



Council Meeting Minutes

25 March 2025 at 1pm

COPACC Meeting Rooms 1 and 2

COLAC OTWAY SHIRE COUNCIL MEETING

Tuesday 25 March 2025

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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 25 March 2025 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, present and emerging.

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 Phil Howard (Deputy Mayor)
Cr Chris Potter
Cr Zoe Hudgell
Cr Charlie Buchanan
Cr Mick McCrickard
Cr Chrissy De Deugd

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
Steven O'Dowd, Manager Governance, Customer and Communications
Matilda Hardy-Smith, Coordinator Council Business
Kendrea Pope, Senior Governance Advisor

3.2 Apologies and Leaves of Absence

Nil.

3.3 Confirmation of Minutes

Moved Cr Potter, Seconded Cr McCrickard

RECOMMENDATION

That Council confirm the minutes of the Council Meeting held on 25 February 2025 subject to consideration of an item of closed business at Item 2.4 of the Confidential Agenda of the Closed Session to be held later this afternoon.

CARRIED 7 : 0

3.4 Declarations of Interest

Nil.

4 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

1. Due to the large number of items that cannot be recycled because of wind farm and solar farms being decommissioned, plus expired solar panels in the near future. It is estimated that a minimum of 4000 tons of non-recyclable waste will have to go to landfill per year, for the next 15 years. What Impact will this have on Councils ability to provide a waste collection for garbage that must go in the red top garbage bin?
2. Will garbage collection fees increase many times the inflation rates each year?
3. Now that it is out that Wind Farms only have a life span of about 25 years and solar farms only have a similar life span, does the Colac Otway Shire Council have definitive knowledge that renewable energy will still be available by the time the Colac 2050 Growth Plan is introduced?
4. How long before the 10-year performance warranty on the Solar Panels put in at the Bluewater Complex in Colac, held by this Council, are due to expire?

Response from General Manager Infrastructure and Environment

The potential increase in waste created by solar panels that have reached their end of life is a future challenge for the broader waste industry. It will be important to encourage recycling of these panels where practicable. Used solar panels would be dropped by the public at transfer stations and disposed of as required. It will not impact the capacity of Council to collect kerbside waste. Future waste related fees and charges imposed by Council will be influenced by a wide range of factors, most particularly increasing costs over time to collect and dispose of waste.

Council has been in the process of implementing the 2050 Colac Growth Plan since its adoption in 2018, evidenced by rezoning of land at two sites in Elliminyt in 2024 to facilitate residential development. This planning and development is not influenced by the availability or otherwise of renewable energy. It is noted that State and Federal Government policies are to significantly increase the amount of renewable energy over the coming decade.

The Bluewater solar panels were installed in June 2018 and will be under warranty until 2028. It is anticipated that they will continue to generate >80% of their original warranted minimum power output for at least 25 years if maintained and serviced as required. All solar panel systems are listed on Council's asset register and scheduled for maintenance, renewal and replacement as required for such assets.

Graham Costin

Council Question Time allows residents and ratepayers to submit written questions to be read out and answered during Council meetings. It provides residents and ratepayers an opportunity for open engagement, transparency and accountability.

A consequence of Council's move to new meeting times is there is now a much shortened timeframe between release of the agenda and the deadline for submission of written questions.

Previously, the deadline for written questions was 5.00pm Monday preceding the Wednesday Council meeting. This allowed officers a day and a half to consider the questions and prepare written responses for the meeting. Community members had 4 days (Friday, Saturday, Sunday and Monday) to peruse the agenda and submit written questions. However, the new arrangements require written questions to be submitted by 5.00pm on the Friday before the Tuesday Council meeting.

If Council meeting agendas are released on time (i.e. 12pm on the Thursday before the Tuesday meeting), the new arrangements mean residents and ratepayers have only 32 hours to read the Council agenda and to submit a written question. This 32 hours includes 8 hours for sleeping, 12 or more hours for working, and variable hours for meal preparation and family activities. In effect, many community members may have no discretionary time to read the agenda and submit written questions, especially so if the release of the agenda is delayed.

I believe the new timeframe for the submission of written questions greatly reduces the opportunities for residents and ratepayers for public engagement, transparency and accountability.

1. Will Council allow written questions to be submitted up until 9.00 am on the Monday morning preceding the Council meeting (noting this timing still allows officers the same day and a half to consider the questions and prepare answers as was previously the case)?

Response from Manager Governance, Customer and Communications

This would require a change to the Council Governance Rules. We will ensure this is listed for consideration when Council reviews the rules, taking into account the impacts of the change in Council meeting day and time you have identified.

Graham Costin

It's fantastic to hear a contract has been awarded for the much-needed reconstruction of Apollo Bay's Pengilley Avenue. Council officers will no doubt be aware that the proposed works will impact on public access to Apollo Bay's Ambulance Station, Medical Centre, Childcare Centre, Neighbourhood House, Library and Gym. Also impacted, but to a lesser extent (detours available), are the RSL, Kindergarten and P-12 College.

Pengilley Ave is heavily used for on-street parking by those using these facilities as off-street parking appears to cater for less than a third of the existing demand. I expect there will also be extended periods during the reconstruction when accesses to the off-street parking areas are blocked.

1. What arrangements have been made for alternate parking, particularly for disabled and elderly persons accessing the impacted facilities?

2. Does the reconstruction contract include requirements to minimise the on- and off-street parking impacts, and/or ensure safe and inclusive access to these facilities?
3. If not, how will Council ensure safe and inclusive accesses to the impacted facilities are maintained?

The 2023 reconstruction of nearby McLachlan St dragged on for almost a year with no work undertaken for months at a time.

4. When are the reconstruction works programmed to commence?
5. What is the expected completion date? Does the reconstruction contract include penalties for delayed completion?
6. If not, how will Council ensure the works are completed within a reasonable timeframe?

Response from General Manager Infrastructure and Environment

Council is aware of the number of community stakeholders who would be impacted by the road reconstruction works in Pengilley Avenue and will ensure there is effective communication on the timing and nature of the works. A detailed work schedule is being developed to outline all phases of the construction process and this will be communicated to the affected persons in surrounding areas through a series of letter drops which indicate the proposed commencement date and provide an overview of the planned activities. This proactive communication is crucial to minimise disruption and ensure that all stakeholders are well-informed about the construction timeline and the specific impacts they might experience. A critical priority for communication during the project is with Ambulance Victoria and Great Ocean Road Health. It is noted that despite the proposed works, parking for disabled persons and the broader community will be available and the footpath will remain open to public access for business and local residences. Local traffic will be able to access residences during construction. The works are expected to commence early in May and be completed by 30 June 2025. The contract includes financial penalties if the project is not completed on-time. Further information on specific details of the project can be obtained by contacting the project manager.

James Judd

1. Are any revaluations conducted by the shire engaged valuers using actual property area to set valuations on or is this set on persistent changing of property holding when no variation takes place?
2. How many others in this shire are charged rates on land they do not own or have no access to with false areas stated on rate notices in the hope people will not object to new valuation and risk council receiving changed rate income?

Response from General Manager Corporate Services

The valuers conducting the municipal valuation are appointed by the Valuer General Victoria- not Council. The valuers use a valuation software that contains land area data that is derived from Land Victoria's property records.

Other than in some commercial or industrial property arrangements where responsibility for the payment of rates may be passed onto the business leasing commercial properties, rates are charged on the owner of the property. No one in the shire is levied rates for land they don't own or have an occupancy right for.

Ratepayers have a two month period each year after the annual Valuation and Rates notice is issued in which to object to any details on their notice (including the land area). Council encourages people to exercise their right to object to the valuation or classification of their property. The process for an objection is outlined on rates notices and Council's website.

James Judd

1. Does the Colac Otway Shire Council now ever propose to go ahead and develop a solar panel farm on the old Colac tip site in Bruce St Colac?
2. Or will Colac have to rely on renewable electricity only to be provided from other areas?

Response from General Manager Infrastructure and Environment

There is no current intention of Council to develop a solar farm on the former landfill at Bruce Street, Colac. Council as an organisation has a contract with Red Energy that enables it to access 100% renewable energy to meets its electricity needs. Members of the community and businesses equally can access renewable energy from a range of providers.

Graham Costin

In Council Meeting 25 March 2025 Agenda Item 7.2 officers recommend allocating up to \$350,000 towards the Apollo Bay Recreation Reserve Redevelopment Project—the funds to be drawn for the \$850,000 reserved for Apollo Bay recreational land / public open space.

Council's Recreational Land Reserve holds moneys that subdividers paid to Council instead of transferring public open space land to Council.

The general practice is for Council to use this Reserve to purchase alternative public open space in areas surrounding the subdivision. The Subdivision Act allows Council to also use the Reserve to improve Crown land reserves "... for public recreation ..., as parklands or for similar purposes" (Perhaps relevant section of the Subdivision Act authority should be included in the reports Considerations for the information of Councillors).

The use of the Recreational Land Reserves for the Apollo Bay Recreation Reserve Upgrade Project seems a liberal interpretation of using the funds for "... improving public recreation..., as parklands or similar. The Act does not appear to authorise the use of Reserves to upgrade campgrounds or sports facilities, as both are generally not freely available for public use.

Council owns very little public open space around Apollo Bay. In the past, it has used this as justification for its exceptionally low annual spending on recreational land, sports grounds and public open space in Apollo Bay. Using the Recreational Land Reserve for sports and campground facilities on GORCAPA land will result in less funds available to replace the public open space that subdividers were obligated to provide or contribute towards.

1. Are Councillors fully satisfied the recommended use of its Recreational Land Reserve meets the legal requirements of the Subdivision Act, and/or any relevant Ministerial Guidelines?

2. Does Council have any strategies, guidelines, planned projects for, or past examples of, similar uses of its Recreational Lands Reserve, such as upgrades of other sports grounds facilities, Meridith Park campground or similar?

Response from General Manager Community and Economy

To clarify, it is proposed to use funds from the Recreational Lands Reserve for public recreation facilities at the Apollo Bay Recreation Reserve, not for improvements to camping facilities.

The proposed use of the Recreational Lands Reserve meets the requirements of the relevant legislation.

The Subdivision Act User Guide provides the following guidance regarding the use of funds collected from developers for public open space: "Council must use land and funds received as part of any open space requirement to purchase or improve land for open space purposes."

The Apollo Bay Recreation Reserve is publicly accessible public open space and zoned Public Purposes and Recreation Zone (PPRZ). Many of the facilities that are planned to be upgraded, including the cricket training nets, sports oval and the netball/tennis courts, are accessible by the community for informal recreation as well as competitive sport. In addition, the new playspace that GORCAPA intend to install at the reserve will also be available to the general public and not just campers, however Council's funds are not proposed to be used for this project.

As these facilities provide important recreational opportunities in Apollo Bay, the use of the Recreational Lands Reserve to upgrade the before mentioned facilities is a legitimate use of the funds.

The use of the funds is supported by Council's Public Open Space Strategy. Council has used funds from the Recreational Lands Reserve in the past for improvements to sporting and recreational facilities. At this point in time, there are no other proposed use of the funds which are held in the Recreational Lands Reserve.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Elizabeth Ryan

Thank you, Mayor. Thank you, Councillors. I was here last meeting and discussed the issues out at Conns Lane. I want to prestart that with we still have a lot of issues with bike rides and races that are conducted adjacent to our property and then access to our property and other properties at Birregurra. I wanted to let you know that we still don't have any community consultation with the businesses that are organising those events, which I think is really unfair.

1. I'd also like to know if the Colac Otway Shire is planning to conduct a review of the library as it currently is, because it's nearly 20 years since that became the project to be.

Response General Manager Community and Economy

Thanks for the Question Ms Ryan. In regard to the Colac library, from memory it was opened in 2010, so it's coming up 15 years. We don't have any proposals to review the existing library. It's still in great condition and providing great services to our community.

Elizabeth Ryan

2. How do you measure that?

Response General Manager Community and Economy

We get a significant amount of information from Geelong Regional Library Corporation who runs the library service services for us. All the statistics are increasing. So, in terms of usage and borrowings, and attendance and programs, and similar, have all improved over the last couple of years.

Elizabeth Ryan

One of the reasons it was going out there was to increase the opening hours and that has never happened. We were supposed to have it open on weekends. We don't have the Friday nights like we used to and things like that. So, if you come to Colac on a Saturday morning, and especially as a dairy farmer, you get to Colac at 10:00, get the kids at sport and then the library shop was shut at 12:00. It's just easy to go to Geelong.

Council noted Elizabeth Ryans comment.

Elizabeth Ryan

Since the last Colac Otway Shire meeting, I have organised to meet with council officers Doug McNeill, to review Conns Lane, but I just want to provide a little bit of an update.

In 1995 Whoorel Station Road, where I live, the road bridge was closed and the occupants then installed their own private bridge. I want to quote something that I found really interesting, that in the challenges and the priorities for the 2005 annual report or for that year 2003 2004 annual report, for infrastructure areas, was to develop sound procedures around the road management plan as a defence to litigation associated with the local road network, which I think's really interesting.

To go on with that, you then decided, when Tracy Slatter was on board, you did a bridge asset management plan and on page 73 it actually lists the three bridges in Conns Lane which we've discussed at length, that are unsatisfactory, and it actually features the unsatisfactory drain over the creek. It also mentions the bridge on Whoorel Station Road as one of your assets, even though it was closed in 1995. I think this is that document is concerning. There is no mention of an author, so I'd like to know who the author of that document is.

3. We'd also like to know with the similarities that we have at Conns Lane and the Cape Otway Road and Whoorel Station Road, which is very similar to McKay's Road and Ryan's Road at Irrewarra, why we can't have the similar things done to our intersection.
4. Do you do a road safety audit at night?

These questions were taken on notice by General Manager Infrastructure and Operations. A full response will be provided to the community member and will be included in the confirmed minutes.

Elizabeth Ryan

Friday night we had three vehicles that came through the road because I'd gone through the intersection in the middle of the night, reported that to everybody on Sunday the same thing happened Saturday morning, and I have a photo. That vehicle just came straight through Conns Lane, and we got nearly taken out in Whoorel Station Road. The Roads Minister has responded to my recent correspondence, the new road minister, and he's explained the formal complaint process which Colac Otway Shire has never provided to me even though 30 years, 25 years, 15 years, whatever number of years, I have complained about these roads.

5. How do I find out how to formally complain about the way you've been inactive about Conns Lane, and you've kept continually upgraded even though I raised it 15 years ago.

Response General Manager Infrastructure and Operations

I'm happy to talk to you offline after the meeting today and we can discuss in a bit more detail what you presented to Councillors and then hopefully I can help you.

Ralph Alonso

Hi Councillors, I'd like to introduce myself, I'm Ralph Alonso and thank you for receiving my email over the weekend. In regard to the proposed conditions of 18 and 22 of the item on the agenda, 6.1, pertaining to 710 Blue Johanna Road, when this permit is granted, will be bound to comply with its conditions and there are mechanisms in place for the council to enforce the conditions. If we sell the property, all the current permissions and their conditions must be disclosed through a legal process by way of a section 32, which forms part of the contract of sale. As I've been advised by the planning department, Councillors have been made aware the removal of conditions 18 and 22 will make very little difference to the council's ability to enforce the land management plan.

The planning department has made commentary about the draft conditions being put in place to satisfy concerns of previous Councillors. But there's been no record of this in the notice of decision. VCAT has foreshadowed its concerns about the lack of need for conditions 18 and 22 and has questioned the lawfulness of condition 22.

Previous Councillors were not aware at the time of their decision of VCAT's views on the conditions. The current Councillors are now armed with VCAT's preliminary views on the conditions. If councillors support the conditions to be included, it'll be likely leading to another VCAT hearing on the conditions appeal.

1. The question here is knowing this, are councillors prepared to proceed to support the office's recommendations giving the potential for a further delay of this application, which has now been nearly two years, which brings jobs to the Otway's but also will use rate payers' funds to argue a foreshadowed negative outcome.

Response Mayor Cr Schram

We have the item on the agenda for today, unfortunately the answer I can give you is we can't pre-empt any decision, so I can't really answer your question.

Response General Manager Community and Economy

Thanks for the question, Ralph.

Just for councillor's understanding, the officer's recommendation in relation to conditions 18 and 22 is mindful and respectful of the importance that the council at the time placed on these conditions in making a decision that was different to the officer recommendation. It's understood that council in making a decision to support the proposal, sought to ensure that the land management plan was binding on future owners, and that adequate screen landscaping could be guaranteed.

These were key factors to influencing the decision. It's a now obviously a matter for council's discretion. Having considered your correspondence Ralph and position on these two conditions, to determine whether these conditions should remain, it's our view that the officer's report adequately covers these two conditions in dispute but also accurately represents your reasons for disputing these conditions.

Ralph Alfonso

I just basically wanted to get across to the councillors that the main part of this is I guess a foreshadowed position of VCAT and we'll be going back and forth and delaying cost. We as rate payers but also as the applicants in the whole process are sort of being tagged on both sides on this and the time frames as well. So, I'd like that to be considered when this is being discussed at 6.1 and I appreciate your time for going through it I know it's fairly detailed and lengthy but there are mechanisms in place. So that's what we wanted to assure you. without those conditions being in there.

Council noted Ralph Alfonso's comments.

Tony Weber

I'd like to congratulate the council; at the December meeting I asked a question about the spraying along the ocean road, and I asked you to advocate for regional roads, which now I think have changed their name, and that day, when I went home, they'd mowed all along the road from Lavers Hill to Marengo. So, they haven't been doing any spraying, it looks like this year, so if you advocated for that well done.

1. The first question is about the fire at Blanket Bay. Now land managers and farmers need a permit in the fire season to burn off or to have a fire in an open area. Maybe you could lobby to get campers to also have a permit in the fire period to save maybe another fire occurring like it did this year.

Response General Manager Community and Economy

My understanding is they need a permit to camp. My further understanding is that they would only be able to have campfires in designated fire pits or the like and then there is guidance from the CFA in terms of when you can and when you can't have fires.

Tony Webber

2. The second question is about the Great Ocean Road At the 196km spot on the ocean road, there's a lookout and there's a lot of buses and vehicles stopping and photographing koalas. Now they're stepping back onto the ocean road to get a good view or a good photo of a koala and the traffic there is at 100 kilometres an hour. So, I'm requesting that the council can lobby if it's regional roads to reduce that 3km section back to 80 and maybe put a sign up, because someone's going to get badly injured or killed there. Just so many near misses, people just don't seem to be able to think about the traffic. They're only thinking about a picture of a koala and it's becoming dangerous. The national parks vehicles were coming along, and this woman was just stepping out, they were blasting their horn, she just didn't seem to understand or even hear it, and then she ran across the road to get back to her vehicle. It's becoming dangerous.

General Manager of Infrastructure and Operations noted the request.

Tony Webber

3. The third question is about seismic blasting and the proposed drilling for gas near marine parks. Now there's proposed to have a moratorium on any more seismic blasting. Would the council support that? This is an actual moratorium. No more until I think the federal parliament has finished its inquiry into it.

Response General Manager Infrastructure and Operations

My understanding is that council has made strong representations on this issue previously and that position stands today. We've made a number of submissions at various points over the last couple of years on that topic.

Tony Webber

4. But this is an actual moratorium, is that what you're speaking about?

Response General Manager Infrastructure and Operations

Council's formal position is to oppose any permits being issued for seismic testing in the Otway Basin. Council therefore supports a moratorium on seismic testing at this location.

Tony Webber

5. The other one is drilling for gas right near Marine Parks. Does the council support that because it's proposed now to start. It's not very many kilometres from Marengo where they're going to start drilling for gas.

Response General Manager Infrastructure and Operations

At its meeting on 27 February 2019 Council considered its position on this issue and determined not to support a motion that would have opposed drilling in the Great Australian Bight

Simon Arundell

I bought the Colac Herald, and I got a bit excited. Council to consider rate differentiation. Then it's only 10% which is nowhere near what it should be. It should be about 50% for many reasons. My rates are \$32,000 a year and I'm not a very big farmer. There are bigger ones than me around. But that's the equivalent, I'm told, of 13 households in Colac or as one member of the Shire told me, it's the equivalent of eight houses overlooking Lake Colac.

Now I don't walk out my back door and there's a walking track, or a boat track, or whatever tracks you got in this town, I wouldn't know how many you got, I don't use them. I'm 20 mile out. It's too far out. We don't get to use it. Some people live in Cressy, they just about have to bring a sleeping bag with them to get to Colac. Same with people from Blue Johanna Road. So, distance must be taken into account.

Another thing that must be taken into account, is that your wages go up every year. I'm not saying you can buy as much each year, but they go up every year. Our prices plummeted by almost 2/3 a couple and from two years ago, and yet we still got to pay these exorbitant rates. We're also subject to things that the cities aren't subject to, like blue gum investments, corporate farmers moving in. You're not subject to that, and I know you're subject to people coming out of Melbourne, but not like what's happened in the rural areas. If you look at the ratable properties, there's three people on my property might come into Colac. If you take the 14 there's probably 28 people, two a household might be more. So, I'm paying all that money, and I only get three tickets worth. They paid the same amount and what 28 of them get their tickets worth? So, there are many things that must be looked at if you could please, thank you I've said enough but I really think you need to study this differential rate. It's not fair by any way shape or means.

Response Mayor Cr Schram

I will answer you Mr Arundell, tonight we're going out possibly to present that to the public, open it for public submission. I encourage you and any other farmer or anyone else on the differentials to put in a submission during that public consultation period.

5 PETITIONS / JOINT LETTERS

Nil.

Item: 6.1

710 Blue Johanna Road, Johanna

OFFICER	Ian Williams
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy

RESOLUTION

Moved Cr Potter, Seconded Cr Howard

That Council:

- 1. Sets aside the decision made by the Planning Committee on 8 February 2023.*
- 2. Substitutes a new decision, with revised conditions, in the format required by the Planning and Environment Regulations 2015 (as amended) - including amended conditions relating to the EMO and BMO to address the current version of the plans.*
- 3. Directs officers to remove condition 18 and 22 as contained within the Notice of Decision to Grant a Permit.*
- 4. Authorises officers to provide the new decision to VCAT, all parties to the VCAT review and the CFA.*
- 5. Authorises officers to advise VCAT that the reason for the new decision, which continues to reflect Council's support for the proposal, is due to the amendments made to the proposal since the original Notice of Decision to Grant a Permit was issued in February 2023, and to ensure conditions appropriately address the amendments made.*
- 6. Authorises officers to convey Council's position on conditions 18 and 22 to VCAT, all parties to the VCAT review and the CFA.*

CARRIED 7 : 0

Item: 7.1

Project Budget Adjustments and Cash Reserves Transfers - February 2025

OFFICER	Brendan Walsh
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Operations

RESOLUTION

Moved Cr Howard, Seconded Cr Potter

That Council:

- 1. Approves the funding in Table 2 for initiation of a new project.*
- 2. Approves the project budget adjustments in Table 3a.*
- 3. Approves the project budget adjustments in Table 3b.*

CARRIED 7 : 0

Item: 7.2

Apollo Bay Recreation Reserve Redevelopment Project - Proposed Funding Contribution

OFFICER	Ian Seuren
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy

RECOMMENDATION

That Council:

- 1. Notes that the Great Ocean Road Coast and Parks Authority (GORCAPA) has submitted an application to the Federal Government's Regional Precincts and Partnerships Program for the redevelopment of community and visitor facilities at the Apollo Bay Recreation Reserve, and has requested that Council contribute funds to the project.**
- 2. Notes that it resolved at its February 2025 meeting to lodge an application to the Victorian Government's Regional Community Sports Infrastructure Fund Round 2 for upgrade of the Apollo Bay Recreation Reserve Cricket Nets, seeking a grant of \$327,647 (excluding GST) with a Council contribution of up to \$34,297 (excluding GST) and a local contribution of \$47,615, inclusive of a Cricket Australia grant (excluding GST).**
- 3. Agrees that if the application to the Regional Community Sports Infrastructure Fund Round 2 is successful, these funds (total of \$409,550 excluding GST) can be included as a partnership contribution to the GORCAPA's application to the RPPP for the redevelopment of community facilities at the Apollo Bay Recreation Reserve, on the condition that its inclusion in the Regional Precincts and Partnerships Program project doesn't compromise Council's ability to meet its obligations under the Regional Community Sports Infrastructure Fund Round 2 grant.**
- 4. In addition to point 3, allocates the following as Council's partnership contribution to the rPPP application for the Apollo Bay Recreation Reserve upgrade project:**

- a. **\$200,000 from the Recreational Lands Reserve in the event that Council's application to the Regional Community Sports Infrastructure Fund Round 2 is successful; or**
 - b. **\$350,000 from the Recreational Lands Reserve and the existing funding commitment of \$34,297 in the event that Council's application to the Regional Community Sports Infrastructure Fund Round 2 is unsuccessful.**
5. **Authorises the Chief Executive Officer to enter into an agreement with GORCAPA for Council's contribution to the Apollo Bay Recreation Reserve upgrade project if the Regional Precincts and Partnerships Program application is successful.**

RESOLUTION

Moved Cr Schram, Seconded Cr Howard

Moves the officer recommendation, with an amendment to Point 4b to read:

- b. **"\$200,000 from the Recreational Lands Reserve and the existing funding commitment of \$34,297 in the event that Council's application to the Regional Community Sports Infrastructure Fund Round 2 is unsuccessful."**

CARRIED 6 : 1

For	Against
Cr Schram	Cr Potter
Cr Howard	
Cr Buchanan	
Cr De Deugd	
Cr Hudgell	
Cr McCrickard	

Item: 7.3

Draft Road Management Plan 2025-2029

OFFICER	Kanishka Gunasekara
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Operations

RESOLUTION

Moved Cr Schram, Seconded Cr Hudgell

That Council defer consideration of this item to the 29 April 2025 Council Meeting.

CARRIED 7 : 0

Item: 7.4
2025 Revenue and Rating Plan - Adoption of Draft Plan

OFFICER	Andrew Tenni
GENERAL MANAGER	Andrew Tenni
DIVISION	Corporate Services

RESOLUTION

Moved Cr Potter, Seconded Cr McCrickard

That Council:

- 1. Endorses the Draft Revenue and Rating Plan 2025 - 2029 for the purposes of Section 95 of the Local Government Act 2020.*
- 2. Gives public notice via Council's website, local newspaper and social media that Council has prepared a Draft Revenue and Rating Plan 2025- 2029.*
- 3. Determines that the public consultation period will be four weeks in duration, starting from the initial public notice.*
- 4. Determines to provide 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 to be held on 13 May 2025.*
- 5. Considers for adoption the Revenue and Rating Plan 2025- 2029 at the Council Meeting on 27 May 2025 after consideration of any written and verbal submissions received by Council.*

CARRIED 7 : 0

Item: 7.5

Grant Submission - VicHealth Local Food Partnership Grant

OFFICER	Ashish Sitoula
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy

RESOLUTION

Moved Cr McCrickard, Seconded Cr Hudgell

That Council:

- 1. Notes the funding opportunity available through VicHealth's Victorian Local Food Partnerships Grant program to support communities to access and prioritise the consumption of fresh food.*
- 2. Ratifies the grant submission to VicHealth for the Colac Otway Food Systems Community Partnership project, seeking funding of \$897,000.*
- 3. Notes that the application doesn't require a financial cash contribution from Council, however existing officer time will be provided as an in-kind contribution.*

CARRIED 7 : 0

Item: 7.6

Great Ocean Road Regional Tourism (GORRT) Membership Review

OFFICER	Heidi Taylor
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy

RECOMMENDATION

That Council:

- 1. Notes the analysis of the benefits and issues of maintaining membership with Great Ocean Road Regional Tourism (GORRT), and considers the findings to make an informed decision regarding future membership.*
- 2. Continues as a member of Great Ocean Road Regional Tourism (GORRT) for a further three years, with the view to have this partnership reviewed by March 2028.*
- 3. Authorises the Chief Executive Officer to confirm Council's ongoing membership and sign Memorandums or agreements as necessary to formalise this membership.*
- 4. Requests that regular reports be provided to Councillors at briefing sessions outlining GORRT activities and achievements in relation to Colac Otway Shire.*

RESOLUTION

Moved Cr Potter, Seconded Cr Howard

That Council:

Moves the officer's recommendation with the following amendments:

Point 2, Continues as a member of Great Ocean Road Regional Tourism (GORRT) for a further 12 months, with a review by March 2026, with a membership subscription of \$80,000.

Point 3, Remove the word "ongoing".

CARRIED 6 : 1

<i>For</i>	<i>Against</i>
<i>Cr Schram</i>	<i>Cr Buchanan</i>
<i>Cr Howard</i>	
<i>Cr Potter</i>	
<i>Cr De Deugd</i>	
<i>Cr Hudgell</i>	
<i>Cr McCrickard</i>	

Item: 7.7
Colac District Netball Association - Winter 2025 Season

OFFICER	Stephen Parker
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy

RESOLUTION

Moved Cr Howard, Seconded Cr Potter

That Council:

- 1. Notes the requested use of the Bluewater Leisure Centre Stadium by the Colac and District Netball Association (CDNA) for the 2025 Winter season due to the Eastern Reserve netball court lighting not being suitable for competition.*
- 2. Agrees to partially waive the fees for the use of Bluewater Leisure Centre Stadium noting that the Eastern Reserve floodlight system's fixtures and fittings are now obsolete and cannot be replaced, rendering the system irreparable for the upcoming 2025 Winter season.*
- 3. Agrees to reduce the fees for CDNA to utilise the Bluewater Leisure Centre Stadium from a total fee of \$12,579 (including GST) to \$2,265 (including GST).*
- 4. Continues to work with the CDNA to identify funding opportunities to replace the floodlight system ahead of the 2026 Winter Season.*

CARRIED 6 : 0

Cr Buchanan left the room at 2.23pm and was not present for the vote.

The meeting was adjourned for a short break at 2.24pm.

Cr Buchanan returned to the meeting at 2.27pm

Item: 7.8
Meeting Council's Net Zero Corporate Emissions Target

OFFICER	Dora Novak
GENERAL MANAGER	Doug McNeill
DIVISION	Infrastructure and Operations

The meeting was resumed at 2.29pm.

ALTERNATIVE MOTION

Moved Cr Buchanan, Seconded Cr Hudgell

That Council:

- 1. Reaffirms its commitment to caring for the environment in our Shire in a sustainable and cost-effective manner, as outlined in our Environmental Sustainability Strategy.*
- 2. Notes the annual allocation by Council of \$60,000 toward street tree plantings within the Colac Otway Shire.*
- 3. Does not purchase offsets for Council's corporate carbon emissions relating to 2023-24.*
- 4. Does not allocate any funds towards purchasing carbon offsets in any future budget until Council resolves differently.*

AMENDMENT MOTION

Moved Cr De Deugd, Seconded Cr McCrickard

That Council:

Amends Point 4 to add the following words:

"... to redirect the funding and re-allocate it to the implementation of initiatives and projects under the Environmental Sustainability Strategy."

CARRIED 7 : 0

RESOLUTION

Moved Cr Buchanan, Seconded Cr Hudgell

That Council:

- 1. Reaffirms its commitment to caring for the environment in our Shire in a sustainable and cost-effective manner, as outlined in our Environmental Sustainability Strategy.***
- 2. Notes the annual allocation by Council of \$60,000 toward street tree plantings within the Colac Otway Shire.***
- 3. Does not purchase offsets for Council's corporate carbon emissions relating to 2023-24.***
- 4. Does not allocate any funds towards purchasing carbon offsets in any future budget until Council resolves differently and redirects the funding and re-allocates it to the implementation of initiatives and projects under the Environmental Sustainability Strategy.***

CARRIED 7 : 0

Item: 7.9

S5 Instrument of Delegation - Council to Chief Executive Officer

OFFICER	Belinda Rocka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive

RESOLUTION

Moved Cr Schram, Seconded Cr Howard

That Council:

- 1. In the exercise of the powers conferred by section 11(1) of the Local Government Act 2020 and all other powers enabling it, delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation, and declares that;*
- 2. This Instrument of Delegation is authorised by a Resolution of Council passed on 25 March 2025;*
- 3. The Instrument comes into force immediately the common seal of Council is affixed to this Instrument of Delegation and that the Chief Executive Officer is authorised to affix the Common seal to the Instrument;*
- 4. Is subject to any conditions and limitations set out in the Schedule, with another inclusion under point 1 that states "1.15 entering a lease or licence agreement for land or buildings that are owned or managed by Council.*
- 5. Must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and*
- 6. Remains in force until Council resolves to vary or revoke it.*

CARRIED 5 : 2

<i>For</i>	<i>Against</i>
<i>Cr Schram</i>	<i>Cr Potter</i>
<i>Cr Howard</i>	<i>Cr McCrickard</i>
<i>Cr Buchanan</i>	
<i>Cr De Deugd</i>	
<i>Cr Hudgell</i>	

Item: 7.10

Instrument of Appointment and Authorisation - Planning and Environment Act 1987 - Robyn Au

OFFICER	Belinda Rocka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive

RESOLUTION

Moved Cr Potter, Seconded Cr Hudgell

That Council, in the exercise of the powers conferred by section 147(4) of the Planning and Environment Act 1987, resolves that:

- 1. The members of Council staff referred to in the Instrument attached be appointed and authorised as set out in the Instrument.*
- 2. The Instrument is to be sealed using the common seal in accordance with Colac Otway Shire Council's Governance Local Law No 4 – 2020.*
- 3. The Instrument comes into force immediately after the common seal of Council is affixed to the Instrument and remains in force until:*
 - a. Council determines to vary or revoke the Instrument; or*
 - b. The member of Council staff ceases to be employed in a position at Council Otway Shire Council that requires this authorisation, at which point the instrument will be revoked by the Chief Executive Officer.*

CARRIED 7 : 0

Item: 7.11

Revocation of Authorised Officer under the Planning and Environment Act 1987 - Thomas Milverton

OFFICER	Belinda Rocka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive

RESOLUTION

Moved Cr Howard, Seconded Cr Hudgell

That Council revokes the Instrument of Appointment and Authorisation under the Planning and Environment Act 1987 to Thomas Milverton, dated 14 August 2024 (refer Attachment 1).

CARRIED 7 : 0

Item: 7.12

Revocation - Community Asset Committee Members

OFFICER	Belinda Rocka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive

RESOLUTION

Moved Cr McCrickard, Seconded Cr Hudgell

That Council:

- 1. Revokes membership for Barbara Paine from the Eurack Public Hall and Tennis Reserve Community Asset Committee.*
- 2. Revokes membership for Graeme Inglis from the Warrion Public Hall.*
- 3. Thanks both Barbara Paine and Graeme Inglis for their contribution to both Community Asset Committees listed above.*

CARRIED 7 : 0

Item: 8.1

Report of Informal Meetings of Councillors

OFFICER	Council Business
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. Informal Meeting of Councillors - CEOEMAC Meeting - 18 February 2025 [8.1.1 - 2 pages]2. Informal Meeting of Councillors - 25 February 2025 Council Meeting [8.1.2 - 3 pages]3. Informal Meeting of Councilors - Councillor Briefing 4 March 2025 [8.1.3 - 3 pages]4. Informal Meeting of Councilors - Councillor Briefing 11 March 2025 [8.1.4 - 3 pages]5. Informal Meeting of Councillors - Councillor Briefing 18 March 2025 [8.1.5 - 3 pages]

This item did not require a formal decision of Council.

CLOSED SESSION

RESOLUTION

Moved Cr Potter, Seconded Cr De Deugd

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
Minutes of the Closed Session Council Meeting held on 11 September 2024	This matter deals with confidential meeting information, being records of meetings closed to the public.	Section 66 (2)(a)
Aged services - extension of Community Home Support Program funding to Great Ocean Road Health	This matter deals with information prescribed by the regulations to be confidential information for the purposes of this definition, as per section 3(1)(a), because the matter relates to services that are delivered under commercial arrangements.	Section 3(1)(a)
Cinema Expression of Interest Process	This matter deals with Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Section 3(1)(a)
Bluewater Gym Equipment Replacement	This matter deals with Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, as per section 3(1)(a).	Section 3(1)(a)
Council Meeting Minutes and Footage from the meeting held on 25 February 2025	This matter deals with legal privileged information, being information to which legal professional privilege or client legal privilege applies AND confidential meeting information, being records of meetings closed to the public under section 66 (2) (a)	Section 3 (1)(e & h)
Minutes of the Chief Executive Officer Employment Matters	This matter deals with personal information, being information which if released	Section 3(1)(f)

<i>Advisory Committee Meeting held on 18 February 2025</i>	would result in the unreasonable disclosure of information about any person or their personal affairs	
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CARRIED 7 : 0

Item: 2.3 – Closed Session

Bluewater Gym Equipment Replacement

OFFICER	Trent Bayon
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy

RESOLUTION

Moved Cr De Deugd, Seconded Cr Howard

That Council:

- 1. Recognises that the preferred tenderer (as listed in the attachment to this report) for Contract 2509 – Provision of Gym Equipment Replacement has been assessed as providing value-for-money as per the confidential attachment (Evaluation Report).*
- 2. Awards Contract 2509 – Provision of Gym Equipment Replacement to Tenderer 4 (as per the Attachment to this report) for the tendered amount of \$320,999.04 (ex GST), for the purchase of a complete equipment fit out of the Health Club area and including quarterly maintenance over a 4-year period.*
- 3. Authorises the Chief Executive Officer to sign the contract following award of Contract 2509 – Provision of Gym Equipment Replacement.*
- 4. Authorises the Chief Executive Officer to perform all roles of the Principal.*
- 5. Notes that the successful tenderer and contract price will be listed on Council's website promptly after unsuccessful tenderers are advised of the outcome of the tender process.*
- 6. Determines that the purchase of this equipment will be funded as a capital project with a total budget of \$320,000 (exclusive of GST), which includes a minor contingency allowance, and will be allocated evenly across the 2025-26 and 2026-27 financial years, with the maintenance and service costs included in*

the Bluewater Leisure Centre recurrent budget at \$6,815 (exclusive of GST) per annum.

- 7. Deems that this report is no longer confidential, however the supporting information remains confidential information due to commercial content.***

CARRIED 7 : 0

The meeting was declared closed at 2.48pm

TO BE CONFIRMED AND SIGNED at the meeting held on 29 April 2025

.....**MAYOR**