Left meeting at	Returned to meeting at
	Choose an item.	am / pm	am / pm
	Choose an item.	am / pm	am / pm

Completed by: Bláithín Butler  
\_\_\_\_\_



## Informal Meeting of Councillors Record

**Councillor Briefing**

**Date:** 13 March 2024

**Time:** 12.00pm

**Meeting Location:** Meeting Rooms 1 and 2, COPACC

<b>Invitees:</b>
Cr Max Arnott, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Anne Howard, Andrew Tenni, Doug McNeill, Ian Seuren,
<b>Attendees:</b>
Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan (via conference), Cr Max Arnott, Anne Howard, Andrew Tenni, Doug McNeill, Ian Seuren, Xavier Flannagan, Toni Uphill
<b>External attendees:</b>
Nil
<b>Apologies:</b>
Nil
<b>Absent:</b>
Nil

**Meeting Commenced at:** 12.00pm

**Declarations of Interest:**

Name	Type of Disclosure	Item	Reason
Nil			



Councillor Briefing – 13 March 2024 (continued)		
Time	Item	Attendees
12.00pm – 1.20pm	Budget Workshop #3 – Working lunch with Councillors	Xavier Flannagan Toni Uphill
2.04pm – 2.24pm	Advocacy Priorities <i>Cr Kate Hanson attended the meeting at 2.15pm</i>	
2.24pm	Meeting Closed	



## Informal Meeting of Councillors Record

### Pre-Planning Meeting Preparation

**Date:** 13 March 2024

**Time:** 2.45pm

**Meeting Location:** Meeting Rooms 1 and 2, COPACC

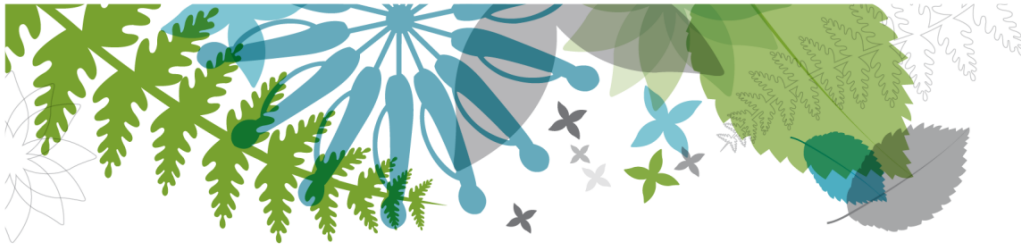
<b>Invitees:</b>
Cr Max Arnott, Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan, Anne Howard, Andrew Tenni, Doug McNeill, Ian Seuren,
<b>Attendees:</b>
Cr Graham Costin, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White, Cr Tosh-Jake Finnigan (video conference), Cr Max Arnott, Anne Howard, Andrew Tenni, Doug McNeill, Ian Seuren, Ian Williams, Helen Evans, Blaithin Butler, Darren Rudd
<b>External attendees:</b>
Nil
<b>Apologies:</b>
Nil
<b>Absent:</b>
Nil

**Meeting Commenced at:** 2.29pm

### Declarations of Interest:

Name	Type of Disclosure	Item	Reason
Nil			





Pre Planning – Planning Committee Meeting 13 March 2024 (continued)		
Time	Item	Attendees
2.29pm – 2.55pm	PP219/2021-1 - Staged Development of twenty-seven (27) Dwellings, additions and alterations to existing buildings and associated infrastructure works – 17 Balnagowan Avenue Colac	Helen Evans Blaithin Butler
2.55pm – 3.12pm	Development of Retail, Apartments, Waiver of Car Parking, Liquor Licence, and provision of Public Toilets at 10 & 14 Pascoe Street, 51-53 & 55 Great Ocean Road, Apollo Bay  <i>Cr Stephen Hart left the room at 3.06pm and did not return</i>	Ian Williams Blaithin Butler
3.12pm	Meeting Closed	

## Item 10.1 Notice of Motion - Apollo Bay Foreshore Bushfire Place of Last Resort

<b>COUNCILLOR</b>	Cr Graham Costin
<b>ATTACHMENTS</b>	Nil

### 1. NOTICE OF MOTION

*That Council:*

**1. Notes:**

- a. The Apollo Bay Foreshore Great Ocean Road Neighbourhood Safer Place – Bushfire Place of Last Resort (BPLR) was established by Council in 2013.
- b. The Country Fire Authority’s (CFA) South-West Region July 2023 annual assessment of the Apollo Bay BPLR determined that it was no longer compliant and needed to be made compliant or decommissioned through a Council resolution.
- c. The Apollo Bay BPLR was removed from Council’s website in September 2023
- d. The Chief Executive Officer advised Councillors that the Apollo Bay BPLR was non-compliant and required decommissioning in December 2023.
- e. Council formally decommissioned the Apollo Bay Foreshore BPLR and expressed its preference to re-commission the decommissioned site at its 28 February 2024 Council Meeting.
- f. The process of identifying, assessing and formally commissioning an alternative BPLR in Apollo Bay will take time, if one can be found.

**2. Requests the Chief Executive Officer report to Council before the end of April on the following:**

- a. The steps and timeframes required to update the MEMP 2020-2023 before next summer.
- b. The works, permits, timeframes and costs required to re-establish the former BPLR or any alternative BPLR before next summer.

## 2. COUNCILLOR COMMENT

The Apollo Bay Bushfire Place of Last Resort (BPLR) has been decommissioned due to the height of dune vegetation. The local CFA and community's preferred option is to reduce the dune vegetation fuel load and recommission this foreshore BPLR as it has access to water, toilets and the Surf Club (designated emergency community communication centre).

GORCAPA is responsible for managing dune vegetation on coastal crown land. At the immediately adjacent Mothers Beach, GORCAPA has acknowledged that the dune vegetation is dominated by invasive species such as coastal tea trees and marram grass of low ecological value. This vegetation captures windblown sand, artificially raises the height of the dunes and creates a dangerously steep dune face. GORCAPA is undertaking dune vegetation removal at this location to lower the dune height and ensure public safety.

The decommissioned Apollo Bay Foreshore BPLR is centrally located with water and toilets and is adjacent to the Apollo Bay Surf Club (the designated place for emergency community communications). The retention of this site is likely the quickest, easiest, and cheapest way to establish an Apollo Bay BPLR.

## 3. OFFICER COMMENT

Re-establishment of a Bushfire Place of Last Resort (BPLR) at Apollo Bay

This matter was considered as part of its 28 February 2024 Council meeting and resolved as follows:

### **UNCONFIRMED RESOLUTION**

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

***That Council:***

- 1. Decommissions the Apollo Bay Foreshore Great Ocean Road Neighbourhood Safer Place – Bushfire Place of Last Resort.***
- 2. Advises the relevant State Government and local emergency agencies of this decision.***
- 3. Commits to work to establish an Apollo Bay Neighbourhood Safer Place – Bushfire Place of Last Resort before the next fire season and notes that officers have commenced this work.***
- 4. Notes that it will receive a future report regarding point 4 before the 2024-25 Fire Season***
- 5. Expresses its preference for retention of the Apollo Bay foreshore as a Bushfire Place of Last Resort.***

The CFA advice was received by the Responsible Officer who actioned the advice by removing the signage. Shortly afterward the officer was on a period of leave and left Council's employment in November 2023. After their departure the executive management team became aware of the situation, following which the Chief Executive Officer provided Councillors with an update and explained that the report to decommission the BPLR would come to the first practicable Council Meeting after that update which was the 28 February 2024.

### Preparation of an Updated Municipal Emergency Management Plan

An updated Colac Otway Shire Municipal Emergency Management Plan (MEMP) for the period 2024-2027 is currently being developed by a working group of the Municipal Emergency Management Planning Committee (MEMPC). When endorsed by the MEMPC, the final plan will be provided to the Regional Emergency Management Planning Committee (REMPC) for endorsement at its 28 May 2024 meeting. The MEMP is not a Council plan and does not need formal endorsement of Council.

## CLOSED SESSION

### RECOMMENDATION

***That pursuant to the provisions of Section 66 of the Local Government Act 2020, the meeting be closed to the public and Council move into Closed Session in order to deal with:***

<b><i>SUBJECT</i></b>	<b><i>REASON</i></b>	<b><i>SECTION OF ACT</i></b>
<b><i>Minutes of the Closed Session Council Meeting held on 13 December 2023</i></b>	This matter deals with business information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.	Section 3 (1)(f)
<b><i>Minutes of the Closed Session Council Meeting held on 28 February 2024</i></b>	This matter deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs	Section 3 (1)(f)
<b><i>Internal Audit Contract</i></b>	This matter deals with confidential meeting information, being records of meetings closed to the public under section 66(2)(a)	Section 3 3(1)(h)