



Colac Otway
SHIRE

COUNCIL MEETING

MINUTES

Wednesday 24 August 2022

at 4:00 PM

COPACC

95 - 97 Gellibrand Street, Colac

Next Council Meeting: 28 September 2022



COLAC OTWAY SHIRE COUNCIL MEETING

Wednesday 24 August 2022

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COLAC OTWAY SHIRE COUNCIL MEETING

MINUTES of the *COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at COPACC on
Wednesday 24 August 2022 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 (by videoconference)
Cr Joe McCracken
Cr Chris Potter
Cr Margaret White

Anne Howard, Chief Executive Officer
Andrew Tenni, General Manager Corporate Services
Heath Chasemore, General Manager Infrastructure and Operations
Ian Seuren, General Manager Community and Economy
Marlo Emmitt, Manager Governance and Communications
Lyndal McLean, Governance Coordinator

3 APOLOGIES AND LEAVE OF ABSENCE

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Graham Costin

That Council grant Cr Joe McCracken a Leave of Absence from Monday 5 September 2022 until Monday 5 December 2022 inclusive.

CARRIED 6 : 1

Cr Joe McCracken abstained from voting on this matter.

4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

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

RECORDING AND PUBLICATION OF MEETINGS

Please note: All Council and Committee meetings are live streamed and recorded (where it is practicably possible to do so), and the meeting location has the required equipment and internet capability. This includes the public participation sections of the meetings. However, matters identified as confidential items in the Agenda will not be live streamed or recorded.

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. Recordings are also taken 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 are permitted without specific approval by resolution of the relevant Council Meeting.

5 QUESTION TIME

A maximum of 30 minutes is allowed for question time. Question time is not a forum for public debate or statements.

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

James Judd, Colac

1. **Is the Colac Otway Shire Council going to have checked out the proposal to have a young people's advisory group? Since it is proposed that all members would be paid \$30 per hour through headspace when at this rate it could mean many people too young to enter the legal full-time workforce would be in receipt of money per year that is above the maximum allowable before any claim for a dependant would have to be reduced when a parent or guardian lodged their annual tax returns.**

Also, this carries the major risk that young people could be forced out of home as they are a major liability financially for any to provide housing for them as a tax deduction for expenses would be reduced or eliminated in total.

Also, would people still at school or doing full time study be able to be covered by a family or other Medicare cover?

Plus, who is going to make sure accurate records are kept for taxation purposes and the needed details sent to the taxation department as required every year?

Plus, at the proposed rate per hour it would be possible to claim in excess of any Councillor's allowance and allowable claims per year for any one member of this young people's group.

Response from General Manager Community and Economy

Council is working with headspace Colac via our Colosyl youth advisory group, to help headspace carry out important consultations to inform youth mental health support services in our community. headspace, which is a Commonwealth Government initiative, has an established practice across Australia of remunerating young people who participate in youth advisory roles. Council is not involved in administering any payments.

2. **Has the Colac Otway Shire Council done anything to make sure all its online facilities will be secure from 1 September 2022 when changes come in on registration of names used for online communications?**

Response from General Manager Corporate Services

Online domain names ending in .au signifies that the person or organisation using it has a connection to Australia. The new .au direct domain name – like 'getyour.au' - are shorter, simpler domain names and are available as a new option for Australian internet users.

Council's IT team have taken action to secure the new .au direct domain that matches existing domains in use by Colac Otway Shire by applying to reserve the .au direct variant as part of the allocation process through .auDA (domain administration) organisation who is the administrator of Australia's top-level domains.

The allocation process for applying for the new .au domain ends at 9:59am 21 September 2022. This application process is then open to the Public on 4 October 2022. Council's current name and domain will not be impacted.

3. **Of the areas considered in the Colac 2050 Growth Plan area, what certainty exists this area will be within the Colac area mail delivery zone, or, is some of this area going to remain outside with less frequent mail delivery times? Mail delivery times can be very vital to people's health.**

Response from General Manager Community and Economy

As residential development occurs in Colac and Elliminyt over time, it is anticipated that Australia Post will adjust its service delivery in response to this growth.

4. **Since the Colac Otway Shire Council sells period membership to use certain facilities at Bluewater in Colac and collects the money in advance of the period starting, as payment has been accepted you can't legally refuse to provide the service you have received money to provide unless you grant compensation for refusing to provide a service you undertook to provide during a specific period. You are not able to just extend the period of membership for any who took out membership for a specific period as that was the only period some could use the facility or to dead people who cannot use them. We have a very big danger in the 2022-2023 financial year that due to works to be carried out at the Bluewater complex in Colac many periods some facilities will not be able to be used by those who take out period membership and pay for it.**

Response from General Manager Community and Economy

It is acknowledged that this is a statement rather than a question. However, it is worth noting that Council continues to consider and review fees charged to Bluewater Leisure Centre members and takes into consideration any potential closure of services.

5. **Of all the funds proposed to be spent on the Deans Creek Corridor Residential Development area in the next few years, what portion of this amount has been allocated to investigate all shopping, medical facilities, transport requirements, schooling and community needs in this entire region? You cannot put off considering these needs until after developed and built-up or Colac is just going to be like Melbourne with ad hoc extension of services over many decades.**

Response from General Manager Community and Economy

Funds set aside for the Deans Creek Growth Corridor planning will investigate the associated future demand for transport, stormwater drainage, retail, recreation and other community facilities, and ensure that the planning responds to these forecast needs in an appropriate manner.

Nasser Kotb, Forrest

1. **In April 2022, the Council replied to a question to the Council meeting "*Council's commitment to reducing greenhouse emissions is demonstrated by the more than 65% reduction in its own direct corporate emissions over the last ten years*". So it is not Carbon neutral (100%) yet, as previously claimed. When would the Council envisage that it can reach carbon neutrality and what are the actual actions it plans to achieve such outcome?**

Response from Chief Executive Officer

I can confirm that in addition to the significant carbon emissions reduction over the last ten years, the Council has achieved neutrality for the financial year of 2020-2021 through purchasing some offsets for residual emissions and that's a fantastic achievement. That commitment is ongoing – Council has made sure that its financial budget this year and into the future will have some capacity for those offsets. We're in the process of verifying emissions for the 2021-2022 financial year. There is always a lag because we need to finish that end of year before we can calculate those emissions. We will then achieve carbon neutrality for the last financial year by again purchasing offsets. Council is also recognising that its highly desirable to continue to find opportunities to reduce the emissions that we generate and thus reduce also the reliance on purchased offsets. But nonetheless we're very comfortable to let our community know with confidence that carbon neutrality has been achieved.

2. **In November 2021, the Council indicated that “Councillors are confident that there is sufficient staffing (in number and expertise) in the Environment and Sustainability Department to complete the Climate Change Action Plan by June 2022”. Considering it is already August 2022, when would the Council be able to produce the “Climate Change Action Plan”?**

Response from Chief Executive Officer

As you would be aware Council has been very active in this space over the last months undertaking significant community and stakeholder engagement, and I hope that everyone has taken an opportunity to participate in that. The preparation of the draft Environment Strategy will be ready before the end of the year for Council to consider. And as part of the development of that Strategy we're already identifying some things that will also be expected to be included in an Action Plan that will put that strategy actually into realisation, which is important. Those actions will include opportunities to combat/mitigate the effects of climate change. That work is very clearly a high priority for our Council and our community. It's well underway but it is important that we make sure we take the time to consider the community views as we shape that work which we expect to be conclude at the end of the year.

3. **Has the Council received the required EPA approval for the wastewater treatment conceptual design for the Forrest Caravan park site?**

Response from General Manager Infrastructure and Operations

Council has not received the required EPA approval for the wastewater treatment conceptual design for the Forrest Caravan Park site. A further request for Information was requested by the EPA on 29 July 2022, with Council providing the information as required. Council is currently waiting on the assessment of the application by the EPA.

4. **In July 2022, the Council responded “As per the updated Governance Rules (27 April 2022 - [https://www.colacotway.vic.gov.au/Council - the-shire/Council-policies](https://www.colacotway.vic.gov.au/Council-the-shire/Council-policies)) – Division 11”. This updated rule keeps the Council opaquely operating. Would the Council consider keeping the responses to questions submitted to Council meetings posted on the website as part of meeting public records, repealing this updated rule as it keeps the community sentiments from being widely transparently visible?**

Response from Manager Governance and Communications

Under Council's current Governance Rules, the minutes must record 'a brief summary of any public questions and responses provided by the Chief Executive Officer or their nominee'. Council may choose to update its Governance Rules at any time if it wishes to.

Questions submitted in writing and not responded to at the Council meeting do not form part of the formally constituted meeting and should not be included in the minutes or as a stand-alone document loaded on Council's website.

Dr Jan Ratcliff, Forrest

- 1. In a previous Council meeting (29 June) I pointed out the increased range of EVs over hybrid EVs which makes them suitable for a lot of the Council travel and superior to hybrids in reducing emissions and asked whether the Council would commit to buying EVs (rather than hybrids) when they became available. In reply I was told about all the hybrid EVs which Council has bought without answering my question, so I would like to ask again: will the Council commit to buying EVs (rather than hybrids) as soon as they are available for its local travel and travel to Melbourne?**

Response from General Manager Infrastructure and Operations

Council have moved to replace diesel and petrol vehicles to hybrid EV's as they are due for changeover, we now have 12 hybrids in our vehicle fleet with 7 purchased in the past 12 months.

Council has made no commitment to replace its fleet with EV's but will continue to review our vehicle fleet, and the use of EV's will advance and evolve with the implementation and provision of more charging stations in the shire and across the state.

- 2. In that same meeting I asked about providing charging infrastructure and was told that Council was assisting private entities in installing fast EV charging infrastructure in Apollo Bay and Colac in public carparks. I have heard that this process has been going on for two years and that a private provider has become so discouraged by Council delays in approving public carparks that he has become discouraged and withdrawn his private funding. Is this true and if so, why has the process of approving carparks for EV charging taken so long?**

Response from General Manager Corporate Services

Council received a request from a private entity to enter into a Licence that would allow private Electric Vehicle Charging Station/s to be established in the Pascoe Street car park, Apollo Bay. Council had forwarded a draft Licence for their review and consideration, however since then the applicant advised Council they did not wish to proceed with the request. As such, this matter is now closed.

Tim Cobb, Skenes Creek

1. **What is the average residential rate bill in Apollo Bay for 2022/23 excluding the weekly waste collection fee and how much has it increased/decreased since 2021/21?**

Response from General Manager Corporate Services

We are not able to do that type of analysis and provide a response at this time. A response will be prepared and provided in writing to Mr Cobb in the next two weeks.

2. **What is the average residential rate bill in Colac/Elliminyt for 2022/23 excluding the weekly waste collection fee and how much has it increased/decreased since 2021/22?**

Response from General Manager Corporate Services

We are not able to do that type of analysis and provide a response at this time. A response will be prepared and provided in writing to Mr Cobb in the next two weeks.

3. **What is the average residential rate bill in 'Colac and surrounds' for 2022/23 excluding the weekly waste collection fee and how much has it increased/decreased since 2021/22?**

Response from General Manager Corporate Services

We are not able to do that type of analysis and provide a response at this time. A response will be prepared and provided in writing to Mr Cobb in the next two weeks.

4. **The public toilet strategy identifies a number of high priorities where condition is poor and facilities do not meet requirements incl. lack of DDA compliance. Memorial Square toilets are identified as 'standard plus' service level, in 'fair' condition and not a priority. Will Council therefore prioritize the needs identified in this strategy or will council reject the strategy and prioritise Memorial square toilets instead?**

Response from General Manager Community and Economy

The Public Toilet Strategy is being presented to today's Council meeting and therefore it is not appropriate to comment on Council's consideration of the strategy.

The Memorial Square toilets have been classified as 'Visitor Amenities – Regional and Local' due to their importance to both the local community and visitors to the region. The priority of facility improvements is not just based on the existing condition of the facilities; it also considers other criteria such as typology, location, level of use, accessibility, community benefit, and safety.

Council has previously resolved to fund the redevelopment of the Memorial Square toilets through its Local Roads and Community Infrastructure allocation, with detailed design work to commence in the short term. Importantly, the new amenities will include Colac Otway Shire's first Changing Places facility which is a high priority recommendation in the strategy.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Andrew Beale, Cororooke

1. I've got a property in Connor Street. It was an old hospital building. It was converted into accommodation for five people back in 1936. I purchased the property in about 2007. The property has, I understand, got one Title and I am rated with five rates for that one property because it has five occupants that live separately to each other. I would like to know what Ruling or Act or Legislation it is that allows the Colac Otway Shire to give me five rates notices for the one property? And the reason I am asking this is because Barwon Water get their information also from the Colac Otway Shire when they bill me for my water rates. Now the property is serviced by two water meters: one that services the garden and one that services the building and I am billed for five service charges to the property – so five separate rates from Barwon Water as well.

Response from the Mayor

Thank you very much for your question Mr Beale. I think it'll be a question we'll need to take on notice and get our Rates Department to get in contact with you. Thank you.

Andrew Beale

Sorry Mayor: so the question was: what Act is it that allows that to happen – that's what I need to know?

Response from the Mayor

We'll confirm that and get in contact with you.

1. Simon Arundell, Bungador

I was disappointed to read in the Colac Herald that this Shire is going to send \$26k overseas to some foreign country – you don't tell us who – so they can, I guess plant trees so you can all claim how climate clean you are. I don't understand the Council: why are they spending money outside of the Shire, which they complain about so often? Why don't we spend the \$26k here and if you don't get this special tick I'll lend you a biro and I'll tick your paperwork six or seven times. Why are you taking this money out of Australia? Why don't you spend it locally?

Response from Manager Planning and Strategic Focus

Council has allocated \$26k in the budget for the purchase of carbon offset credits to maintain Council's carbon neutrality and Council's decision in the July Council meeting was to purchase accredited carbon offsets and we need to be able to afford to buy those offsets within the budget that has been allocated. Council accepted in its Resolution that that would include consideration of international offsets. No decision has yet been made on what those offsets are. It won't necessarily be the planting of trees – there's a whole range of different projects that would contribute to potential carbon offsets that we might purchase.

2. Why spend it overseas: do it here. Now I put to this Council, at about the last meeting I went to before lovely covid came along, why don't you bring in a policy of eliminating points of contact: door knobs being replaced with levers which you've got here. Why is it that when we use a toilet, we wash our hands and then we've got to open a door. These toilets are typical of that. Why isn't there an L-shaped bit of wall oppose the male and female toilets and there wouldn't need to be any doors to go through to get in and out of those toilets. The same at

Bakers Delight: I'm sure you women love walking through the streamers at Bakers Delight. Why are they allowed? All they're doing is spreading germs. There are other ways of keeping flies out of shops. There are many ways where we could lead a cleaner life and then perhaps we wouldn't have to pay so much in carbon offsets, wasting money treating people. So why haven't you pushed along with this idea of eliminating points of contact. And at that meeting I suggested you send a quarter-page to every Shire in the country advertising Colac's covid cleanliness plan. Now we've got Monkey pox. So why don't we work on a simple thing like that? Why haven't you done anything.

Response from the Mayor

I think we did listen to you and we have implemented some things, so I might ask Mr McNeill to respond. I know we've done some of the things... Mr Seuren?

Response General Manager Community and Economy

I'll attempt to respond to the question. Again, a really good question. I think, just as an example, the Public Toilet Strategy that's being presented to Council today absolutely includes consideration of what you raised previously Mr Arundell. As an example we've made some changes to the COPACC public toilets in terms of automatic water sensors. Unfortunately to change things like doors to be non-touch does take a lot of work and a lot of resources and it's not easily able to be done on many buildings but they are things we certainly are looking at, particularly when we're upgrading facilities. So I think it's a really good point that you've raised.

- 3. **Can I make a suggestion? These four people [indicates to General Managers] sit over there in future and then we'll be able to see who's talking?**

Response from the Mayor

Thank you for your suggestion Mr Arundell. It's a real juggle now because we're also trying to re-arrange things slightly – also for the people at home watching. So it's a bit of a juggle: like what works best for the gallery, what works for our online audience as well. But we'll take that on notice because I can see that you're sort of hidden behind the officers. So thank you very much for your comment.

6 PETITIONS / JOINT LETTERS

Nil

7 DECLARATIONS OF INTEREST

Cr Graham Costin	Item 9.3 Combined Amendment C111cola and Planning Permit Application PP219/2020 - Consideration of Planning Panel Report
Nature of Disclosure	General conflict of interest
Nature of interest	It has been suggested that I may have a conflict of interest in this matter, so I am declaring a General Conflict of interest until such time as the matter can be clarified.

8 CONFIRMATION OF MINUTES

- Council Meeting held on 27 July 2022.

RECOMMENDATION

That Council confirm the minutes of the Council Meeting held on 27 July 2022.

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Graham Costin

That Council defer the consideration of the minutes of the Council meeting held on 27 July 2022 until the 28 September 2022 Council meeting.

Cr Joe McCracken foreshadowed that he would move an alternative motion in the event that the motion currently before Council was lost.

CARRIED 5 : 2

Item: 9.1

Domestic Wastewater Management Plan for Adoption

OFFICER	James McDonald
GENERAL MANAGER	Heath Chasemore
DIVISION	Infrastructure and Operations
ATTACHMENTS	<ol style="list-style-type: none">1. DWMP Review 2021 – Operational Document for Council Adoption [9.1.1 - 110 pages]2. DWMP Review 2021 – Technical Document for Council Adoption [9.1.2 - 204 pages]

RECOMMENDATION

MOVED Cr Graham Costin, SECONDED Cr Chris Potter

That Council:

1. *Notes the draft Domestic Wastewater Management Plan 2021 was exhibited seeking community feedback from 29 April until 24 June 2022.*
2. *Notes that no submissions were received on the draft Domestic Wastewater Management Plan 2021.*
3. *Adopts the Domestic Wastewater Management Plan 2021 as per Attachment 1 Operational Plan and Attachment 2 Technical Document.*

AMENDMENT

MOVED Cr Stephen Hart

To add an additional point to read:

4. *Provides this strategy to the Shire valuers so that they may consider the relevance to the valuation of the properties, if any, particularly those in the 'very high' sensitivity rating.*

LAPSED for want of a seconder.

The Motion (as outlined in the Recommendation above) was put to the vote.

RESOLUTION

MOVED Cr Graham Costin, SECONDED Cr Chris Potter

That Council:

- 1. Notes the draft Domestic Wastewater Management Plan 2021 was exhibited seeking community feedback from 29 April until 24 June 2022.*
- 2. Notes that no submissions were received on the draft Domestic Wastewater Management Plan 2021.*
- 3. Adopts the Domestic Wastewater Management Plan 2021 as per Attachment 1 Operational Plan and Attachment 2 Technical Document.*

CARRIED 7 : 0

Item: 9.2

Consideration of the Public Toilet Strategy

OFFICER	James Myatt
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	<ol style="list-style-type: none">1. Public Toilet Strategy - Submissions [9.2.1 - 18 pages]2. Public Toilet Strategy - Responses to Submissions [9.2.2 - 12 pages]3. Public Toilet Strategy - For Adoption [9.2.3 - 76 pages]

RECOMMENDATION

That Council:

1. **Notes the Draft Public Toilet Strategy was exhibited in accordance with Council's resolution of 27 October 2021.**
2. **Notes the submissions received on the Draft Public Toilet Strategy and thanks submitters for their feedback.**
3. **Notes a summary of submissions and responses are presented, as per Attachment 1 and 2.**
4. **Adopts the Public Toilet Strategy, as per Attachment 3.**

RESOLUTION

MOVED Cr Chris Potter, SECONDED Cr Joe McCracken

That Council:

1. **Notes the Draft Public Toilet Strategy was exhibited in accordance with Council's resolution of 27 October 2021.**
2. **Notes the submissions received on the Draft Public Toilet Strategy and thanks submitters for their feedback.**
3. **Notes a summary of submissions and responses are presented, as per Attachment 1 and 2.**
4. **Adopts the Public Toilet Strategy, as per Attachment 3.**

5. *Notes that the Great Ocean Road Coast and Parks Authority is likely to undertake a Visitor Facilities Strategy, which will consider the provision of public toilets that they are responsible for. Should there be a material difference between Council's Public Toilet Strategy and recommendations in the Great Ocean Road Coast and Parks Authority's strategic work, this will be presented to Council for consideration and potential amendment of the Public Toilet Strategy.*

CARRIED 5 : 2

Item: 9.3

**Combined Amendment C111cola and Planning Permit
Application PP219/2020 - Consideration of Planning Panel
Report**

OFFICER	Erin Sonogo and Ravi Ayyagari
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Community and Economy
ATTACHMENTS	<ol style="list-style-type: none"> 1. Amended Planning Permit - Post Panel Changes for Council Approval [9.3.1 - 12 pages] 2. Panel Report [9.3.2 - 36 pages] 3. Application Plans [9.3.3 - 7 pages] 4. Proposed Liquor License Red Line Area [9.3.4 - 1 page] 5. Proposed Advertising Signage [9.3.5 - 1 page] 6. Proposed Fire Protective Fence Detail [9.3.6 - 1 page] 7. Amendment C111cola Zone Map [9.3.7 - 1 page] 8. Proposed Plan of Subdivision [9.3.8 - 2 pages]

Cr Graham Costin declared a general conflict of interest pursuant to section 127 of the *Local Government Act 2020* and left the meeting at 5.06pm prior to discussion taking place.

Cr Graham Costin	Item 9.3 Combined Amendment C111cola and Planning Permit Application PP219/2020 - Consideration of Planning Panel Report
Nature of Disclosure	General conflict of interest
Nature of interest	It has been suggested that I may have a conflict of interest in this matter, so I am declaring a General Conflict of interest until such time as the matter can be clarified.

RESOLUTION

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

That Council:

- 1. Pursuant to Section 96F of the Planning and Environment Act 1987, receives and considers the Panel Report.**
- 2. Pursuant to Section 96G of the Planning and Environment Act 1987, adopts the Amendment in full, with the changes to planning permit conditions recommended by the Panel.**
- 3. Pursuant to Section 96H of the Planning and Environment Act 1987, resolves to submit the Amendment and permit application to the Minister for Planning for approval.**

CARRIED 6 : 0

Cr Graham Costin returned to the meeting at 5.16pm after the vote had taken place.

The meeting adjourned for a break at 5.16pm.

The meeting resumed at 5.25pm.

Item: 9.4

Asset Management Policy For Adoption

OFFICER	Kanishka Gunasekara
GENERAL MANAGER	Heath Chasemore
DIVISION	Infrastructure and Operations
ATTACHMENTS	1. Asset Management Policy For Adoption - Council Meeting August - 2022 [9.4.1 - 6 pages]

RECOMMENDATION

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

That Council:

1. **Notes the proposed changes to the Asset Management Policy was exhibited in accordance with Council's resolution of 25 May 2022.**
2. **Notes that no submissions were received during the public exhibition of the Asset Management Policy.**
3. **Adopts the Asset Management Policy, as per Attachment 1.**

AMENDMENT

MOVED Cr Graham Costin

To add an additional point to read:

4. **Asset operational and maintenance costs shall be reviewed on an annual basis to look for any emerging opportunities to reduce lifecycle costs consistent with service delivery needs.**

Cr Stephen Hart left the meeting at 5.31pm.

Cr Stephen Hart returned to the meeting at 5.31pm.

LAPSED for want of a seconder

The Motion (as outlined in the Recommendation above) was put to the vote.

RESOLUTION

MOVED Cr Joe McCracken, SECONDED Cr Chris Potter

That Council:

- 1. Notes the proposed changes to the Asset Management Policy was exhibited in accordance with Council's resolution of 25 May 2022.*
- 2. Notes that no submissions were received during the public exhibition of the Asset Management Policy.*
- 3. Adopts the Asset Management Policy, as per Attachment 1.*

CARRIED 7 : 0

Item: 9.5

Nomination of a Substitute Representative for Municipal Association of Victoria (MAV) Special State Council meeting

OFFICER	Marlo Emmitt
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

RECOMMENDATION

That Council:

1. **Appoints [insert Councillor] as the Substitute MAV Representative to attend the Special meeting of the State Council scheduled to be held on Friday 16 September 2022.**
2. **Notes that the Substitute MAV Representative has full voting rights.**
3. **Notes that the Chief Executive Officer, Anne Howard, intends to accompany the Substitute MAV Representative at the Special meeting of State Council.**
4. **Notes the Delegate Report prepared by Councillor Hart on the MAV State Council meeting held on 24 June 2022, under Item 10.2 of the Council agenda.**

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Joe McCracken

That Council:

1. **Appoints Cr Margaret White as the Substitute MAV Representative to attend the Special meeting of the State Council scheduled to be held on Friday 16 September 2022.**
2. **Notes that the Substitute MAV Representative has full voting rights.**
3. **Notes that the Chief Executive Officer, Anne Howard, intends to accompany the Substitute MAV Representative at the Special meeting of State Council.**
4. **Notes the Delegate Report prepared by Councillor Hart on the MAV State Council meeting held on 24 June 2022, under Item 10.2 of the Council agenda.**

CARRIED 7 : 0

Item: 9.6

Audit and Risk Committee Minutes - 25 May 2022

OFFICER	Lyndal McLean
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. 25 May 2022 Audit and Risk Committee meeting - Signed Minutes [9.6.1 - 25 pages]

RESOLUTION

MOVED Cr Margaret White, SECONDED Cr Graham Costin

That Council receives for information the Colac Otway Shire Audit and Risk Committee minutes dated 25 May 2022.

CARRIED 7 : 0

Item: 9.7

Authorisation of an Officer under the Planning and Environment Act 1987

OFFICER	Belinda Rocka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. Instrument of Authorisation Authorised Officer Planning and Environment Act Jason S [9.7.1 - 1 page]

RESOLUTION

MOVED Cr Joe McCracken, SECONDED Cr Graham Costin

That Council:

- 1. Appoints Jason Scammell as an Authorised Officer pursuant to section 147(4) of the Planning and Environment Act 1987;*
- 2. Authorises the use of the common seal in accordance with Colac Otway Shire Council's Governance Local Law No 4 – 2020; and*
- 3. Notes that the Instrument of Appointment and Authorisation comes into force immediately after the common seal of Council is applied and remains in force until Council determines to vary or revoke it.*

CARRIED 7 : 0

Item: 9.8

Report of Informal Meetings of Councillors

OFFICER	Lyndal Redford
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none"> 1. Informal Meeting of Councillors - Council meeting preparation - 27 July 2022 - CM 20220727 [9.8.1 - 2 pages] 2. Informal Meeting of Councillors - Councillor Briefing - 3 August 2022 - CB 20220803 [9.8.2 - 2 pages] 3. Informal Meeting of Councillors - Councillor Briefing - 10 August 2022 - CB 20220810 [9.8.3 - 2 pages]
PURPOSE	To report the Informal Meetings of Councillors

REPORTING

The Informal Meetings of Councillors are reported herewith.

- | | |
|---------------------------------------|-----------------------|
| 1. Council Meeting Preparation | 27 July 2022 |
| 2. Councillor Briefing | 3 August 2022 |
| 3. Councillor Briefing | 10 August 2022 |

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

Item: 10.1

**Report from Delegate - 2022 National General Assembly in
Canberra - 19-22 June 2022**

COUNCILLOR	Cr Chris Potter
ATTACHMENTS	1. Summary - National General Assembly 2022 notes [10.1.1 - 11 pages]

The purpose of this item was for Cr Potter to report to Council on the 2022 National General Assembly in Canberra and did not require a Council decision.

Item: 10.2

Report from Delegate - Municipal Associations of Victoria (MAV) State Council meeting held on Friday 24 June 2022

COUNCILLOR	Cr Stephen Hart
ATTACHMENTS	<ol style="list-style-type: none">1. MAV State Council Meeting Resolutions Friday 24 June 2022 [10.2.1 - 32 pages]2. MAV State Council Strategic Directions June 2022 [10.2.2 - 9 pages]

The purpose of this item was for Cr Hart to report to Council on the most recent Municipal Association of Victoria's State Council meeting and did not require a Council decision.

Item: 10.3
**Notice of Motion - Governance Rules - Submissions
Committee**

COUNCILLOR	Cr Stephen Hart
ATTACHMENTS	Nil

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Graham Costin

That Council:

- 1. Notes that the draft changes and marked-up Governance Rules are on exhibition for a period of six weeks to allow the public to make written submissions on the proposed changes.**
- 2. Determines that it will hear submitters that wish to be heard in support of their written submission at a Submissions Committee meeting to be held on 21 September 2022 at Colac Otway Performing Arts and Cultural Centre, commencing at 4pm.**
- 3. Notes that point 2 of this resolution supersedes point 4.1 of the Council resolution of 27 July 2022 relating to Item 9.5 of the Council meeting agenda.**
- 4. Requests the Chief Executive Officer to ensure that all submitters are informed of this option as soon as practicable following this Council meeting.**

CARRIED 7 : 0

Item: 10.4

Notice of Motion - Recording of Responses to Public Questions in the Meeting Minutes

COUNCILLOR	Cr Stephen Hart
ATTACHMENTS	1. Extract - Marked up Governance Rules of Colac Otway Shire Council - 67.1.13 [10.4.1 - 1 page]

NOTICE OF MOTION

That Council:

1. ***Notes that since April 2022 the Council has recorded an officer's summary and interpretation of the answers read out at Council meetings in response to questions from the public instead of recording the actual answer, in line with Council's existing Governance Rules.***
2. ***Notes that recording an officer's summary and interpretation of the answers does not reflect what actually occurred when the actual answers were read out at the meeting.***
3. ***Proposes to amend sub-clause 67.1.13 of its Governance rules to read: "a brief summary of any public questions and the full responses provided by the Mayor, Chief Executive Officer or their nominee; and"***
4. ***Places the proposed revised sub-clause 67.1.13 (Attachment 1) on public exhibition from Friday 26 August to Tuesday 13 September 2022 (inclusive), to allow the public to make written submissions on the proposed change.***
5. ***Determines that it will hear submitters that wish to be heard in support of their written submission at a Submissions Committee meeting to be held on 21 September 2022 at Colac Otway Performing Arts and Cultural Centre, commencing at 4pm.***

RESOLUTION

MOVED Cr Stephen Hart, **SECONDED** Cr Graham Costin

That Council:

1. ***Notes that since April 2022 the Council has recorded an officer's summary and interpretation of the answers read out at Council meetings in response to questions from the public instead of recording the actual answer, in line with Council's existing Governance Rules.***

2. *Notes that recording an officer's summary and interpretation of the questions and answers does not reflect what actually occurred when the actual questions and answers were read out at the meeting.*
3. *Proposes to amend sub-clause 67.1.13 of its Governance rules to read: "the full text of any public questions and the full responses provided by the Mayor, Chief Executive Officer or their nominee; and"*
4. *Places the proposed revised sub-clause 67.1.13 (Attachment 1 amended to reflect points 2 and 3) on public exhibition from Friday 26 August to Tuesday 13 September 2022 (inclusive), to allow the public to make written submissions on the proposed change.*
5. *Determines that it will hear submitters that wish to be heard in support of their written submission at a Submissions Committee meeting to be held on 21 September 2022 at Colac Otway Performing Arts and Cultural Centre, commencing at 4pm.*

CARRIED 7 : 0

Item: 10.5

Notice of Motion - Foot and Mouth Disease - Advocacy for Action

COUNCILLOR Cr Chris Potter

ATTACHMENTS Nil

NOTICE OF MOTION

That Council:

- 1. Acknowledges the concern of the farming, business and general community of the Colac Otway Shire on the potential impacts of a Foot and Mouth disease (FMD) outbreak in Australia.*
- 2. Resolves to write to the Minister of Agriculture, Fisheries and Forestry to advocate for continuing increased measures to prevent an outbreak of FMD and raise awareness of FMD.*

RESOLUTION

MOVED Cr Chris Potter, SECONDED Cr Joe McCracken

That Council:

- 1. Acknowledges the concern of the farming, business and general community of the Colac Otway Shire on the potential impacts of an outbreak of Foot and Mouth disease (FMD) or Lumpy Skin disease (LSD) in Australia.*
- 2. Resolves to write to the Federal Minister of Agriculture, Fisheries and Forestry and the State Minister for Agriculture to advocate for continuing increased measures to prevent an outbreak of FMD and raise awareness of FMD.*

CARRIED 7 : 0

Item: 10.6
Item of Urgent Business

COUNCILLOR	Cr Graham Costin
ATTACHMENTS	Nil

RESOLUTION

MOVED Cr Graham Costin, SECONDED Cr Stephen Hart

That the matter of the Powercor proposal meets the criteria for consideration as an item of Urgent business as it has arisen since the distribution of the agenda, and cannot safely or conveniently be deferred until the next Council or meeting.

CARRIED 7 : 0

RESOLUTION

MOVED Cr Graham Costin, SECONDED Cr Stephen Hart


That Council:

- 1. Acknowledges the concern of the Colac Otway coastal community in relation to the potential service, economy and employment impacts of the Powercor proposal to cease using Apollo Bay-based local service agents and instead use newly recruited Colac-based staff to rectify coastal area power outages.*
- 2. Resolves to write to Powercor to:*
 - i. Seek an outline of their proposal and firm assurances that coastal customers can expect the same, if not improved, power supply fault response times as a result of the change.*
 - ii. Request data on coastal power supply outages and durations over the last five years.*
 - iii. Ask what strategies and/or action plans it has in place to reduce the frequency and duration of coastal power supply outages in the future.*
 - iv. Copies the correspondence to the Victorian Essential Services Commission and to the relevant Ministers and Shadow Ministers.*

CARRIED 7 : 0

The meeting was declared closed at 6.08pm

CONFIRMED AND SIGNED at the meeting held on 28 September 2022.


.....MAYOR