



Colac Otway  
SHIRE

**COUNCIL MEETING**

**MINUTES**

**Wednesday 27 October 2021**

**at 4:00 PM**

**by videoconference**

**Next Council Meeting: 24 November 2021**



# COLAC OTWAY SHIRE COUNCIL MEETING

Wednesday 27 October 2021

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# COLAC OTWAY SHIRE COUNCIL MEETING

MINUTES of the *COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held by videoconference on  
Wednesday 27 October 2021 at 4:00 PM.

## MINUTES

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

#### **OPENING PRAYER**

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

AMEN

### **2 PRESENT**

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

Anne Howard, Chief Executive Officer  
Errol Lawrence, General Manager Corporate Services  
Tony McGann, General Manager Environment and Infrastructure  
Ian Seuren, General Manager Development and Community Services  
Marlo Emmitt, Manager Governance and Communications  
Lyndal McLean, Governance Coordinator  
Tamzin McLennan, Manager Healthy, Active Communities  
Peter Macdonald, Coordinator Healthy, Active Communities  
Nicole Frampton, Recreation and Open Space Coordinator  
Madeleine Bisits, Manager Assets and Project Delivery  
Paul Carmichael, Revenue Coordinator  
Doug McNeill, Manager Planning, Building and Health  
Amanda Barber, Manager Financial Services  
Bláithín Butler, Coordinator Statutory Planning  
Ravi Ayyagari, Statutory Planner  
James Myatt, Manager Economy and Business Enterprises  
Frank Castles, Project Director City Deals Projects  
Timothy Brain, Coordinator Infrastructure Development, Capital Works  
Erin Sonogo, Senior Strategic Planner  
Simon Clarke, Strategic Planning and Major Projects Coordinator  
Melanie Duvé, Corporate Planning and Reporting Officer

### 3 APOLOGIES AND LEAVES OF ABSENCE

Nil

### 4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

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

#### RECORDING AND PUBLICATION OF MEETINGS

Please note: This Council meeting was livestreamed with the exception of matters identified as confidential items. This included the public participation sections of the meetings.

As soon as practicable following the open Council meeting, the recording of the livestream will be accessible on Council's website. Recordings are also made to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy. Recordings will be retained by Council for a period of four years.

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

### 5 QUESTION TIME

#### QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

James Judd, Colac

1. **As we are persistently told the drainage scheme in Colac is up to standard to take a once in 100 year storm. When were the last three times Colac had no road access to the outside world since this has happened multiple times in the past during the existence of the Colac Otway Shire Council? Plus, at times, a major road through Colac has been blocked multiple times within one year due to flooding at the same location. Colac West is ever at risk of being isolated from Colac due to flooding as no good quality road alternative exists. This is now a major farm and industrial supply area.**

#### ***Response from General Manager, Environment & Infrastructure***

We acknowledge the flooding issue at Deans Creek Road, which is occurring annually on average. Designs are currently being prepared for upgrades to minimise the flood risk on this route. Although flooding does occur from time to time on Deans Creek Road, there are alternative routes, including Cants Road, which provide access and ensure that Colac West is not isolated during times of flood. It should also be noted that whilst new areas are designed to cater for a 1 in 100 year rain event with overland flow paths, this has not always been the case, especially with the very old drainage systems in Colac Otway or where no formal drainage systems exist.

2. In what year did Councils change their financial year to fall in line with the Australian Financial year instead of that used by major financial institutions from 1 October until 30 September following? I can still remember when Council rate notices were called Council's Christmas present as they always arrived about Christmas time.

***Response from General Manager, Corporate Services***

Version No. 30 of the *Local Government Act 1989* legislated alteration of the financial year, resulting in a shortened financial year 1 October 1994 through 30 June 1995. Since then, the Local Government End of Financial Year has been 1 July through 30 June.

3. By demanding matters that are supposed to be made available to the public for comment can only be accessed online or by use of the QR code, also online, is of dubious quality in sections of this Shire, plus the QR code cannot be accessed by some mobile phones now in use. The use of these methods can be deliberate discrimination against some in the community. With anti-discrimination laws in this state and nation with very heavy fines if broken. Plus this Shire has been claiming for years it is a non-discriminating Council.

***Response from Manager Governance & Communications***

Council is happy to provide printed copies of documents 'made available for public comment' to any community member who makes that request.

4. When will the Colac Otway Shire Council again provide and distribute the quarterly newsletter on Council activities in this Shire, not rely on everyone having access to papers or electronic methods that Council uses to put out notices? People are very annoyed when Council officers take the community to task for not doing things the correct way while you refuse to have regular contact with community members with the only reliable method of informing people. Plus a lot of people who live in this Shire do not work or spend much of [their] business hours in this Shire.

***Response from Manager Governance & Communications***

Council currently publishes a weekly 'Community News' notice in the Colac Herald, Apollo Bay News and Otway Light, along with notices also placed in the monthly publications of the Cressy Pioneer, Birregurra Mail and Forrest Post.

The 'Community News' is also published each Friday on Council's website and shared via social media.

Council news and operations are regularly posted on Facebook (to 6,800 followers) and Instagram (1,350 followers). Council also uses this platform to share posts from other local organisations such as Colac Area Health, Great Ocean Road Health and various government agencies.

In addition to regular notices and communication on social media, Council issues media releases to a wide range of local and state media outlets, including radio. The Mayor and Council officers are regularly interviewed on local AM and FM radio stations and the Mayor or CEO are often interviewed by ABC Radio regarding topics of interest to the wider community.

Any person may also subscribe to the 'Latest News' page on Council's website which features media releases issued by Colac Otway Shire Council. It is the intention of Council's Communications Department to develop a regular e-News service which will be emailed to subscribers.

While Council appreciates the quarterly newsletter was a means of regular contact to all Colac Otway ratepayers, the pace of today's news and information often meant that information published in the newsletter was redundant or no longer current by the time it landed in letterboxes. As such, regular notices in local small town newsletters and the Colac Herald were deemed better value for money, in that local publications are supported, and information is communicated in a timely fashion.

5. **Why does the Colac Otway Shire Council now claim that concrete footpaths must be constructed in accordance with VicRoads standards since the Victoria State Government split VicRoads over one year ago? VicRoads now has no construction responsibility outside urban Melbourne. Plus all of this Shire is outside urban Melbourne.**

***Response from General Manager, Environment & Infrastructure***

We are unsure where the 'VicRoads standards' reference has been made in relation to footpath construction. Council uses the Infrastructure Design Manual (IDM) to inform construction standards for footpaths. The IDM is a widely used, joint initiative of Victorian rural and regional Councils and provides standard construction drawings for a range of civil infrastructure works.

**Jason Schram, Colac**

1. **In the Council Plan under Council's Advocacy priorities, why does Council not have included sewerage connection to Colac West industrial estate that it approved for subdivision 15 years ago yet can't be built on because of no sewerage connection?**

***Response from General Manager, Development & Community Services***

The land within the Colac West industrial estate can be built on, however the lack of sewerage connection does limit its potential for the type of development that can occur. Council has been working with Barwon Water to extend the sewerage connection further to the west, with works to facilitate sewer connection identified in Barwon Water's forward capital works program in the short term.

It is anticipated that Council will further consider and refine its advocacy priorities in coming months.

2. **Under the same plan and advocacy why is there no mention of finding a permanent water source for Lake Colac?**

***Response from General Manager, Development & Community Services***

A permanent water source for Lake Colac, outside of rainfall and subsequent run-off, is a wonderful aspiration however at this point in time there are no realistic or feasible options for Council to advocate for. In regards to advocacy it is important to advocate for an identified solution. It should be noted that Lake Colac water levels are the highest they have been in many years which is reflecting greater use of the lake for water sports.

3. **Where does finalising the purchase and implementation of a plan for the former Colac High School site fit into Council's plan?**

***Response from General Manager, Development & Community Services***

Council has recently acquired 2.4ha of the former Colac High School site, and is close to finalising the purchase of the additional 2ha of the site from the Victorian Government. This should be completed by the end of the 2021 calendar year. The design of the new Colac Specialist School on the southern portion of the site, which is currently underway, will determine if there will be any additional land that might be available to be acquired by Council.

Following the acquisition of the land, Council will then prepare a master plan for the site inclusive of a thorough community engagement process to determine its future use.

- 4. As the EOI process has concluded for the Bruce Street site and considering in 2005 Council sold the land for \$1.3 million what is the value that Council expects to get from the sale of this site some 15 years later?**

***Response from General Manager, Development & Community Services***

Council is currently considering Expressions of Interest for the sale of 36-52 Bruce Street Colac. Therefore, it would not be reasonable for Council to advise or speculate on the expected value of the site at this point in the process.

- 5. If the financial plan indicates future cash shortages what is Council's plan to cut its biggest expense in Employee Costs?**

***Response from General Manager, Corporate Services***

Council's Financial Plan is based on a Service Planning model. The model is determined by a business as usual level of service delivery. Through a planned schedule of service reviews, levels of service will be further scrutinised. This, along with the current work being done on the Workforce Plan, for completion later in the year, will serve to further inform the Financial Plan regarding the human resource necessary to deliver services to the Colac Otway community.

As detailed in the Financial Plan, there is a commitment of providing \$250,000 recurrent operating savings annually over the life of the Financial Plan. It has not yet been specifically identified what will make up those recurrent savings, and it will vary from year to year as they are identified.

- 6. If Council is facing a financial woe in the future why does it not consider developing the Bruce St site themselves to generate another source of income other than rates?**

***Response from General Manager, Development & Community Services***

This is an option available to Council and was considered earlier in the year prior to the Council resolution to seek Expressions of Interest for private development of the land. To date, it has been considered that the land development sector is best placed to develop the land rather than Council itself. Councils typically act as developer when there is market failure in a location. This is not the case in this instance, with strong interest from the private sector in developing land in Colac. Again, Council would be in a position to review the approach it takes to sale of the land when it considers proposals evaluated from the Expression of Interest process, to ensure that Council receives best value from the land.



It seems that the practice of offering an “alternative” motion before discussing the actual topic, needs to be changed. It is an illogical practice and wreaks of wastefulness on many levels. Unless the person moving the “alternative motion and the one seconding it are prepared to pay for the cost of officers’ report preparation, the practice should be made redundant. Alternative motion should not be allowed before the actual report discussed and voted out. Then it is healthy to provide an alternative motion. But the current practice is sickening.

1. **Would the Council address this loophole and amend the policy/procedure to reflect a healthier way of handling issues?**

***Response from Manager Governance & Communications***

A response was provided to this question at the 22 September 2021 Council meeting, being that the Governance Rules do not oblige Council or Delegated Committees to adopt officer recommendations, nor debate or discuss them prior to moving a motion.

The Council response to the question “*When was the last “carbon emission” audit conducted by Council?*” in September 2021 is a non-answer; just a contradictory babbling; “*Council uses the services of an independent environmental scorekeeper to track its emissions. As part of Council’s carbon neutral claim for 2020-2021, Council is currently undertaking an emissions inventory verification according to national standards*”.

- 2.1 **When was the last “carbon emission” audit conducted by Council?**

***Response from General Manager, Environment & Infrastructure***

Council completes a carbon emissions inventory annually at the conclusion of the financial year, and has done so since 2010, utilising the services of an independent scorekeeper.

Council's emissions figures for the 2020-21 financial year will be published in Council's Annual Report, which will be released next month.

The previously published emissions profile for 2019-20 financial year (as reflected in Council's Annual Report) stated that Council had produced 3,605 tonnes of CO2 emissions associated with its corporate carbon emissions.

- 2.2 **What was the outcome? Please provide actual figures or the actual consultant’s report (the referral last month to the annual report was a farce)?**

***Response from General Manager, Environment & Infrastructure***

As stated, Council's precise emissions as captured by the independent scorekeeper will be published in November in Council's annual report

- 2.3 **When would the current audit be completed and results made public?**

***Response from General Manager, Environment & Infrastructure***

As stated, Council's emissions profile for 2020-21 will be made publicly available in November. In addition to this, Council is also undertaking a carbon emissions inventory verification, which is in relation to Council achieving carbon neutral status for the 2020-21 financial year and ensuring the purchase of the required, appropriately accredited carbon offsets.

**Tim Cobb, Skenes Creek**

- 1. Can you tell me why my submission on rate relief for community groups referenced in the email [received] on 20th September is not included and addressed in the council report?**

***Response from General Manager, Corporate Services***

The report was initially prepared for the September 2021 Council meeting, so was already written when Mr Cobb's late submission was received. It was withdrawn from the September Council meeting to allow another associated issue to be considered. Once that matter was finalised, the report was transferred to the October meeting. Unfortunately, Mr Cobb's submission was overlooked in that process and we apologise for that. Comments in response to the issues raised by Mr Cobb will be provided by the General Manager, Corporate Services when the item is considered.

- 2. Is the four yearly financial hardship review much too stringent requiring clubs to be at risk of not surviving before relief is provided? It's only a small number of clubs and the sums involved in loosening the criteria would be small for the council.**

Having been treasurer of a number of clubs over the years it is prudent to try to build some funds in reserve so that the club can survive when unforeseen events occur - could be a pandemic, a roof blow off, or a new requirement to provide disabled or separate male/female facilities.

It seems to me that this proposal penalises prudent clubs and encourages organisations to live hand to mouth which is not good. It will over time lead to a number of clubs folding and/or going cap in hand to council for urgent funds.

***Response from General Manager, Corporate Services***

The policy proposes that a community group would be given assistance for four years before being required to reapply. In that time it is hoped the club would prosper and become financially secure. It is considered appropriate that the need for financial assistance be periodically reviewed rather than being left as a forever entitlement.

- 3. Why will this policy of charging rates to clubs not in financial hardship not apply to all those clubs which operate on council land often in council maintained premises paying peppercorn rents?**

This policy only applies to the clubs which maintain their own facilities, pay a lease, their own utility bills and insurance and struggle a lot more than those on Council land.

***Response from General Manager, Corporate Services***

Not all community groups become liable for Council rates. The policy therefore seeks to provide assistance to those groups that are liable for Council rates if they require it. The Local Government Act allows for rates to be waived if the requirement to pay them causes financial hardship. Any rates assistance granted would provide some parity between the applicant and groups that are not liable for rates.

4. It is quite remarkable that almost all the clubs listed for this policy are in Apollo Bay. Is Council happy to accept that over time this policy will hit hard the community facilities in its second largest town.

*Response from General Manager, Corporate Services*

The policy seeks to allow rates assistance to be provided to eligible community groups regardless of their location. It also seeks to create a process whereby they are required to re-apply every four years, rather than make an annual request. Council has taken the view that this support will hopefully provide a “leg-up” and in some small way assist to ensure the ongoing service they provide to the community.

**QUESTIONS RECEIVED VERBALLY AT THE MEETING**

Nil

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

Nil

**7 PETITIONS / JOINT LETTERS**

Nil

**8 DECLARATIONS OF INTEREST**

Anne Howard	Item 10.16 – Chief Executive Officer Employment and Remuneration Policy
Nature of Disclosure	Material conflict of interest
Nature of interest	Policy can directly impact CEO’s employment

**9 CONFIRMATION OF MINUTES**

- Council Meeting held on 22 September 2021.

**RESOLUTION**

**MOVED Cr Margaret White, SECONDED Cr Graham Costin.**

***That Council confirm the minutes of the Council Meeting held on 22 September 2021.***

**CARRIED 7: 0**

Item: 10.1

## Request to adopt the 2050 Community Vision and Council Plan (incorporating the Municipal Health and Wellbeing Plan)

<b>OFFICER</b>	Tamzin McLennan
<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Development & Community Services
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Attachment 1 - Community Vision 2050 - Final - 19 October 2021 [10.1.1 - 8 pages]</li><li>2. Attachment 2 - Council Plan 2021-2025 - Final - 19 October 2021 [10.1.2 - 56 pages]</li><li>3. Attachment 3 - Council Plan &amp; Vision exhibition period - precis of submissions [10.1.3 - 8 pages]</li><li>4. Colac Otway Shire Annual Plan 2021-2022 - Final [10.1.4 - 19 pages]</li></ol>
<b>PURPOSE</b>	To seek Council adoption of the 2050 Community Vision and 2021-2025 Council Plan.

### RESOLUTION

*MOVED Cr Chris Potter, SECONDED Cr Graham Costin*

*That Council:*

- 1. Notes that a Community Vision has been prepared in accordance with the requirements of the Local Government Act 2020.*
- 2. Notes that Council has prepared a Council Plan (incorporating the Municipal Health and Wellbeing Plan) in line with the requirements of the Local Government Act 2020.*
- 3. Notes that Council has received a Ministerial exemption from the Department of Health approving Council's request to combine the Council Plan and the Municipal Health and Wellbeing Plan.*
- 4. Notes that the draft Community Vision and Council Plan have undergone a six-week public exhibition period in line with Council's Community Engagement Policy and have been amended in response to community submissions.*

5. *Adopts the final 2050 Community Vision (as Attachment 1).*
6. *Adopts the Council Plan 2021-2025, incorporating the Municipal Health and Wellbeing Plan (as Attachment 2).*
7. *Authorises officers to submit the adopted 2021-2025 Council Plan to the Department of Health.*
8. *Acknowledges with appreciation the community members who participated in the development of the Community Vision and Council Plan, including submitters and members of the deliberative community panel.*
9. *Endorses the 2021-22 Annual Plan developed to implement the adopted Council Plan (as Attachment 4).*

**CARRIED 6 : 1**

**DIVISION**

*For the motion: Cr Kate Hanson, Cr Graham Costin, Cr Jamie Bell, Cr Stephen Hart, Cr Chris Potter, Cr Margaret White*

*Against the motion: Cr Joe McCracken*

Item: 10.2

## Draft Financial Plan 2021-22 to 2030-31

OFFICER	Amanda Barber
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	1. Draft - Colac Otway - Financial Plan 2021-22 to 2030-31 [10.2.1 - 42 pages]
PURPOSE	To present the draft Financial Plan for adoption.

### RESOLUTION

*MOVED Cr Stephen Hart, SECONDED Cr Chris Potter*

*That Council:*

- 1. Notes that the draft Financial Plan 2021-31 has been prepared in accordance with the Local Government Act 2020 and is informed by deliberative engagement undertaken to inform its integrated strategic planning work.*
- 2. Notes that the adopted budget for 2021-22 financial year forms the basis of the baseline (year 1) of the draft Financial Plan.*
- 3. Notes that draft Financial Plan 2021-2031 incorporates Recurrent Savings, detailed in Item 3.2 Comprehensive Operating Statement that require a range of reforms to be implemented including efficiency dividends as sought through item 13 of Council's resolution of 24 June 2021.*
- 4. Notes the Financial Plan projects Council's financial position over ten years based on documented assumptions and does not predetermine financial decisions made by Council through its Annual Budget or specific resolution.*
- 5. Adopts the Financial Plan 2021-31 (as Attachment 1).*
- 6. Notes the Financial Plan will be reviewed annually.*

**CARRIED 7 : 0**

Item: 10.3

## G21 and AFL Barwon Towards 2030 Strategy

<b>OFFICER</b>	Nicole Frampton
<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Development & Community Services
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Attachment 1 - G21 and AFL Barwon Regional Towards 2030 Strategy - FINAL August 2021 - Football Netball Regional Strategy [<b>10.3.1</b> - 100 pages]</li><li>2. Attachment 2 - G21 and AFL Barwon Towards 2030 Strategy - Feedback from public exhibition - Final [<b>10.3.2</b> - 3 pages]</li><li>3. Attachment 3 - G21 and AFL Barwon Towards 2030 Strategy - AFL Barwon Confirmation Letter Public Exhibition Process [<b>10.3.3</b> - 1 page]</li></ol>
<b>PURPOSE</b>	To seek endorsement of the G21 and AFL Barwon Towards 2030: Strategy.

### RESOLUTION

*MOVED Cr Chris Potter, SECONDED Cr Joe McCracken*

*That Council:*

- 1. Receives and notes the outcomes of the consultation process (as Attachment 2).*
- 2. Notes the G21 and AFL Barwon Towards 2030: Strategy includes minor amendments as a result of the consultation process.*
- 3. Endorses the final G21 and AFL Barwon Towards 2030: Strategy (as Attachment 1).*

**CARRIED 7 : 0**

Item: 10.4

## Proposed Planning Scheme Amendment - Adjustments to Colac Flood based overlays

<b>OFFICER</b>	Erin Sonego
<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Development & Community Services
<b>ATTACHMENTS</b>	1. Ballarat Clause 44.03 Schedule [10.4.1 - 2 pages] 2. Ballarat LFDP Gazetted 2016 [10.4.2 - 9 pages]
<b>PURPOSE</b>	For Council to consider seeking Ministerial authorisation to undertake a planning scheme amendment to resolve issues with the current flood development controls that have emerged since the adoption of planning scheme amendment C90, as they relate to a proposed subdivision at 130-154 Sinclair Street South.

### RESOLUTION

*MOVED Cr Chris Potter, SECONDED Cr Graham Costin*

*That Council:*

1. *Resolves to seek Ministerial authorisation to prepare and exhibit a planning scheme amendment to:
  - a. *Apply revised mapping of the Land Subject to Inundation Overlay and Flood Overlay to 130-154 Sinclair Street and any downstream properties where relevant based on updated Corangamite Catchment Management Authority modelling.*
  - b. *Introduce a Floodplain Development Plan as an Incorporated Document under the Colac Otway Planning Scheme to enable consideration of subdivision applications under the Flood Overlay in the Barongarook and Deans Creek catchments.*
  - c. *Amend the schedule to the Flood Overlay and Land Subject to Inundation Overlay to exempt development from planning permits where it is occurring on lots created by a subdivision and a Statement of Compliance has been granted, and where it can be demonstrated that the development floor level will be above the designated flood level.**



2. *Authorises officers to work with the Corangamite Catchment Management Authority to resolve technical details in the amendment documentation, and to decide the most appropriate format for the controls, prior to lodgement with the Minister for Planning for authorisation.*
3. *Notes a further report will be presented to Council if amendments arising from point 2 above are significant or impact additional properties.*

**CARRIED 7: 0**

The meeting adjourned for a 10 minute break at 5:10pm.

The meeting resumed at 5:20pm, with all Councillors present.

Item: 10.5

## Approval and Certification of In Principle Financial Statements and Performance Statement 2020/21

<b>OFFICER</b>	Amanda Barber
<b>GENERAL MANAGER</b>	Errol Lawrence
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. In Principle Financial Statements 2020 - 2021 [<b>10.5.1</b> - 44 pages]</li><li>2. In Principle Performance Statement 2020 - 2021 [<b>10.5.2</b> - 15 pages]</li><li>3. Final Management Letter COS 2021 - DRAFT [<b>10.5.3</b> - 13 pages]</li><li>4. Closing Report 2020-21 COSC - DRAFT [<b>10.5.4</b> - 18 pages]</li></ol>
<b>PURPOSE</b>	To approve and certify the 2020/21 Financial & Performance Statements 'In Principle' for submission to the Victorian Auditor-General.

### RESOLUTION

*MOVED Cr Stephen Hart, SECONDED Cr Chris Potter*

*That Council:*

- 1. Receives the 2020-21 Colac Otway Shire Council Financial Statements and 2020-21 Colac Otway Shire Council Performance Statement and notes the recommendation from the Audit and Risk Committee dated 8 September 2021.*
- 2. Approves in principle the 2020-21 Financial Statements and Performance Statement for Colac Otway Shire Council, subject to any changes that are recommended or agreed by the Auditor in accordance with Section 98(2) of the Local Government Act 2020.*
- 3. Makes provision for the 2020-21 Colac Otway Shire Council Financial Statements and Performance Statement to be referred back to the Audit and Risk Committee for information, if there is any significant change prior to certification.*
- 4. Authorises Mayor Kate Hanson, Deputy Mayor Graham Costin and Councillor Stephen Hart to certify and approve the 2020-21 Financial Statements and Performance Statement on*

*behalf of Council, noting only two Councillors will sign the statements in their final form including any changes recommended or agreed with the Auditor.*

**CARRIED 7 : 0**

Item: 10.6

## Draft Public Toilet Strategy (for consultation)

<b>OFFICER</b>	Madeleine Bisits
<b>GENERAL MANAGER</b>	Tony McGann
<b>DIVISION</b>	Environment & Infrastructure
<b>ATTACHMENTS</b>	1. Draft Public Toilet Strategy For Consultation v 13 [10.6.1 - 76 pages]
<b>PURPOSE</b>	To present the Draft Public Toilet Strategy 2021 for public consultation.

### RESOLUTION

Cr Bell left the meeting at 5:41pm; returned at 5:43pm.

*MOVED Cr Chris Potter, SECONDED Cr Graham Costin*

*That Council:*

- 1. Endorses the Draft Public Toilet Strategy (as Attachment 1) for the purpose of public consultation.*
- 2. Determines that the public consultation period shall be no less than six-weeks from public notice.*
- 3. Provides an opportunity for any person wishing to speak to their written submission at a meeting of the Submissions Committee to be determined.*
- 4. Considers submissions prior to adoption of the final Public Toilet Strategy at a future Council meeting.*

**CARRIED 7 : 0**

Item: 10.7

## Policy 11.1 - Rates Assistance to Community Groups Policy

<b>OFFICER</b>	Paul Carmichael
<b>GENERAL MANAGER</b>	Errol Lawrence
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	1. Amended Council Policy- Rates assistance to community groups DRAFT pdf [10.7.1 - 3 pages]
<b>PURPOSE</b>	A draft Council Policy 11.1 – “Rates Assistance to Community Groups” was placed on public exhibition up to 13 September 2021. No submissions were received, and it is appropriate for Council to adopt the revised policy.

### RECOMMENDATION

*That Council adopts the revised Council Policy 11.1 - Rates Assistance to Community Groups (as Attached).*

#### **MOTION 1**

*MOVED Cr Graham Costin*

*That Council adopt Council policy 11.1 -“Rates Assistance to Community Groups” but:*

- 1. review the rateable status of groups receiving assistance, and*
- 2. delete the clause starting “ Eligibility of groups for continued assistance will be reviewed every four years”*

*LAPSED for want of a seconder.*

#### **MOTION 2**

*MOVED Cr Graham Costin, SECONDED Cr Stephen Hart*

*That Council adopt Council policy 11.1 -“Rates Assistance to Community Groups” but review the rateable status of groups receiving assistance.*

**CARRIED 7 : 0**

Item: 10.8

## Proposed sale of 69 McLachlan Street Apollo Bay – Apollo Bay Kindergarten

<b>OFFICER</b>	Mark McLennan
<b>GENERAL MANAGER</b>	Tony McGann
<b>DIVISION</b>	Environment & Infrastructure Services
<b>ATTACHMENTS</b>	1. Letter Apollo Bay Chamber of Commerce [10.8.1 - 1 page]
<b>PURPOSE</b>	To outline the process and considerations regarding the proposed sale of 69 McLachlan Street Apollo Bay (Apollo Bay Preschool Site)

### RESOLUTION

*MOVED Cr Chris Potter, SECONDED Cr Joe McCracken*

*That Council:*

- 1. Affirms its willingness to sell the property at 69 McLachlan Street, Apollo Bay.*
- 2. Publishes a Notice of Intention to sell the property at 69 McLachlan Street, Apollo Bay on the Council's website and in the Colac Herald and Apollo Bay News and invites public submissions in accordance with Council's Community Engagement Policy.*
- 3. Determines that the public consultation period shall be no less than six weeks from public notice.*
- 4. Provides an opportunity for any person wishing to speak to their written submission at a meeting of the Submissions Committee to be determined.*
- 5. Prior to a resolution to dispose of 69 McLachlan Street Apollo Bay, considers a further Officer report outlining any submissions received.*
- 6. Acknowledges an Expression of Interest has been made to Homes Victoria under its Regional Purchase Program for potential sale of the land to the State Government for development as social and affordable housing, noting that this application does not bind Council to sale of the land.*

**CARRIED 7 : 0**

Item: 10.9

## Youth engagement services - future options

<b>OFFICER</b>	Tamzin McLennan
<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Development & Community Services
<b>ATTACHMENTS</b>	Nil
<b>PURPOSE</b>	To consider the future provision of youth engagement services

### RESOLUTION

*MOVED Cr Margaret White, SECONDED Cr Jamie Bell*

*That Council:*

- 1. Supports applications to the FReeZA 2022-24 and Engage! 2022-24 funding programs, to the approximate value of \$188,000 over three years, to deliver youth engagement and participation services across the shire.*
- 2. Quarantines the balance of the \$30,000 contribution to Colac Area Health from the 2021-22 financial year (being approximately \$22,500) pending the outcome of Council's grant applications to FReeZA and Engage Victoria.*
- 3. Requires that a report be brought back to Council to consider youth engagement services if the FReeZA and/or Engage! funding applications are unsuccessful.*
- 4. Authorises officers to communicate this decision to CAH, and supports officers to continue to work with CAH to ensure there are structures in place to support the ongoing collaboration in the youth engagement space.*

**CARRIED 7 : 0**

Item: 10.10

## Australia Day Public Consultation Results

<b>OFFICER</b>	James Myatt
<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Development & Community Services
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. CONFIDENTIAL REDACTED - Survey Results - Q 5 Further Comments - Colac Otway January 26 Event Community Consultation Survey [10.10.1 - 10 pages]</li><li>2. CONFIDENTIAL REDACTED - Survey Results - Q 6 Further Comments - Colac Otway January 26 Event Community Consultation Survey [10.10.2 - 4 pages]</li><li>3. CONFIDENTIAL REDACTED - Survey Results - Q 7 Further Comments - Colac Otway January 26 Event Community Consultation Survey [10.10.3 - 5 pages]</li><li>4. CONFIDENTIAL REDACTED - Survey Results - Q 8 Further Comments - Colac Otway January 26 Event Community Consultation Survey [10.10.4 - 2 pages]</li><li>5. CONFIDENTIAL REDACTED - Survey Results - Q 10 Further Comments - Colac Otway January 26 Event Community Consultation Survey [10.10.5 - 3 pages]</li><li>6. CONFIDENTIAL REDACTED - Survey Results - Q 11 Further Comments - Colac Otway January 26 Event Community Consultation Survey [10.10.6 - 3 pages]</li></ol>
<b>PURPOSE</b>	The purpose of this report is to consider how Council conducts 26 January events in the future.

### RECOMMENDATION

*That Council:*

1. *Notes the community response to the Australia Day Event Survey.*
2. *Determines, based on the responses, that it will not host, participate or fund Australia Day Awards on 26 January from 2022 onwards and will instead host annual community awards on an alternative date to be determined.*



3. *Notes the alternative date may coincide with an existing community event in partnership or be a standalone event.*
4. *Approves four award categories for future community awards, being:*
  - a. *Citizen of the Year*
  - b. *Young Citizen of the Year*
  - c. *Community Service of the Year (Group or Individual)*
  - d. *Environmental Achievement Award.*
5. *Continues to hold a Citizenship Ceremony on 26 January as a requirement of the Australian Government.*
6. *Advocates to the Australian Government for Councils to have the option to hold Citizenship Ceremonies on 26 January or another date of their choosing.*

*Cr Jamie Bell moved a motion.*

*Cr Stephen Hart foreshadowed an alternative motion.*

#### **MOTION 1**

*MOVED Cr Jamie Bell, SECONDED Cr Joe McCracken*

*That Council:*

1. *Continues to run the Australia Day event, including community awards and citizenship ceremony, in its current form until Council determines otherwise in accordance with the National Government.*
2. *Advocates to the Australian Government for Councils to have the option to hold citizenship ceremonies on 26 January or another date of their choosing.*

**LOST 2 : 5**

#### **MOTION 2**

*MOVED Cr Stephen Hart, SECONDED Cr Graham Costin*

*That Council:*

1. *Notes the community response to the Australia Day Event Survey;*
2. *Notes the requirement of the Australian Government for Councils to hold a Citizenship Ceremony on Australia Day;*
3. *Continues to hold a Citizenship Ceremony on 26 January as the only event funded;*
4. *Advocates to the Australian Government for Councils to have the option to hold Citizenship on 26 January or other dates of their choosing;*
5. *Discontinues community awards on 26 January and instead host annual community awards on an alternative date to be determined;*

6. *Considers the alternative date and revised award categories at a future meeting no later than 15 December 2021.*

**CARRIED 5 : 2**

**DIVISION**

*For the motion: Cr Jamie Bell, Cr Stephen Hart, Cr Margaret White, Cr Graham Costin, Cr Kate Hanson*

*Against the motion: Cr Joe McCracken, Cr Chris Potter*

The meeting adjourned for a break at 6:54pm.

The meeting resumed at 7:00pm, with all Councillors present.

Item: 10.11

## Combined Planning Scheme Amendment and Planning Permit Application - Red Rock Art Gallery, Cororooke

<b>OFFICER</b>	Erin Sonego & Ravi Ayyagari
<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Development & Community Services
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. RRRTAG Proposal [10.11.1 - 60 pages]</li><li>2. Proposed Plan of Subdivision with Aerial [10.11.2 - 1 page]</li><li>3. Plans of Proposal Plans [10.11.3 - 7 pages]</li><li>4. Further Information Received from Applicant [10.11.4 - 1 page]</li><li>5. Draft Planning Permit Conditions [10.11.5 - 8 pages]</li><li>6. C 111 cola - Draft Planning Permit Conditions - CFA [10.11.6 - 3 pages]</li></ol>
<b>PURPOSE</b>	For Council to consider seeking Ministerial authorisation to prepare and exhibit a combined planning scheme amendment and permit for the redevelopment of Red Rock Regional Theatre Art Gallery (RRRTAG), Cororooke.

### RESOLUTION

*MOVED Cr Chris Potter, SECONDED Cr Joe McCracken*

*That Council:*

1. *Resolves to seek Ministerial authorisation to prepare and exhibit a Section 96A combined planning scheme amendment (C111cola) and planning permit application (PP217/2020-1) for land at 520 Corangamite Lake Road and 30 Factory Road, Cororooke.*
2. *Authorises officers to make any necessary minor formatting and administrative corrections to Amendment C111cola documentation prior to lodgement with the Minister for Planning for authorisation.*

**CARRIED 7 : 0**

Item: 10.12

## Colac Yacht Club Lease - 4 Hamilton Street Colac

<b>OFFICER</b>	Mark McLennan
<b>GENERAL MANAGER</b>	Tony McGann
<b>DIVISION</b>	Environment & Infrastructure
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Map - Colac Yacht Club - 4 Hamilton Street COLAC - 20210706 [10.12.1 - 1 page]</li><li>2. Draft Lease - DELWP - Colac Yacht Club - 4 Hamilton St COLAC - 20210517 [10.12.2 - 37 pages]</li><li>3. Colac Yacht Club - Incorporation Check - Consumer Affairs Victoria - 20210628 [10.12.3 - 1 page]</li></ol>
<b>PURPOSE</b>	To seek Council's endorsement to enter into a lease agreement with the Colac Yacht Club at 4 Hamilton Street, Colac (Crown Land).

## RESOLUTION

*MOVED Cr Joe McCracken, SECONDED Cr Margaret White*

*That Council:*

1. *Enters into a new lease agreement with the Colac Yacht Club Inc. for the use of 4 Hamilton Street, Colac and all that land forming a portion of Allotment 70B and Allotment 70A, Township of Colac, Parish of Colac, for the purpose of recreational facilities, with the following terms:*
  - a. *Term of lease to be nine (9) years.*
  - b. *Rent to be \$421.00 (including GST) per annum.*
  - c. *Rent reviewed annually with CPI increases.*
  - d. *Tenant to pay \$20 million public liability insurance.*
  - e. *Tenant to pay all outgoings.*
  - f. *Tenant is responsible for all maintenance.*
2. *Notes the Chief Executive Officer will execute the Lease and any subsequent assignment of the Lease on behalf of Council.*

**CARRIED 7 : 0**

Item: 10.13

## Sale of Council Land Update

<b>OFFICER</b>	Mark McLennan
<b>GENERAL MANAGER</b>	Tony McGann
<b>DIVISION</b>	Environment & Infrastructure
<b>ATTACHMENTS</b>	Nil
<b>PURPOSE</b>	To provide an update on the sale/disposal of Council property.

### RESOLUTION

*MOVED Cr Joe McCracken, SECONDED Cr Chris Potter*

*That Council:*

1. *Notes the outcomes of the preliminary property review which includes identification of:*
  - a. *Potential properties to be considered for sale,*
  - b. *Properties requiring further investigation prior to consideration for sale, and*
  - c. *Properties not recommended for sale.*
2. *Receives a further report regarding 80A Hart Street, Colac and 8-16 Great Ocean Road, Lavers Hill outlining due diligence considerations prior to consideration of a notice of intention to sell.*

**CARRIED 7 : 0**

Item: 10.14

## Traffic Management in Old Coach Road, Skenes Creek

<b>OFFICER</b>	Timothy Brain
<b>GENERAL MANAGER</b>	Tony McGann
<b>DIVISION</b>	Environment & Infrastructure
<b>ATTACHMENTS</b>	Nil
<b>PURPOSE</b>	To present the responses to community consultation regarding alternative trial gate locations on Old Coach Road, Skenes Creek.

### RECOMMENDATION

*That Council:*

- 1. Notes the outcomes of the recent consultation undertaken with directly affected property owners and residents on Old Coach Road, Skenes Creek, regarding alternative locations for the Old Coach Road Traffic Trial gates.*
- 2. Endorses the installation of a gate at 93-115 Old Coach Road and on Old Coach Road, approximately 20 metres south of the Skenes Creek Road intersection, instead of at 160 Old Coach Road, noting that this resolution supersedes point 3 of the 24 March 2021 resolution.*
- 3. Notes officers will write to all residents and property owners of Old Coach Road advising of the outcome of Council's decision with regards to the gate locations, prior to installation.*

#### REVISED OFFICER RECOMMENDATION

*MOVED Cr Chris Potter, SECONDED Margaret White*

*That Council:*

- 1. Notes the outcomes of the recent consultation undertaken with directly affected property owners and residents on Old Coach Road, Skenes Creek, regarding alternative locations for the Old Coach Road Traffic Trial gates.*

2. *Endorses the installation of a gate at 93-115 Old Coach Road and on Old Coach Road, approximately 20 metres south of the Skenes Creek Road intersection, instead of at 160 Old Coach Road, noting that this resolution supersedes point 3 of the 24 March 2021 resolution.*
3. *Notes officers will write to all residents and property owners of Old Coach Road advising of the outcome of Council's decision with regards to the gate locations, prior to installation.*
4. *Requests that the Chief Executive Officer make every possible effort to install the gates before the end of December 2021.*

**CARRIED 7 : 0**

Item: 10.15

## City Deal Projects - Clause 52.31 'State projects' Planning Approval Pathway

<b>OFFICER</b>	Frank Castles
<b>GENERAL MANAGER</b>	Tony McGann
<b>DIVISION</b>	Environment & Infrastructure
<b>ATTACHMENTS</b>	1. Attachment - Clause 52.30 & 52.31 - State Projects Planning - City Deals - 20210928 [10.15.1 - 7 pages]
<b>PURPOSE</b>	To inform Councillors about the Clause 52.30 State projects and Clause 52.31 Local Government Projects planning approach for the City Deal Projects.

### RECOMMENDATIONS

#### RECOMMENDATION 1

*That Council acknowledges the importance of the City Deal projects on the Great Ocean Road in facilitating tourism, providing urgently needed public infrastructure and assisting in the recovery from the COVID-19 Pandemic.*

#### RECOMMENDATION 2

*That Council, in relation to the Apollo Bay to Skenes Creek Coastal Trail project:*

- 1. Authorises the Chief Executive Officer to make application to the Minister for Planning to determine if the project is a 'State Project' under Clause 52.30 of the Planning Scheme.*
- 2. Requires that if the Minister for Planning determines the Apollo Bay to Skenes Creek Coastal Trail project in the Colac Otway Shire is a 'State Project', any subsequent applications lodged with the Minister for Planning under Clause 52.30 of the Planning Scheme be endorsed by Council before lodgement*
- 3. Notes that any application under point 2 above, must demonstrate that public consultation has been undertaken to the satisfaction of the Minister, including a report summarising how feedback has been received, considered and responded to, and this consultation report will also be presented to Council prior to its endorsement of an application.*



### RECOMMENDATION 3

*That Council, in relation to the Kennett River Tourism Infrastructure Improvements project:*

- 1. Requires that community consultation is undertaken and that community views on any application for planning approvals are presented to Council when it considers any application.*
- 2. Considers any planning permit application lodged for the project will be determined under Clause 52.31, Local Government Projects, of the Planning Scheme.*

### RECOMMENDATION 4

*That Council, in relation to the Apollo Bay Harbour Redevelopment project:*

- 1. Requires that community consultation is undertaken and that community views on any application for planning approvals are presented to Council when it considers any application.*
- 2. Considers any planning permit application lodged for the project will be determined under Clause 52.31, Local Government Projects, of the Planning Scheme.*

### MOTION

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

*That Council:*

- 1. Acknowledges the importance of the City Deal projects on the Great Ocean Road in facilitating tourism, providing urgently needed public infrastructure and assisting in the recovery from the COVID-19 Pandemic.*
- 2. In relation to the Apollo Bay to Skenes Creek Coastal Trail project:*
  - 2.1 Authorises the Chief Executive Officer to make application to the Minister for Planning to determine if the project is a 'State Project' under Clause 52.30 of the Planning Scheme.*
  - 2.2 Requires that if the Minister for Planning determines the Apollo Bay to Skenes Creek Coastal Trail project in the Colac Otway Shire is a 'State Project', any subsequent applications lodged with the Minister for Planning under Clause 52.30 of the Planning Scheme be endorsed by Council before lodgement.*
  - 2.3 Notes that any application under point 2 above, must demonstrate that public consultation has been undertaken to the satisfaction of the Minister, including a report summarising how feedback has been received, considered and responded to, and this consultation report will also be presented to Council prior to its endorsement of an application.*
- 3. In relation to the Kennett River Tourism Infrastructure Improvements project:*

- 3.1 *Requires that community consultation is undertaken and that community views on any application for planning approvals are presented to Council when it considers any application.*
- 3.2 *Considers any planning permit application lodged for the project will be determined under Clause 52.31, Local Government Projects, of the Planning Scheme.*
- 4. *In relation to the Apollo Bay Harbour Redevelopment project:*
  - 4.1 *Requires that community consultation is undertaken and that community views on any application for planning approvals are presented to Council when it considers any application.*
  - 4.2 *Considers any planning permit application lodged for the project will be determined under Clause 52.31, Local Government Projects, of the Planning Scheme.*

**CARRIED 7 : 0**

Item: 10.16

## Chief Executive Officer Employment and Remuneration Policy

<b>OFFICER</b>	Marlo Emmitt
<b>COMMITTEE</b>	Chief Executive Officer Employment Matters Advisory Committee
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. CEO Employment and Remuneration Policy [10.16.1 - 8 pages]</li> <li>2. CEOEMAC Terms of Reference - adopted 28 April 2021 Council Meeting [10.16.2 - 8 pages]</li> </ol>
<b>PURPOSE</b>	To present the Chief Executive Officer Employment and Remuneration Policy to Council for adoption.

Chief Executive Officer, Anne Howard declared a Conflict of Interest but was not required to leave the meeting for this item.

Anne Howard	Item 10.16 – Chief Executive Officer Employment and Remuneration Policy
Nature of Disclosure	Material conflict of interest
Nature of interest	Policy can directly impact CEO's employment

## RESOLUTION

*MOVED Cr Joe McCracken, SECONDED Cr Stephen Hart*

*That Council:*

1. *Adopts the Chief Executive Officer Employment and Remuneration Policy as endorsed by the Chief Executive Officer Employment Matters Advisory Committee (as Attachment 1).*
2. *Notes that in developing the Chief Executive Officer Employment and Remuneration Policy the Chief Executive Officer Employment Matters Advisory Committee Terms of Reference (as Attachment 2) have been reviewed and support and align with the Policy.*
3. *Publishes the Chief Executive Officer Employment and Remuneration Policy on Colac Otway Shire's website.*

**CARRIED 7 : 0**

Item: 10.17

## Reappointment of Independent Audit and Risk Committee member and appointment of Audit and Risk Committee Chairperson

<b>OFFICER</b>	Errol Lawrence
<b>GENERAL MANAGER</b>	Errol Lawrence
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	Nil
<b>PURPOSE</b>	To consider the extension of appointment and election of a chairperson for the Audit and Risk Committee.

### RESOLUTION

*MOVED Cr Joe McCracken, SECONDED Cr Jamie Bell*

*That Council:*

- 1. Approves the reappointment of Brian Keane as an Independent Audit and Risk Committee member for a further three years, commencing on 1 December 2021.*
- 2. Approves the appointment of Brian Keane as the Chairperson of the Audit and Risk Committee for one year, commencing on 1 December 2021.*

**CARRIED 7 : 0**

Item: 10.18

## Appointment of Independent Audit and Risk Committee Member

<b>OFFICER</b>	Maree Powell
<b>GENERAL MANAGER</b>	Errol Lawrence
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	Nil
<b>PURPOSE</b>	To appoint a suitably qualified independent professional to Council's Audit and Risk Committee.

### RESOLUTION

*MOVED Cr Joe McCracken, SECONDED Cr Chris Potter*

*That Council appoints Melissa Field as an Independent Member to the Audit and Risk Committee for a term of three years commencing 1 December 2021, as per the requirements of Council's Audit and Risk Committee Charter.*

*CARRIED 7 : 0*

Item: 10.19

## Authorisation of Officers under the Planning and Environment Act 1987

<b>OFFICER</b>	Maree Powell
<b>GENERAL MANAGER</b>	Errol Lawrence
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Signed Instrument of Appointment and Authorisation - Stewart Anderson [10.19.1 - 1 page]</li><li>2. Signed Instrument of Appointment and Authorisation - Tony Gullone [10.19.2 - 1 page]</li></ol>
<b>PURPOSE</b>	For Council to revoke authorisation for officers as authorised officers under section 147(4) of the <i>Planning and Environment Act 1987</i> .

### RESOLUTION

*MOVED Cr Stephen Hart, SECONDED Cr Graham Costin*

*That Council revokes the Instruments of Appointment and Authorisation for:*

- *Stewart Anderson (Manager Environment and Community Safety).*
- *Tony Gullone (Health Protection Coordinator).*

**CARRIED 7 : 0**

Item: 10.20

## Delegation Review - Council to Delegated Committee

<b>OFFICER</b>	Marlo Emmitt
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. Revised Instrument of Delegation to Planning Committee and Terms of Reference [10.20.1 - 4 pages]</li> <li>2. Signed Instrument of Delegation - Planning Committee of Council [10.20.2 - 4 pages]</li> </ol>
<b>PURPOSE</b>	To review the Council delegation to the Planning Committee of Council.

## RECOMMENDATION

**That Council:**

1. Pursuant to section 11(7) of the Local Government Act 2020 (LGA 2020), reviews the delegation made to the 'Planning Committee of Council', which has been made under section 11 of the LGA 2020.
2. In exercise of the powers conferred by section 63 of the Local Government Act 2020 and section 188 of the Planning and Environment Act 1987, resolves to:
  - 2.1. Establish the 'Planning Committee' (Committee) as a delegated committee of Council, to fulfil the purposes set out in the Schedule to the Instrument of Delegation.
  - 2.2. Appoint all Councillors as members of the Committee.
  - 2.3. Subject to the Act, will appoint the Chairperson of the Committee annually.
3. Determines that the:
  - 3.1. Instrument comes into force immediately the common seal of Council is affixed to it.
  - 3.2. Instrument remains in force until council resolves to vary or revoke it.
  - 3.3. Powers, discretions and function conferred on the Committee by the Instrument must be exercised in accordance with the conditions and limitations set out in the Instrument and with any guidelines or policies adopted by Council from time to time and authorises the Common seal of Council to be affixed to the Instrument.
4. Authorises the use of the common seal in accordance with Colac Otway Shire's Governance Local Law No 4 – 2020.

5. *Revokes the Instrument of Delegation dated 1 September 2020 to the 'Planning Committee of Council', such revocation to take effect on the day the new Instrument comes into force.*

**REVISED OFFICER RECOMMENDATION**

**MOVED Cr Stephen Hart, SECONDED Cr Chris Potter**

**That Council:**

1. *Pursuant to section 11(7) of the Local Government Act 2020 (LGA 2020), reviews the delegation made to the 'Planning Committee of Council', which has been made under section 11 of the LGA 2020.*
2. *In exercise of the powers conferred by section 63 of the Local Government Act 2020 and section 188 of the Planning and Environment Act 1987, resolves to:*
  - 2.1. *Establish the 'Planning Committee' (Committee) as a delegated committee of Council, to fulfil the purposes set out in the Schedule to the Instrument of Delegation.*
  - 2.2. *Appoint all Councillors as members of the Committee.*
  - 2.3. *Subject to the Act, will appoint the Chairperson of the Committee annually, with the Mayor to chair in the interim.*
3. *Determines that the:*
  - 3.1. *Instrument comes into force immediately the common seal of Council is affixed to it.*
  - 3.2. *Instrument remains in force until council resolves to vary or revoke it.*
  - 3.3. *Powers, discretions and function conferred on the Committee by the Instrument must be exercised in accordance with the conditions and limitations set out in the Instrument and with any guidelines or policies adopted by Council from time to time and authorises the Common seal of Council to be affixed to the Instrument.*
4. *Authorises the use of the common seal in accordance with Colac Otway Shire's Governance Local Law No 4 – 2020.*
5. *Revokes the Instrument of Delegation dated 1 September 2020 to the 'Planning Committee of Council', such revocation to take effect on the day the new Instrument comes into force.*

**CARRIED 7 : 0**



Item: 10.21

## Report of Informal Meetings of Councillors

<b>OFFICER</b>	Lyndal McLean
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. Informal Meeting of Councillors - Councillor Briefing - 8 September 2021 - CB 20210908 [10.21.1 - 2 pages]</li> <li>2. Informal Meeting of Councillors Record - City Deals Executive Steering Committee - 20210914 [10.21.2 - 1 page]</li> <li>3. Informal Meeting of Councillors - Councillor Briefing - 15 September 2021 - CB 20210915 [10.21.3 - 3 pages]</li> <li>4. Informal Meeting of Councillors - Council Preparation Meeting - 22 September 2021 CM 20210922 [10.21.4 - 2 pages]</li> <li>5. Informal Meeting of Councillors Record - City Deals Executive Steering Committee - 20210923 [10.21.5 - 1 page]</li> <li>6. Informal Meeting of Councillors - Councillor Briefing - 29 September 2021 - CB 20210929 [10.21.6 - 2 pages]</li> <li>7. Informal Meeting of Councillors - Councillor Briefing - 6 October 2021 - CB 20211006 [10.21.7 - 2 pages]</li> <li>8. Informal Meeting of Councillors - Planning Committee Meeting Preparation - 13 October 2021 PCM 20211 [10.21.8 - 1 page]</li> </ol>
<b>PURPOSE</b>	To report the Informal Meetings of Councillors.

## REPORTING

*The Informal Meetings of Councillors are reported herewith:*

- *Councillor Briefing* *8 September 2021*
- *City Deals Executive Steering Committee* *14 September 2021*
- *Councillor Briefing* *15 September 2021*
- *Council Meeting Preparation* *22 September 2021*

- *City Deals Executive Steering Committee* *23 September 2021*
- *Councillor Briefing - Workshop* *29 September 2021*
- *Councillor Briefing* *6 October 2021*
- *Planning Committee Meeting Preparation* *13 October 2021*

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

## CLOSED SESSION

### RECOMMENDATION

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

<b>SUBJECT</b>	<b>REASON</b>	<b>SECTION OF ACT</b>
<i>Minutes of the Closed Session Council Meeting held on 28 April 2021.</i>	This matter deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.	Section 3(1)(f)
<i>Minutes of the Closed Session Special Council Meeting held on 16 June 2021.</i>	This matter deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.	Section 3(1)(f)
<i>Minutes of the Closed Session Council Meeting held on 24 June 2021.</i>	This matter deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.	Section 3(1)(f)
<i>Council Business Information and Personal Information.</i>	This matter deals with Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released; and this matter deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.	Section 3(1)(a) & Section 3(1)(f)
<i>Personal Information.</i>	This matter deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.	Section 3(1)(f)

**REVISED OFFICER RECOMMENDATION**

**MOVED Cr Stephen Hart, SECONDED Cr Chris Potter**

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

<b>SUBJECT</b>	<b>REASON</b>	<b>SECTION OF ACT</b>
<b>Minutes of the Closed Session Council Meeting held on 28 April 2021.</b>	This matter deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.	Section 3(1)(f)
<b>Minutes of the Closed Session Special Council Meeting held on 16 June 2021.</b>	This matter deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.	Section 3(1)(f)
<b>Minutes of the Closed Session Council Meeting held on 24 June 2021.</b>	This matter deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.	Section 3(1)(f)
<b>Future management of operations at the Port of Apollo Bay.</b>	This matter deals with Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released; and this matter deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.	Section 3(1)(a) & Section 3(1)(f)
<b>Draft Chief Executive Officer Key Performance Indicators.</b>	This matter deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.	Section 3(1)(f)

**CARRIED 7 : 0**

The meeting adjourned at 7:40pm.

Cr Jamie Bell left the meeting at 7:40pm and did not return.

Closed Session commenced at 7:41pm.

The meeting re-opened to the public at 7:58pm.

*The meeting was declared closed at 7:58pm.*

**CONFIRMED AND SIGNED** at the meeting held on 24 November 2021.

A handwritten signature in blue ink, appearing to read "O'Hara", written over a dotted line.

**MAYOR**