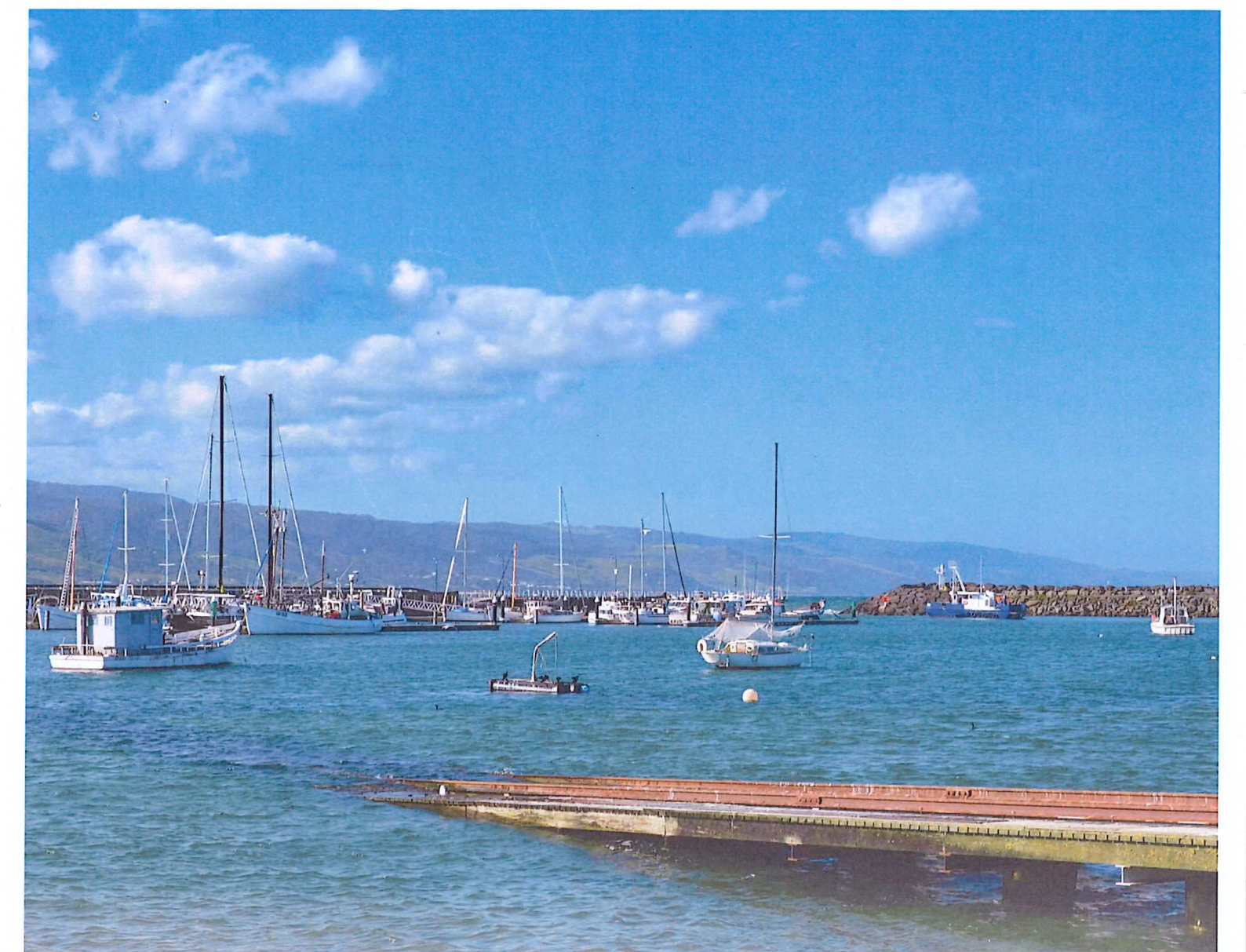




Council Meeting Minutes

22 September 2026 at 1pm

COPACC Meeting Rooms 1 & 2

COLAC OTWAY SHIRE COUNCIL MEETING

Tuesday 22 September 2026

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COLAC OTWAY SHIRE COUNCIL MEETING

MINUTES of the **COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** held at
COPACC on Tuesday 22 September 2026 at 1:00 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 ACKNOWLEDGEMENT OF COUNTRY

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present.

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).

3 MEETING ADMINISTRATION

3.1 Present

Cr Jason Schram (Mayor)
Cr Chris Potter
Cr Zoe Hudgell
Cr Mick McCrickard
Cr Chrissy De Deugd

Andrew Tenni, Chief Executive Officer
Emma Lowes, General Manager Corporate Services
Doug McNeill, General Manager Infrastructure and Environment
Heidi Taylor, Acting General Manager Community and Economy
Anita Craven, Executive Officer Governance
Matilda Hardy-Smith, Coordinator Council Business

3.2 Apologies and Leaves of Absence

RESOLUTION

Moved Cr Hudgell, Seconded Cr McCrickard

That Council approves a Leave of Absence from the 22 September 2026 Council Meeting for Cr Charlie Buchanan and Cr Phil Howard.

CARRIED 5 : 0

3.3 Confirmation of Minutes

RESOLUTION

Moved Cr Hudgell, Seconded Cr McCrickard

That Council confirm the minutes of the Council Meeting held on 25 August 2026.

CARRIED 5 : 0

3.4 Declarations of Interest

Andrew Tenni (CEO)	Material	Item 2.1 Closed Session Agenda – Chief Executive Officer Employment Matters	Matters to be discussed directly affect their employment.
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4 QUESTION TIME

A maximum of 30 minutes was allowed for question time. In accordance with section 47.3 of Councils Governance Rules, a time limit of 3 minutes per question was allowed with a maximum of two questions per person. In accordance with rule 47.4, lengthy questions have been summarised.

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

Nil.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Vicki Jeffrey

Good afternoon everyone. I'm here representing Birregurra as usual. Birregurra has spent many years campaigning for increased footpaths in the town particularly the loop identified as Strachan Street, Bowen Street & Beal Street down to the existing footpath outside the primary school.

This loop has been documented in the recent Birregurra structure plan. The loop will give all residents the ability to walk in safety, push prams, walk their dogs and have access for mobility scooters of which we now have.

1. So today, representing Birregurra, my question is, how can I implore Council to look upon Birregurra favourably for this year's item 7.4 on the agenda for the endorsement of footpath upgrade program?

Response Chief Executive Officer

Thanks for the question, Vicki. It is a matter that's listed on the agenda for Council's consideration later in the meeting. There's probably not much more that we can say in relation to that at this point.

Tony Webber

1. My first question is on COPACC. The new owners have started operating and how is it going, do we have numbers of people that are coming in?

Response Acting General Manager Community and Economy

They are regularly reporting in and we will be providing a quarterly and a six-month report with that detail.

2. My second question is on the tip shop in Apollo Bay. It has been closed now for around two months. When do you anticipate it opening again?

Response General Manager Infrastructure and Environment

Thanks for the question, Tony. We are very close to opening the reuse shop again. Obviously it's been closed for a couple of months. We had some occupational health and safety issues that we're responding to. There'll be some works occurring over the coming weeks that'll enable us to reopen the shop.

5 PETITIONS / JOINT LETTERS

Nil reports.

6 PLANNING AUTHORITY / RESPONSIBLE AUTHORITY DECISIONS

Nil reports.

Item: 7.1

Proposal to Amend S173 Agreement - Pascoe Street Car Park Management

OFFICER	Doug McNeill
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Environment

RESOLUTION

Moved Cr Potter, Seconded Cr De Deugd

That Council:

- 1. Notes the request by private land owners which are a party to the S173 agreement that Council amend the agreement to remove the requirement for annual contributions relating to maintenance and renewal of the car park.*
- 2. Approves officers to negotiate with parties to the S173 agreement to remove obligations for annual contributions relating to maintenance and renewal on the basis of the following:*
 - a. Council retains responsibility for management of the entire car park.*
 - b. Obligations on joint private land owners to ensure the on-going use of the land for a public car park are retained.*
 - c. The owners agree to the expansion of the EV charging facility by Evie in order to raise income that offsets lost income from owner contributions.*
 - d. Obligations relating to consultation by Council on changes to the use and layout of land in Council's ownership, and day to day maintenance of the privately owned land, are removed, provided that Council continues to maintain the primary purpose of the land for public car parking and maintains on-going access to the private owner parking.*

3. *Receives a final draft version of the S173 post finalisation of negotiation with owners and prior to signing of any updated S173 agreement.*

CARRIED 5 : 0

Item: 7.2

Proposal to enter into a Grazing Licence - 20 Ocean Park Drive, Marengo

OFFICER	Matthew Pope
GENERAL MANAGER	Emma Lowes
DIVISION	Corporate Services

RESOLUTION

Moved Cr McCrickard, Seconded Cr Potter

That Council:

- 1. Authorises officers to enter into a Licence with Submitter 1 for the grazing land known as 'Heathfield Public Reserve' at 20 Ocean Park Drive, Marengo subject to the following terms.**
 - a. Two-year licence term.**
 - b. Annual licence fee of \$5,280 (including GST), payable annually in advance.**
 - c. Permitted use restricted to grazing livestock and/or growing fodder.**
 - d. Licensee responsible for maintaining fences, gates and associated infrastructure within the licensed area.**
 - e. Fencing to be maintained to prevent livestock access to the Barham River frontage vegetation area.**
 - f. Licensee required to undertake regular weed control and general land maintenance.**
 - g. Licensee responsible for water consumption costs and maintaining public liability insurance of at least \$20 million.**
 - h. Council responsible for municipal rates and maintenance of the access track to the licensed area.**

- i. Council retains the ability to terminate the licence on 60 days' notice if required.*
- 2. Authorises the Chief Executive Officer to finalise and execute the Licence with Submitter 1.*
- 3. Notes that post execution of this Licence, the terms of the Licence will be made publicly available on Councils Lease and Licence Register.*

CARRIED 5 : 0

Item: 7.3

Outcome of Review of Resource Recovery and Waste Management Strategy

OFFICER	Dora Novak
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Environment

RESOLUTION

Moved Cr De Deugd, Seconded Cr Potter

That Council:

- 1. Notes the mid-term review (Attachment 1) of the Resource Recovery and Waste Management Strategy 2021–2030.*
- 2. Acknowledges the progress achieved in implementing the Strategy since its adoption in 2021 including the completion of 28 actions and achievements in kerbside services, resource recovery, community education and waste service management.*
- 3. Acknowledges the emerging challenges identified through the review.*
- 4. Notes that Council is currently undertaking a review of its Transfer Stations and waste drop-off areas.*
- 5. Notes that the 76 actions in the 2021 Strategy have been reviewed and consolidated into a streamlined set of 20 actions, together with revised Strategic Objectives that reflect current priorities and service delivery requirements.*
- 6. Endorses the Resource Recovery and Waste Management Strategy Revised Strategic Objectives and Priority Actions 2026-30 (Attachment 2) as the framework to guide Council's waste management and resource recovery activities for the remainder of the Strategy period to 2030.*

CARRIED 5 : 0

Item: 7.4

Endorsement of Project for Footpath Upgrade Program 2026-27

OFFICER	Kanishka Gunasekara
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Environment

RESOLUTION

Moved Cr Hudgell, Seconded Cr McCrickard

That Council

- 1. Notes the options assessed for new footpath construction under the 2026-27 Footpath Upgrade Program.*
- 2. Endorses the construction of a new footpath in Strachan Street, Birregurra between Bowden Street and Skenes Street funded by the 2026-27 program.*
- 3. Notes that the Strachan Street project would advance a priority project identified in the Birregurra Structure Plan adopted by Council in 2025 and support requests made by several submitters during preparation of the 2026-27 budget.*

CARRIED 5 : 0

Item: 7.5

S6 Instrument of Delegation - Council to Members of Council Staff - Biannual Update

OFFICER	Belinda Rocka
CHIEF EXECUTIVE OFFICER	Andrew Tenni
DIVISION	Executive

RESOLUTION

Moved Cr Hudgell, Seconded Cr McCrickard

That Council:

- 1. In the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation (Attachment 2), delegates to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation, the powers, duties, and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.*
- 2. Authorises the Chief Executive Officer to execute the S6 Instrument of Delegation.*
- 3. Authorises the use of the common seal in accordance with Colac Otway Shire's Governance Local Law No 4 – 2020.*
- 4. Approves the S6 Instrument of Delegation to come into force immediately upon execution.*
- 5. Approves that coming into force of the S6 Instrument of Delegation, the previous S6 Instrument of Delegation from Council to Members of Council staff (dated 16 June 2025) is revoked.*

6. *Notes the duties and functions set out in the Instrument must be performed and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that may from time to time be adopted.*

CARRIED 5 : 0

Item: 7.6
Governance Report - Monthly

OFFICER	Matilda Hardy-Smith / Belinda Rocka
CHIEF EXECUTIVE OFFICER	Andrew Tenni
DIVISION	Executive

RESOLUTION

Moved Cr McCrickard, Seconded Cr Hudgell

That Council:

- 1. Add membership for Dan Pekin to the Irrewillipe Sports and Entertainment Complex Community Asset Committee.*
- 2. Add membership for Luke Darcy to the Pirron Yallock Recreation Reserve Community Asset Committee.*
- 3. Revokes membership for Geoff Robinson to the Cororooke Public Hall Community Asset Committee and thanks him for his service to the committee.*
- 4. Notes the Informal Meeting of Councillors records for the period of 25 August 2026 to 15 September 2026.*

CARRIED 5 : 0

CLOSED SESSION

RESOLUTION

Moved Cr Potter, Seconded Cr Hudgell

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 28 April 2026</i>	This matter deals with confidential meeting information, being records of meetings closed to the public under section 66 (2) (a)	Section 3(1)(h)
<i>Chief Executive Officer Employment Matters</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 5 : 0

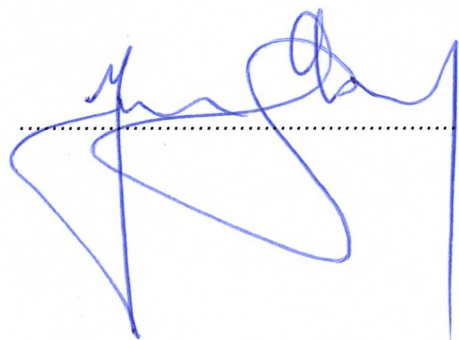
The meeting was closed to the public at 1.27pm.

13 REOPENING OF MEETING

At the conclusion of the closed session, the meeting was reopened to the public at 1.37pm

The meeting was declared closed at 1.37pm.

CONFIRMED AND SIGNED at the meeting held on 13 October 2026.



.....MAYOR