



Colac Otway
SHIRE

ORDINARY COUNCIL MEETING

MINUTES

Wednesday 28 April 2021

at 4:00 PM

COPACC

95 - 97 Gellibrand Street, Colac

Next Council Meeting: 26 May 2021



COLAC OTWAY SHIRE COUNCIL MEETING

Wednesday 28 April 2021

TABLE OF CONTENTS

1	Declaration of Opening of Meeting	3
2	Present.....	3
3	Apologies and Leaves of Absence.....	4
4	Welcome and Acknowledgement of Country.....	4
5	Question Time	4
6	Tabling of Responses to Questions Taken On Notice at Previous Meeting.....	8
7	Petitions / Joint Letters.....	8
8	Declarations of Interest	9
9	Confirmation of Minutes	9
10	Officer Reports.....	10
10.1	Council's Carbon Neutral Target - Residual Greenhouse Emissions - Offsetting Options & Future Emissions Reduction Projects.....	10
10.2	Preparation of 2021 – 2025 Draft Revenue and Rating Plan – Endorse for Exhibition.....	12
10.3	Preparation of 2021/22 Draft Budget – Endorse for Exhibition	14
10.4	Planning Scheme Amendment C109cola - 10 Drapers Road Colac East	17
10.5	Birregurra Flood and Drainage Strategy & Planning Scheme Amendment	19
10.6	Development Agreement & Lease Agreement for Apollo Bay Early Hub Facility.....	20
10.7	Appointment of members of the Port of Apollo Bay Consultative Committee (POABCC) ...	24
10.8	Contract 2107 - Heavy Plant Equipment- Supply and Deliver Emulsion Truck.....	25
10.9	Authorisation of Officers under the Planning and Environment Act 1987	26
10.10	Report of Informal Meetings of Councillors	27

COLAC OTWAY SHIRE COUNCIL MEETING

MINUTES of the *COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at COPACC on
Wednesday 28 April 2021 at 4:00 PM.

MINUTES

1 DECLARATION OF OPENING OF MEETING

OPENING PRAYER

*Almighty God, we seek your
blessing and guidance in our
deliberations on behalf of the
people of the Colac Otway Shire.
Enable this Council's decisions to be
those that contribute to the true
welfare and betterment of our community.*

AMEN

2 PRESENT

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

Peter Brown, Chief Executive
Errol Lawrence, General Manager, Corporate Services
Tony McGann, General Manager, Environment & Infrastructure
Ian Seuren, General Manager, Development & Community Services
Marlo Emmitt, Manager, Governance & Communications
Lyndal McLean, Governance Coordinator
Sarah Osborne, Communications Officer
Madeleine Bisits, Manager, Assets & Project Delivery
Tony Gullone, Acting Manager, Environment & Community Safety
Doug McNeill, Manager, Planning Building & Health
Paul Carmichael, Revenue Coordinator
Toni Uphill, Management Accountant
Jason Clissold, Manager, Financial Services
Frank Castles, Project Director, City Deals
Tamzin McLennan, Manager, Healthy Active Communities
James Myatt, Manager, Economy & Business Enterprises
Cameron Duthie, Manager, Services & Operations
Dora Novak (by videoconference), Environment Coordinator
Steven Turnock (by videoconference), Environmental Sustainability Officer

Timothy Brain (by videoconference), Infrastructure Development Coordinator
Jane Preston-Smith, Executive Officer to General Manager Development & Community Services
Simon Clarke, Strategic Planning & Major Projects Coordinator
Lyndal Redford, Governance Officer

3 APOLOGIES AND LEAVES OF ABSENCE

Nil

4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past, present and emerging and welcomes any descendants here today.

Please note: All Council and Committee meetings are live streamed and recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings.

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).

Live stream recordings of meetings are available to the public on Council's website as soon as practicable following the meeting and may be circulated by other means also. Audio recordings are also taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy. Recordings are retained by Council for a period of four years.

As stated in the Governance Rules, other than an official Council recording, no video or audio recording of proceedings of Council Meetings is permitted without specific approval by resolution of the relevant Council Meeting.

5 QUESTION TIME

A maximum of 30 minutes is allowed for question time. To ensure that each member of the gallery has the opportunity to ask questions, it may be necessary to allow a maximum of two questions from each person in the first instance. You must ask a question; if you do not ask a question you will be asked to sit down and the next person will be invited to ask a question. Question time is not a forum for public debate or statements.

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

James Judd, Colac

- 1. When will Council Strategic Planners give serious attention to Reserve lands before seeking to have land rezoned into the needs to provide for schools, childcare centres, and all open space needs in the local area prior to any authority to subdivide lands is considered? We cannot assume all have access to motorised transports so they can go to any other location. The truth is many will never be allowed to control motorised transport of any kind.**

Response from General Manager Development & Community Services

All land that is rezoned to allow residential housing is subject to strategic planning that looks at the need for public open space, transport connections for motorised and non-motorised transport, and any other community/social facilities.

2. Was the roll out of the big red bin a warning of a change in bin collections from 1 – 7 – 2021 now one south west Council has advised the glass only bin will be collected each 2nd collection? Plus the small red bins will be replaced with a larger red bins but the red bin will only be emptied each 2nd collection when the glass only bin is not to be put out; or, will those who have a lot of garbage that goes in the red bin be forced to pay extra to have the red bin emptied each collection round plus the glass only bin will need to be collected each collection during the period of extra recycling bin collections made. This will put far more pressure on people being able to put out all bins when collections made.

Response from General Manager Environment & Infrastructure

There are some significant changes on the way for waste management.

Council, like every Victorian Council, needs to provide a glass recycling bin which will have a purple lid. We'll continue to provide a separate recycling bin with a yellow lid for all of the other recycling resource that our community generates.

With the implementation of the fourth glass bin which is a monthly collection this will allow Council the opportunity to look at increasing the frequency of the green bin collection as the community places more organics into this bin which reduces waste to landfill. In time we may see the red bin and possibly the recycle bin collected less often.

In addition, we've been very pleased with the service we provided at Wye River and Kennett River this summer to provide green waste skips so that property owners could reduce the fire load on their properties, free of charge. This was very well received and was a big success.

Council staff are working on a DRAFT Resource Recovery and Waste Management Strategy which will guide Council waste services for the next ten years. A report will be coming to the May Council meeting. The strategy will look at ways of delivering a better service at a lower cost. For instance, we know that 30% of the content of our red bins could be placed in the organic green bins and that if we can achieve this there would be big savings for Council.

The draft strategy follows some community consultation that was carried out earlier this year so that we could understand what the community thought was important. The document will also be the subject of community consultation. This consultation will help to ensure that we have heard what the community told us and that the draft strategy is the direction in which the community wants to go.

3. When will the Colac Otway Shire Planning Department have a very serious look into how land is allowed to be subdivided to provide residential allotments? This is now very urgent due to the increased number of garbage bins required per occupied dwelling with bins having to be placed clear of any obstruction plus a distance between each bin. With three bins, if put out, this would need about six metres clear of obstructions per occupied dwelling on an allotment to a road frontage when many single allotments have multiple occupied dwellings to an allotment. So all blocks would require wide road frontages following the new directive by the Victorian State Government about number of bins to sort garbage into will have a major impact on allotments to be provided in areas considered for "The Colac 2050 Growth Plan".

Response from General Manager Development & Community Services

The standards for residential development applied in Colac are determined by the State Government and are consistent across the state. Whilst it is challenging to accommodate large numbers of bins on road sides on the days of scheduled pick-up, this does not influence the design standards for new development.

- 4. Prior to the introduction of the glass only garbage bins on 1st July 2021 will the Colac Otway Shire Council make clear to all in the collection area must jars and bottle put into these bins be a). whole or b) is broken acceptable, since for years some still smash containers to make more room for other rubbish to be put in bins?**

Response from General Manager Environment & Infrastructure

Prior to rolling out the fourth glass bin (purple lid), Council will provide detailed information to residents on what goes in the fourth glass bin through our website, with promotional material and also through print and social media. For your information Colac Otway Shire are not planning the rollout of this service July 1. This is likely to be later in the year. We have target date of September, which is contained in the DRAFT strategy.

- 5. Because much of the area of the Colac Otway Shire is non-rateable because it is controlled by a). National Government owned or controlled bodies including National parks, b). State Government owned or controlled bodies, State Parks, State Government Offices or State Controlled Education outlets, c). Council owned or controlled bodies, d). road reserves and service reserves, what extra percentage is added to general rate on those who pay Council rates to make up for these exemptions? Plus, does the Council receive any annual payments to compensate for giving these exemptions?**

Response from General Manager Corporate Services

Council's rates revenue is derived from all rateable land within the shire.

The amount raised from rates and charges is the amount required to provide a range of services across the shire.

No "extra percentage" is added to pay for non-rateable land and the State and Federal governments make no payments to Council in lieu of rates.

Bob Knowles, Bay Apollo Bay Chamber of Commerce

- 1. Will COS formally support the Apollo Bay Chamber's Position Statement on the Affordable Accommodation Crisis and work with AB Chamber and other stakeholders on an action plan that recognises the unique challenges this issue poses for coastal visitor-based economies compared to the rest of the shire?**

Response from General Manager Development & Community Services

Council supports the Apollo Bay Chamber of Commerce's position statement on Affordable Housing. Council acknowledges the significant challenges faced in coastal areas and supports the need to undertake actions with an aim to addressing this issue.

Council has partnered with neighbouring Councils across the Barwon South West region on the development of the Key and Essential Worker Housing Supply Action Plan. The implementation

of this plan is a focus for Council. In addition, Council has made a submission to the Victorian Government on its '10 year Social and Affordable Housing Strategy', raising affordable housing in our coastal areas as a significant issue which needs support from all levels of government.

Council is committed to working with the Apollo Bay Chamber and other stakeholders to develop and implement an agreed action plan.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Simon Arundell, Bungadoor

1. I put this proposal to the Shire at a past meeting, but it seems to have died. Would Colac like thousands of dollars of free advertising? Would you like that? I think you would. Would you like to put Colac on the map? Most people don't know where Colac is – I know this from my trip around Australia in '92 and nothing has changed. So as I suggested, would you look at something that I call the Colac eradication of points of contact. It would help stop flu, gastro, COVID, etcetera. There's nothing to be lost, there are so many dirty points of contact. Do you realise that at the toilets here if you have to wash you have to open the door. It could be an L-shaped little bit of wall there. You go to some shops and do your realise, I bet the women hate it, I hate it, you've got to walk through those steamers, where little Johnny has left his ice-cream. Taps that are lever operated.

Response from the Mayor

Would you like a response to the question?

Yes, I'd like to see if you've got the guts to try it. You've only got to put something on paper. A little map that shows - I don't care what colour it is - push a button and send it right around Australia, every Council, State and Federal Government and you might just do something great for this country. Are you willing to do that?

Response from the Chief Executive

The fundamental part of your question is around Colac and the points of contact and the previous suggestion that you have made to this Council which has been taken on board was around the toilets that we manage and the facilities that are offered within. In the budget that Council is about to consider tonight there is a funding allocation to start work on some of those points of contact that you talk about and to try and make the toilets function in a more hygienic way.

It's not just toilets. It's everywhere and have you got the guts to send this idea around Australia – you've computers – you push a button and off it goes. Do you want to do something for your nation? Perhaps save a lot of lives, a lot of misery. It might catch on and save a lot of pain for many years. I'll wait and see what you do with it – it doesn't cost you much.

2. My second question is I hear you are going to spend a fortune on the toilets in the Memorial Park. How about you build a toilet up the end near New World. Because people are using the hospital and the cafés. Not good enough. So, perhaps give that a bit of thought. Build one there and fix that one up later. We had a good toilet and the shire knocked it down. It was the old single dunny at Johnson's saleyard. It was vandal proof – it was attacked by bullocks and bulls and every other damn thing for decades and you knocked it down. It was handy. So please consider that, we need a toilet this end of town.

Response from General Manager, Environment & Infrastructure

We are currently developing a toilet strategy which we hope to put before a Council briefing session and through a Council meeting in the coming months. The question of location of public toilets in Colac CBD will be canvassed in that draft strategy.

Response from the Mayor

Is there anyone else who would like to ask a question?

Mr Arrundell you can have one last question.

3. I filled in a form at Cororooke about planning for Colac's future. I did that. I received a phone call from some mob who were organising it for the shire. When I told them that I didn't know how to use a computer, because I just don't have a long enough life to put up with one of them, I was struck off the list. I suggest that the older people who don't play with computers in their work every day are also allowed to be heard at these meeting because perhaps they have got more foresight as to where Colac is going to go than many, many others. So please, will you consider making it so deliberate people like me can come along and give their views.

Response from General Manager, Development & Community Services

The panel that we are putting together to deliberate on the Community Vision and Council Plan will certainly have a broad cross-representation of the community across a range of ages.

So how do computer illiterate people who have been struck off the list get to have any input?

Response from the Mayor

Can you please answer that question because there are multiple ways that you can answer the questionnaire – you didn't need to be computer literate.

Response from General Manager, Development & Community Services

You can do a hard copy questionnaire, which I believe you have done. In terms of the panel, my understanding is that computer literacy didn't come into consideration whether people could be on the panel or not.

May I suggest you have meetings where people can meet and we get to hear from others and we might quickly realise what is possible and what is not. Consider it please. Thank you.

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

Nil

7 PETITIONS / JOINT LETTERS

A petition containing 24 names requesting that Council take action regarding the degradation of Main Street Beeac and the speed at which traffic is travelling has been received from the community. A report responding to the petition will be presented to the Council meeting to be held on 26 May 2021.

8 DECLARATIONS OF INTEREST

Cr Graham Costin	Item 10.3 Preparation of 2021/22 Draft Budget – Endorse for Exhibition
Nature of Disclosure	Material conflict of interest
Nature of interest	Material conflict of interest as I received an election campaign donation from the Apollo Bay Chamber of Commerce.

9 CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on 24 March 2021.

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Joe McCracken

That Council confirm the minutes of the Ordinary Council Meeting held on 24 March 2021.

CARRIED 7 : 0

Item: 10.1

Council's Carbon Neutral Target - Residual Greenhouse Emissions - Offsetting Options & Future Emissions Reduction Projects

OFFICER	Dora Novak
GENERAL MANAGER	Tony McGann
DIVISION	Environment & Infrastructure Services
ATTACHMENTS	<ol style="list-style-type: none"> 1. Colac Otway Emissions Reduction Timeline 2010-2020 Final [10.1.1 - 1 page] 2. Colac Otway Corporate C O 2 Emissions Reduction Journey 2010-2020 – Key Facts [10.1.2 - 2 pages] 3. Total COS Greenhouse Emissions Breakdown 2010-2020 [10.1.3 - 1 page] 4. Summary Table - COS Carbon Neutral Options Costs, Savings and Emissions Reductions 2020-2030 [10.1.4 - 1 page]
PURPOSE	To inform Council about meeting Council's Carbon Neutral Target 2020 - Residual Greenhouse Emissions - Offsetting Options and Future Emissions Reduction Projects; and make related recommendations.

RECOMMENDATION

That Council:

1. *Honours the 2020 Carbon Neutral Target, originally established in 2010, by approving in-principle \$26,000 in funds for offsetting 2020-2021 corporate emissions in the 2021-2022 Council Budget;*
2. *Commits to further corporate emissions reduction work, with particular focus on reducing consumption of reticulated gas and transport fuels (petrol and diesel); and*
3. *Confirms its intention to fund the installation of heat pumps to serve all three pools at Bluewater Leisure Centre as follows;*
 - a) *by the reallocation of \$70,000 of Council funds for street light upgrades given this project is on hold as Regional Roads Victoria are unable to fund their projects;*

b) *by referring to the budget process an additional \$80,000 in Council funds.*

ALTERNATIVE MOTION – PART I

MOVED Cr Graham Costin, SECONDED Cr Margaret White

That Council:

1. *Honours its 2010 and 2016 commitments to Carbon Neutrality by:*
 - a. *Reallocating \$70,000 previously allocated for streetlight upgrades to install heat pumps as above (streetlight upgrade project on hold as Regional Roads Victoria unable to fund their contribution);*
 - b. *Allocating funds in the Draft 2021-2022 Council Budget as follows:*
 - i. *\$80,000 additional funding to install heat pumps for the three pools at Bluewater Leisure Centre; and*
 - ii. *\$26,000 to offset its outstanding 2020-2021 emissions;*
2. *Identifies further cost-effective emission reduction opportunities in the 2021/22 update of its Environment Sustainability Strategy to reduce Council's reliance on annual carbon offsets.*

CARRIED 7 : 0

James Myatt attended the meeting at 4:17pm.

Paul Carmichael attended the meeting at 4:20pm.

Jane Preston-Smith attended the meeting at 4:35pm.

Cameron Duthie left the meeting at 4:38pm; returned at 4:40pm.

The meeting adjourned for a short break at 4:50pm.

The meeting resumed at 4:54pm.

ALTERNATIVE MOTION – PART II

MOVED Cr Graham Costin, SECONDED Cr Stephen Hart

That Council verify its Carbon Neutrality by undertaking an independent emissions audit during the 2022/23 financial year.

CARRIED 4 : 3

Jane Preston-Smith left the meeting at 4:59pm.

Dora Novak left the meeting at 5:06pm.

Stephen Turnock left the meeting at 5:06pm.

Tony Gullone left the meeting at 5:06pm.

Frank Castles attended the meeting at 5:06pm.

Item: 10.2

Preparation of 2021 – 2025 Draft Revenue and Rating Plan – Endorse for Exhibition

OFFICER	Jason Clissold
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	1. Draft Revenue and Rating Plan For Endorsement [10.2.1 - 30 pages]
PURPOSE	To present the Draft Revenue and Rating Plan 2021 – 2025 to Council for endorsement prior to public exhibition.

RECOMMENDATION

That Council:

- 1. Endorses the Draft Revenue and Rating Plan 2021 – 2025;*
- 2. Authorises the Chief Executive to give public notice, in accordance with Council's Community Engagement Policy, that Council has prepared a Draft Revenue and Rating Plan for 2021 - 2025;*
- 3. Determines that the standard public exhibition period of six weeks be reduced to a period of 28 days (as provided for in Council policy), to ensure sufficient time to adopt the Plan by 30 June 2021.*
- 4. Schedules a meeting of the Submissions Committee to:*
 - 1. Consider any written submission which is received by the Council within 28 days after the publication of the public notice;*
 - 2. Hear any person wishing to be heard in support of their submission (or a person acting on their behalf) at a meeting of the Submissions Committee to be held on Wednesday 9 June 2021 commencing at 4pm.*
- 5. Authorises the Chief Executive to undertake any and all administrative procedures necessary to enable Council to carry out its functions under the Local Government Act 2020;*
- 6. Considers for adoption the Draft Revenue and Rating Plan 2021 - 2025, at the Council meeting scheduled to be held on Wednesday 23 June 2021 at 4pm at Colac Otway Performing Arts and Cultural Centre after consideration of any written and verbal*

submissions received by Council at its Submissions Committee meeting on Wednesday 9 June 2021.

REVISED OFFICER RECOMMENDATION

MOVED Cr Stephen Hart, SECONDED Cr Graham Costin

That Council:

- 1. Endorses the Draft Revenue and Rating Plan 2021 – 2025;**
- 2. Authorises the Chief Executive to give public notice, in accordance with Council's Community Engagement Policy, that Council has prepared a Draft Revenue and Rating Plan for 2021 - 2025;**
- 3. Determines that the standard public exhibition period of six weeks be reduced to a period of 28 days (as provided for in Council policy), to ensure sufficient time to adopt the Plan by 30 June 2021.**
 - 4. Schedules a meeting of the Submissions Committee to:**
 - 4.1. Consider any written submission which is received by the Council within 28 days after the publication of the public notice;**
 - 4.2. Hear any person wishing to be heard in support of their submission (or a person acting on their behalf) at a meeting of the Submissions Committee to be held on Wednesday 9 June 2021 commencing at 4pm.**
- 5. Authorises the Chief Executive to undertake any and all administrative procedures necessary to enable Council to carry out its functions under the Local Government Act 2020;**
- 6. Considers for adoption the Draft Revenue and Rating Plan 2021 - 2025, at the Council meeting scheduled to be held on Wednesday 23 June 2021 at 4pm at Colac Otway Performing Arts and Cultural Centre after consideration of any written and verbal submissions received by Council at its Submissions Committee meeting on Wednesday 9 June 2021.**
- 7. Commits to a detailed review of the Revenue and Rating Plan during 2021/2022 to inform the 2022/2023 budget.**

CARRIED 4 : 3

Cameron Duthie left the meeting at 5:10pm; returned at 5:15pm.

Tamzin McLennan left the meeting at 5:16pm; returned at 5:19pm.

Simon Clarke attended the meeting at 5:19pm.

Paul Carmichael left the meeting at 5:24pm.

Item: 10.3

Preparation of 2021/22 Draft Budget – Endorse for Exhibition

OFFICER	Jason Clissold
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	<ol style="list-style-type: none"> 1. 2021/22 Draft Budget - Colac Otway Shire [10.3.1 - 53 pages] 2. 2021/22 Council Set Fees & Charges [10.3.2 - 35 pages] 3. 2021/22 Statutory Fees & Charges [10.3.3 - 11 pages]
PURPOSE	To present the Draft Budget 2021/22 (Including Fees and Charges) to Council for endorsement prior to public exhibition.

Cr Graham Costin declared a material conflict of interest pursuant to section 128(h) of the *Local Government Act 2020*. He received a disclosable gift in the form of an election campaign donation from the Apollo Bay Chamber of Commerce. Cr Graham Costin left the meeting at 5.26pm prior to discussion taking place.

Cr Graham Costin	Item 10.3 Preparation of 2021/22 Draft Budget – Endorse for Exhibition
Nature of Disclosure	Material conflict of interest
Nature of interest	Material conflict of interest as I received an election campaign donation from the Apollo Bay Chamber of Commerce.

RECOMMENDATION

That Council approves funding of \$5000 to the Apollo Bay Chamber of Commerce as part of the total business case allocation in the 2021/22 Draft Budget.

ALTERNATIVE MOTION – PART I

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

That Council:

1. *approves a budget allocation of \$5000 to the Apollo Bay Chamber of Commerce as part of the total business case allocation in the 2021/22 Draft Budget; and*
2. *resolves that any payment will be subject to the signing of a memorandum of understanding to the satisfaction of the Chief Executive Officer.*

CARRIED 6 : 0

Cr Graham Costin returned to the meeting at 5.39pm after the vote had taken place.

RESOLUTION – PART II

MOVED Cr Stephen Hart, **SECONDED** Cr Margaret White

That Council apply a Rural Farm differential of 75% for the 2021/22 financial year and undertake a further review of the rating structure prior to the 2022/23 financial year.

CARRIED 4 : 3

RESOLUTION – PART III

MOVED Cr Chris Potter, **SECONDED** Cr Jamie Bell

That Council:

1. *Endorses the Draft Budget 2021/22 for the financial year, and subsequent 3 financial years (subject to adopting Council's 10 year Finance Plan in 2021/22), for the purposes of Section 94 of the Local Government Act 2020;*
2. *Authorises the Chief Executive to give public notice, in accordance with Council's Community Engagement Policy, that Council has prepared a Draft Budget for the 2021/22 year and subsequent 3 financial years (subject to adopting Council's 10 year Finance Plan in 2021/22);*
3. *Determines that the standard public exhibition period of six weeks be reduced to a period of 28 days (as provided for in Council policy), to ensure sufficient time to adopt a budget by 30 June 2021;*
4. *Schedules a meeting of the Submissions Committee to:*
 - 4.1. *Consider any written submission which is received by the Council within 28 days after the publication of the public notice.*
 - 4.2. *Hear any person wishing to be heard in support of their submission (or a person acting on their behalf) at a meeting of the Submissions Committee to be held on Wednesday 9 June 2021, commencing at 4pm.*

5. *Authorises the Chief Executive to undertake any and all administrative procedures necessary to enable Council to carry out its functions under the Local Government Act 2020;*
6. *Considers for adoption the Draft Budget 2021/22, and subsequent 3 financial years (subject to adopting Council's 10 year Finance Plan in 2021/22), at the Council meeting scheduled to be held on Wednesday 23 June 2021 at 4pm at Colac Otway Performing Arts and Cultural Centre after consideration of any written and verbal submissions received by Council at its Submissions Committee meeting on Wednesday 9 June 2021.*

CARRIED 7 : 0

MOTION

MOVED Cr Joe McCracken

That Council consider items:

10.4 Planning Scheme Amendment C109cola - 10 Drapers Road Colac East

10.5 Birregurra Flood and Drainage Strategy & Planning Scheme Amendment

en bloc, allowing for questions for items 10.4 and 10.5.

CARRIED 7 : 0

Simon Clarke left the meeting at 5:26pm; returned at 5:30pm.

Frank Castles left the meeting at 5:29pm.

Lyndal Redford left the meeting at 5:37pm.

James Myatt left the meeting at 6:02pm.

Toni Uphill left the meeting at 6:02pm.

Jason Clissold left the meeting at 6:02pm.

Item: 10.4

Planning Scheme Amendment C109cola - 10 Drapers Road Colac East

OFFICER	Erin Sonogo
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	<ol style="list-style-type: none"> 1. C 109 cola - email confirmation redacted [10.4.1 - 1 page] 2. C 109 cola Authorisation letter to Council - redacted [10.4.2 - 2 pages] 3. C 109 cola - 10 Drapers Road East Colac - Incorporated Document [10.4.3 - 4 pages] 4. C 109 cola - 10 Drapers Road amendment - Signage Plan [10.4.4 - 1 page] 5. C 109 cola - 10 Drapers Road Colac East - Explanatory Report [10.4.5 - 5 pages] 6. C 109 cola - 10 Drapers Road Colac East - Schedule 72.04 [10.4.6 - 1 page] 7. C 109 colac - 10 Drapers Road Colac East - SCO [10.4.7 - 1 page] 8. C 109 cola - 10 Drapers Road Colac East - Planning Permit by Consent Order- Council Meeting Report A [10.4.8 - 10 pages]
PURPOSE	For Council to resolve to adopt the Planning Scheme Amendment C109cola – Drapers Road, Colac East with minor changes.

RECOMMENDATION

That Council:

1. Resolves to adopt Planning Scheme Amendment C109cola – Drapers Road, Colac East and submit the amendment to the Minister for Planning for approval and gazettal; and,
2. Authorises Council officers, in consultation with the landowners and/or representative, to make minor changes to the amendment documentation prior to submitting the amendment to the Minister for approval.

RESOLUTION

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

That Council adopt the recommendations from items:

10.4 *Planning Scheme Amendment C109cola - 10 Drapers Road Colac East*

10.5 *Birregurra Flood and Drainage Strategy & Planning Scheme Amendment*

en bloc as detailed below.

1. That Council:

1.1 *Resolves to adopt Planning Scheme Amendment C109cola – Drapers Road, Colac East and submit the amendment to the Minister for Planning for approval and gazettal; and*

1.2 *Authorises Council officers, in consultation with the landowners and/or representative, to make minor changes to the amendment documentation prior to submitting the amendment to the Minister for approval.*

2. That Council:

2.1 *Notes the exhibition version of the Birregurra Flood and Drainage Strategy;*

2.2 *Requests the Minister for Planning to authorise the preparation of a planning scheme amendment to implement the flood planning controls and flood mapping updates in Birregurra; and*

2.3 *Commences a public exhibition process to seek community views about the draft planning scheme amendment and the exhibition version of the Birregurra Flood and Drainage Strategy.*

CARRIED 7 : 0

The meeting adjourned for a short break at 6.10pm.

Doug McNeill left the meeting at 6:10pm.

Simon Clarke left the meeting at 6:10pm.

Tim Brain left the meeting at 6:10pm.

The meeting resumed at 6.18pm.

Item: 10.5

Birregurra Flood and Drainage Strategy & Planning Scheme Amendment

OFFICER	Simon Clarke
GENERAL MANAGER	Ian Seuren Tony McGann
DIVISION	Development & Community Services Infrastructure & Leisure Services
ATTACHMENTS	1. Birregurra Flood Study- Draft Report [10.5.1 - 203 pages]
PURPOSE	To seek approval from Council to obtain the Minister for Planning's authorisation to commence a planning scheme amendment to implement the draft Birregurra Flood and Drainage Strategy's findings, and commence the public exhibition of the draft Strategy and planning scheme amendment.

RECOMMENDATION

That Council:

- 1. Notes the exhibition version of the Birregurra Flood and Drainage Strategy;*
- 2. Requests the Minister for Planning to authorise the preparation of a planning scheme amendment to implement the flood planning controls and flood mapping updates in Birregurra;*
- 3. Commences a public exhibition process to seek community views about the draft planning scheme amendment and the exhibition version of the Birregurra Flood and Drainage Strategy.*

This item was heard en bloc with item 10.4 - Planning Scheme Amendment C109cola - 10 Drapers Road Colac East. Please refer to the resolution under item 10.4.

Item: 10.6

Development Agreement & Lease Agreement for Apollo Bay Early Hub Facility

OFFICER	Sharyn Ryan & Tamzin McLennan
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	Nil
PURPOSE	For Council to agree to enter into a Development Agreement and Lease Agreement with the Department of Education and Training for the Apollo Bay Early Years Hub.

RECOMMENDATION

RECOMMENDATION 1

That Council:

- 1. Endorses the Development Agreement between the Department of Education and Training and the Colac Otway Shire Council for the construction of the Apollo Bay Early Years Hub.*
- 2. Authorises the Chief Executive to enter into a Development Agreement between the Department of Education & Training and Colac Otway Shire Council for the construction of Apollo Bay Early Years Hub facilitated by the Victorian School Building Authority.*
- 3. Notes that the Apollo Bay Early Years Hub will be co-located at the Apollo Bay P-12 College, in Pengilley Avenue.*
- 4. Acknowledges that as part of the Development Agreement, Council agrees to contribute up to \$500,000 towards the Maternal and Child Health component of the build, which is included in the 2020/21 budget.*
- 5. Notes that the signatories of the Development Agreement agree that in the event that the Maternal and Child Health component of the build costs less than Council's \$500,000 agreed contribution, the State Government will repay the difference to Council.*
- 6. Authorises the Chief Executive to negotiate any further terms of the Development Agreement as deemed appropriate.*

7. *In accordance with the public transparency principles, clarifies that it is Council's preference for the Development Agreement document to be publicly available, but notes it remains confidential as per the directive of the State Government.*

RECOMMENDATION 2

That Council:

1. *Endorses the Lease between the Department of Education and Training and the Colac Otway Shire Council for the use of the Apollo Bay Early Years Hub for the delivery of children's services.*
2. *Authorises the Chief Executive to enter into a Lease Agreement between the Department of Education & Training and Colac Otway Shire Council to be lessee of the Apollo Bay Early Years Hub.*
3. *Notes that the Apollo Bay Early Years Hub will be co-located at the Apollo Bay P-12 College, in Pengilly Avenue.*
4. *Notes that the lease term shall be for a period of 20 years, with two further terms of 10 years each.*
5. *Notes that the rent payable by Council shall be \$1 per annum, if demanded.*
6. *Notes that upon receiving consent from the State Government, Council can appoint a sub-licence to a suitably-qualified operator to run the kindergarten and early years services on Council's behalf.*
7. *Acknowledges that as part of the lease agreement, Council will be responsible for any necessary repairs, maintenance and/or capital improvements to structures, fixtures, facades, plant, equipment, and fixtures and fittings related to services and utilities for the duration of the lease.*
8. *Notes that Schedule 1 of the lease permits uses at the site including children's services, maternal and child health, long day care, before and after school child care, complementary family and community-based services, occasional child care, supported playgroups, childhood intervention services and toy library.*
9. *Authorises the Chief Executive to negotiate any further terms of the Lease as deemed appropriate.*
10. *In accordance with the public transparency principles, clarifies that it is Council's preference for the Development Agreement document to be publicly available, but notes it remains confidential as per the directive of the State Government.*

ALTERNATIVE MOTION

MOVED Cr Stephen Hart, SECONDED Cr Chris Potter

That Council:

Development Agreement

1. *Endorses the Development Agreement between the Department of Education and Training and the Colac Otway Shire Council for the construction of the Apollo Bay Early Years Hub.*

2. *Authorises the Chief Executive to enter into a Development Agreement between the Department of Education & Training and Colac Otway Shire Council for the construction of Apollo Bay Early Years Hub facilitated by the Victorian School Building Authority.*
3. *Notes that the Apollo Bay Early Years Hub will be co-located at the Apollo Bay P-12 College, in Pengilley Avenue.*
4. *Acknowledges that as part of the Development Agreement, Council agrees to contribute up to \$353,042.98 towards the Maternal and Child Health component of the build, which is included in the 2020/21 budget.*
5. *Notes that the signatories of the Development Agreement agree that in the event that the Maternal and Child Health component of the build costs less than Council's agreed contribution, the State Government will repay the difference to Council.*
6. *Authorises the Chief Executive to negotiate any further terms of the Development Agreement as deemed appropriate.*
7. *In accordance with the public transparency principles, clarifies that it is Council's preference for the Development Agreement document to be publicly available, but notes it remains confidential as per the directive of the State Government.*
8. *Resolves that Council has no objection to releasing the document publicly is the State Government removes its requirement that the document be confidential.*

Lease

9. *Endorses the Lease between the Department of Education and Training and the Colac Otway Shire Council for the use of the Apollo Bay Early Years Hub for the delivery of children's services.*
10. *Authorises the Chief Executive to enter into a Lease Agreement between the Department of Education & Training and Colac Otway Shire Council to be lessee of the Apollo Bay Early Years Hub.*
11. *Notes that the Apollo Bay Early Years Hub will be co-located at the Apollo Bay P-12 College, in Pengilley Avenue.*
12. *Notes that the lease term shall be for a period of 20 years, with two further terms of 10 years each.*
13. *Notes that the rent payable by Council shall be \$1 per annum, if demanded.*
14. *Notes that upon receiving consent from the State Government, Council can appoint a sub-licence to a suitably-qualified operator to run the kindergarten and early years services on Council's behalf.*
15. *Acknowledges that as part of the lease agreement, Council will be responsible for any necessary repairs, maintenance and/or capital improvements to structures, fixtures, facades, plant, equipment, and fixtures and fittings related to services and utilities for the duration of the lease.*
16. *Notes that Schedule 1 of the lease permits uses at the site including children's services, maternal and child health, long day care, before and after school child care, complementary family and community-based services, occasional child care, supported playgroups, childhood intervention services and toy library.*
17. *Authorises the Chief Executive to negotiate any further terms of the Lease as deemed appropriate.*

18. In accordance with the public transparency principles, clarifies that it is Council's preference for the Lease document to be publicly available, but notes it remains confidential as per the directive of the State Government.

19. Resolves that Council has no objection to releasing the document publicly if the State Government removes its requirement that the document be confidential.

CARRIED 7 : 0

Tamzin McLennan left the meeting at 6:27pm.

Item: 10.7

Appointment of members of the Port of Apollo Bay Consultative Committee (POABCC)

OFFICER	Simon McBeth
GENERAL MANAGER	Tony McGann
DIVISION	Environment & Infrastructure
ATTACHMENTS	1. POABCC - Terms of Reference - January 2021 [10.7.1 - 4 pages]
PURPOSE	To appoint new members of the Port of Apollo Bay Consultative Committee (POABCC) for a 2-year term.

RESOLUTION

MOVED Cr Joe McCracken, SECONDED Cr Graham Costin

That Council:

1. *Endorses the appointment to the Port of Apollo Bay Consultative Committee the four organisation representatives as follows:*
 - a) *Apollo Bay Fishermen's Co-Op: Markus Nolle, Nick Polgeest as proxy;*
 - b) *Apollo Bay Sailing Club: Mick Heland, Jesse Morrow as proxy;*
 - c) *GORCAPA (formerly Otway Coast Committee): Anthony Alfirenko, Paul Jane as proxy; and*
 - d) *Apollo Bay Ocean Rescue: Peter Biddle, no proxy.*
2. *Endorses the appointment to the Port of Apollo Bay Consultative Committee the four self-nominated community representatives as follows:*
 - a) *Russell Frost – representing commercial fishers;*
 - b) *Wayne Diffey – representing recreational fishers and boaters;*
 - c) *Bill Gross – community representative; and*
 - d) *John Marriner – community representative.*

CARRIED 7 : 0

Cameron Duthie left the meeting at 6:27pm.

Item: 10.8

Contract 2107 - Heavy Plant Equipment- Supply and Deliver Emulsion Truck

OFFICER	Hailey Spokes
GENERAL MANAGER	Tony McGann
DIVISION	Environment & Infrastructure
ATTACHMENTS	Nil
PURPOSE	Council approval is required to award Contract 2107 – Supply and deliver one Road Repair Truck (Emulsion Truck)

RESOLUTION

MOVED Cr Graham Costin, SECONDED Cr Joe McCracken

That Council:

- 1. Awards Contract 2107 – Heavy Plant Equipment - Emulsion Truck to Fuso Truck and Bus Shogun at the lump sum price referred to in the confidentially distributed document pertaining to this contract;*
- 2. Authorises the Chief Executive to sign the contracts following award of Contract 2107 – Heavy Plant Equipment - Emulsion Truck;*
- 3. Authorises the Chief Executive Officer to perform all roles of the Principal; and*
- 4. Requests that the Chief Executive ensures the contract price is listed on Council's website once steps listed in point 2 have been completed.*

CARRIED 7 : 0

Item: 10.9

Authorisation of Officers under the Planning and Environment Act 1987

OFFICER	Maree Powell
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	<ol style="list-style-type: none"> 1. Inst of App & Auth - Jacinta Langdon - Planning & Environment Act - April 2021 [10.9.1 - 1 page] 2. To Be Revoked - Instrument of Appointment and Authorisation - Callum Fairnie [10.9.2 - 1 page] 3. To Be Revoked - Instrument of Appointment and Authorisation - Mandy Baker [10.9.3 - 1 page] 4. To Be Revoked - Instrument of Appointment and Authorisation - John Postma [10.9.4 - 1 page]
PURPOSE	For Council to appoint an officer as an authorised officer under section 147(4) of the <i>Planning and Environment Act 1987</i> .

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Chris Potter

That Council:

1. *revokes the Instruments of Appointment and Authorisation for:*
 - *Callum Fairnie (Emergency Management Coordinator)*
 - *Mandy Baker (Acting Emergency Management Coordinator)*
 - *John Postma (Senior Compliance/Prosecutions Officer)*
2. *appoints Jacinta Langdon as an authorised officer pursuant to section 147(4) of the Planning and Environment Act 1987;*
3. *notes that the Instrument of Appointment and Authorisation comes into force immediately the common seal of Council is affixed to the Instruments and remains in force until Council determines to vary or revoke them; and*
4. *delegates to the Chief Executive Officer authority to sign and place under Council Seal the Instrument of Appointment and Authorisation.*

CARRIED 7 : 0

Item: 10.10

Report of Informal Meetings of Councillors

OFFICER	Lyndal McLean
CHIEF EXECUTIVE	Peter Brown
DIVISION	Corporate Services
ATTACHMENTS	<ol style="list-style-type: none"> 1. Informal Meeting of Councillors Record - City Deals Executive Steering Committee - 20210309 [10.10.1 - 1 page] 2. Informal Meeting of Councillors Budget 2021 2022 including Revenue 17 Marc [10.10.2 - 2 pages] 3. Informal Meeting of Councillors Councillor Briefing 18 March 2021 CB 20210 [10.10.3 - 2 pages] 4. Informal Meeting of Councillors - Friends of the Botanic Gardens - 18 March 2021 [10.10.4 - 1 page] 5. Informal Meeting of Councillors CEO Recruitment Agency Presentations 24 Ma [10.10.5 - 2 pages] 6. Informal Meeting of Councillors Council Preparation Meeting 24 Marc [104L] [10.10.6 - 2 pages] 7. LCCC Meeting - Informal Meeting of Councillors Record - 20210329 - PDF [10.10.7 - 1 page] 8. Informal Meeting of Councillors Councillor Briefing 7 April 2021 CB 202104 [10.10.8 - 3 pages] 9. Informal Meeting of Councillors - Friends of the Botanic Gardens - 8 April 2021 [10.10.9 - 1 page] 10. Informal Meeting of Councillors Councillor Briefing 14 April 2021 CB 20210 [10.10.10 - 2 pages] 11. Informal Meeting of Councillors Planning Meeting Preparation 14 April 2021 [10.10.11 - 2 pages]
PURPOSE	To report the Informal Meetings of Councillors.

REPORTING

The Informal Meetings of Councillors are reported herewith:

- *City Deals Executive Steering Committee* *9 March 2021*
- *Budget 2020 - 2021 including Revenue* *17 March 2021*
- *Councillor Briefing* *18 March 2021*

- *Friends of the Botanic Gardens* *18 March 2021*
- *CEO Recruitment Agency Presentations* *24 March 2021*
- *Council Meeting Preparation* *24 March 2021*
- *Lake Colac Coordinating Committee Meeting* *29 March 2021*
- *Councillor Briefing* *7 April 2021*
- *Friends of the Botanic Gardens* *8 April 2021*
- *Councillor Briefing* *14 April 2021*
- *Planning Committee Meeting Preparation* *14 April 2021*

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

CLOSED SESSION

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Graham Costin

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:

SUBJECT	REASON	SECTION OF ACT
<i>Minutes of the Closed Session Council Meeting held on 16 December 2020.</i>	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)
<i>Personal Information</i>	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)
<i>CEO Employment Matters Advisory Committee</i>	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)

CARRIED 7 : 0

The meeting adjourned at 6:34pm.

Closed Session commenced at 6:38pm.

The meeting reopened to the public at 6:41pm.

The meeting was declared closed at 6:41pm.

CONFIRMED AND SIGNED at the meeting held on 26 May 2021.

.....MAYOR