



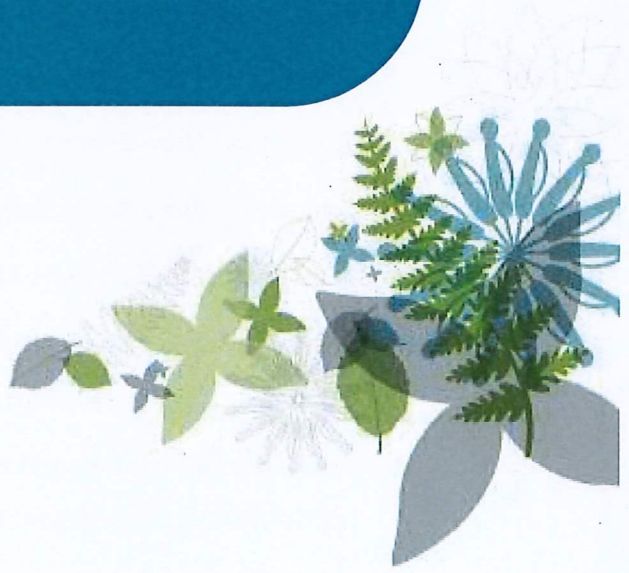
Colac Otway
SHIRE

COUNCIL MEETING

MINUTES

Wednesday 26 June 2024

at 4:00 PM



COLAC OTWAY SHIRE COUNCIL MEETING

Wednesday 26 June 2024 ABLE

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COLAC OTWAY SHIRE COUNCIL MEETING

MINUTES of the *COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at COPACC on
Wednesday 26 June 2024 at 4:04 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 Margaret White (Mayor)
Cr Max Arnott
Cr Graham Costin
Cr Tosh-Jake Finnigan
Cr Kate Hanson
Cr Stephen Hart
Cr Chris Potter

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
Xavier Flanagan, Manager Financial Services
Toni Uphill, Coordinator Management Accounting
Darcy Lambert, Management Accountant
Kendrea Pope, Senior Governance Advisor
Matilda Hardy-Smith, Coordinator Council Business
Dianne Cornish, Council Business Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Nil

4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

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

RECORDING AND PUBLICATION OF MEETINGS

Please note: All Council meetings 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).

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. Question time is not a forum for public debate or statements.

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

James Judd

D24/97002

1. The Colac Otway Shire Council's placing of the E.V. recharge location in Johnstones car park was a very poor decision. It is at a major entry point for vehicles seeing access to the Colac Post Officer. This is a very use this entry point on every workday. Especially between 6.30am and 10.00am, then again in the afternoon between 2.00pm and 5.00pm.

Also, it is blocking in total a pedestrian footpath. Plus, Bromfield Street is a critical street that must be kept clear to allow ambulances to travel to and from the Colac Hospital at all times.

The siting of E.V. recharges will soon be very difficult if not for cars only. As from the start of 2025 almost all busses will have to be E.V's, also many commercial vehicles will only be E.V's so any rechargeable site will need to have a large parking area around it, so that would exclude any site in the Colac Urban Region unless specifically for cars only.

All E.V. recharge sites will need an emergency generator to produce electric power should the power grid fail to deliver electricity.

When this has happened multiple times and is possible with every time, we have windy or stormy weather.

When we have most years at least two periods with very strong winds. When these periods can last for weeks each time.

Response from General Manager Infrastructure and Operations

This feedback is noted. The EV charging stations installed in Council managed car parks at Colac and Apollo Bay are not intended to be the sole supply of electricity for EV vehicles, but rather is to complement charging facilities elsewhere, including charging at domestic and commercial premises. Electric buses would presumably recharge their batteries at bus depots controlled by the operator. It is particularly important to cater for those vehicles travelling long distances to Colac in EV vehicles. It is not considered necessary to have back-up power for the EV chargers when power from the grid is unavailable, noting the chargers are owned and operated by a private entity.

D24/97007

2. Is the Colac Otway Shire Council going to charge people for parking overtime. When the length of parking is time required to access the Councils E.V. recharge site as they have to queue to access it. Then can only use it once those before them have completed their recharge.

Response from General Manager Infrastructure and Operations

Council does not have any current intention to introduce paid car parking. Vehicles parked in the car parks around EV charging stations would need to continue to comply with signed time limits.

D24/97012

3. Has the Colac Otway Shire Council done any serious work to know how it could evacuate people from parts of this shire in a hurry? Should we ever again have an earthquake or any of the dormant volcanoes in this region become active again?

It is only a few thousand years since the last volcanoes ceased being active. So, they are far from being dead, do not forget very much of Greater Melbourne is constructed on lands the results of massive lava flows from volcanoes in this region.

If we were again going to have a renewal of earthquake or volcanic activity. There are not always only after prewarning given.

Response from General Manager Infrastructure and Operations

The State Government would be the incident controller for emergencies of this type. It would be responsible for safe evacuation and have plans for how this would be undertaken. Council acts to support agencies such as the Victoria Police in such situations through its relief and recovery operations but is not the control agency.

D24/97014

- 4 As the Colac Otway Shire Council gave no genuine advance notice of works at Johnstone's car park.

Please explain how the Colac Otway Shire Council can put up a Council controlled E.V. recharge site on a footpath and block all pedestrian access to the footpath for a period of time.

Response from General Manager Infrastructure and Operations

Council considers that the location of the EV charger at Johnstone's car park is appropriate. It is unclear how this charger and associated parking spaces is blocking pedestrian access as it is sited in the position of previous car parking spaces.

D24/107290

5. Will the Colac Otway Shire Council be handing down a definite decision on the investigation into the aged persons and disabilities services before this Council enters into the caretaker mode prior to the Council elections in 2024.

As it has been reported the State Government has advanced the dates the caretaker period starts to 12 noon on Tuesday 17 September 2024, plus it has also advanced the date prospective Councillors must register to be included in the 2024 Council elections.

Unless the September Council meeting is brought forward no binding decision can be made after the August Council meeting until after the new council is elected and sworn into office. As we will have a least one new Councillor post the elections in 2024 plus, new Councillors are likely to demand full briefing on the investigation on this matter before voting on it. It could be unlikely to make a decision with a new Council until 2025.

Also, the risk remains that after the elections the number of Councillors who could be claimed to have a pecuniary interest could make it impossible to find a quorum to vote on this item, so any decision could be delayed until after the following Council elections at the earliest.

What was advised to clients of these services following committee meeting in May 2024 that you would keep these services was false. You had only decided not to ditch these services but had approved the area to investigate to two areas depending on what you decided to do could have a major impact on the costs to clients if they remained a client. When you have kept some staff and clients waiting for a decision for long over one year now since you first sent out notices about this investigation.

Response from General Manager Corporate Services

It is proposed at this stage that a report be presented to the Council Meeting in July 2024 to get a decision on which of the two remaining options Council wishes to pursue; either to continue to provide some services or to continue to provide all services.

Yvonne Francis

D24/97316

This month the Colac Herald has exposed plans to trade superphosphate and up to 20,000 live cattle on barged with King Island by Bass Strait Freight, and the application of the harbour for a food and beverage operation: for 21 years in future.

And so I ask:

1. What animal welfare investigations have been completed to cover this idea?

2. What prudential and economic investigation have been made into the impacts on local roads and amenity of normal business and daily life on Apollo Bay's community covering such issue as:
 - a. Noise, pollution, and smells
 - b. Pressure on roads
 - c. Ability of the harbour to cope with siltation and taxpayer funding of more detrimental outcomes for our population based on tourism and elderly recreation and the cost to us all as taxpayers in supporting yet another industry that fails to make a profit like the logging activities that continues in spite of the reaction of the Otway Nation Park? And impacts on clear water and biodiversity extinctions?

Response from General Manager Corporate Services

Council is currently the port manager. Its responsibilities include the assessment and management of safety risks in the operation of the Port.

On 8 January, Bass Strait Freight told Council that it proposed to bring a ship into the Port as a trial. The Harbour Master requested information to support that proposal. Bass Strait Freight did not provide the information requested.

On 17 January 2024, the Harbour Master made a direction prohibiting Bass Strait Freight's cargo ships from coming in because of concerns in relation to the safety of the Port Infrastructure, potential safety risks to other users and risks to the environment.

The risks related to the proposed operations using the ships Matthew Flinders III and Matthew Flinders IV are not able to be mitigated to an appropriate level. This includes environmental and safety risks in addition to risk to the port infrastructure.

The Harbour Master does not propose to exercise their discretion to amend or revoke the Direction at this time.

As from next Monday 1 July 2024, management of the Port of Apollo Bay will transfer to the Great Ocean Road Coast and Parks Authority. The further consideration of proposals for operations at the Port will be a matter for them.

Michael Fenton

D24/112162

In regards to the industrial sand extraction site at 165 Bushby's Road Barongarook.

Are the councillors aware that this extractive industry site within the Bushby's Road residential subdivision has never applied for nor been granted a local planning authority permit which was mandatory in 1976 to be granted and to conduct an extractive industry operation at that location. That planning permit was also a mandatory requirement in 1997 when the EIL license was migrated to a Work Authority in 1997.

1. Why, in 1997 given the obvious sensitivity of the then established residential nature of the area and the very close proximity to adjoining homes and also the fact that the operator had no prior planning approval, did the then Colac Otway Shire not require the then quarry operator to apply for a current planning approval prior to proceeding to the Work Authority being granted and thus allowing for the adjoining residents to be involved in the due process?

Given that the existing Work Authority site is operating under an invalid approval process,

2. How can the operator use the 1976 invalid license and non-existent permits to bypass the now required environmental zoning overlay protections that the property is under?

Response from General Manager Infrastructure and Operations

As advised previously, Council does not have a record of a planning permit for the quarry and considers that the operation benefits from existing use rights under the Planning Scheme.

Tim Cobb

D24/12318

Skenes Creek Grant Application.

Skenes Creek Association applied for a grant to put some historical signs and a seat on some wide road reserves on minor roads at Skenes. Colac Otway Shire is the landowner.

I commenced discussion with COS in February before the grants program applications even opened and last I heard (in April) COS had all the info required and was about to give landowners approval in principle. I have had no emails requesting further information since then.

I'm disappointed to find that SCAs grant application is not on the recommended list despite supplying quotes, co-contributions, information on signage, letters of support from other community groups etc.

1. Can Council confirm whether the reason for this is that in 4 months they are unable to decide whether to give 'in principle approval' for some signs on their land. Or what is the other reasons if any?

Response from General Manager Infrastructure and Operations

The community grants program will be considered at tonight's Council meeting. Council will provide feedback to the unsuccessful applicants which may assist them with future applications to Council's grants program or other potential funding opportunities.

Vicki Fenton

D24/108467

In regards to the sand extraction operation as 165 Bushby's Road,

Doug McNeill has answered previous questions about the origins of the current land use conflict between the residents within the Barongarook Bushby's Road rural living zone, by saying the approvals for both the subdivision and the sand quarry happened decades ago under different regulations. But the fact is the Extractive Industries Act 1966 was in force at the time and section 7 of that act states that:

"A license shall NOT be granted in respect of any land for the purpose of carrying out a extractive industry where the land is within the area of a planning scheme, unless a permit under which the land may be used for carrying on that extractive industry has been granted under the Town and country Planning Act 1961 and is IN FORCE".

Apart from a change in names, there is not a great difference between the regulations in 1976 and now. Colac Shire granted a planning permit for a major rural residential subdivision at Bushby's Road surrounds in 1976. At the same time for the same owner a sand extraction license was granted in the middle of a rural residential subdivision. A Colac Shire Planning Scheme was in force at the time, but Colac Shire and the now Colac Otway Shire have been unable to produce a planning permit authorizing the quarry license.

This is not a existing land use issue: it involves the legal status of the work authority permit derived from the original extractive industry license. It appears the quarry maybe operating illegally while apart from causing an ongoing noise nuisance, verified by a professional independent noise servery commissioned by the affected residents.

1. What action do Councillor intend to take to address this disturbing and unacceptable situation?

Response from General Manager Infrastructure and Operations

As noted in a response to a previous question, Council does not have a record of a planning permit for the quarry and considers that the operation benefits from existing use rights under the Planning Scheme.

Jason Schram

D24/108467

1. When we hear the Councillors and CEO say how tight the budget is and the deficit in budget blow out to over \$5 million and there is no money to spend, we are suffering just like all you poor ratepayers, how could this council be so irresponsible with public money to waste \$40 thousand on buying carbon credits tonight?

Response from General Manager Infrastructure and Operations

Councillors resolved to incorporate an ongoing budget allocation for the purchase of carbon offsets when it adopted its budget for 2022-23 and therefore the proposed budget has been developed inclusive of this allowance.

Councillors resolved on 24 April 2024 that \$25k of carbon offsets would be purchased and that no further commitment should be made using the budgeted allowance until Council formally resolves on this matter after the end of the financial year.

Councillors will consider the adoption of the Budget for 2024-25 at this meeting and it is not for offices to comment on how Council might determine.

2. How often does Council pay for construction of access points to private residents?

Response from General Manager Infrastructure and Operations

The construction of crossovers to service new housing is usually the responsibility of private land owners, or the developer of land when it is subdivided.

3. Can Council give another example where the ratepayers pay for road construction costs and purchasing of land to facilitate private land development and gift public land for such purposes as it intends to do at the former High school site?

Response from General Manager Infrastructure and Operations

The report in today's agenda considers the purchase of Victorian Government land to facilitate the development of a road in accordance with the draft Colac West Development Plan. Whilst the recommendation is for Council to purchase the land, the developer will reimburse Council for all costs incurred and therefore come at no cost to ratepayers. The reason for this approach is to help facilitate residential development in a more expedient manner, which is a key objective within the Council Plan 2021-25.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Arthur Waston

1. Good afternoon, everybody my name is Arhtur Watson I live in Manifold Street. My concern and a very serious concern is the intersections all in Bronfield Street and Murray Street most of them are unmarked and very unsafe, now I ask why this?

Say is four, 4 8 12 16 there is 20 intersections from Queen Street this is in Bronfield Street to Heart Street and not one is marked, line marked for pedestrians.

Can please somebody tell me why there isn't because I was in Melbourne yesterday and I took note of all the pedestrian crosses going through and everyone was marked with white lines on either side, so pedestrians have the right of way to go through and the cars must stop. There is a lack of it in Bronfield Street there's even a lack of it in Murray Street too. Can you please tell me why?

Response from General Manager Infrastructure and Operations

Councils have a created pedestrian crossings where the pedestrians have priority and that's therefore marked on the road, in the situation you have referred to in Bronfield Street those line markings aren't there, and the vehicles have the right of way but certainly take note of the comments you're making tonight about the about your concerns about pedestrian safety

I do feel eventually somebody is going to get hit or killed in Bronfield Street one of those intersections not too far away I even think that in Murray Street to the intersections pedestrian intersections of Crossing in Street also thanks for your feedback is very, very dangerous thank you

2. I have a second question –

The Austral Hotel intersection of Murray Street yeah, I don't know many of us get up that early and go for walks and whatever I know Cr Potter does.

Trucks that fly through there at 70/80 K per hour and there's nobody around to observe it. I do know they just fly straight through the Austral Hotel corner down Murray Street at a very fast speed. Now why isn't there somebody there to police it every now and again to prevent that because somebody's going to, something going to happen one of those trucks will all of a sudden get out of control it's going to make a complete mess of Murray Street downhill

Response from General Manager Infrastructure and Operations

Thank you for your feedback incidentally council is at the moment looking at applying for grant funding to do a road safety strategy and a key element of that would be talking to the community about what are the concerns, where are the areas of concern with road safety.

So, if we were to get funding for that project would certainly be keen to hear of concerns like you have tonight, that would help Council then in how it prioritizes its future budgeting and road initiatives.

I guess Council doesn't control compliance with speed limits and certainly encourage you to raise any concerns of regular non-compliance with the police, but we'll certainly take your feedback today.

I can assure you because as I said I get up early and I do note a lot of things go on in the CBD and Council is considering a report on the agenda tonight about the speed limit of vehicles within the central business district of Colac I think sooner the better

Tony Webber

First, I'd like to thank the Council for putting a clock up in the Copac area and also for getting the clock working in the Main Street.

1. Now the first part of this question is does the council have any dealings with Regional Roads Victoria like negotiations or regular catch ups?

Response from Chief Executive Officer

Mr Webber the General Manager of Infrastructure and Operations and their team have a lot of regular contact with the Department of Transport and Planning as they have now got an umbrella Department name and also, I attend regular meetings.

I am generally on a four to six month cycle with the regional director we talk about things like major investments in the region maintenance, plans maintenance practices Etc um we do share things that are of particular interest to our community so if you have something you want us to pass on, we're happy to do that but we do have regular conversations.

So, during spring summer last year someone a contractor I presume sprayed the Ocean Road, now they sprayed right up to boundary fence and into the paddocks causing damage to trees they also sprayed the tree ferns it had been there probably for 20 or 30 years they are now in the process of dying and it looks terrible to see all these dead tree Ferns, and also we had a very dry summer and that meant that that we had dead grass, dead weeds all along The Ocean Road now if we'd had a fire we have a lot of traffic on the Great Ocean Road it'd be become really dangerous particularly this year because of our dry weather so I'm asking the Council if they can make representations to Regional Roads that maybe they just mow the side of the roads not spray them and kill everything

Thanks for that feedback I can see Mr McNeill taking notes and we'll make sure that we pass that on, and it may be that they need to have a look at what their contractors are doing they most likely contracted services so make sure that we pass it on thank you Mr Webber.

Alan Billing

1. I draw Council's attention to a document that's circulated Council document regarding the tourist information review now on that photo, is the photo of the current centre with a wonderful sign on the Road posting Northwest wall much of the criticism that's come in lately is about Council's lack of signage could I ask why put that photo in when it's not a true representation of what's there and why isn't that sign in place?

Response from General Manager Community and Economy

Thanks for the question, Mr Billing my understanding is that the photo that is in the discussion paper was from our from our general photo stock you understand that the sign isn't there we're trying to locate it at the moment.

2. I understand that Council was in receipt of a government grant of two hundred and fifty thousand dollars or two hundred and forty thousand dollars I think from post COVID a post COVID program, the idea being to actually use those funds to generate or reboot some of our communities after COVID. it my understanding is that council's allocated that

two hundred and forty thousand dollars added sixty thousand dollars to it into a feasibility study I question why this has been done? When there is a clear need for those funds to have been spent locally promote the local area there's plenty of opportunity for that has been found out and yet this has now been locked up in the feasibility of a project which I'm not sure the community wants, nor could we ever afford.

Thanks for the question, Mr Billing I'm not aware of the grant that you're referring to so I will take that on notice, and we will provide a response. Do you not have the name of the grant program? What feasibility study quite broad,

I was at the Council meeting when your report came in to add sixty thousand dollars of Councils unexpended money to a two hundred and forty thousand dollars grant and that was then a three hundred thousand dollars application for a feasibility study.

Okay so sorry mayor I now understand what you are referring to, so that is not it wasn't to do with post COVID, sorry I misunderstood where you were going there. So that was a funding application to the Enabling Tourism Fund to look at this precinct both the cultural component of the precinct and also the opportunity for potentially visitor accommodation in this precinct as well, which we know is certainly lacking in Colac 4 plus star accommodation.

Very quickly if I could there was my understanding it was fairly specific or was that the brief that Council developed to apply for it?

Sorry can you just clarify that?

Yes, my understanding was that it was to be injected into the community almost immediately to try and Kickstart it okay put that aside it was supposed to be then allocated to tourism I thought that was the basis of the grant just wondering how you can stretch it?

So, the funding program is called the Enabling Tourism Fund so we have lodged an application, we are unsure whether that is successful or not Council's contribution would be sixty thousand dollars if we were successful so the key component of that is looking at visitor accommodation for Colac so that's where the tourism element comes in but also one of the objectives for the state government in regards to tourism is around cultural tourism and hence why this site was considered as you know a strong application from our perspective to look at this whole precinct in regards to cultural activities and the potential for visitor accommodation.

6 PETITIONS / JOINT LETTERS

Nil.

7 DECLARATIONS OF INTEREST

Cr Costin	Item 9.7 – Colac Otway Shire Grants Program 2024-2025 – Allocation of Funds for Events Grants	Material
Cr Potter	Item 9.2 – Adoption of 2024-25 Budget – Endorsement of Fees and Charges for Bluewater Leisure Centre	General
Cr Hanson	Item 9.2 – Adoption of 2024-25 Budget – Endorsement of Fees and Charges for Bluewater Leisure Centre	General
Cr Finnigan	Item 9.3 – Adoption of 2024-25 Budget – Endorsement of Fees and Charges for Local Laws and Community Services	General
Andrew Tenni	Item 9.2 – Adoption of 2024-25 Budget – Endorsement of Fees and Charges for Bluewater Leisure Centre	General
Ian Seuren	Item 9.6 – Colac Otway Shire Grants Program 2024-2025 – Allocation of Funds for Community Grants	General
Cr Arnott	Item 9.7 – Colac Otway Shire Grants Program 2024-2025 – Allocation of Funds for Events Grants	General

8 CONFIRMATION OF MINUTES

RESOLUTION

Moved Cr Arnott, Seconded Cr Hart

That Council confirm the minutes of the Council Meeting held on 22 May 2024.

CARRIED 7 : 0

Item: 9.1

Project Budget Adjustments and Cash Reserve Transfers - June 2024

OFFICER	Paula Gardiner
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

RECOMMENDATION

That Council:

- Approves the new projects as presented in Tables 1 and 2 of this report, at a total net cost to Council of \$133,000, funded from;*
 - \$50,000 from the Unallocated Discretionary Funds.*
 - \$83,000 from the Unallocated Renewal Funds.*
- Approves the project budget adjustments in Table 3a.*
- Approves the project budget adjustments in Table 3b.*
- Approves the project budget and funding adjustments for Phase 4, Part A Local Roads and Community Infrastructure work schedule as set out in Table 5, including allocation of \$48,800 Agenda - Council Meeting - 26 June 2024 7 funded from Unallocated Renewal Funds to the Lavers Hill Hall Septic System Replacement Project.*

AMENDED OFFICER RECOMMENDATION

That Council:

1. *Approves the new projects as presented in Tables 1 and 2 of this report, at a total net cost to Council of \$133,000, funded from;*
 - a. *\$50,000 from the Unallocated Discretionary Funds.*
 - b. *\$83,000 from the Unallocated Renewal Funds.*
2. *Approves the project budget adjustments in Table 3a.*
3. *Approves the project budget adjustments in Table 3b.*
4. *Approves the project budget and funding adjustments for Phase 4, Part A Local Roads and Community Infrastructure work schedule as set out in Table 5, including allocation of \$48,800 Agenda - Council Meeting - 26 June 2024 7 funded from Unallocated Renewal Funds to the Lavers Hill Hall Septic System Replacement Project.*
5. *Approves new projects, not included in the tables in this report, as follows:*
 - a) *\$30,000 to fund the Bluewater Hoist Renewal project from the Unallocated Renewal Funds.*
 - b) *\$15,000 as Council's contribution towards the SouthWest Victoria Alliance Transport Strategy project funded from the Unallocated Discretionary Funds.*

RESOLUTION

Moved Cr Hart, Seconded Cr Arnott

That Council:

1. *Approves the new projects as presented in Tables 1 and 2 of this report, at a total net cost to Council of \$133,000, funded from;*
 - a) *\$50,000 from the Unallocated Discretionary Funds.*
 - b) *\$83,000 from the Unallocated Renewal Funds.*
2. *Approves the project budget adjustments in Table 3a.*
3. *Approves the project budget adjustments in Table 3b noting that the title of WO 38156 for purchase of carbon offsets will be amended to 'Bluewater Electrification Project Leverage Funds'.*
4. *Approves the project budget and funding adjustments for Phase 4, Part A Local Roads and Community Infrastructure work schedule as set out in Table 5, including allocation of*

\$48,800 funded from Unallocated Renewal Funds to the Lavers Hill Hall Septic System Replacement Project.

5. Approves new projects, not included in the tables in this report, as follows:

- a) \$30,000 to fund the Bluewater Hoist Renewal project from the Unallocated Renewal Funds.*
- b) \$15,000 as Council's contribution towards the SouthWest Victoria Alliance Transport Strategy project funded from the Unallocated Discretionary Funds.*
- c) \$10,000 allocation from the Unallocated Discretionary Funds, as a further contribution towards the Birregurra Bike Park project to be used as contingency funding if the other allocations by Council and the community prove to be insufficient to achieve a construction-ready project.*
- d) \$20,000 allocation from the Unallocated Discretionary Funds, to undertake a review of the current Footpath Strategies for Colac and Apollo Bay to complete a gap analysis (to determine outstanding projects) and update the cost estimates.*

CARRIED 4 : 3

*Division for Cr Hart, Cr White, Cr Arnott and Cr Potter
Against Cr Hanson, Cr Finnigan and Cr Costin*

Item: 9.2

Adoption of 2024-25 Budget - Endorsement of Fees and Charges for Bluewater Leisure Centre

OFFICER	Toni Uphill
GENERAL MANAGER	Andrew Tenni
DIVISION	Corporate Services
ATTACHMENTS	Nil

Cr Potter	Item 9.2 – Adoption of 2024-25 Budget – Endorsement of Fees and Charges for Bluewater Leisure Centre	General
Cr Hanson	Item 9.2 – Adoption of 2024-25 Budget – Endorsement of Fees and Charges for Bluewater Leisure Centre	General
Andrew Tenni	Item 9.2 – Adoption of 2024-25 Budget – Endorsement of Fees and Charges for Bluewater Leisure Centre	General

Cr Potter, Cr Hanson and Andrew Tenni declared a conflict of interest pursuant to section 127 of the Local Government Act 2020 and left the meeting at 5.06pm and returned at 5.16pm after the discussion on the item concluded.

RESOLUTION

Moved Cr Arnott, Seconded Cr Hart

That Council adopts the fees and charges for the 'Bluewater Leisure Centre' on page 8 to 11 of 28 of the Discretionary Fees and Charges 2024-25 document (at Attachment 2 to Agenda item 9.4).

CARRIED 4 : 1

Division: Cr Hart, Cr White, Cr Costin and Cr Arnott

Against: Cr Finnigan

Item: 9.3

Adoption of 2024-25 Budget - Endorsement of Fees and Charges for Local Laws and Community Services

OFFICER	Toni Uphill
GENERAL MANAGER	Andrew Tenni
DIVISION	Corporate Services
ATTACHMENTS	Nil

Cr Finnigan	Item 9.3 – Adoption of 2024-25 Budget – Endorsement of Fees and Charges for Local Laws and Community Services	General
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Cr Finnigan declared a conflict of interest pursuant to section 127 of the Local Government Act 2020 and left the meeting at 5.17pm and returned at 5.26pm after the discussion on the item concluded.

RESOLUTION

Moved Cr Arnott, Seconded Cr Potter

That Council adopts the following fees and charges, presented in the Discretionary Fees and Charges 2024-25 document (at Attachment 2 to Agenda item 9.4), and

1. *'Local Laws – Local laws No 1', on page 26 and 27 of 28*
2. *'Community Services – Older Persons Ability Support Services' on page 13 to 15 of 28*

CARRIED 6 : 0

Item: 9.4

Adoption of Colac Otway Shire Budget 2024-25

OFFICER	Xavier Flanagan
GENERAL MANAGER	Andrew Tenni
DIVISION	Corporate Services
ATTACHMENTS	<ol style="list-style-type: none"> Colac Otway Shire Budget 2024-25 (proposed) [9.4.1 - 73 pages] Discretionary Fees and Charges 2024 25 (proposed) [9.4.2 - 29 pages] Statutory Fees and Charges 2024 25 (proposed) [9.4.3 - 12 pages]

RECOMMENDATION

That Council:

- Having considered all submissions received, adopts the Budget 2024-25 and subsequent three (3) financial years, including Fees and Charges, annexed to this resolution as Attachment 2 and 3 in accordance with Section 94 and 96 of the Local Government Act 2020 (the Act).
- Authorises the Chief Executive Officer to give public notice of Council's decision to adopt the Budget 2024-25 and subsequent three (3) financial years, and write to all submitters to the Draft Budget 2024-25 to thank them and advise them of the Council's decision.
- Declares its intention to raise the following amount:
An amount of \$36,680,091 as the amount that Council intends to raise by general rates (described later in this resolution), municipal charge and service rates and charges (Waste Management and Tirrengower Drainage Scheme), which is calculated as follows:

Category	Income
General Rates	\$29,151,786
Municipal Charge	\$3,190,427
Annual Service (Waste Management Charges)	\$4,315,378
Tirrengower Drainage Scheme Special Charge	\$22,500
TOTAL	\$36,680,091

- Declares a general rate in respect of the 2024-25 Financial Year.

- a. *It be further declared that, consistent with Council's Revenue and Rating Plan and having regard to the considerations outlined in the Budget for the 2024-25 financial year, the general rate be raised by the application of differential rates.*
- b. *A differential rate be respectively declared for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each differential rate so declared:*

- i. *Residential – Colac/Elliminyt*

Any land whether vacant or built upon, which is located in Colac, Colac East, Colac West, and Elliminyt that is not zoned for commercial or industrial use and which does not have the characteristics of:

- a. *Rural Farm Land;*
 - b. *Holiday Rental Land; or*
 - c. *Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt and whose highest and best use is deemed to be as residential land.*

- ii. *Residential - Balance of Shire*

Any land whether vacant or built upon which is not located in Colac, Colac East, Colac West, and Elliminyt that is not zoned for commercial or industrial use and which does not have the characteristics of:

- a. *Rural Farm Land;*
 - b. *Holiday Rental Land;*
 - c. *Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt and whose highest and best use is deemed to be as residential land.*

- iii. *Holiday Rental*

Any land that contains a dwelling, cabin or house or part of a house that:

- a. *is used for the provision of holiday accommodation for the purpose of generating income; or*
 - b. *is made generally available for holiday accommodation and is a secondary or supplemental source of income for the owner.*

Note: Typically, the category will include absentee owned holiday houses publicly made available for short term accommodation for a tariff, owner occupied "Bed and Breakfast" establishments, farm properties with accommodation cabins, holiday farms and the like.

The category will not include:

- absentee owned holiday houses that are not publicly made available for hire but are used by family/friends of the owner for short term holiday accommodation; and*
- land used to provide tourist/holiday accommodation on an overtly commercial scale and basis where the provision of accommodation is an integral part of the use of the property.*

The types of properties excluded from this category would include motels, resorts, hotels with accommodation, caravan parks, centrally managed and promoted multi-unit developments and the like.

iv. Rural Farm

Any land within the shire which is "Farm Land" within the meaning of Section 2 of the Valuation of Land Act 1960 and is zoned to allow land to be used for rural and/or farming purposes.

In addition, it may include small parcels of undeveloped land that do not meet the meaning of "Farm Land" prescribed in of Section 2 of the Valuation of Land Act 1960, but are also deemed unlikely to be granted a town planning permit for a dwelling to be located on the property.

Typically, these properties will be:

- a. *up to 5 hectares in area;*
- b. *be zoned to allow the land to be used for rural and/or farming purposes;*
- c. *been deemed unviable for the purposes of carrying on a business of primary production by Council; and*
- d. *been deemed unsuitable to allow the construction of a dwelling.*

v. Commercial/Industrial – Colac/Elliminyt

Any land which is located in Colac, Colac East, Colac West, or Elliminyt which does not have the characteristics of:

- a. *Rural Farm Land;*
- b. *Residential Land – Colac, Colac East, Colac West, or Elliminyt; or*
- c. *Holiday Rental Land; and*
- d. *is used primarily for:*
 - i. *the sale of goods or services;*
 - ii. *other commercial purposes; or*
 - iii. *industrial purposes, or is vacant which is vacant but zoned for commercial or industrial use.*

vi. Commercial/Industrial - Balance of Shire

Any land which is located in localities other than Colac, Colac East, Colac West or Elliminyt which does not have the characteristics of:

- a. *Rural Farm Land;*
- b. *Residential Land – Balance of Shire; or*
- c. *Holiday Rental Land; and is used primarily for:*
 - i. *the sale of goods or services;*
 - ii. *other commercial purposes; or*
 - iii. *industrial purposes; or is land which is vacant but zoned for commercial or industrial use.*

- c. *Each differential rate will be determined by multiplying the Capital Improved Value of each piece of rateable land (categorised by the characteristics described in Clause 5(b) of this Resolution) by the relevant rate in the dollar indicated in the following table:*

<i>Rating Category</i>	<i>Rate in the dollar of CIV</i>
<i>Residential – Colac/Elliminyt</i>	<i>0.002585</i>
<i>Residential - Balance Of Shire</i>	<i>0.002197</i>
<i>Holiday Rental</i>	<i>0.002585</i>
<i>Rural Farm</i>	<i>0.001939</i>
<i>Commercial/Industrial – Colac/Elliminyt</i>	<i>0.004265</i>
<i>Commercial/Industrial - Balance Of Shire</i>	<i>0.003619</i>

d. It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:

- i. the respective:*
 - a. objectives;*
 - b. types or classes of land;*
 - c. use of rate;*
 - d. level of rate;*
 - e. uses of land;*
 - f. geographical locations;*
 - g. Planning Scheme zoning; and*
 - h. types of buildings*

of each differential rate be those specified in Section 4.1.1(n) of the 2024-25 Budget;

- 5. Declares a Municipal Charge for the 2024-25 Financial Year to contribute to the administrative costs of the Council in the amount of \$210 per annum for each rateable property in respect of which a municipal charge can be levied.*
- 6. Declares the following Annual Service (Waste Management) Charges for the 2024-25 financial year:*
 - a. An Annual Service (Waste Management) Charge of \$402 per annum for the weekly kerbside collection and disposal service for all land used primarily for residential or commercial purposes that are located on the designated collection routes.*
 - b. An Annual Service (Waste Management) Charge of \$307 per annum for the fortnightly kerbside collection and disposal service for all developed land used primarily for residential or commercial purposes that are located on the designated collection routes.*
- 7. Declares a Special Charge for the Tirrengower drainage works to be calculated at \$2.50 per hectare for the 2024-25 financial year in respect of all land previously declared by Council in its resolution on 24 January 2018 and listed in the Schedule attached to the 24 January 2018 resolution.*
- 8. Allows the general rates, Municipal Charge and Annual Service (Waste Management) Charges to be paid in accordance with Section 167 of the Local Government Act 1989 by four instalments due on or before:*
 - a. 30 September 2024;*
 - b. 30 November 2024;*

- c. 28 February 2025;
 - d. 31 May 2025.
9. *Requires any person to pay interest (only to be calculated from 1 January 2022) at the maximum rate calculated in accordance with Section 172(2) of the Local Government Act 1989 on any amounts of rates and charges which: a. that person is liable to pay; and b. have not been paid by the date specified for their payment.*
10. *Authorises the Manager Financial Services to levy and recover the General Rates, Municipal Charge, Annual Service (Waste Management) Charges and Tirrengower Drainage Scheme Special Charge, in accordance with Section 313 of the Local Government Act 2020.*

ALTERNATIVE MOTION

Moved Cr Arnott, Seconded Cr Hart

That Council adopt the Officer's Recommendation on the budget with the following additions:

11. *Acknowledges the merit of the community submission to the Draft Budget 2024-25 that raised the opportunity for a playground in Lavers Hill, and requests that Officers seek to identify alternative funding sources to undertake the community consultation and design of a playground in Lavers Hill to enable it to become a 'construction-ready project'.*
12. *Determines that the \$41k for the purchase of carbon offsets in the recurrent operations of the Budget 2024-25 should instead be used for the purpose of establishing an annual Street Tree Planting program within Council's future recurrent operations, in addition to the \$60k allocation to the operational project for Street Tree Planting in 2024-25.*
13. *Notes that:*
- a. *The Budget 2024-25 includes an amount of \$47k for the G21 Geelong Region Alliance.*
 - b. *If Council resolves to not fully use the budgeted G21 amount it will result in a variance to the adopted budget and contribute to the net result for the financial year.*
14. *Includes an additional action (separate to Actions identified for strategy 4.2.5 in the Annual Action Plan) that will update the current Financial Plan to ensure that it incorporates Council's current financial position and projections to inform the development of the Budget 2025-26 and ensure that the projected deficits are considered when the new 10-year Financial Plan is developed at the start of the next Council Term.*

AMENDMENT MOTION

Moved Cr Hanson, Seconded Cr Finnigan

That the motion be amended to include additional points as follows:

- a. *Reduces the recurrent operations budget that is the allowance for Council's contribution to the G21 Geelong Region Alliance to \$28,412 from 2024-25.*

LOST 3 : 4

*Division for Cr Finnigan, Cr Hanson and Cr Costin
Against Cr Hart, Cr White, Cr Arnott and Cr Potter*

AMENDMENT MOTION

Moved Cr Finnigan, no Secunder.

That the motion be amended to include an additional point as follows:

Includes as a part of its adoption of the Budget 2024-25 the following project allocations to be funded from the Strategic Projects Reserve (Bruce Street sale proceeds):

- a. *\$60,000 to install three-phase power at the Lake Colac Foreshore.*
- b. *\$25,000 to build an off-leash Dog Park at one of the council-owned or managed reserves or parks within Colac.*
- c. *\$5,000 for a pedestrian/zebra crossing with associated signage on Main Street, Birregurra.*
- d. *\$5,000 for a pedestrian/zebra crossing with associated signage on Main Street, Beac.*

Motion Lapsed

AMENDMENT MOTION

Moved Cr Finnigan

The Council make the following amendments to reduce expenses in the following areas with savings to be directed to the budget bottom line by conducting the following:

- A. *Lowering spending on staff by 10% (\$2,692,700) from \$26,297,000 to \$23,667,300, with the reduction to come from not filling current vacancies (totalled at \$770,00) or increasing headcount, and reducing the salary budget for management and conducting a review to eliminate doubling up and waste within management roles.*
- B. *Eliminating free Councillor lunches at briefings saving \$2,000 per annum*

That Council note these savings will equate to \$2,631,700, or just over half the budget deficit of \$5,263,000

Cr Hart called a Point of Order in relation to this Amendment Motion – decision is outside of Councils power.

The Point of Order was upheld by the Mayor.

The meeting was briefly adjourned at 6.43pm to allow time for Cr Finnigan to reword the Amendment Motion. The meeting resumed at 6.56pm.

AMENDMENT MOTION

Moved Cr Finnigan, no Secunder.

That Council make the following amendments to reduce expenses in the following areas with savings to be directed to the budget bottom line by conducting the following:

- a. Lowering the budgeted employee costs by 10%*
- b. Removing free Councillor lunches at briefings saving \$2,000 per annum*

Motion Lapsed

RESOLUTION

Moved Cr Arnott, Seconded Cr Hart

That Council adopt the Officer's Recommendation on the budget with the following additions:

- 11. Acknowledges the merit of the community submission to the Draft Budget 2024-25 that raised the opportunity for a playground in Lavers Hill, and requests that Officers seek to identify alternative funding sources to undertake the community consultation and design of a playground in Lavers Hill to enable it to become a 'construction-ready project'.*
- 12. Determines that the \$41k for the purchase of carbon offsets in the recurrent operations of the Budget 2024-25 should instead be used for the purpose of establishing an annual Street Tree Planting program within Council's future recurrent operations, in addition to the \$60k allocation to the operational project for Street Tree Planting in 2024-25.*
- 13. Notes that:*
 - c. The Budget 2024-25 includes an amount of \$47k for the G21 Geelong Region Alliance.*
 - d. If Council resolves to not fully use the budgeted G21 amount it will result in a variance to the adopted budget and contribute to the net result for the financial year.*
- 14. Includes an additional action (separate to Actions identified for strategy 4.2.5 in the Annual Action Plan) that will update the current Financial Plan to ensure that it incorporates Council's current financial position and projections to inform the development of the Budget 2025-26 and ensure that the projected deficits are considered when the new 10-year Financial Plan is developed at the start of the next Council Term.*

CARRIED 5 : 2

***Division For Cr Hart, Cr Potter, Cr White, Cr Costin and Cr Arnott
Against Cr Finnigan and Cr Hanson***

Item: 9.5

Adoption of Annual Action Plan 2024-25

OFFICER	Lenny Jenner
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. Annual Plan Actions for Year 4 - 2024-25 [9.5.1 - 8 pages]

RESOLUTION

Moved Cr Hart, Seconded Cr Arnott

That Council endorses the 2024-25 Annual Action Plan 2024-25 developed concurrently with the annual budget to implement the adopted Council Plan 2021-2025 (refer Attachment 1).

CARRIED 7 : 0

Item: 9.6

Colac Otway Shire Grants Program 2024-2025 - Allocation of Funds for Community Grants

OFFICER	Katrina Kehoe
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	1. Guidelines 2024 - 2025 - Colac Otway Shire Grants Program [9.6.1 - 29 pages]

Ian Seuren	Item 9.6 – Colac Otway Shire Grants Program 2024-2025 – Allocation of Funds for Community Grants	General
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RESOLUTION

Moved Cr Potter, Seconded Cr Finnigan

That Council

- Endorses the allocation of grants through the 2024-2025 Colac Otway Shire Grants Program for the Community Grants stream:*

Item No	Applicant	Project Title	Grant Recommended \$
1	Western District Axemen's Association	Promotion of Women in Timber Sports (woodchopping, sawing, etc.)	\$4,995
2	Apollo Bay Surf Life Saving Club	BBQ and Oars	\$5,144
3	Apollo Bay & District Historical Society Inc.	Museum quality cabinets	\$4,631
4	2nd Colac Sea Scouts	Replace Stairs and Improve Storage	\$10,000
5	West Warrion Cricket Club	New Outfield Mower	\$6,000
6	Gellibrand Community House Inc.	Film Society in Gellibrand	\$884

Item No	Applicant	Project Title	Grant Recommended \$
7	Gellibrand CFA Brigade	Gellibrand CFA Water Storage Tank installation at the Hall	\$9,975
8	Birregurra Golf Club	New Mower	\$10,000
9	Colac Pony Club	Jumping wings and fillers	\$6,200
10	Kennett River Association	Kennett River Tennis Reserve Upgrade Fence	\$10,000
11	Colac Otway Rovers AFC	Coaching and Referee Training Assistance	\$500
12	Birregurra Mechanics Hall auspice by Birregurra Community Group Inc	Outdoor Stage for events	\$5,000
13	Birregurra Recreation Reserve Committee of Management	New Mower for Playing Surface	\$9,445
14	Colac Golf Club	Colac Golf Club Driving Range Net	\$9,876
15	Yeodene Public Hall and Recreation Reserve CoM Inc.	Update lighting in Yeodene Hall	\$2,453
16	Beeac Community Centre Inc.	Instant Hot Water	\$3,566
17	The Colac Rifle Club Inc.	Replacement refrigerator	\$599
18	Irrewarra Beeac Football Netball Club Inc.	Electronic Scoreboard for Netball Courts and IPads	\$5,000
19	Ridge to Cape Landcare Group auspice by Southern Otway Landcare Network	Seed Saving Equipment	\$729
20	The Colac Players Incorporated	Install Split Heating/Cooling System and Minor Tool Equipment	\$2,177
21	Shrub Club Community Nursery auspice by Southern Otway Landcare Network	Construct Storage Pergola, Pot Washing Station and Potting Mix Bay	\$5,615
22	Colac Woodcrafters Guild Inc.	Router Table	\$575
23	Warrion Public Hall Committee Incorporated	Replace Rear fence	\$3,150
24	Irrewillipe Sports and Entertainment Complex	Goal Post Replacement	\$7,117
25	Warrowie Recreation Reserve	General Maintenance of Comfort areas in the Hall	\$3,775
26	Forrest Cricket Club	Cricket Pitch upgrade	\$10,000
27	Cororooke Tennis Club	Sponsors board for the Cororooke Tennis Club	\$600
28	Cake Decorators Association of Victoria - Colac Branch	Specialist Teaching grant	\$900
29	Colac Otway Residents Action Group Inc.	First Aid and CPR Training	\$750
30	Elliminyt Tennis Club Inc.	Tennis Nets	\$597
31	Beech Forest and District Progress Association	New Sign and Picnic Table at the Hall and Renew the old Jail lock up in the park	\$4,513
32	Apollo Bay Arts Inc.	Kiln for Apollo Bay Pottery Club	\$5,929

Item No	Applicant	Project Title	Grant Recommended \$
33	Colac Otway Archers Inc.	Catering equipment	\$1,269
34	Filipino-Australian Bayanihan Colac Inc.	Cultural Equipment for FABCI	\$1,988
35	Apollo Bay Mechanics Hall Committee of Management	Audio Visual equipment for Hall	\$10,000
36	Forrest Horse Riding Club	Clubroom Floor Repair	\$3,243
37	Colac and District Historical Society Inc.	Space Saving Steel Cabinets	\$2,905
38	Otway Harvest Trail	Event and Market Marquee for Small Scale Agritourism Operators	\$1,200
39	Otway Enduro Club	Safety Radio Equipment	\$1,300
40	Tomahawk Creek Cricket Club	Marquee weather shelter for Juniors	\$925
Total			\$173,525

2. *Authorises the Chief Executive Officer to redistribute any funds returned from its 2024-2025 Grants Program in accordance with the Grants Guidelines, with priority given to unfunded applications listed in the confidential attachment to this report, and to a project from the same category as the returned grant.*

CARRIED 7 : 0

Item: 9.7

Colac Otway Shire Grants Program 2024-2025 - Allocation of Funds for Events Grants

OFFICER	Katrina Kehoe
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	1. Guidelines 2024 - 2025 - Colac Otway Shire Grants Program [9.7.1 - 29 pages]

Cr Costin	Item 9.7 – Colac Otway Shire Grants Program 2024-2025 – Allocation of Funds for Events Grants	Material
Cr Arnott	Item 9.7 – Colac Otway Shire Grants Program 2024-2025 – Allocation of Funds for Events Grants	General

Cr Costin and Cr Arnott declared a conflict of interest pursuant to section 127 of the Local Government Act 2020 and left the meeting at 7.43pm and returned at 7.47pm after the discussion on the item concluded.

RESOLUTION

Moved Cr Potter, Seconded Cr Hanson

That Council

- 1. Endorses the allocation of grants through the 2024-2025 Colac Otway Shire Grants Program for the Events Grants stream:*

Item No	Applicant	Project Title	Grant Recommended \$
1	Climate Action Team	Series of 3 Climate Cafes across 5 townships	\$2,000
2	Colac West Primary School	Colac West Primary School Concert 2024	\$2,295
3	Rapid Ascent	Otway Odyssey and Great Otway Gravel Grind presented by Focus	\$5,000
4	Let's Talk Colac	Walk the Walk Let's Talk 2024	\$5,000
5	Apollo Bay WORDfest auspice by Apollo Bay Arts Inc.	Apollo Bay WORDest "Crisis and Hope" 2024	\$4,999
6	Rotary Club of Colac Inc.	AKD Otway Trail Run 2025	\$5,000
7	Colac Orchid Club	Colac Orchid Show and Sales 2024	\$1,500
8	Colac & District Adult Riding Club	Colac Adult Riding Club Navigation Ride	\$1,213
9	Colac City Band Inc.	Colac City Band Carols by Candlelight 2024	\$5,000
10	Homestead Australia Pty Ltd	Back-to-Back Wool Challenge 2025	\$2,000
11	Southern Exposure	Run Forrest Trail Run 2025	\$5,000
12	Birregurra Community Group Inc	Birregurra Community Day 2024	\$5,000
13	Western Eagles Football and Netball Club	Hoot and Nanny Bachelor and Spinster Ball 2025	\$2,500
14	Beeac Progress Association	Beeac Community Markets	\$5,000
15	Warrion Flower Show Committee auspice by Warrion Public Hall Inc.	112th Warrion Flower Show 2024	\$5,000
16	Colac Kana Festival Inc.	Colac Kana Festival Inc 2025	\$5,000
17	Colac Otway Volunteer Leaders Network auspice by Community Hub Inc.	Colac Otway Volunteer Expo	\$2,000
18	Colac Area Health Foundation	Otways Winter Festival 2024	\$3,368
19	Conservation Ecology Centre	Otways Ecological Research Forum 2024	\$2,139
20	Swim Apollo Bay Inc.	Swim Apollo Bay 2025	\$3,000
21	Wye to Wongarra Landcare Group Inc.	Aquatic Insects of an Otways River Presentation and Guided Walk	\$264
22	Ace Radio Colac	Colac Jobs and Career Expo	\$5,000
23	WinterWild 2025 auspice by Apollo Bay Chamber of Commerce	WinterWild 2025 - Dogwatch and Wildfeast	\$5,000
24	International Management Group of America Pty Ltd	Great Ocean Road Running Festival 2025	\$5,000
25	Apollo Bay Seafood Festival 2025 auspice by Apollo Bay Chamber of Commerce	Apollo Bay Seafood Festival 2025	\$10,000
26	Ska Nation Music Festival	Ska Nation Music Festival 2024	\$5,000
27	Apollo Bay and Otway District Agricultural Society Inc.	Apollo Bay and Otway District Agricultural Show 2025	\$4,547
Total			\$106,825

- 1. Authorises the Chief Executive Officer to redistribute any funds returned from its 2024-2025 Grants Program in accordance with the Grants Guidelines, with priority given to unfunded applications listed in the confidential attachment to this report, and to a project from the same category as the returned grant.*

CARRIED 5 : 0

Item: 9.8

Colac Otway Shire Grants Program 2024-2025 - Allocation of Funds for Business Grants

OFFICER	Katrina Kehoe
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	1. Guidelines 2024 - 2025 - Colac Otway Shire Grants Program [9.8.1 - 29 pages]

RESOLUTION

Moved Cr Costin, Seconded Cr Potter

That Council

- Endorses the allocation of grants through the 2024-2025 Colac Otway Shire Grants Program for the Business Grants stream:*

<i>Item No</i>	<i>Type *</i>	<i>Applicant</i>	<i>Project Title</i>	<i>Grant Recommended \$</i>
1	BFIP	The Brown Dog Furniture Company	Box Gallery facade improvements	\$3,000
2	BFIP	Owners Corporation SP27182N	Wash and Painting of Façade, corner Murray St and Corangamite St complex	\$3,000
3	BFIP	Colac Treasure Hunters	New Signage for Treasure Hunters Colac	\$2,270
4	BFIP	Apollo Bay Child Care Service	New signage to improve the facade	\$1,350
5	BFIP	Otways Distillery	Revitalise the facade of the building for the Otways Distillery, Birregurra	\$2,857
6	BFIP	Rod Bright and Assoc P/L	Paint the exterior of the Colac Station Master's house (Rae Street Colac)	\$3,000
7	BFIP	Lake View Café Colac	Entry way signage	\$145
8	BES	BG and KL Bridges	Solar Water Pump Conversion	\$5,000

Item No	Type *	Applicant	Project Title	Grant Recommended \$
9	BES	BIG4 Apollo Bay Pisces Holiday Park	Transitioning gas fireplaces to electric fireplaces for sustainability and efficiency.	\$5,000
10	BES	Colac Otway Caravan and Cabin Park	Improvement of the Public Hot Water System	\$2,730
11	BES	Dar Teta	Purchasing a new electrical oven	\$2,798
				\$31,150

*Type *BFIP - Building Facade Improvement Program* *BES - Business Environmental Sustainability grants*

2. ***Authorises the Chief Executive Officer to redistribute any funds returned from its 2024-2025 Grants Program in accordance with the Grants Guidelines, with priority given to unfunded applications listed in the confidential attachment to this report, and to a project from the same category as the returned grant.***

CARRIED 7 : 0

Item: 9.9

Colac Otway Flood Overlays Amendment

OFFICER	Simon Clarke
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

RESOLUTION

Moved Cr Arnott, Seconded Cr Potter

That Council:

- 1. Pursuant to section 8A of the Planning and Environment Act 1987, requests the Minister for Planning to authorise the preparation and exhibition of Amendment C129cola to the Colac Otway Planning Scheme.*
- 2. Pursuant to section 19 of the Planning and Environment Act 1987, places Amendment C129cola on public exhibition for a period of 6 weeks.*
- 3. Authorises officers to make any necessary minor formatting and administrative corrections in consultation with the Corangamite Catchment Management Authority to Amendment C129cola documents prior to sending to the Minister for Planning for authorisation.*

CARRIED 7 : 0

PROCEDURAL MOTION

Moved Cr Potter, Seconded Cr Costin

That Council extend the meeting passed four hours as per our Governance rules and continue the meeting for an additional two hours.

Carried 7 : 0

Item: 9.10

**C130cola - Geelong Cemeteries Trust Planning Scheme
Amendment - 122 Forest Street, Colac**

OFFICER	Simon Clarke
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

RESOLUTION

Moved Cr Arnott, Seconded Cr Potter

That Council:

- 1. Provides in principle support for a proposed planning scheme amendment to include land at 122 Forest Street, Colac within the Public Use Zone (PUZ5 - Cemetery / Crematorium).*
- 2. Supports the process of the Department of Transport and Planning's Government Land Planning Service undertaking the planning scheme amendment on behalf of the Geelong Cemeteries Trust.*

CARRIED 7 : 0

Item: 9.11

**Purchase of part of the surplus land to the Lake Colac School
for road reserve to implement the Colac West Development
Plan**

OFFICER	Simon Clarke
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. Cross Section - North South Collector Road [9.11.1 - 1 page]2. Proposed section of land to be purchased for road [9.11.2 - 1 page]3. Plan of Subdivision - New Road North- South Connector Road, Colac West Development Plan [9.11.3 - 3 pages]4. Valuation Report - Part 413-437 Murray Street, Colac [9.11.4 - 72 pages]

RECOMMENDATION

Item Withdrawn.

Item: 9.12

Draft Colac Botanic Gardens Master Plan

OFFICER	Cameron Duthie
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Operations
ATTACHMENTS	1. Draft Colac Botanic Gardens Master Plan for Public Exhibition [9.12.1 - 106 pages]

RESOLUTION

Moved Cr Potter, Seconded Cr Hanson

That Council:

- 1. Notes the Draft Colac Botanic Gardens Master Plan (Attachment 1) that has been prepared following significant community consultation.*
- 2. Notes that the Draft Colac Botanic Gardens Master Plan has been developed with significant input from the community and stakeholders of the gardens.*
- 3. Endorses the Draft Colac Botanic Gardens Master Plan, as per Attachment 1, to be placed on public exhibition between 28 June 2024 and 5 August 2024 for the purpose of inviting submissions.*
- 4. Provides the opportunity for any person wishing to speak to their written submission to be heard, or a nominated representative to speak to their submission on behalf of the person, at a Submissions Committee meeting prior to Council considering adoption of the final policy.*
- 5. Notes that it is intended that the final Colac Botanic Gardens Master Plan will be presented for adoption at the August 2024 Council Meeting.*

CARRIED 7 : 0

Item: 9.13

Barwon Tennis Strategy 2024 - 2034 - Final Report

OFFICER	Nicole Frampton
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	1. Tennis Victoria - Barwon Tennis Strategy 2024 - 2034 - Final Strategy Report [9.13.1 - 31 pages]

RESOLUTION

Moved Cr Arnott, Seconded Cr Costin

That Council:

- 1. Receives the Barwon Tennis Strategy 2024 - 2034 and thanks Tennis Victoria and the stakeholders involved in the development of the Strategy for their contributions.*
- 2. Notes the Tennis Victoria – Barwon Tennis Strategy 2024 - 2034 (Attachment 1).*

CARRIED 7 : 0

Item: 9.14

Proposed Colac CBD Speed Limit Changes

OFFICER	Kanishka Gunasekara
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Operations
ATTACHMENTS	1. Summary of the Individual Submissions [9.14.1 - 3 pages]

RECOMMENDATION

That Council:

- 1. Acknowledges that the eight submissions received raised a variety of matters, however there was broad support from all submitters to the proposal for a speed reduction in the Colac CBD area.*
- 2. Having considered all verbal and written submissions following exhibition of the proposed speed change, endorses the proposed 40km/h speed limit within the Colac CBD area as exhibited, with the inclusion of the section of Bromfield Street to the east of Queen Street.*
- 3. Submits a request to the Department of Transport and Planning for approval of the speed changes in point 2.*
- 4. Notes that Council will be submitting a grant application for external funding from the Transport Accident Commission, which if successful would provide the opportunity for consultation with the community about further priorities for road safety improvements in the Shire.*
- 5. Investigates various suggestions for extending the reduced speed limits and addressing traffic management concerns outside the CBD through a Road Safety Strategy.*

RESOLUTION

Moved Cr Costin, Seconded Cr Finnigan

That Council:

- 1. Acknowledges that the eight submissions received raised a variety of matters, however there was broad support from all submitters to the proposal for a speed reduction in the Colac CBD area.*
- 2. Having considered all verbal and written submissions following exhibition of the proposed speed change, endorses the proposed 40km/h speed limit within the Colac CBD area as exhibited with the inclusion of the section of Bromfield Street to the east of Queen Street.*
- 3. Supports the Department of Transport and Planning's application of a variable speed limit in Murray Street with 40 kph between 7am and 7pm and 50 kph outside these times.*
- 4. Submits a request to the Department of Transport and Planning for approval of the speed changes in point 2.*
- 5. Notes that Council will be submitting a grant application for external funding from the Transport Accident Commission, which if successful would provide the opportunity for consultation with the community about further priorities for road safety improvements in the Shire.*
- 6. Investigates various suggestions for extending the reduced speed limits and addressing traffic management concerns outside the CBD through a Road Safety Strategy.*

CARRIED 7 : 0

Item: 9.15

Contract 0618/0626 - Insurance Broking and Risk Management Services - Activation of 1 year extension

OFFICER	Natasha Skurka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

RESOLUTION

Moved Cr Costin, Seconded Cr Hart

That Council:

- 1. Enacts the option of a one-year extension on contract 0618/0626 - Insurance Broking and Risk Management Services to include the 2024-25 financial year.*
- 2. Authorises the Chief Executive Officer to enact the one-year extension clause in contract 0618/0626 - Insurance Broking and Risk Management Services.*

CARRIED 7 : 0

Item: 9.16

Audit and Risk Committee Biannual Report

OFFICER	Natasha Skurka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. Biannual Report to Council of Colac Otway May 2024 - Melissa Field [9.16.1 - 6 pages]

RESOLUTION

Moved Cr Arnott, Seconded Cr Costin

That Council:

- 1. Receives for information, the Colac Otway Shire Audit and Risk Committee Biannual Report, dated 23 May 2024.*
- 2. Acknowledges the Audit and Risk Committee Chair and independent members for their efforts and commitment to Colac Otway Shire Council.*

CARRIED 7 : 0

Item: 9.17

Instrument of Appointment and Authorisation - Planning and Environment Act 1987 - Danielle Brown

OFFICER	Janine Johnstone
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. S 11 A - Instrument of Appointment (P& E Act) - Danielle Brown [9.17.1 - 1 page]

RESOLUTION

Moved Cr Finnigan, Seconded Cr Potter

That Council:

- 1. Appoints Danielle Brown as an Authorised Officer pursuant to section 147(4) of the Planning and Environment Act 1987 (refer Attachment 1).*
- 2. Authorises the use of the common seal in accordance with Colac Otway Shire Council's Governance Local Law No 4 – 2020.*
- 3. Notes that the Instruments of Appointment and Authorisation come into force immediately the common seal of Council is affixed to the instruments and remain in force until Council determines to vary or revoke them.*

CARRIED 7 : 0

Item: 9.18

Revocation of Authorised Officer under the Planning and Environment Act 1987 - Doug McNeill

OFFICER	Janine Johnstone
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none"> 1. Unsigned - S 11 A - Instrument of Appointment (P& E Act) - Doug Mc Neill - General Manager Infrastr [9.18.1 - 1 page] 2. Signed Instrument of Appointment and Authorisation - Doug Mc Neill - Planning & Environment Act - 26 [9.18.2 - 1 page] 3. For revocation - Instrument of Appointment and Authorisation - Planning and Environment Act 1987 - D [9.18.3 - 1 page]

RESOLUTION

Moved Cr Finnigan, Seconded Cr Costin

That Council:

1. *Appoints Doug McNeill as an Authorised Officer pursuant to section 147(4) of the Planning and Environment Act 1987 (refer Attachment 1).*
2. *Authorises the use of the common seal in accordance with Colac Otway Shire Council's Governance Local Law No 4 – 2020.*
3. *Notes that the Instrument of Appointment and Authorisation comes into force immediately the common seal of Council is affixed to the instruments and remain in force until Council determines to vary or revoke them.*
4. *That Council revokes the Instruments of Appointment and Authorisation under the Planning and Environment Act 1987 for Doug McNeill's former role, Manager Planning and Strategic Focus, dated 28 August 2020, and for Doug Winckle.*

CARRIED 7 : 0

Item: 9.19

Revocation of Authorised Officer under the Planning and Environment Act 1987 - Ravi Teja Ayyagari

OFFICER	Belinda Rocka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. For revocation - Signed Instrument of Appointment and Authorisation - Planning & Environment Act 198 [9.19.1 - 1 page]

RESOLUTION

Moved Cr Finnigan, Seconded Cr Arnott

That Council revokes the Instrument of Appointment and Authorisation under the Planning and Environment Act 1987 to Ravi Ayyagari, dated 27 November 2019 (refer Attachment 1).

CARRIED 7 : 0

Item: 9.20

Report of Informal Meeting of Councillors

OFFICER	Council Business
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. Informal Meeting of Councillors – Councillor Briefing – 15 May 2024 (9.20.1 – 2 Pages)2. Informal Meeting of Councillors – Saleyards Store Sale Site Visit – 16 May 2024 (9.20.2 – 1 Page)3. Informal Meeting of Councillors – Pre-Council Meeting Preparation – 22 May 2024 (9.20.3 – 3 Pages)4. Informal Meeting of Councillors – Lake Colac Coordinating Committee – 24 May 2024 (9.20.4 – 1 Page)5. Informal Meeting of Councillors – Consultation Meeting – 28 May 2024 (9.20.5 – 3 Pages)6. Informal Meeting of Councillors – Councillor Briefing – 5 June 2024 (9.20.6 – 2 Pages)7. Informal Meeting of Councillors – Councillor Briefing - 12 June 2024 (9.20.7 – 2 Pages)8. Informal Meeting of Councillors – Councillor Briefing - 19 June 2024 (9.20.8 – 2 Pages)

RESOLUTION

This item did NOT require a Council decision.

Item 10.1
**Recission Motion relating to the Future Commitment to
G21**

COUNCILLOR Cr Kate Hanson

ATTACHMENTS Nil

RESOLUTION

Moved Cr Hanson, Seconded Cr Finnigan

That Council rescind its resolution passed at the Council meeting held on 24 April 2024 in relation to Item 9.13 with report title Future Commitment to G21 Geelong Region Alliance

LOST 3 : 4

Division for Cr Hanson, Cr Finnigan and Cr Costin.

Against Cr Hart, Cr Potter, Cr White and Cr Arnott.

Item 10.2

G21 Spring Street Delegation Report

COUNCILLOR

Cr Potter

ATTACHMENTS

1. Spring St 2024 - Colac Otway report [10.2.1 - 5 pages]

RESOLUTION

This item did NOT require a Council decision.

Item: 9.13 - Future commitment to G21 Geelong Region Alliance

RESOLUTION

Moved Cr Hart seconded Cr Arnott

That Council:

1. Notes that the G21 Geelong Region Alliance has reviewed its operating model with the aim of ensuring that the communities and businesses across the region can continue to receive the range of key benefits achieved through the strategic alliance for over 20 years, with a reduced financial contribution required from member Councils.
2. Confirms its continued membership of G21 for a three-year period commencing 1 July 2024, with a total contribution of \$47,000 (exc. GST) in 2024-25 and indexation in subsequent years that is no greater than the annual rate cap determined by the Minister for Local Government.
3. Authorises the Chief Executive Officer to sign a new Memorandum of Understanding with G21 Geelong Region Alliance consistent with this decision on the condition that the annual financial commitment is no greater than the amount in point 2.

Carried 5:1

11 URGENT BUSINESS


There were no items of urgent business.

12 CLOSED SESSION

There were no items warranting a closed session.

The meeting was declared closed at 9.24pm

CONFIRMED AND SIGNED at the meeting held on 24 July 2024.

.....**MAYOR**

Item: 9.13 - Future commitment to G21 Geelong Region Alliance

RESOLUTION

Moved Cr Hart seconded Cr Arnott

That Council:

- 1. Notes that the G21 Geelong Region Alliance has reviewed its operating model with the aim of ensuring that the communities and businesses across the region can continue to receive the range of key benefits achieved through the strategic alliance for over 20 years, with a reduced financial contribution required from member Councils.**
- 2. Confirms its continued membership of G21 for a three-year period commencing 1 July 2024, with a total contribution of \$47,000 (exc. GST) in 2024-25 and indexation in subsequent years that is no greater than the annual rate cap determined by the Minister for Local Government.**
- 3. Authorises the Chief Executive Officer to sign a new Memorandum of Understanding with G21 Geelong Region Alliance consistent with this decision on the condition that the annual financial commitment is no greater than the amount in point 2.**

Carried 5:1