



ORDINARY COUNCIL MEETING

AGENDA

14 DECEMBER 2016

at 6.00PM

COPACC

COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

14 DECEMBER 2016

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COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

NOTICE is hereby given that the next **ORDINARY COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** will be held in COPACC on 14 December 2016 at 6pm.

AGENDA

1. I DECLARE THIS MEETING OPEN

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

3. APOLOGIES

4. MAYORAL STATEMENT

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

I ask that we all show respect to each other and respect for the office of an elected representative.

All Council and Committee meetings are audio recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings.

Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy.

In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

Council will not use or disclose the recordings for any other purpose. It is an offence to make an unauthorised recording of the meeting.

5. QUESTION TIME

A maximum of 30 minutes is allowed for question time. To ensure that each member of the gallery has the opportunity to ask questions, it may be necessary to allow a maximum of two questions from each person in the first instance. Once everyone has had an opportunity to ask their initial questions, and if time permits, the Mayor will invite further questions.

Please remember, you must ask a question. If you do not ask a question you will be asked to sit down and the next person will be invited to ask a question. Question time is not a forum for public debate or statements.

1. Questions received in writing prior to the meeting (subject to attendance and time).
2. Questions from the floor.

6. TABLING OF RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS

These responses will not be read out but will be included in the minutes of this meeting.

7. DECLARATION OF INTEREST

7. CONFIRMATION OF MINUTES

- **Ordinary Council Meeting of 23 November 2016.**

Recommendation

That Council confirm the above minutes.

**ORDINARY COUNCIL MEETING
GREAT OCEAN ROAD REGIONAL TOURISM (GORRT) BOARD MEMBERSHIP
OM161412-1**

| | | | |
|---------------------------|--|------------------------|------------------------------------|
| LOCATION / ADDRESS | Great Ocean Road precinct | GENERAL MANAGER | Gareth Smith |
| OFFICER | Gareth Smith | DEPARTMENT | Development and Community Services |
| TRIM FILE | F16/6678 | CONFIDENTIAL | No |
| ATTACHMENTS | Attachment 1 - Board Charter GORRT 2014 | | |
| PURPOSE | The purpose of this report is for Council to nominate a Shire representative to the Great Ocean Road Regional Tourism Board. | | |

1. DECLARATION OF INTERESTS

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

2. BACKGROUND

Council at its September 2013 meeting agreed to participate in the formation of the Great Ocean Road Regional Tourism Board (GORRT) including appointment of its Economic Development Manager as Council's representative to their Board. Due to the recent departure of Council's Economic Development Manager, Council is invited to consider a replacement.

The role of GORRT is to lead and facilitate the development, marketing, management and advocacy for the visitor economy of region. Further detail of the GORRT Board can be found in their Charter (Attachment 1).

Summary information relating to GORRT and its Board appointments follows:

- GORRT is a not for profit Company Limited by Guarantee registered by ASIC.
- Directors have a fiduciary responsibility, including to act in the interests of the company.
- The Directors of GORRT are its only members.
- The composition of the Board is in accordance with the company constitution, with a maximum of 15, currently comprising:
 - Nominations by the 6 Local Government Council "partners"
 - o Surf Coast (CEO)
 - o Colac Otway (vacant-previously an officer)
 - o Corangamite (CEO)
 - o Moyne (CEO)
 - o Warrnambool (CEO)
 - o Glenelg (Mayor)

- Industry and skill based appointments (6)
- Independent Chair.

Board meetings are held bi-monthly at locations throughout the region.

The GORRT Chairman, has confirmed the preference of the GORRT Board is for the local government directors to be Chief Executives for the following reasons:

- Enhances the operational collaboration efficiency of GORRT and Council economic development and tourism resources.
- Facilitates CEO peer to peer collaboration and council policy and priorities alignment.
- Enhances State Government advocacy via Regional Partnerships (Barwon and Great South Coast).
- The visitor economy is a major contributor and growth sector of the region's economy, requiring high level strategic development across local government boundaries.
- Facilitates strategic planning and advocacy cohesion and cooperation.

3. COUNCIL PLAN / OTHER STRATEGIES / POLICY

A Planned Future

Creates an attractive shire with quality buildings and spaces, accessible travel and transport, and a community that has the services and facilities it needs and in the future; supports a prosperous economy where trade, manufacturing and business activity flourishes.

Our Goal:

Facilitate the growth, liveability and development of the shire and encourage innovation and efficiency in the local economy.

4. PROPOSAL

It is proposed for the Council to nominate the Shires Chief Executive Officer to the Great Ocean Road Regional Tourism Board.

5. FINANCIAL AND OTHER RESOURCE IMPLICATIONS

There are no significant financial or resource implications associated with the proposal to nominate the Chief Executive Officer to GORRT Board with the Board meeting bi-monthly within or near to the shire.

6. RISK MANAGEMENT & COMPLIANCE ISSUES

There are no risk management or compliance issues related to this report or any action from the report.

7. ENVIRONMENTAL AND CLIMATE CHANGE CONSIDERATIONS

There are no environmental or climate change considerations related to this report or any action from the report.

8. COMMUNITY ENGAGEMENT

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of July 2013, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected would be inform and GORRT Board of Council's decision.

9. IMPLEMENTATION

If the recommendation of this report is supported GORRT Board will be informed of Councils decision and the Chief Executive Officer would attend the next scheduled meeting.

10. CONCLUSION

The GORRT Board preference is for the Councils to be represented by their Chief Executive Officer for reasons outlined within this report.

11. RECOMMENDATION

Recommendation

That Council endorses the Chief Executive Officer as Colac Otway Shire director representative on the Great Ocean Road Regional Tourism Board (GORRT).

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***Great Ocean Road Regional Tourism Ltd (GORRT)***

***BOARD CHARTER***

**March 2014**



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## GENERAL PRINCIPLES

The Great Ocean Road Regional Tourism Ltd (GORRT) Board on behalf of the stakeholders, is responsible for the stewardship and future well-being of GORRT.

The Board should exercise leadership, enterprise, integrity and judgement in directing the organisation so as to provide assurance of its continuing and lasting prosperity.

GORRT's purposes are made clear in its Company Constitution. Board Directors should apply and endeavour to achieve the highest possible standards of corporate governance.

### Governance defined – the role of the Board

Governance might be described as:

*The exercise of corporate leadership through the establishment and monitoring of necessary controls and strategic direction setting so that the organisation is equipped to respond to the changing circumstances and situations in the external and internal environments in order to meet the expectations and demands of key stakeholders.*

### Governance is different from Management

Governance involves the Board in the process of ensuring that GORRT is well managed without the Board itself becoming involved in the operations except as required by its legislation or as a consequence of exceptional circumstances.

Whereas the Board sets governance-level policies and establishes the strategic direction including the development of the organisation purpose, values and the organisation-wide goals and objectives, the General Manager designs and manages the day-to-day operational processes.

The General Manager is thus the agent of the Board. The Board is responsible for determining organisational 'Ends' or outcomes and the General Manager's role to design the "Means' or methods to achieve those ends.

### Two levels of organisational policy

- (a) Governance-level policy. Policies at this level are developed and adopted by the Board and relate to high-level, organisation-wide matters. These include policies in respect of the Board's operating processes and duties, and its delegation to the General Manager for the organisation's day-to-day management. These policies are a reflection of the Board's desire to meet its duty of care under law and its moral responsibility to provide good governance on behalf of all interested parties.
- (b) Management-level policy. These are developed by the General Manager and relate to the operational management of the organisation. The Board is not required to approve policies at this level; nonetheless, such policies shall be made available for reference by the Board. Management-level policies flow logically from the governance policies.

In fulfilling their responsibilities, the Board and individual Board Directors have a duty to act with integrity in the best interests of the organisation as a whole, irrespective of personal, professional, commercial or other interests, loyalties or affiliations. When serving as Board Directors, Directors' first duty and loyalty must be to the organisation.

In summary the Board:

1. Provides leadership to the organisation ensuring that it achieves continuing prosperity in the best interests of the organisation and its stakeholders.
2. Establishes the organisation's purpose, vision and values.
3. Oversee the development, implementation and monitoring of the Strategic Plan in respect of the written requirements, the spirit and intent of the Strategic Plan's aims and objectives
4. Operates in accordance with its adopted Company Constitution
5. Determines the appropriate culture for the organisation and models behaviours that both reflect and promulgate the desired culture.
6. Ensures an appropriate mix of Board Directors
7. Employs the General Manager and monitors management and organisation performance against established Board criteria.
8. Identifies and monitors the management of corporate risks.
9. Ensures that the organisation complies with all internal and externally imposed compliance requirements.
10. Establishes and maintains an effective interrelationship with stakeholders.
11. Establishes and determines the powers of Board sub-committees.

## **EXPECTATIONS OF INDIVIDUAL BOARD DIRECTORS**

To execute these governance responsibilities, Board Directors must, so far as possible, possess certain characteristics, abilities and understandings:

### **1. Ethical Conduct**

The Code of Ethics and Good Conduct and The Conflict of Interests policies provide direction to Board Directors and the Board in addressing key ethical issues.

### **2. Strategic orientation**

Board Directors should be future oriented, demonstrating vision and foresight. They are expected to think conceptually, taking a 'big picture' perspective. They should be able to synthesise and simplify complex information and ideas. Their focus should be on strategic goals and policy implications rather than operational detail. They need to understand and focus on issues that are central to the success of GORRT.

### **3. Integrity and accountability**

Board Directors must demonstrate high ethical standards and integrity in their personal and professional dealings, and be willing to act on - and remain collectively accountable for - all Board decisions even if these are unpopular or if individual Directors disagree with them. Board Directors must be committed to speaking with one voice on all policy and directional matters.

### **4. Informed and independent judgement**

Each Director of the Board must have the ability to provide wise, thoughtful counsel on a broad range of issues. He or she must have (or be able to develop) a sufficient depth of knowledge about the organisation's business in order to understand and question the assumptions upon which strategic and business plans and important proposals are based, and to be able to form an independent judgement as to the probability that such plans can be achieved, or proposals successfully implemented. Each Board Director must be willing to risk rapport with fellow Board Directors in taking a reasoned, independent position.

### **5. Financial literacy**

Because the Board must monitor financial performance, Board Directors must be financially literate. They should be able to read financial statements and understand the use of financial ratios and other indices used for evaluating the organisation's performance. To achieve this appropriate training and support will be provided.

### **6. Industry and sector knowledge**

Each Board Director is expected to bring a level of industry, business, governance and sector knowledge sufficient to contribute to the board's deliberations and considerations on behalf of the organisation and its Directors.

### **7. Participation**

Each Board Director is expected to enhance the Board's deliberations by actively offering questions and comments that add value to the discussion. Each should strive to be at ease with fellow Board Directors participating in a constructive manner that acknowledges and respects the contribution of others at the table including the executive team. Board Directors must be able to accept challenge from others without becoming defensive. In order to foster teamwork and engender trust Board Directors should be willing to reconsider or change their positions after hearing statements of others' reasoned viewpoints.

## **ENACTING THE GOVERNANCE RESPONSIBILITIES**

The Board is responsible for protecting the rights and interests of the Stakeholders and is accountable to them for the overall management of the organisation. In fulfilling its obligations and duties, the Board should assume responsibility in at least the following areas:

### **1. Meeting legal requirements**

The Board's first duty is to the legal entity. In meeting this duty the Board must ensure that all legal requirements under the relevant Acts, including corporations, taxation, workers' compensation, etc, are

met and that the entity is protected from harmful situations and circumstances in the interests of current and future stakeholders. As a public company limited by guarantee, the Board's primary concern is to ensure compliance with all requirements of the company's constitution and the Corporations Act 2001 ; The Board also has a responsibility to its various stakeholders to ensure that the available resources are used to deliver the 'right outcomes' to the 'right people' in the 'right way'.

In particular Board Directors have the following obligations:

- a. To act in good faith in the interests of all stakeholders of the organisation
- b. To exercise their powers for a proper purpose
- c. To avoid conflicts of interests
- d. To act honestly
- e. To act with reasonable care and diligence
- f. Not to make improper use of either their position on the Board or information gained while in that role

Board Directors, either individually or collectively, are potentially liable if they act illegally or negligently.

## **2. Board Directorship**

The Board will:

- a. Assist to make good appointments to the Board
- b. Ensure that constituent bodies are fully conversant with the role, responsibilities, work programme and performance of the Board and its Directors
- c. Provide a thorough orientation process for new Board Directors

## **3. Governance philosophy and approach**

The Board will govern GORRT with an emphasis on:

- a. a future focus rather than a preoccupation with the present or past;
- b. strategic issues rather than administrative detail;
- c. pro-activity rather than reactivity;
- d. encouraging a diversity of opinions and views;
- e. the development and expression of a collective responsibility for all aspects of the Board's performance;
- f. continuing improvement in Board and individual Board Director effectiveness; and the interests of GORRT as a whole.

## **4. Strategic leadership**

The Board will:

- a. Formulate, authorise and monitor GORRT's vision, mission and strategic objectives.
- b. Provide input that assists in identifying and understanding emerging trends and issues likely to affect the well being of the organisation and its stakeholders.
- c. Review GORRT's situation and agree the broad framework within which the strategic and business plans will be prepared each year.
- d. Recommend any significant shifts in the broad strategic direction of the organisation to the Stakeholders.
- e. Ensure that the General Manager is continually striving for above average performance after taking into account risk.
- f. Ensuring there are adequate internal controls and ethical standards of behaviour.
- g. Ensure the development of medium-term and annual business plans.
- h. Review and approve the organisation's financial objectives, plans and actions, including significant capital allocations and expenditures.
- i. Monitor the effectiveness of the governance policies under which it operates and make changes as required.

#### **5. Direction of General Manager performance**

The Board will:

- a. Select, monitor and, if necessary, replace the General Manager.
- b. Maintain an up to date framework for defining the Board's expectations of the General Manager's performance including the setting of a clear annual performance agreement.
- c. Provide regular, honest and rigorous performance feedback to the General Manager on the achievement of such expectations.
- d. Ensure there are positive conditions for the motivation of the General Manager and ensure that there is adequate training to support her/him in their role.
- e. The Chairperson shall be primarily responsible for scheduling matters for review by the Board in connection with the engagement of the General Manager, and for undertaking any annual performance reviews.
- f. The Chairperson shall act as the primary contact for the General Manager, and be the conduit to the Board for all matters relating to the accountability of the General Manager.

#### **6. Compliance and integrity**

The Board will:

Ensure ethical behaviour and compliance with the Board's policies, State and Federal laws and regulations, audit and accounting principles and the organisation's stated values and governance documents.

Ensure the integrity of the organisation's internal control and management information systems so that its decision-making capability and the accuracy of its reporting are maintained at a high level at all times.

#### **7. Board focus**

The Board will:

- a. Ensure that the Board makes the best possible use of its meetings by dealing only with matters that have governance-level significance, by focusing primarily on the future and, within a defined policy framework, by delegating as much as possible to the General Manager.
- b. Ensure that reports and proposals for the Board are timely, contain content and are formatted so as to reinforce and support the Board's governance role.

#### **8. Material transactions**

The Board will review and approve transactions that are not consistent with the ordinary course of business (i.e. of considerable size, or of an unusual nature).

#### **9. Monitoring and enhancing Board effectiveness**

The Board will assess annually its own effectiveness in fulfilling this charter and other Board responsibilities, including the effectiveness of individual Board Directors. The Board will evaluate the conduct of each meeting to give and receive feedback about its performance according to this Charter.

#### **10. Assurance of accountability**

The Board will:

- a. Serve the legitimate collective interests of the present Stakeholders of the organisation and account to them fully.
- b. Remain up to date in terms of Stakeholders' concerns, needs and aspirations.
- c. Report to the Stakeholders as required on the performance of the company and account for the Board's stewardship of that performance.

#### **11. Financial governance**

The board has a core duty to ensure the financial integrity and viability of the organisation. This entails overseeing all financial processes and systems, regular review of financial results and annual, approval of the company's financial plan, budget and financial announcements.

The Board will:

- a. Develop, review and monitor the implementation of governance level financial policies.
- b. Provide guidance on budget parameters and priorities and approve the annual budget and financial plan including capital expenditure.
- c. Consider expenditure outside budget parameters for approval.
- d. Review and approve the full year financial statements, reports and outcomes.
- e. Receive and approve the Finance and Risk Committees' annual plan and scheduled reports.
- f. Review and approve periodic financial statements.



- g. Appoint an external auditor and consider the annual audit report on the financial affairs of the organisation. To be confirmed.

## **12. Monitoring Operational Performance**

The Board has a duty to oversee and monitor the performance of the operational organisation.

The Board will:

- a. Ensure the General Manager will report to the Board on the performance of the organisation at a frequency and to a standard specified by the board.
- b. Ensure all such reporting should be targeted at the Board's interests and duties rather than a description of management actions.
- c. Ensure all Board Directors shall remain active in monitoring the organisation's performance and risks, and seek further information from management as required.

## **13. Risk management**

The Board will identify and evaluate the principal risks faced by the organisation and ensure that appropriate systems are in place to avoid or mitigate these risks including the protection of intellectual capital.

The Board will:

- a. Ensure that robust risk management policies and processes are developed and monitored addressing all areas of organisational risk and that the Board is kept abreast of all key corporate risks areas and strategies in a timely manner.
- b. Ensure that the organisation is progressing towards its strategic goals and objectives as established by the Board.
- c. Ensure that suitable internal controls are in place and are enacted and monitored so as to ensure effective and efficient operation and management of the organisation's resources.
- d. Ensure that the organisation is governed and managed in accordance with its constitution and policies.
- e. Ensure that proper accounting records are kept.
- f. Ensure prompt investigation of any material shortfalls or breaches in compliance or risk management standards.

## **14. Public Comment**

The General Manager shall act as the primary contact for media enquires and/or announcements. The Chairperson is authorised to act as such a contact in the absence of the General Manager.

When individual Board Directors are approached by the media for comment, Board Directors must:

- a. Refrain from disclosing any significant and/or confidential information, documents or other forms of data without prior consent from the Board or the Chairperson. If there is doubt about the nature of any item, it is to be presumed such an item is to remain confidential, until authorised otherwise by the Board.
- b. Refrain from performing any activities on behalf of the person or organisation approaching the Board Director without prior consent from the Board or the Chairperson.

- c. Inform the board or the Chairperson at the earliest convenience of the approach and the request for comment so that, if possible, a Board agreed position or appropriate action can be determined.

All public announcements shall be consistent with decisions of the Board which have been authorised to be made public. Announcements must not disclose confidential Board conduct or information (including voting results of Board Meetings), nor disclose the individual views of Board Directors, but shall be made on behalf of the organisation as a whole.

#### **15. Other**

The Board will perform such other functions as a prescribed by law or assigned to the Board under the organisations governing documents.

### **BOARD MEETINGS**

The majority of Board business will be conducted in Board meetings. In order to ensure effective meetings the following principles apply:

1. The Board will develop a one year agenda that:
  - regularly reviews progress towards the achievement of the strategic direction/strategic plan and relevant strategic issues.
  - provides assurance that all relevant compliance requirements are addressed.
  - improves Board performance through education and continuous focus on its governance effectiveness.
2. The Chairperson, in consultation with the General Manager will prepare the agenda for each board meeting. All Board Directors have the opportunity to contribute to the agenda.
3. All agenda items shall be accompanied by a paper documenting the recommendations to be considered by the Board.
4. Board Directors will receive their Board papers at least five working days prior to the meeting.
5. As a general rule, the Board will endeavour to meet monthly and at least bi-monthly. Board meetings may be scheduled at other times or at other frequencies as determined by the Board. A calendar of meetings shall be set in advance and be strictly adhered to. Change of meeting dates from those in the calendar will only be considered should a quorum not likely be present at a meeting.
6. Board meetings will be conducted in an open and constructive manner, recognising that genuinely held differences of opinion can bring greater clarity and lead to better decisions.

7. In most instances Board decisions will be reached by consensus. When necessary the Chairperson may call for a vote as per the Company Constitution.
8. Board Directors shall disclose any conflicts of interest at the earliest point in the meeting and, as determined, refrain from voting or participating in resolution of the issue under discussion as per the 'Conflict of Interests' policy.
9. Other than in extraordinary circumstances, substantive and/or unscheduled papers or matters requiring Board consideration will not be received and acted upon at the meeting at which these are presented. Ordinarily, such matters shall be deferred to the next meeting allowing the Board to be adequately briefed on the relevant background and recommendations. Any matters unrelated to the strategic plan shall take low priority, unless relevant to the governance policies of the organisation.
10. Observers may participate in Board meetings at the Board's discretion. Observers will respect the Boards' integrity and accountability and will thus accept any constraints imposed by the Board or the Chairperson on their participation and presence. Ordinarily, observers will not become involved in Board discussion, unless invited to do so. Observers shall be invited to attend meetings to provide specific skills and experience, and/or assist the Board in its communications with the broader industry.
11. The Board may determine to hold 'Board only' sessions in response to sensitive or confidential issues. Such sessions might also be scheduled on a regular basis at the commencement of the meeting so that the Board can, without observers or management present, agree on the priorities for the meeting, answer questions from Board Directors that could cause embarrassment if asked in front of observers, or discuss any other matters of a confidential nature.
12. The Board may pass circulating resolutions without holding a meeting in person. As the Board's preference is to conduct all business in person, circulating resolutions will only be pursued in connection with matters already planned and/or discussed at a Board Meeting, for payment approvals consistent with the Financial Governance Policy, or for matters relevant to meeting the statutory compliance obligations of the organisation. Board Directors shall be expected to respond to such resolutions within up to 48 hours from receipt, unless they notify their absence.

#### **CHAIRPERSON ROLE & RESPONSIBILITIES**

The Chairperson provides leadership to the Board, ensuring that the Board's processes and actions are consistent with its policies, procedures and strategic plan. It is anticipated that the Chairperson will promote a culture of stewardship, collaboration and co-operation, modelling and promulgating behaviours that define sound Board Directorship.

1. The Chairperson will remain abreast of all Board initiatives, represent the Board and the organisation externally and act as the Board spokesperson and central point of contact for stakeholders on matters pertaining to the Board's activities. CEO will also have a role
2. The Chairperson will chair Board meetings ensuring that:
  - a. Meeting discussions are centred on governance matters as defined in the Board's policies, Company Constitution and Statement of Purpose.

- b. All Board Directors are treated even-handedly and with respect.
  - c. All Board Directors are encouraged and enabled to make a positive contribution to the Board's deliberations
3. The Chairperson has no authority to unilaterally change any aspect of Board policy.
4. The Chairperson will ensure that the Board develops and implements processes and systems that result in board effectiveness including:
  - a. The development, review and monitoring of the organisation's strategic plan and risk management.
  - b. Board Director and office holder succession planning.
  - c. Board Director and Board professional development.
  - d. Board performance assessment.
  - e. Serving as a mentor to individual Board Directors.
  - f. Overseeing the stakeholder interface.
5. The Chairperson will ensure that Board meetings are properly planned including the development and distribution of Board papers in a timely manner and that the minutes accurately reflect the deliberations and decisions of the Board and the Board Meetings are conducted as per the Company Constitution.
6. The Chairperson will ensure that all Board decisions are understood by Board Directors and accurately recorded.
7. With the approval of the Board, the Chairperson may establish a regular communication arrangement with the General Manager in which there is an exchange of information. This might also provide an opportunity for the General Manager to use such sessions as a sounding board for proposed actions or to check interpretations of Board policy. However;
  - a. The Chairperson will recognise that such sessions are not used to 'personally' supervise or direct the General Manager.
  - b. The Chairperson will maintain an appropriate professional distance from the General Manager to ensure objectivity and attention to governance matters and concerns,
  - c. The Chairperson will not inhibit the free flow of information to the Board necessary for sound governance. Therefore the Chairperson will never come between the Board and its formal links with the General Manager.
8. The Chairperson may delegate aspects of the authority accompanying the position but remains accountable for the overall role.
9. Upon the Board's formal approval, the Deputy Chairperson shall assume all roles and responsibilities of the Chairperson, should the Chairperson role become vacant or the Chairperson be absent long-term. In addition, the Deputy Chairperson shall then actively seek a replacement of the Chairperson in accordance with the Rules of the Company Constitution.

## **INDEMNITIES & INSURANCE**

The organisation will provide Board Directors with, and will pay the premiums for, indemnity and insurance cover while acting in their capacities as Board Directors, to the fullest extent permitted by the relevant legislation.

**ORDINARY COUNCIL MEETING  
SAFE AND ACCESSIBLE VICTORIAN WATERWAYS DISCUSSION PAPER - SUBMISSION  
OM161412-2**

|                           |                                                                                                                                                                                                                                                            |                        |                                    |
|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|------------------------------------|
| <b>LOCATION / ADDRESS</b> | Whole of Municipality                                                                                                                                                                                                                                      | <b>GENERAL MANAGER</b> | Gareth Smith                       |
| <b>OFFICER</b>            | Stewart Anderson                                                                                                                                                                                                                                           | <b>DEPARTMENT</b>      | Development and Community Services |
| <b>TRIM FILE</b>          | F16/6678                                                                                                                                                                                                                                                   | <b>CONFIDENTIAL</b>    | No                                 |
| <b>ATTACHMENTS</b>        | <ol style="list-style-type: none"> <li>Attachment 1 - Notification - Safe and Accessible Victorian Waterways Discussion Paper</li> <li>Attachment 2 - Colac Otway Shire Council Submission – Safe and Accessible Victorian Waterways ~ 20161208</li> </ol> |                        |                                    |
| <b>PURPOSE</b>            | The purpose of this report is for Council to consider the draft submission to the Safe and Accessible Victorian Waterways Discussion Paper.                                                                                                                |                        |                                    |

### 1. DECLARATION OF INTERESTS

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

### 2. BACKGROUND

The Department of Economic Development, Jobs, Transport and Resources (DEDJTR) released the Safe and Accessible Victorian Waterways Discussion paper (the Paper) in November 2016 for public comment. Council received notification on 18 November with submission due by 14 December 2016. The Paper is attached for Council information.

The Paper aims to generate discussion and feedback on the issues associated with safety and access for recreational users of Victorian waterways and to stimulate thinking about solutions, in particular it addresses the growing participation in recreational activities on Victorian waterways and the impacts this has on access, shared use and safety.

The Paper considers how government can respond to this increased use, focusing on:

- How we manage safety on Victorian waterways;
- The management of facilities that provide access for recreational users;
- The maintenance needs of waterways and assets; and
- The planning and development of new and enhanced infrastructure for recreational users.

The feedback received in response to the Paper will inform the development of a Safe and Accessible Victorian Waterway Strategy.

Council's Development and Community Services and Infrastructure and Leisure Services divisions have developed the attached draft submission for Councillors consideration. The submission key messages include:

1. Reinforce Council's recently established policy to advocate for establishment of a Great Ocean Road authority;
2. Seek increased Victorian Government support for managing and developing the Apollo Bay Harbour (and ports generally);
3. Seek increased investment for recreational infrastructure for inland waterways; and

4. Reduce the complexity of managing waterways by reviewing and reducing the number of authorities responsible for managing waterways, using Lake Colac as an example.

### **3. COUNCIL PLAN / OTHER STRATEGIES / POLICY**

Creates an attractive shire with quality buildings and spaces, accessible travel and transport, and a community that has the services and facilities it needs and in the future; supports a prosperous economy where trade, manufacturing and business activity flourishes.

*Our Goal:*

Facilitate the growth, liveability and development of the shire and encourage innovation and efficiency in the local economy.

As noted above the submission is also consistent with Council's recently formed position of the establishment of a single authority to manage the Great Ocean Road and its surrounds.

### **4. ISSUES / OPTIONS**

There are four key issues/messages noted within the submission as detailed above.

Options for Council are to endorse the attached submission, recommend amendments to the submission or not make a submission.

### **5. PROPOSAL**

It is proposed for Council to endorse the attached submission to DEDJTR in response to the Safe and Accessible Victorian Waterways Discussion paper.

### **6. FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

There are no financial implications associated with this report. The key messages however seek increased financial support for port and inland waterway managers such as Council.

### **7. RISK MANAGEMENT & COMPLIANCE ISSUES**

There are risk or compliance implications related to this report. The Paper does aim to improve waterway safety for users which is supported.

### **8. ENVIRONMENT AND CLIMATE CHANGE CONSIDERATIONS**

There are no environmental or climate change related impacts from this report.

### **9. COMMUNITY ENGAGEMENT**

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of July 2013, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected would be to inform DEDJTR of Councils submission.

The draft submission included input from Council's Development and Community Services and Infrastructure and Leisure Services divisions. The later division also consulted with Port of Apollo Bay stakeholders. The minimal time provided by DEDJTR to make a submission has limited consultation opportunity.

## 10. IMPLEMENTATION

If the recommendation of this report is endorsed officers will immediately provide the submission to DEDJTR.

## 11. CONCLUSION

The Safe and Accessible Victorian Waterways Discussion Paper provides Council an opportunity to reinforce key Council positions and seek additional resource support for local government in the management of the coastal and marine interface and inland waterways.

## 12. RECOMMENDATION

### **Recommendation**

***That Council endorses the attached draft Colac Otway Shire submission regarding the Safe and Accessible Victorian Waterways Discussion paper be submitted to the Department of Economic Development, Jobs, Transport and Resources.***

~~~~~



The Hon Luke Donnellan MP

Minister for Roads and Road Safety
Minister for Ports

1 Spring Street
Melbourne, Victoria 3000 Australia
Telephone: +61 3 8392 6150
DX 210292

Ref: BMIN16004782R

Ms Sue Wilkinson
Chief Executive Officer
Colac Otway Shire Council
PO Box 283
COLAC 3250



Dear Ms Wilkinson

I am pleased to inform you that the Safe and Accessible Victorian Waterways Discussion Paper is now open for comment.

The paper aims to generate discussion and feedback on the issues associated with safety and access for recreational users of our waterways and to stimulate thinking about solutions. In particular it addresses the growing participation in recreational activities on Victorian waterways and the impacts this has on access, shared use and safety.

The discussion paper considers how we can respond to this increased use, focusing on:

- how we manage safety on Victorian waterways;
- the management of facilities that provide access for recreational users;
- the maintenance needs of waterways and assets; and
- the planning and development of new and enhanced infrastructure for recreational users.

The feedback received in response to the discussion paper will help shape the development of a Safe and Accessible Victorian Waterways Strategy.

I encourage you to read the discussion paper and consider making a response by Wednesday 14 December 2016.

There are a number of questions posed throughout the discussion paper that you can respond to or you may wish to make a general comment on the topic.

You can find the discussion paper on the Department of Economic Development, Jobs, Transport and Resources website at economicdevelopment.vic.gov.au/transport/ports/.



If you would like further information, please contact Kara O'Dwyer, Program Reform Manager of the Department of Economic Development, Jobs, Transport and Resources on telephone (03) 8392 6468 or email kara.o'dwyer@ecodev.vic.gov.au.

I look forward to hearing your views on how we can make Victoria's waterways safer and more accessible for recreational users.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'L. Donnellan', with a long horizontal line extending to the right.

Hon Luke Donnellan MP
Minister for Ports

16 / 11 / 2016



The Hon Luke Donnellan MP

Minister for Roads and Road Safety
Minister for Ports

1 Spring Street
Melbourne, Victoria 3000 Australia
Telephone: +61 3 8392 6150
DX 210292

Ref: BMIN16004782R

Ms Ingrid Bishop
General Manager Infrastructure and Leisure Services
Colac Otway Shire Council
PO Box 283
COLAC VIC 3250



Dear Ms Bishop

I am pleased to inform you that the Safe and Accessible Victorian Waterways Discussion Paper is now open for comment.

The paper aims to generate discussion and feedback on the issues associated with safety and access for recreational users of our waterways and to stimulate thinking about solutions. In particular it addresses the growing participation in recreational activities on Victorian waterways and the impacts this has on access, shared use and safety.

The discussion paper considers how we can respond to this increased use, focusing on:

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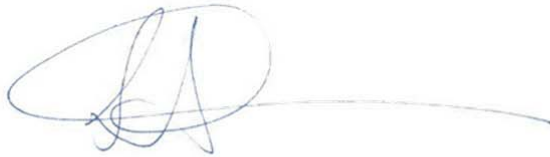
You can find the discussion paper on the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) website at economicdevelopment.vic.gov.au/transport/ports/.



If you would like to meet with DEDJTR staff to discuss the issues and your feedback before the consultation period closes, please contact Kara O'Dwyer, Program Reform Manager of the Department of Economic Development, Jobs, Transport and Resources on telephone (03) 8392 6468 or email kara.o'dwyer@ecodev.vic.gov.au to arrange a suitable time.

I look forward to hearing your views on how we can make Victoria's waterways safer and more accessible for recreational users.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'LD', with a long horizontal flourish extending to the right.

Hon Luke Donnellan MP
Minister for Ports

16 / 11 / 2016



Ref: D16/88782

14 December 2016

Transport – Safe and Accessible Waterways
Department of Environment, Land, Water and Planning
GPO Box 4509
MELBOURNE VIC 3001

Dear Sir/Madam

Colac Otway Shire Council Submission – Safe and Accessible Victorian Waterways Discussion Paper

The Colac Otway Shire Council would like to thank the Department of Economic Development, Jobs, Transport, and Resources (DEDJTR) for the opportunity to provide a submission on the Safe and Accessible Victorian Waterways Discussion Paper (the Paper).

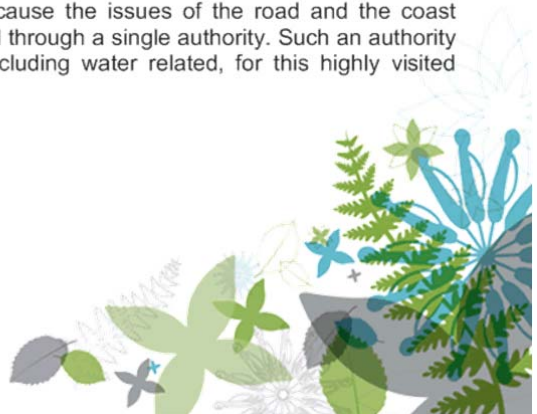
The coastline within our municipality, which includes the Great Ocean Road (GOR), is the most significant economic driver within our region due to the number of high value cultural and environmental assets. This combination of values is recognised by our community who expect that this area will be appropriately managed into the future. These values are also recognised through the GOR's National Heritage Listing and also at the international level through the regions iconic status as a tourist destination.

Council supports the State Government commitment to improve safety and accessibility to Victorian Waterways through the development of a Safe and Accessible Waterways Strategy. Council notes recent consultation regarding the Marine and Coastal Act (MACA) Discussion paper and previously the Victorian Water Plan with later recently launched by Minister Neville.

A key recommendation in Councils MACA submission was for the development of single Great Ocean Road (GOR) authority. The recent fires and landslips along the GOR highlight how challenging emergency management is in this region and how any emergency management decisions need to be made in consideration of the GOR values and its broader economic benefits. Council believes that a fundamentally new approach is required that responds to the needs and values of the coastline and the communities within the GOR region. For example, Council suggests that a single, appropriately funded and resourced GOR authority, be given consideration because the issues of the road and the coast require integrated management which can best be achieved through a single authority. Such an authority would also consider the strategic infrastructure needs, including water related, for this highly visited region.

Colac Otway Shire
PO Box 283
Colac Victoria 3250
E: inq@colacotway.vic.gov.au
www.colacotway.vic.gov.au

Customer Service Centre
Colac: 2-6 Rae Street
Apollo Bay: 69-71 Nelson Street
P: (03) 5232 9400
F: (03) 5232 9586





Colac Otway SHIRE

As noted in the Paper, Council is the local port manager for the Port of Apollo Bay Harbour. The management and maintenance of working ports are complex and expensive. With many separate entities responsible for managing ports, higher operating costs are likely compared to a single operator which could create economies of scale. Further, financial pressures are exacerbated for local government port managers due to the introduction of rate capping. Council therefore recommends the Victorian Government consider providing additional support to port managers in terms of:

- Facilitating a port manager network that meets regularly to share knowledge, skills and resources.
- Greater financial resources to support maximisation of ports potential for shared community, commercial use and the exponential growth in tourism of Apollo Bay.
- Regional strategic port and marine infrastructure planning across municipal boundaries with significant community input.

With regard to inland waters Council acknowledges the recently released Victorian Water Plan and notes chapter 7 – *Recognising recreational values* and the relationship to this discussion paper. Council is generally supporting of this chapter however in Table 7.1 it did not recognise DEDJTR role as an investor in recreational water objectives. Council raises this point as there is a clear need for increased funding for land managers of inland waterways to appropriately develop improved safe access for all recreational water users and a potential source of funding is through boating and fishing licences. Council notes the significant increase in licences and boat ownership but does not believe there has been a corresponding increase in funds made available via grants to land managers to upgrade and develop new infrastructure. The increased use puts significant demands on limited infrastructure. Similar to our coast, there is also a need for improved strategic infrastructure planning for inland waters that ensures local community services are provided along with increasing visitors and economic opportunities. Although Regional Waterway Strategies recognise social values they do not consider infrastructure needs.

Council supports the Paper's comments regarding the complexity and multiple approaches to waterway management. An example of this in Colac Otway Shire is Lake Colac which has two organisations with accountability for different areas of the lake, Parks Victoria and the Shire. Although there is a positive working relationship, the dual responsibilities result in arguably unnecessary complexity and additional resources to manage the lake. Council would therefore recommend a state-wide review be undertaken of management responsibilities aimed to reduce the number of authorities responsible.

Council would again like to thank DEDJTR for the opportunity to provide a submission into this process. We would also welcome the opportunity to provide further input and formally request that Colac Otway Shire be included in future consultation opportunities.

Please contact Stewart Anderson, Manager for Environment and Community Safety, on 5232 9414 if you require further information regarding this submission.

Yours Sincerely,

Sue Wilkinson
Chief Executive Officer



**ORDINARY COUNCIL MEETING
REVISED INSTRUMENT OF DELEGATION OLD BEECHY RAIL TRAIL
OM161412-3**

| | | | |
|---------------------------|--|------------------------|-------------------------------------|
| LOCATION / ADDRESS | Old Beechy Rail Trail | GENERAL MANAGER | Ingrid Bishop |
| OFFICER | Nicole Frampton | DEPARTMENT | Infrastructure and Leisure Services |
| TRIM FILE | F16/6678 | CONFIDENTIAL | No |
| ATTACHMENTS | 1. Instrument of Delegation - Old Beechy Rail Trail Committee | | |
| PURPOSE | The purpose of this report is for Council to endorse the revised Instrument of Delegation for the Old Beechy Rail Trail Committee. | | |

1. DECLARATION OF INTERESTS

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

2. BACKGROUND

Colac Otway Shire formed a special committee to be known as the Old Beechy Rail Trail Committee (OBRTC) on 26 September 2001. The OBRTC was conferred as a Section 86 Committee under the *Local Government Act 1989* and delegated the functions, duties and powers set forth in the schedule titled Old Beechy Rail Trail Committee Charter. The Charter was developed as the basis of the Instrument of Delegation to be used by the appointed OBRTC. As outlined in the OBRTC Charter, the Committee is responsible for the development of strategic plans for future management and maintenance; ensuring effective means of communication to encourage community participation and ownership; and management and maintenance of the Old Beechy Rail Trail.

A detailed review of the Instrument of Delegation and Charter was undertaken during 2013. The Instrument of Delegation for the Old Beechy Rail Trail Committee was signed and sealed at the Ordinary Council meeting held 27 November 2013.

At this time it was resolved in the Instrument of Delegation Charter that Committee membership may consist of:

- 2.3.1 two representatives from each of:
 - Gellibrand/Kawarren area;
 - Beech Forest Progress Association;
 - Lavers Hill & District Progress Association;
 - the Colac area; and
 - Council (one Councillor and one member of Council staff); and

- 2.3.2 one representative from each of:
 - Midway Plantations;
 - Parks Victoria;
 - Department of Environment and Primary Industries (DEPI);
 - Otway Scenic Circle Association;
 - Landowner ;
 - Friends of the Old Beechy Rail Trail; and
 - User groups such as walking and cycling groups.

3. COUNCIL PLAN / OTHER STRATEGIES / POLICY

Good Governance

Means we care about and are responsive to the community, encourage democratic participation and involve people in decisions that affect them. We strive for excellence in financial management and council services, and always look for better ways to do things.

Our Goal:

Ensure transparency of governance practices, the capability of our organisation and effective resource management.

4. ISSUES / OPTIONS

The OBRTC operates in accordance with the Committee Charter. It is suggested that a revision be made to the Instrument of Delegation Charter prior to the appointment of the new Committee due to name changes for the Department of Environment and Primary Industries (DEPI) to the Department of Environment, Land, Water and Planning (DELWP) and Otway Scenic Circle Association to Otway Country to Coast Tourism Association. It is suggested that the Instrument of Delegation Charter Membership be amended to read as follows:

2.3.2 one representatives from each of:

- Midway Plantations;
- Parks Victoria;
- Department of Environment, Land, Water and Planning (DELWP);
- Otway Country to Coast Tourism Association;
- Landowner ;
- Friends of the Old Beechy Rail Trail; and
- User groups such as walking and cycling groups.

No other changes to Charter are proposed.

5. PROPOSAL

That Council resolve to sign and seal the revised Instrument of Delegation for the Old Beechy Rail Trail Committee.

6. FINANCIAL AND OTHER RESOURCE IMPLICATIONS

There are no financial implications relating to this item.

7. RISK MANAGEMENT & COMPLIANCE ISSUES

Risk management documentation is provided to each of the committee members to assist in the management of a trail.

A Risk Assessment report is required prior to the Committee authorising vehicles and the conduct of special events on the Old Beechy Rail trail.

8. ENVIRONMENTAL AND CLIMATE CHANGE CONSIDERATIONS

There are no environmental considerations applicable.

9. COMMUNITY ENGAGEMENT

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of July 2013, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected would be inform the members of the Old Beechy Rail Trail Committee of the minor changes to the Instrument of Delegation Charter.

10. IMPLEMENTATION

Once the Instrument of Delegation has been signed and sealed, an updated copy will be included in the register that is required to be kept by Council and a copy forwarded to the Old Beechy Rail Trail Committee.

11. CONCLUSION

The Old Beechy Rail Trail Committee provides a valuable service for the community and assists Council in managing and monitoring an important community asset.

12. RECOMMENDATION

Recommendation

That Council:

1. *Endorse the revised Instrument of Delegation for the Old Beechy Rail Trail Committee.*

~~~~~





**INSTRUMENT OF DELEGATION  
SPECIAL COMMITTEE**

**Old Beechy Rail Trail Committee**

Pursuant to and in the exercise of the power conferred by section 86 of the Local Government Act 1989, Colac Otway Shire Council delegates to a Special Committee to be known as the **Old Beechy Rail Trail Committee** (established by resolution made on 26 September 2001 those functions, duties and powers set out in clauses 4 and 5 of Schedule titled Old Beechy Rail Trail Committee Charter (as amended).

1. **This Instrument of Delegation** is authorised by a resolution of Council, passed on 14 December 2016.
2. **The Delegation:**
  - a) comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - b) remains in force until Council resolves to vary or revoke it;
  - c) is subject to any conditions and limitations set out in the Schedule; and
  - d) must be exercised in accordance with any guidelines or policies which Council from time to time adopts.
3. All members of the committee will have voting rights on the committee.

THE COMMON SEAL of the                     )  
 COLAC OTWAY SHIRE COUNCIL            )  
 was hereunto affixed in accordance     )  
 with Local Law No. 4                        )

..... Chief Executive Officer

**OLD BEECHY RAIL TRAIL COMMITTEE  
SPECIAL COMMITTEE**

**CHARTER**

**1. Definitions**

- "Council" means Colac Otway Shire Council  
"Committee" means this Special Committee of Council as constituted pursuant to Section 86 of the *Local Government Act 1989*

**2. Membership**

- 2.1 Committee members (other than Council representatives) shall be appointed for a 3 year term by Council resolution.
- 2.2 Council representatives on the Committee will be appointed annually by Council resolution.
- 2.3 Committee membership may consist of:
- 2.3.1 two representatives from each of:
- Gellibrand/Kawarren area;
  - Beech Forest Progress Association;
  - Lavers Hill & District Progress Association;
  - the Colac area; and
  - Council (one Councillor and one member of Council staff); and
- 2.3.2 one representative from each of:
- Midway Plantations;
  - Parks Victoria;
  - Department of Environment, Land, Water and Planning (DELWP);
  - Otway Country to Coast Tourism Association;
  - Landowner ;
  - Friends of the Old Beechy Rail Trail; and
  - User groups such as walking and cycling groups.
- 2.4 With the exception of Council appointees, the Committee may by resolution declare a position vacant:
- 2.4.1 where a member has failed to attend 3 consecutive meetings without leave;
- 2.4.2 where a member has resigned from the Committee in writing;
- 2.4.3 on the advice of Council; or
- 2.4.4 where the Committee resolves to vacate a member's position.
- 2.5 Casual vacancies during the 3 years may be filled by the Committee recommending a replacement for Council to make by resolution.
- 2.6 Temporary appointments to the Committee may be made by Council, as required, on the recommendation of the Committee.

### **3. Meetings**

- 3.1 The Committee must annually appoint a chairperson from among its members. If the Committee fails to appoint a Chairperson the Council will make an appointment.
- 3.2 In the absence of a chairperson, the Committee may appoint an acting chairperson.
- 3.3 The Committee must meet at least 4 times each year.
- 3.4 Meetings will be held at such times and places fixed by the Committee.
- 3.5 Special meetings may be called by the chairperson or on the written request of at least 3 committee members.
- 3.6 Committee members must have at least 3 clear days written notice of meetings.
- 3.7 Meetings of the Committee which, in the opinion of the Committee, may prejudice Council must be closed to the public including meetings dealing with sensitive land management issues, proposed developments and legal and contractual matters.
- 3.8 The quorum for a Committee meeting is at least half of the members, at least one of whom must be a member of Council staff or Councillor.
- 3.9 All Committee members will have equal voting rights, but in the case of a tied vote the Chairperson will have a casting vote.
- 3.10 The chairperson must ensure that minutes of Committee meetings are kept.

### **4. Committee Functions**

- 4.1 The Committee is responsible for:
  - 4.1.1 development of strategic plans for future management and maintenance;
  - 4.1.2 ensuring effective means of communication to encourage community participation and ownership; and
  - 4.1.3 management and maintenance of the Old Beechy Rail Trail.
- 4.2 The Committee's corporate governance factors include:
  - 4.2.1 defining and monitoring strategic direction;
  - 4.2.2 defining policies and procedures to ensure operation with legal and social responsibilities; and
  - 4.2.3 establishing control and accountability systems.

## **5. Delegated Power**

To carry out the functions and responsibilities listed in clause 4 above, Council delegates to the Committee the power to:

- 5.1 set strategic direction and guidance policies with respect to the Old Beechy Rail Trail;
- 5.2 implement the strategic policies outlined in clause 5.1 above;
- 5.3 develop and implement a Management Plan for the Old Beechy Rail Trail;
- 5.4 accept gifts, donations and bequests by the public towards projects associated with the Old Beechy Rail Trail;
- 5.5 incur expenditure with respect to the Old Beechy Rail Trail provided that the expenditure does not exceed annual budget parameters specified by Council and report to Council on a quarterly basis;
- 5.6 set Committee meeting dates;
- 5.7 appoint advisers to the Committee as appropriate and engage people to carry out minor works and improvements to the Old Beechy Rail Trail within approved budget parameters;
- 5.8 apply for relevant funding opportunities for the improvement and maintenance of the Old Beechy Rail Trail;
- 5.9 direct a Committee member to discuss arrangements with a wide range of land owners - including private land owners, statutory authorities and government departments - to allow for access, management, improvement, enhancement and maintenance of the Old Beechy Rail Trail and related infrastructure;
- 5.10 authorise vehicles on the Old Beechy Rail Trail subject to the completion of a Risk Assessment report; recreation vehicles will be subject to Council Policy; and
- 5.11 authorise the conduct of special events for the purpose of publicity and/or fundraising subject to the completion of a Risk Assessment report.
- 5.12 Make recommendations to Council in relation to:
  - 5.12.1 the future alignment of the Old Beechy Rail Trail, impacts on landowners and requesting approval to enter into negotiations for access through private land for the future development of the trail;
  - 5.12.2 contracts, licences and leases to be entered into for the management and maintenance of the Old Beechy Rail Trail;
  - 5.12.3 monitoring behavior and withdrawing invitations to enter the Old Beechy Rail Trail;
  - 5.12.4 planning and other policy matters affecting the Old Beechy Rail Trail;
  - 5.12.5 accepting the grant of the benefit of easements in favour of Council with respect to the Old Beechy Rail Trail; and

5.12.6 maintenance and major works on the Old Beechy Rail Trail.

5.13 notify Council, a staff member of Council and/or a relevant authorized officer of Council of the presence of:

5.13.1 livestock;

5.13.2 vehicles; and/or

5.13.3 trespassers.

on the Old Beechy Rail Trail.

**6. Minutes of Meetings**

6.1 Minutes of meetings must be saved in Council's Information Management system.

6.1.1 Minutes of the Old Beechy Rail Trail Committee should be included in the Council agenda once any confidential items have been identified and the minutes have been confirmed by the Committee.

6.1.2 Confidential minutes of the Old Beechy Rail Trail Committee are to be included in an In-Committee agenda of Council.

**ORDINARY COUNCIL MEETING  
OLD BEECHY RAIL TRAIL COMMITTEE APPOINTMENT OF COMMITTEE MEMBERS  
OM161412-4**

|                           |                                                                                                                                                                                                                                                                                                                                                      |                        |                                     |
|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-------------------------------------|
| <b>LOCATION / ADDRESS</b> | Old Beechy Rail Trail                                                                                                                                                                                                                                                                                                                                | <b>GENERAL MANAGER</b> | Ingrid Bishop                       |
| <b>OFFICER</b>            | Nicole Frampton                                                                                                                                                                                                                                                                                                                                      | <b>DEPARTMENT</b>      | Infrastructure and Leisure Services |
| <b>TRIM FILE</b>          | F16/6678                                                                                                                                                                                                                                                                                                                                             | <b>CONFIDENTIAL</b>    | No                                  |
| <b>ATTACHMENTS</b>        | No                                                                                                                                                                                                                                                                                                                                                   |                        |                                     |
| <b>PURPOSE</b>            | To consider the appointment of members to the Old Beechy Rail Trail Committee of Management under Section 86 of the <i>Local Government Act 1989</i> as a Special Committee to Council and to act in accordance with the rules and conditions of appointment adopted by Council, for the purposes of managing the Old Beechy Rail Trail development. |                        |                                     |

**1. DECLARATION OF INTERESTS**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

**2. BACKGROUND**

Colac Otway Shire formed a special committee to be known as the Old Beechy Rail Trail Committee (OBRTC) on 26 September 2001. The OBRTC was conferred as a Section 86 Committee under the *Local Government Act 1989* and delegated the functions, duties and powers set forth in the schedule titled Old Beechy Rail Trail Committee Charter. The Charter was developed as the basis of the Instrument of Delegation to be used by the appointed Old Beechy Rail Trail Committee.

A detailed review of the Instrument of Delegation and Charter was undertaken during 2013 and a revised Instrument of Delegation was adopted by Council at its November 2013 Ordinary Council meeting.

Following name changes for the Department of Environment, Land, Water and Planning (DELWP) and Otway Country to Coast Tourism Association, a revised Instrument of Delegation has been presented to the 14 December 2016 Ordinary Council Meeting for endorsement and signing and sealing.

The Charter provides that the Committee composition shall consist of:

- a) two representatives from each of the following groups:
  - Gellibrand/Kawarren area;
  - Beech Forest Progress Association;
  - Lavers Hill and District Progress Association;
  - the Colac area;
  - Council (one councillor and one member of council staff); and
  
- b) a representative from each of the following groups:
  - Midway Plantations;
  - Parks Victoria;
  - Department of Environment, Land, Water and Planning (DELWP);
  - Otway Country to Coast Tourism Association;
  - Landowner representative;
  - Friends of the Old Beechy Rail Trail;
  - User groups such as walking and cycling groups.

### 3. COUNCIL PLAN / OTHER STRATEGIES / POLICY

#### **Good Governance**

Means we care about and are responsive to the community, encourage democratic participation and involve people in decisions that affect them. We strive for excellence in financial management and council services, and always look for better ways to do things.

#### *Our Goal:*

Ensure transparency of governance practices, the capability of our organisation and effective resource management.

### 4. ISSUES / OPTIONS

The term of the current OBRTC has been completed. Nominations to the OBRTC were sought as detailed in the Community Engagement section of this report.

There are a number of options available to Council:

#### **Option 1**

Appoint new members. The current term for the Old Beechy Rail Trail Committee has been completed and nominations have been received. It is a requirement under the Old Beechy Rail Trail Committee Instrument of Delegation that Committee members shall be appointed for a three (3) year term by Council resolution.

#### **Option 2**

Not appoint new members. It is Council policy and a requirement under the Old Beechy Rail Trail Committee Instrument of Delegation to consider membership every three (3) years of the particular community/facility.

### 5. PROPOSAL

It is proposed to appoint the following community persons and/or association representatives to the Old Beechy Rail Trail Committee for a term of three (3) years until 14 December 2019.

Gellibrand/Kawarren area representatives:

- Sue Thomas
- Philippa Bailey

Beech Forest Progress Association representative:

- Nathan Swain

Lavers Hill and District Progress Association representatives:

- Bob Atkins
- Virginia Atkins

Colac area representative:

- Rotary Club of Colac representative Ronice Knight, proxy Geoff De La Rue

Midway Plantations representative:

- No nomination received.

Parks Victoria representative:

- Mark Mellington

Department of Environment, Land, Water and Planning representative:

- Craig Clifford

Otway Country to Coast Tourism Association representative:

- Jordan Wood

A Landowner representative:

- Tricia Jukes

Friends of the Old Beechy Rail Trail representative:

- Noel Barry

A representative from user groups: walking and cycling

- Bernard Jordan, Bushwalking Victoria

Council (one Councillor and one Council Officer)

- Councillor Smith was appointed at the 23 November Council Meeting as follows:

***Recommendation 30***

***That Council appoint Cr Smith to the S.86 Old Beechy Rail Trail Committee until determined otherwise.***

## **6. FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

The Committee holds their own bank account and administers budgets set by the Committee in accordance with funds within these accounts.

It is a requirement under the Instrument of Delegation Charter for the Old Beechy Rail Trail Committee that the Committee provide a Treasurer's Report to Council on a quarterly basis.

## **7. RISK MANAGEMENT & COMPLIANCE ISSUES**

The Committee operates under an Instrument of Delegation which sets out the powers, function and duties of the Committee. The Committee will be provided with a Risk Management and Insurance manual which has been developed for Council Committees of Management.

## **8. ENVIRONMENTAL AND CLIMATE CHANGE CONSIDERATIONS**

Not applicable to this report.

## **9. COMMUNITY ENGAGEMENT**

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of July 2013, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected has been to inform and consult. Consultation took place with committee members.

Correspondence was sent to the respective organisations and associations seeking nominations for representatives to the OBRTC. The respective organisations were advised the nominations received would not be appointed to the OBRTC until considered and appointed by Council resolution.

Advertisements were placed in the local media seeking nominations for the Colac area and Gellibrand/Kawarren area representatives. There was no response to the advertisement for the Colac area. The Rotary Club of Colac was approached as a user of the OBRT (annual fun run), with the group subsequently



nominating a representative as one of the Colac area representatives. Two nominations were received for the Gellibrand/Kawarren area representatives.

## 10. IMPLEMENTATION

Correspondence will be forwarded to the appointed members to the OBRTC advising them of Council's endorsement for the appointment to the Committee.

## 11. CONCLUSION

The decision to appoint community members to the Committee as a Special Committee of Council is in keeping with Council's policy of working with its community in the management of facilities throughout the Shire. The nominated membership provides Council with broad community representation.

## 12. RECOMMENDATION

### Recommendation

#### *That Council:*

- 1. Pursuant to Section 86 of the Local Government Act 1989, appoint the following nominated members Sue Thomas, Philippa Bailey, Nathan Swain, Bob Atkins, Virginia Atkins, Ronice Knight, Geoff De La Rue, Mark Mellington, Craig Clifford, Jordan Wood, Tricia Jukes, Noel Barry and Bernard Jordan to the Old Beechy Rail Trail Committee.*
- 2. In accordance with Section 81 sub-section (2) sub-section (a) of the Local Government Act 1989, Council resolve to exempt members of the Committee from being required to submit a primary or ordinary register of interest return in accordance with this section.*

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**ORDINARY COUNCIL MEETING
MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE
OM161412-5**

| | | | |
|---------------------------|---|------------------------|-------------------------------------|
| LOCATION / ADDRESS | Old Beechy Rail Trail | GENERAL MANAGER | Ingrid Bishop |
| OFFICER | Nicole Frampton | DEPARTMENT | Infrastructure and Leisure Services |
| TRIM FILE | F16/6678 | CONFIDENTIAL | No |
| ATTACHMENTS | 1. Meeting Minutes - Old Beechy Rail Trail Committee - 12 September 2016 - confirmed | | |
| PURPOSE | To note the minutes of the Old Beechy Rail Trail Committee. | | |

It has been previously agreed to by Council that the minutes of the Old Beechy Rail Trail Committee should be included in the Council agenda once any confidential items have been identified and the minutes have been confirmed by the Committee.

Attached are the Minutes from the meeting held on 12 September 2016.

Meetings are held every two months, commencing February of each year.

1. RECOMMENDATION

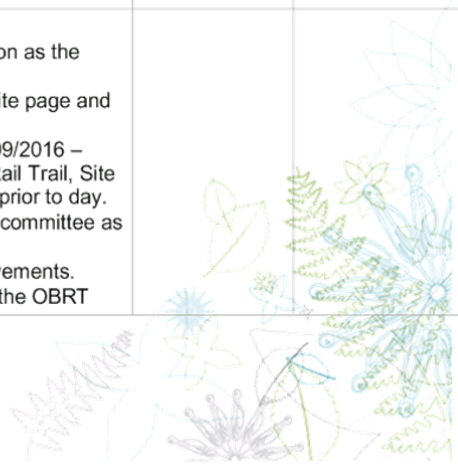
Recommendation

That Council notes the Minutes of the Old Beechy Rail Trail Committee for the 12 September 2016.

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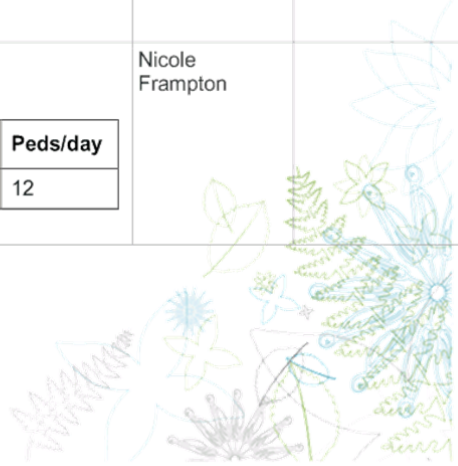
# MINUTES

|    | ITEMS & ACTIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | RESPONSIBLE OFFICER                                    | ACTION DUE DATE |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|-----------------|
| 1. | <b>ATTENDEES</b><br>Cr. Chris Smith (Chair), Tricia Jukes, Tony Grogan, Anthony Zappelli, Cyril Marriner, Noel Barry, Bernard Jordan (Bushwalking Victoria), Nathan Swain, Nicole Frampton (COS – Minutes)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                        |                 |
| 2. | <b>APOLOGIES</b><br>Robert Bendon (DELWP), Philip Dandy<br><br><b>ABSENT</b><br>Glen Anderson (Midway)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                        |                 |
| 3. | <b>CONFIRMATION OF MINUTES FROM PREVIOUS MEETING – 18 July 2016</b><br><br><b>Moved</b> – Tony Grogan<br><b>Seconded</b> – Anthony Zappelli<br><b>Carried</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                        |                 |
| 4. | <b>BUSINESS ARISING FROM PREVIOUS MINUTES:</b> <ul style="list-style-type: none"> <li>• OBRT water bottles – Following the Golden Gumboot event, Nicole to investigate how many drink bottles are left and discuss the possibility of Otway E Bikes selling the drink bottles.</li> <li>• Arrange signage for reporting defects along the OBRT.</li> <li>• Emergency Marker Posts – update (see Works Report for update).</li> <li>• Trail Improvements (see General Business)</li> <li>• New Council Website – OBRT page               <ul style="list-style-type: none"> <li>○ <a href="http://www.colacotway.vic.gov.au/Parks-Recreation/Old-Beechy-Rail-Trail">http://www.colacotway.vic.gov.au/Parks-Recreation/Old-Beechy-Rail-Trail</a></li> <li>○ <i>Committee discussion – Is there an opportunity for business operators who use the trail to have a link on the Council website OBRT page? Page could also list/describe services available along the OBRT eg. food, coffee, accommodation, the train, access to emergency services, closest phone box, etc. Nicole to investigate.</i></li> </ul> </li> <li>• Committee Appointments (see General Business)</li> </ul> | Nicole<br><br>Nicole<br><br><br><br><br><br><br>Nicole |                 |
| 5. | <b>CORRESPONDENCE – IN</b> <ul style="list-style-type: none"> <li>• Email 19/07/2016 from Parks Victoria nominating M. Mellington as the representative for the OBRT Committee</li> <li>• Email 22/07/2016 from B. Jordan – feedback for OBRT website page and OBRT Committee meeting frequency.</li> <li>• Various emails from Landcare for the tree planting day on 3/09/2016 – Application to use a recreational vehicle on the Old Beechy Rail Trail, Site risk assessment, event poster for distribution, site inspection prior to day.</li> <li>• Email 8/08/2016 from landowner T. Jukes nominating for the committee as the Landowner representative</li> <li>• Email 10/08/2016 from N. Swain about trail works and improvements.</li> <li>• Letter from 31/08/2016 from P. Bailey seeking nomination to the OBRT</li> </ul>                                                                                                                                                                                                                                                                                                                                              |                                                        |                 |



|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                              |  |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|--|
|    | <ul style="list-style-type: none"> <li>Committee – Gellibrand/Kawarren area representative.</li> <li>Letter 4/9/2016 from S. Thomas seeking nomination to the OBRT Committee – Gellibrand/Kawarren area representative.</li> <li>Email 11/09/2016 - Friends of the OBRT - Newsletter 47 (September 2016)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                              |  |
| 6. | <p><b>CORRESPONDENCE – OUT</b></p> <ul style="list-style-type: none"> <li>Email 21/07/2016 to V/Line providing Council's Insurance Certificate of Currency as per landholder agreement.</li> <li>Email 21/07/2016 various emails to T. Jukes for 12/07/2016 OBRT Committee Actions including Beechy Fun Run representatives, Golden Gumboot event organising representatives.</li> <li>Letters to OBRT landowners seeking interest to joining the OBRT Committee.</li> <li>Email 21/07/2016 to Rail Trails Australia, Bicycle Network, Bushwalking Victoria - Small Detour/diversion and Closure along the Old Beechy Rail Trail from Dinmont to Ditchley due to logging operations.</li> <li>Email 21/07/2016 to OBRT Committee members informing them of the trail diversion due to logging operations.</li> <li>Various emails to Landcare for the tree planting day on 3/09/2016 – Conditions for use, event poster sent to committee for information and for distribution, site inspection prior to day.</li> <li>Email 12/08/2016 to OBRT Committee members informing them that the trail diversion has been extended.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                              |  |
| 7. | <p><b>WORKS REPORT – Presented by Nicole Frampton</b><br/><b>Works Report – Provided by COS Gellibrand Depot</b><br/>Old Beechy Rail Trail works since last meeting (18 July 2016).</p> <ul style="list-style-type: none"> <li>Works completed along the OBRT were of a general maintenance nature.</li> <li>Fallen tree removal was the main activity completed, with some very large trees blocking the trail.</li> <li>Also completed were Road Corridor Management defects as identified by trail inspection carried out 29/6/16. These defects were attended to from 18/7/16 to 21/7/16. Still to be fixed is a broken seat at CH. 31.60 &amp; a sign missing 'Look Out For Traffic &amp; Pole at cross road at Gellibrand near the Caravan park (this sign requires ordering).</li> <li>The diversion at Dinmont below Ditchley Park was removed.</li> <li>Spraying for the Tree Planting day was carried out.</li> <li>Signage was placed on the entry gate as requested by property owner C. Smith between Mc Devit &amp; Wimba. <i>Action: Property owner to discuss with Gellibrand Depot the exact location the signage is needed.</i></li> <li>Programmed to Herbicide spray the section between Beech Forest &amp; Ferguson before reinstating the pavement &amp; rolling the pavement in this section, weather dependant.</li> <li>Section near Campiglis Rd needs attention after flooding from Private Dam overflow.</li> </ul> <p><b>Project Report – Provided by Project Delivery Officer</b></p> <ul style="list-style-type: none"> <li>Installation of the Emergency Markers (EM) – work continues with the Gellibrand Depot in getting the Emergency Markers installed. Council's Project Delivery Officer is working with the Gellibrand Depot to review the "instructions" provided from ESTA. Once the review is complete,</li> </ul> | <p>Nicole to inform Gellibrand depot</p> <p>COS Project Delivery Officer</p> |  |

|       | discussions will continue with ESTA for the installation of the EM.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |              |            |           |            |          |       |      |     |    |    |                 |  |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------------|-----------|------------|----------|-------|------|-----|----|----|-----------------|--|
| 8.    | <p><b>FRIENDS REPORT</b></p> <ul style="list-style-type: none"> <li>Banool sign update – sign finished. Photo provided.</li> <li>“Wing” fences – contained information for the miles, chains and links from Melbourne and were located at crossings. This is a historical aspect for the trail. <ul style="list-style-type: none"> <li>The “Friends” will fund the works to install 4 “wing” fences at road crossings along the trail. Photos of the proposed locations and a proposed design were provided to the committee. The four proposed locations are: <ul style="list-style-type: none"> <li>Wimba Road crossing</li> <li>200m north of Dinmont Station</li> <li>Fry’s Road – 2.1km north of Gellibrand</li> <li>Top Crossing in Gellibrand.</li> </ul> </li> </ul> </li> </ul> <p><b>Motion</b> – “The Old Beechy Rail Trail Committee provides support for the Friends of the Old Beechy Rail Trail to construct “wing” fences at the four proposed crossing points.”<br/> <b>Moved</b> – Tricia Jukes<br/> Seconded – Tony Grogan<br/> Carried.</p> <ul style="list-style-type: none"> <li>Lovat Station – following the recent vandalism near the shelter, the old Lovat sign has been found. The committee agreed that this sign does not need to be re-instated due to the new shelter being installed.</li> <li>Noel has received feedback from an event organiser who uses the trail a couple of times a year – Comments received include that as event organisers they are generally happy with the trail for participants however the section between Dinmont and Ditchley is dangerous for cyclists and this section of the trail is avoided for events.</li> </ul> | Noel Barry   |            |           |            |          |       |      |     |    |    |                 |  |
| 9.    | <p><b>TREASURERS REPORT</b></p> <ul style="list-style-type: none"> <li>OBRT Committee and Friends of the OBRT Bank Signatories – with current members not seeking re-appointment to the committees, bank signatories for the accounts will need to change. Tricia to organise the paperwork and signatory requirements.</li> <li>Treasurer’s Report submitted at the meeting. Closing balance to 31/08/2016 is \$6,097.15.<br/> <b>Moved</b> – Tricia Jukes<br/> Seconded – Cyril Marriner<br/> Carried</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Tricia Jukes |            |           |            |          |       |      |     |    |    |                 |  |
| 10.   | <p><b>EXECUTIVE OFFICER REPORT</b></p> <p><b>Pedestrian Tracker Counters</b></p> <table border="1"> <thead> <tr> <th></th> <th>Reading</th> <th>Ped Count</th> <th>No of Days</th> <th>Peds/day</th> </tr> </thead> <tbody> <tr> <td>Colac</td> <td>6058</td> <td>631</td> <td>54</td> <td>12</td> </tr> </tbody> </table>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |              | Reading    | Ped Count | No of Days | Peds/day | Colac | 6058 | 631 | 54 | 12 | Nicole Frampton |  |
|       | Reading                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Ped Count    | No of Days | Peds/day  |            |          |       |      |     |    |    |                 |  |
| Colac | 6058                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 631          | 54         | 12        |            |          |       |      |     |    |    |                 |  |



|                       |                                               |     |    |    |
|-----------------------|-----------------------------------------------|-----|----|----|
| Coram (Forest St Sth) | 7198<br>(11/7)<br>128<br>(tracker<br>reset??) | 128 | 54 | 2  |
| Maggio's Road         | 28391                                         | 499 | 54 | 9  |
| Maxwell Road          | 37233                                         | 289 | 54 | 5  |
| Fry's Road            | 5020                                          | 430 | 57 | 8  |
| Larson's Gate         | 36755                                         | 445 | 52 | 9  |
| Beech Forest          | 2942                                          | 172 | 49 | 4  |
| Fairyland             | 3885                                          | 753 | 49 | 15 |
| Ditchley              | 8538                                          | 120 | 49 | 2  |
| Zappelli's (Dinmont)  | 31998                                         | 236 | 49 | 5  |

Nicole

- Thank you to the committee members for collecting the numbers.
- Nicole to organise for the new Beech Forest & District Progress Association member to collect the Beech Forest, Fairyland, Ditchley and Zappelli (Dinmont) numbers for next meeting.
- More trail brochures were provided to the Colac Visitor Information Centre on 22/07/2016 (1600 brochures remain).
- Event applications:
  - Tree Planting Day by the Barongarook Landcare Group – “Application to use a Recreational Vehicle on the Old Beechy Rail Trail” received for use on 3/9/16 from 10am to 3pm. Colac Otway Shire Council granted permission to conduct the tree planting day.
  - We Ride Bikes application received for “Chase the Dog” event to be held 22/10/2016 from 10:30am to 3:30pm.

**Motion** – “The Old Beechy Rail Trail Committee approves the “Application to use a Recreational Vehicle on the Old Beechy Rail Trail” received from We Ride Bikes for the “Chase the Dog” event to be held on 22/10/2016. The committee strongly advises that the event should not use the Dinmont to Ditchley section of the trail due to its unsuitability for such a large cycling event.”

**Moved** – Noel Barry  
Seconded – Anthony Zappelli  
Carried.

Nicole to liaise with Council’s event department and discuss the Committee’s advice with the event organisers. Further information will be sought including a map and explanation highlighting which sections of the OBRT will be used for the event.

- Committee discussion around event use of the Old Beechy Rail Trail

|                                                                                                          | <ul style="list-style-type: none"> <li>○ Should event organisers be required to make a donation towards the ongoing maintenance of the trail? It was discussed that the new committee should consider developing a policy around a fee/bond for event use of the OBRT due to the additional inspections conducted prior to major events using the trail.</li> <li>○ The section between Dinmont and Ditchley is too dangerous and unsuitable for major cycling events that wish to use the OBRT (dismount section) – events should only use the Old Beech Forest Rd for this section of the trail.</li> <li>○ Consideration should be given to:             <ul style="list-style-type: none"> <li>▪ Additional signage being erected by the event organisers in the lead up to the event to inform regular users of the trail of the upcoming event.</li> <li>▪ Use of the Council OBRT website page to notify the public of upcoming events.</li> </ul> </li> <li>○ The committee discussed the closure of the trail for events. The current committee is not in favour of this, no event should close the trail.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                      |                          |                                                                                              |                                                                                                                                                                                                         |                                                                                                        |                                                                        |                                                                                           |                                                                                                        |                                                                                          |                          |                                                                         |                                                                   |                                                                 |                       |                                                             |                                                                            |                                                                                                          |                                                                          |                                                                                       |                                                                          |  |  |
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| 11.                                                                                                      | <p><b>GENERAL BUSINESS</b></p> <ul style="list-style-type: none"> <li>• Committee Appointments – Committee appointments received from:</li> </ul> <table border="1" data-bbox="342 823 1057 1560"> <thead> <tr> <th data-bbox="342 823 699 869">Committee Membership Representatives</th> <th data-bbox="699 823 1057 869">Nominated representative</th> </tr> </thead> <tbody> <tr> <td data-bbox="342 869 699 1016">Beech Forest and District Progress Association<br/><i>(2 representatives can be received)</i></td> <td data-bbox="699 869 1057 1016">Nomination received on 8/6/16 for N. Swain to be appointed to the committee as the representative. N. Swain currently attending the meetings as a non-voting member until formal committee appointment.</td> </tr> <tr> <td data-bbox="342 1016 699 1087">Gellibrand/Kawarren area – Advertisement in Colac Herald<br/><i>(2 representatives can be received)</i></td> <td data-bbox="699 1016 1057 1087">Two nominations received:<br/>P. Bailey (31/8/16)<br/>S. Thomas (4/9/16)</td> </tr> <tr> <td data-bbox="342 1087 699 1180">Lavers Hill &amp; District Progress Association<br/><i>(2 representatives can be received)</i></td> <td data-bbox="699 1087 1057 1180">Letter sent to committee inviting representatives – no response received.<br/><i>Nicole to contact.</i></td> </tr> <tr> <td data-bbox="342 1180 699 1251">Colac area – Advertisement in Colac Herald<br/><i>(2 representatives can be received)</i></td> <td data-bbox="699 1180 1057 1251">No nominations received.</td> </tr> <tr> <td data-bbox="342 1251 699 1302">Colac Otway Shire Council<br/><i>(2 representatives can be received)</i></td> <td data-bbox="699 1251 1057 1302">Council appointments determined at the Council Statutory Meeting.</td> </tr> <tr> <td data-bbox="342 1302 699 1352">Midway Plantations<br/><i>(1 representative can be received)</i></td> <td data-bbox="699 1302 1057 1352">No response received.</td> </tr> <tr> <td data-bbox="342 1352 699 1423">Parks Victoria<br/><i>(1 representative can be received)</i></td> <td data-bbox="699 1352 1057 1423">Nomination received on 19/7/16 for M. Mellington to be the representative.</td> </tr> <tr> <td data-bbox="342 1423 699 1495">Department of Environment, Land, Water and Planning (DELWP)<br/><i>(1 representative can be received)</i></td> <td data-bbox="699 1423 1057 1495">Nomination received on 13/7/16 for C. Clifford to be the representative.</td> </tr> <tr> <td data-bbox="342 1495 699 1566">Otway Country to Coast Tourism Association (formerly Otway Scenic Circle Association)</td> <td data-bbox="699 1495 1057 1566">Letter sent to committee inviting representative – no response received.</td> </tr> </tbody> </table> | Committee Membership Representatives | Nominated representative | Beech Forest and District Progress Association<br><i>(2 representatives can be received)</i> | Nomination received on 8/6/16 for N. Swain to be appointed to the committee as the representative. N. Swain currently attending the meetings as a non-voting member until formal committee appointment. | Gellibrand/Kawarren area – Advertisement in Colac Herald<br><i>(2 representatives can be received)</i> | Two nominations received:<br>P. Bailey (31/8/16)<br>S. Thomas (4/9/16) | Lavers Hill & District Progress Association<br><i>(2 representatives can be received)</i> | Letter sent to committee inviting representatives – no response received.<br><i>Nicole to contact.</i> | Colac area – Advertisement in Colac Herald<br><i>(2 representatives can be received)</i> | No nominations received. | Colac Otway Shire Council<br><i>(2 representatives can be received)</i> | Council appointments determined at the Council Statutory Meeting. | Midway Plantations<br><i>(1 representative can be received)</i> | No response received. | Parks Victoria<br><i>(1 representative can be received)</i> | Nomination received on 19/7/16 for M. Mellington to be the representative. | Department of Environment, Land, Water and Planning (DELWP)<br><i>(1 representative can be received)</i> | Nomination received on 13/7/16 for C. Clifford to be the representative. | Otway Country to Coast Tourism Association (formerly Otway Scenic Circle Association) | Letter sent to committee inviting representative – no response received. |  |  |
| Committee Membership Representatives                                                                     | Nominated representative                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                      |                          |                                                                                              |                                                                                                                                                                                                         |                                                                                                        |                                                                        |                                                                                           |                                                                                                        |                                                                                          |                          |                                                                         |                                                                   |                                                                 |                       |                                                             |                                                                            |                                                                                                          |                                                                          |                                                                                       |                                                                          |  |  |
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| Gellibrand/Kawarren area – Advertisement in Colac Herald<br><i>(2 representatives can be received)</i>   | Two nominations received:<br>P. Bailey (31/8/16)<br>S. Thomas (4/9/16)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                      |                          |                                                                                              |                                                                                                                                                                                                         |                                                                                                        |                                                                        |                                                                                           |                                                                                                        |                                                                                          |                          |                                                                         |                                                                   |                                                                 |                       |                                                             |                                                                            |                                                                                                          |                                                                          |                                                                                       |                                                                          |  |  |
| Lavers Hill & District Progress Association<br><i>(2 representatives can be received)</i>                | Letter sent to committee inviting representatives – no response received.<br><i>Nicole to contact.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                      |                          |                                                                                              |                                                                                                                                                                                                         |                                                                                                        |                                                                        |                                                                                           |                                                                                                        |                                                                                          |                          |                                                                         |                                                                   |                                                                 |                       |                                                             |                                                                            |                                                                                                          |                                                                          |                                                                                       |                                                                          |  |  |
| Colac area – Advertisement in Colac Herald<br><i>(2 representatives can be received)</i>                 | No nominations received.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                      |                          |                                                                                              |                                                                                                                                                                                                         |                                                                                                        |                                                                        |                                                                                           |                                                                                                        |                                                                                          |                          |                                                                         |                                                                   |                                                                 |                       |                                                             |                                                                            |                                                                                                          |                                                                          |                                                                                       |                                                                          |  |  |
| Colac Otway Shire Council<br><i>(2 representatives can be received)</i>                                  | Council appointments determined at the Council Statutory Meeting.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                      |                          |                                                                                              |                                                                                                                                                                                                         |                                                                                                        |                                                                        |                                                                                           |                                                                                                        |                                                                                          |                          |                                                                         |                                                                   |                                                                 |                       |                                                             |                                                                            |                                                                                                          |                                                                          |                                                                                       |                                                                          |  |  |
| Midway Plantations<br><i>(1 representative can be received)</i>                                          | No response received.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                      |                          |                                                                                              |                                                                                                                                                                                                         |                                                                                                        |                                                                        |                                                                                           |                                                                                                        |                                                                                          |                          |                                                                         |                                                                   |                                                                 |                       |                                                             |                                                                            |                                                                                                          |                                                                          |                                                                                       |                                                                          |  |  |
| Parks Victoria<br><i>(1 representative can be received)</i>                                              | Nomination received on 19/7/16 for M. Mellington to be the representative.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                      |                          |                                                                                              |                                                                                                                                                                                                         |                                                                                                        |                                                                        |                                                                                           |                                                                                                        |                                                                                          |                          |                                                                         |                                                                   |                                                                 |                       |                                                             |                                                                            |                                                                                                          |                                                                          |                                                                                       |                                                                          |  |  |
| Department of Environment, Land, Water and Planning (DELWP)<br><i>(1 representative can be received)</i> | Nomination received on 13/7/16 for C. Clifford to be the representative.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                      |                          |                                                                                              |                                                                                                                                                                                                         |                                                                                                        |                                                                        |                                                                                           |                                                                                                        |                                                                                          |                          |                                                                         |                                                                   |                                                                 |                       |                                                             |                                                                            |                                                                                                          |                                                                          |                                                                                       |                                                                          |  |  |
| Otway Country to Coast Tourism Association (formerly Otway Scenic Circle Association)                    | Letter sent to committee inviting representative – no response received.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                      |                          |                                                                                              |                                                                                                                                                                                                         |                                                                                                        |                                                                        |                                                                                           |                                                                                                        |                                                                                          |                          |                                                                         |                                                                   |                                                                 |                       |                                                             |                                                                            |                                                                                                          |                                                                          |                                                                                       |                                                                          |  |  |

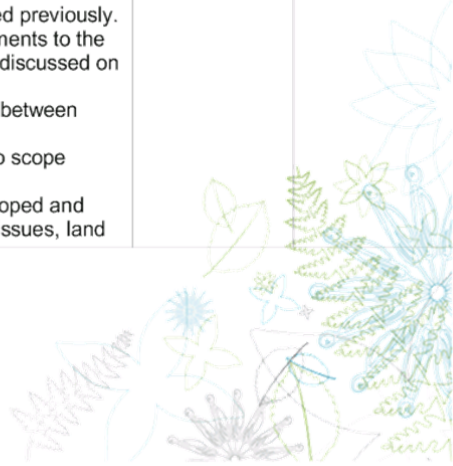


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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|-----------|--|
| (1 representative can be received)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Nicole to contact.                                                                                                      |           |  |
| Landowner<br>(1 representative can be received)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Letter sent to all landowners. One nomination received:<br>T. Jukes (8/8/16).                                           |           |  |
| Friends of the Old Beechy Rail Trail<br>(1 representative can be received)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Letter sent to committee inviting representative – no response received.<br>Nicole to contact                           |           |  |
| User Groups such as walking and cycling groups<br>(1 representative can be received)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Nomination received from:<br>Bushwalking Victoria on 11/3/16 nominating B. Jordan to continue to be the representative. |           |  |
| <ul style="list-style-type: none"> <li>o Two current committee members will not be re-nominating for appointment.</li> <li>o Nominations have not yet been received from Friends of the Old Beechy Rail Trail, Lavers Hill and District Progress Association, Midway Plantations and Otway Country to Coast Tourism Association. <i>Action – Nicole to contact organisations and get nominations prior to the next meeting.</i></li> <li>o No nominations were received for the Colac area representatives following an advertisement in the Colac Herald. <i>Committee discussion – Nicole to send a letter to the Rotary Club of Colac asking if they would like to have a representative on the committee as one of the Colac area representatives.</i></li> <li>o The committee will endorse the nominations received from the various Progress Associations at the next meeting.</li> </ul> |                                                                                                                         | Nicole    |  |
| <ul style="list-style-type: none"> <li>• Committee formally recommended the nominations received for the following positions:<br/>T. Jukes left the room.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                         | Nicole    |  |
| <ul style="list-style-type: none"> <li>o Landowner – nomination received from T. Jukes. Nomination was read to the committee.<br/><b>Motion</b> – “The Old Beechy Rail Trail Committee recommends T. Jukes be appointed as the Landowner representative on the Old Beechy Rail Trail Committee.”<br/><b>Moved</b> – Anthony Zappelli<br/>Seconded – Noel Barry<br/>Carried.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                         | Committee |  |
| <ul style="list-style-type: none"> <li>o Gellibrand/Kawarren area – nominations received from P. Bailey and S. Thomas. Nominations were read to the committee.<br/><b>Motion</b> – “The Old Beechy Rail Trail Committee recommends P. Bailey and S. Thomas be appointed as the Kawarren/Gellibrand area representatives on the Old Beechy Rail Trail Committee.”<br/><b>Moved</b> – Tricia Jukes<br/>Seconded – Noel Barry<br/>Carried.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                         |           |  |





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| <ul style="list-style-type: none"> <li>• Lavers Hill to Crowes and Melba Gully – Concept Plans for an off-road trail – project update<br/>A project update was provided to the committee. The draft report and concept plans are on public exhibition until 10 October 2016 and can be viewed at the project page.<br/>Project page: <a href="http://www.colacotway.vic.gov.au/Community-consultations/Lavers-Hill-to-Crowes-and-Melba-Gully-Off-Road-Trail-Draft-Report-and-Concept-Plans">http://www.colacotway.vic.gov.au/Community-consultations/Lavers-Hill-to-Crowes-and-Melba-Gully-Off-Road-Trail-Draft-Report-and-Concept-Plans</a><br/>The OBRT Committee chairperson was concerned that there is no connection/reference to the Old Beechy Rail Trail in the project title. The committee discussed the name of the project and an overview of the project was provided.</li> <li>• Tree Planting Day – a successful tree planting day was conducted on 3 September 2016 from 10am to 3pm. Thirty-six (36) volunteers planted and guarded over 500 trees and shrubs along the OBRT between Dinmont and Ditchley. The SES worked with Landcare to provide a BBQ on the day and the adjoining landowner baked afternoon tea. Tree selection was discussed with Landcare and Council prior to the day. Midway Plantations offered a donation of trees for planting on the day. Photos were provided.</li> <li>• Hunt for the Golden Gumboot event – Saturday 17 September to Sunday 2 October 2016 <ul style="list-style-type: none"> <li>○ This year's event will run between Gellibrand and Kawarren.</li> <li>○ Signage will be installed shortly.</li> <li>○ Sponsors organised – new sponsors for this year's event.</li> <li>○ Event activities include the hunt for the golden gumboots and trail quiz, colouring competition, photo competition.</li> <li>○ The Golden Gumboot BBQ will be held Sunday 2 October from 12 to 2pm at Rex Norman Park Gellibrand. A backup tentative booking has been made with the hall.</li> <li>○ Facebook page – old beechy golden gumboot</li> </ul> </li> <li>• Beechy Fun Run – the Gellibrand Community House Coordinator asked for an OBRT representative to attend a meeting for the fun run. At the July meeting the committee appointed C. Smith to represent the committee at the initial meeting. No meeting has been held – nothing to report.</li> <li>• Future planning/OBRT improvements<br/>Committee has identified improvements and future trail re-alignments including: <ul style="list-style-type: none"> <li>○ Trail alignment between Banool and Wimba – possible options for re-alignment between Banool and Wimba have been provided previously.</li> <li>○ Trail alignment between Dinmont and Ditchley – improvements to the steep sections between Dinmont and Ditchley have been discussed on numerous occasions as user safety concerns.</li> <li>○ Colac section – possible future trail re-alignment in Colac between Harris Rd (water reservoir) and Beechy Court.</li> <li>○ Trail inspection follow up items – more detail is required to scope maintenance/improvement items identified.</li> </ul> <p>Each of these identified improvements will need to be fully scoped and costed. Consideration will need to be given to CHMP, safety issues, land</p> </li> </ul> |  |
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|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
|     | <p>ownership, etc.</p> <ul style="list-style-type: none"> <li>Trail development – Queen St and Pound Rd corner. It was discussed whether the committee had a vision for the parcel of land on the corner of Queen St and Pound Rd. There is an opportunity to landscape the area and promote the OBRT. Further discussion to occur at the next meeting in November.</li> <li>Next meeting date – it was determined that the next meeting will be Monday 7 November.</li> </ul>                                                            |  |  |
| 12. | <p>Meeting closed 12:00pm.</p> <p>Next meeting – Monday 7 November 2016 – 10am to 12.30pm.<br/>Venue – COPACC – Meeting Room 1.</p> <p>Proposed meeting dates for 2017 – 1<sup>st</sup> Monday of the even months – 10am to 12:30pm.</p> <ul style="list-style-type: none"> <li>Monday 6 February 2017</li> <li>Monday 3 April 2017</li> <li>Monday 5 June 2017</li> <li>Monday 7 August 2017</li> <li>Monday 2 October 2017</li> <li>Monday 4 December 2017</li> </ul> <p><i>New committee to finalise the dates once appointed.</i></p> |  |  |



**ORDINARY COUNCIL MEETING**  
**MELBOURNE CUP DAY PUBLIC HOLIDAY**  
**OM161412-6**

|                           |                                                                                                                         |                        |                    |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------|
| <b>LOCATION / ADDRESS</b> | Whole of Municipality                                                                                                   | <b>GENERAL MANAGER</b> | Mark Lyons         |
| <b>OFFICER</b>            | Jenny Wood                                                                                                              | <b>DEPARTMENT</b>      | Corporate Services |
| <b>TRIM FILE</b>          | F16/6678                                                                                                                | <b>CONFIDENTIAL</b>    | No                 |
| <b>ATTACHMENTS</b>        | No                                                                                                                      |                        |                    |
| <b>PURPOSE</b>            | For Council to consider designating Colac Show Day as a public holiday in lieu of the Melbourne Cup Day Public Holiday. |                        |                    |

### 1. DECLARATION OF INTERESTS

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

### 2. BACKGROUND

At the Council meeting held on 22 April 2009, Council resolved:

*“that Colac Show Day on the Friday to be the public holiday instead of the Melbourne Cup Day and the Colac Show Day public holiday be the preferred day for the term of this Council, that is 4 years.”*

For 2013, 2014, 2015 and 2016 Colac Show Day (on the Friday) has been the designated Public Holiday for the Colac Otway Shire.

The *Public Holidays Act 1993* was amended to provide regional Councils the ability and flexibility to make the public holiday arrangements that best suit their local communities in lieu of Melbourne Cup Day.

Council is able to nominate one full day or two half-day public holidays in one or more parts of the municipality as a substitute for Melbourne Cup Day.

### 3. LEADERSHIP AND GOVERNANCE

Council will fulfil its leadership, statutory and legal obligations to its community and staff in a way that is: fair, ethical, inclusive, sustainable, financially responsible and meets the needs and practical aspirations of current and future generations.

### 4. ISSUES / OPTIONS

Section 8A of the *Public Holidays Act 1993*

“8A Council may request substitute holiday for Melbourne Cup Day  
(1) A non-metropolitan Council may request in writing that the Minister make a declaration under section 8(1) –

- (a) that the day appointed under section 6 being the first Tuesday in November (Melbourne Cup Day) is not in a specified year such a public holiday in the whole or any part of the municipal district of that Council; and
- (b) that another day or 2 half-days (one half-day of which may be Melbourne Cup Day) be appointed as a public holiday or 2 public half-holidays in that year.
- (2) A request under subsection (1) must –
- (a) be made at least 90 days before the Melbourne Cup Day to which the request relates; and
- (b) specify the day or 2 half-days of the substituted public holiday; and
- (c) specify the reasons for making the request.
- (3) In making a declaration on a request under subsection (1), the Minister must not appoint a Saturday or a Sunday as a public holiday or a public half-holiday.
- (4) A public holiday or 2 public half-holidays appointed under section 8(1) on a request under subsection (1) in respect of part of a municipal district of a Council applies or apply only in that part of the municipal district.

### Arrangements

As noted in Section 8A, Councils need to make their request for alternative arrangements to the Minister for Innovation, Services and Small Business at least 90 days prior to Melbourne Cup Day. The request needs to specify:

- the area or areas in the municipality subject to the proposed substitute arrangements;
- the nominated day or two half-days in lieu of Melbourne Cup Day; and
- the reasons for the request.

It should be noted that Council may nominate a half-day on Melbourne Cup Day itself as one of its half-day public holidays.

### Options

There are a number of options available to Council under the *Public Holidays Act 1993*.

- a) Council not to declare a substitute day as a public holiday
- b) Declare the Colac Show Day as a public holiday throughout the municipality
- c) Declare the Colac Show Day as a public holiday for only part of the municipality
- d) Declare two half-days as public holidays.

## **5. PROPOSAL**

That Council declares the Colac Show Day as a substitute public holiday for the Melbourne Cup Day for the term of this Council, that is 2017, 2018, 2019 and 2020.

## **6. FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

If the proposal is adopted, the only cost would be advertising in the local media.

## 7. RISK MANAGEMENT & COMPLIANCE ISSUES

The *Public Holidays Act 1993* provides details if Council wishes to change the declared Melbourne Cup Day Public Holiday.

## 8. ENVIRONMENTAL AND CLIMATE CHANGE CONSIDERATIONS

Not applicable

## 9. COMMUNITY ENGAGEMENT

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of July 2013, which details five levels of engagement – inform, consult, involve, collaborate and empower.

If Council resolved to continue with Colac Show Day as the substitute Public Holiday, a public notice would be inserted in local newspapers and newsletters.

## 10. IMPLEMENTATION

As per section 8A of the *Public Holidays Act 1993* Council will follow the process in nominating Colac Show Day as the public holiday in lieu of Melbourne Cup Day.

## 11. CONCLUSION

Non-metropolitan municipalities are able to nominate an alternative public holiday or half-days to Melbourne Cup Day if they wish.

The Colac Show Day (Friday) has been the declared Public Holiday for the past eight years. It is recommended that no change is made to the arrangements that have been in place.

## 12. RECOMMENDATION

### Recommendation

#### *That Council:*

- 1. Nominates the Colac Show Day (Friday) to be the public holiday as a substitute for Melbourne Cup Day for the next 4 years being 2017, 2018, 2019 and 2020.***
- 2. Writes to the Minister for Innovation, Services and Small Business requesting the alternative arrangements for Melbourne Cup Day.***

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**ORDINARY COUNCIL MEETING
AUDIT COMMITTEE INDEPENDENT MEMBER
OM161412-7**

| | | | |
|---------------------------|---|------------------------|--------------------|
| LOCATION / ADDRESS | Whole of Municipality | GENERAL MANAGER | Mark Lyons |
| OFFICER | Jenny Wood | DEPARTMENT | Corporate Services |
| TRIM FILE | F16/6678 | CONFIDENTIAL | No |
| ATTACHMENTS | No | | |
| PURPOSE | To consider the extension of the term for Ms Linda MacRae on Council's Audit Committee. | | |

1. DECLARATION OF INTERESTS

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

2. BACKGROUND

Ms MacRae was first appointed to the Colac Otway Shire's Audit Committee commencing 1 May 2007 and was reappointed for further terms in 2010 and 2013.

Ms MacRae has been a valuable member of the Audit Committee and has an extensive knowledge of Local Government issues.

3. COUNCIL PLAN / OTHER STRATEGIES / POLICY

Leadership and Governance

Council will fulfil its leadership, statutory and legal obligations to its community and staff in a way that is: fair, ethical, inclusive, sustainable, financially responsible and meets the needs and practical aspirations of current and future generations.

The Colac Otway Shire Audit Committee Charter provides the basis for the operations of the Audit Committee.

Issues / Options

Ms MacRae has the following skills and expertise:

- Independent member and chairperson of a number of Audit Committees;
- Has held management positions in Local Government;
- President of the Local Government Finance Professionals; and
- Has been a lecturer at RMIT in Financial Accounting.

As noted Ms MacRae has been a valuable member of the Audit Committee since her appointment on 1 May 2007.

Audit Committee Charter

Section 3 of the Charter provides details on the membership.

3.1.1. The Committee will be comprised of two Councillors and two independent members, all of whom shall be appointed by Council.

3.1.2 The Council members of the Committee will be appointed annually by Council and the independent members will be appointed for a three year term.

3.1.3 Each Committee member should be capable of making a valuable contribution to the Committee and have skills and experience appropriate to the Council's operations.

The independent members will be able to demonstrate a background in financial reporting, accounting or business management.

3.1.4 Independent members will be eligible for reappointment by Council after the initial three year term.

3.1.5 The Chairperson of the Audit Committee shall be appointed by the Committee on an annual basis. The Chairperson is to be from the independent members of the Committee.

3.1.6 If Council proposes to remove an independent member of the Committee, it must give written notice to the member of its intention to do so and provide that member with the opportunity to be heard at a Council meeting.

4. PROPOSAL

It is recommended that Ms MacRae be appointed to the Colac Otway Shire's Audit Committee for a further term of 3 years commencing 23 November 2016.

5. FINANCIAL AND OTHER RESOURCE IMPLICATIONS

Resource Implications

The current remuneration paid to the independent Audit members is \$1,650 per meeting plus GST.

6. RISK MANAGEMENT & COMPLIANCE ISSUES

Not applicable

7. ENVIRONMENTAL AND CLIMATE CHANGE CONSIDERATIONS

Not applicable

8. COMMUNITY ENGAGEMENT

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of July 2013, which details five levels of engagement – inform, consult, involve, collaborate and empower.

Discussions held with Ms MacRae have indicated that she is willing to continue on the Audit Committee.

9. CONCLUSION

Ms Linda MacRae has been a valuable member of the Audit Committee over the past 9 years. An extension of her term for a further 3 years is recommended.

10. RECOMMENDATION

Recommendation

That Council extends Ms Linda MacRae's term on the Audit Committee for a further term expiring 31 December 2019.

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**ORDINARY COUNCIL MEETING**  
**RE-ELECTION S86 COMMITTEE OF MANAGEMENT**  
**OM161412-8**

|                           |                                                                                                             |                     |                    |
|---------------------------|-------------------------------------------------------------------------------------------------------------|---------------------|--------------------|
| <b>LOCATION / ADDRESS</b> | Whole of Municipality                                                                                       | <b>MANAGER</b>      | Sue Wilkinson      |
| <b>OFFICER</b>            | Mark Lyons                                                                                                  | <b>DEPARTMENT</b>   | Corporate Services |
| <b>TRIM FILE</b>          | F16/6678                                                                                                    | <b>CONFIDENTIAL</b> | No                 |
| <b>ATTACHMENTS</b>        | 1. Revised Instrument of Delegation                                                                         |                     |                    |
| <b>PURPOSE</b>            | To consider the appointment of newly elected committee members to the Larpent Hall committee of management. |                     |                    |

### 1. DECLARATION OF INTERESTS

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

### 2. BACKGROUND

Council appoints Committees of Management under section 86 of the *Local Government Act 1989* as Special Committees of Council to act in accordance with rules and conditions of appointment adopted by Council. The purpose of the Committees is to manage the operations of the facilities. Council policy is that Committee of Management members are appointed for a three year term.

A meeting to appoint new members to the following reserve has been conducted:

Larpent Hall                      17 August 2016

#### Larpent Hall Delegation

In May 2006 all the halls and reserves within the municipality were appointed as S86 Committees of Management with delegated powers to manage the operation of each facility.

The Larpent Hall Committee has been maintaining the tennis reserve adjacent to the Hall and it was agreed at the meeting held on 17 August 2016 that the Committee requires the tennis reserve to be included as part of their delegated responsibilities. It is recommended that this request be supported and an updated delegation has been prepared to reflect this responsibility.

A new delegation re-appointing the Larpent Hall Committee as the Larpent Hall and Tennis Reserve Committee of Management is attached.

### 3. COUNCIL PLAN / OTHER STRATEGIES / POLICY

#### **Good Governance**

Means we care about and are responsive to the community, encourage democratic participation and involve people in decisions that affect them. We strive for excellence in financial management and council services, and always look for better ways to do things.

*Our Goal:*

Ensure transparency of governance practices, the capability of our organisation and effective resource management.

#### **4. ISSUES / OPTIONS**

**Option 1**

Appoint new members.

The current three year term for this Committee of Management has been completed and nomination of community persons received for a further period of three years.

The Instrument of Delegation updated to the Larpent Hall and Tennis Reserve to include responsibility for the tennis reserve.

**Option 2**

Not appoint new members.

It is Council policy to consider membership every 3 years for each community/facility.

#### **5. PROPOSAL**

It is proposed to appoint the following community persons to the Committees named for a term of 3 years until 18 December 2019.

Larpent Hall and Tennis Reserve

Geoff Turner, Helen Ezard, Ken Ezard, Lachlan Sutherland, Michael Lenehan, Morris Middleton, Bruce Fraser, Philip Harris, Alistair Harris, James Boyd

#### **6. FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

Each Committee holds their own bank account and administers budgets set by the Committee in accordance with funds within these accounts.

Each Committee is required to provide copies of annual financial statements/treasurer's report to Council.

#### **7. RISK MANAGEMENT AND COMPLIANCE ISSUES**

Each committee has been provided with a Risk Management and Insurance Manual developed for Council Committees of Management.

#### **8. ENVIRONMENTAL AND CLIMATE CHANGE CONSIDERATIONS**

Nil

#### **9. COMMUNITY ENGAGEMENT**

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of July 2013, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected has been to inform and consult. Consultation took place with Committee members as to the preferred time for the meetings to be held and advertisements were placed in the local media seeking nominations to the committee. A Councillor was in attendance to chair the meeting.

## 10. IMPLEMENTATION

A letter will be forwarded to the management committee advising it of Council's endorsement for the appointments to the committee.

## 11. CONCLUSION

The decision to appoint Committees as Special Committees of Council is in keeping with Council's policy of working with its community in the management of halls, reserves and other facilities throughout the Shire.

## 12. RECOMMENDATION

### Recommendation

*That Council:*

- 1. Rename the Larpent Hall Committee to the Larpent Hall and Tennis Reserve Committee of Management and endorse the revised Instrument of Delegation.*
- 2. Pursuant to section 86 of the Local Government Act 1989, resolves to appoint the following nominated members to the Larpent Hall and Tennis Reserve Committee of Management until 18 December 2019:*

|                                        |                                                                                                                                                              |
|----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Larpent Hall and Tennis Reserve</i> | <i>Geoff Turner, Helen Ezard, Ken Ezard, Lachlan Sutherland, Michael Lenehan, Morris Middleton, Bruce Fraser, Philip Harris, Alistair Harris, James Boyd</i> |
|----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|

- 3. In accordance with section 81 sub-section(2) sub-section(a) of the Local Government Act 1989, resolves to exempt members of the Committee from being required to submit a primary or ordinary conflict of interest return in accordance with this section.*

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**INSTRUMENT OF DELEGATION
SPECIAL COMMITTEE**

**Larpent Hall and Tennis Reserve
Management Committee**

Colac-Otway Shire Council ("Council") delegates to the Special Committee established by resolution of Council passed on 14 December 2016 and known as the **Larpent Hall and Tennis Reserve Committee** the powers and functions set out in the Schedule, and declares that:

1. **This Instrument of Delegation** is authorised by a resolution of Council, passed on 14 December 2016;
2. **The Delegation:**
 - a) comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - b) remains in force until Council revokes to vary or revoke it;
 - c) is subject to any conditions and limitations set out in the Schedule; and
 - d) must be exercised in accordance with any guidelines or policies which Council from time to time adopts.
3. All members of the committee will have voting rights on the committee.

THE COMMON SEAL of the)
COLAC-OTWAY SHIRE COUNCIL)
was hereunto affixed in accordance)
with its Local Law No. 4)

..... Chief Executive Officer

SCHEDULE SPECIAL COMMITTEE

Larpent Hall and Tennis Reserve Management Committee

Colac Otway Shire Council has by resolution appointed a Special Committee to manage the Larpent Hall and Tennis Reserve. That Committee shall be known as the Larpent Hall and Tennis Reserve Management Committee, herein after referred to as the Committee. The powers, functions and duties of the Committee are set out in this schedule.

1. The role of the Committee shall generally be to manage the operation of the Larpent Hall and Tennis Reserve on behalf of Council in the best interests of the residents of the Colac Otway Shire Council. Therefore the Committee is required to:

- a) oversee the day to day operation of the facility;
- b) approve expenditure within the Budget set by the Committee;
- c) set hiring fees or charges for use of the facility;
- d) power to employ such person or contractors as it sees fit for the maintenance and upkeep of the facility;
- e) act within the powers functions and duties assigned to the Committee as determined by Council; and
- f) promote use of the facility and support its development as a community asset which includes fundraising activities; where all monies raised must be used by the Committee on the facility/asset; with the exception that a maximum of 20% of net funds raised may be donated to a not-for-profit organisation/charity.

1.

2. The Committee shall keep books of accounts and such records will form part of the accounts of Council and therefore be subject to audit to the Municipal Auditor. The Committee shall prepare an annual financial statement as part of the audit process.

3. The Committee shall not enter into contracts or incur expenditure exceeding \$6,000 or borrow money without approval of Council.

4. The Committee shall not delegate to any person or persons any of the powers delegated to them by Council.

5. The Committee shall submit any policy developed regarding use of the Reserve to Council for approval.

6. Council shall provide assistance to the Committee of:

- a) Administration and technical advice where appropriate; and
- b) Allocation of annual funding for undertaking high priority items of cyclical maintenance and minor capital improvements to the Reserve through grant programs.

7. The Committee shall hold an Annual General Meeting to elect from amongst its members persons to act as Chairperson, Secretary and Treasurer. Membership of the Committee, including any additions, deletions or replacements, shall be subject to approval by Council.

ORDINARY COUNCIL MEETING
AUTHORISATION OF PLANNING OFFICER UNDER
THE PLANNING AND ENVIRONMENT ACT 1987
OM161412-9

| | | | |
|---------------------------|---|---------------------|--------------------|
| LOCATION / ADDRESS | Whole of Municipality | MANAGER | Sue Wilkinson |
| OFFICER | Mark Lyons | DEPARTMENT | Corporate Services |
| TRIM FILE | F16/6696 | CONFIDENTIAL | No |
| ATTACHMENTS | 1. Delegation under the Planning and Environment Act 1987 | | |
| PURPOSE | The purpose of the report is for Council to appoint Mr Gareth Smith, General Manager Development and Community Services as an authorised officer under the <i>Planning and Environment Act 1987</i> . | | |

1. DECLARATION OF INTERESTS

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

2. BACKGROUND

Council recently appointed Mr Smith as General Manager Development and Community Services.

Mr Smith has been authorised to undertake a range of functions under various legislation relative to the role, but requires further authorisation under the *Planning and Environment Act 1987* to clarify that he represents Council as the Responsible Authority under various provisions of that Act.

- (a) The *Planning and Environment Act 1987* regulates enforcement and is reliant on authorised officers acting on behalf of the Responsible Authority.
- (b) Currently Council's authorised officers are acting under a broader Appointment and Authorisation by the Chief Executive Officer pursuant to section 224 of the *Local Government Act 1989*.
- (c) Legal advice has recommended that authorised officers be appointed by Council using an instrument to address specific authorisation provisions of section 147(4) of the *Planning and Environment Act 1987* versus the broader authorisations of section 224 of the *Local Government Act 1989*.
- (c) The broader Instrument of Appointment and Authorisation by the Chief Executive Officer pursuant to section 224 of the *Local Government Act 1989* must also be retained as it appoints the officers as authorised officers for the administration and enforcement of other acts.

3. COUNCIL PLAN / OTHER STRATEGIES / POLICY

Leadership and Governance

Council will fulfil its leadership, statutory and legal obligations to its community and staff in a way that is: fair, ethical, inclusive, sustainable, financially responsible and meets the needs and practical aspirations of current and future generations.

Issues / Options

The Instrument of Authorisation relates only to the powers arising from the *Planning and Environment Act 1987*. Currently, the power to commence proceedings in Council's name is also delegated under the Instrument of Delegation from the CEO to Council Staff. Staff members authorised under other legislation, such as the *Local Government Act 1989* are appointed under delegation by the CEO.

4. PROPOSAL

The proposal is to appoint Mr Smith as an authorised officer pursuant to section 147(4) of the *Planning and Environment Act 1987* and the regulations made under that Act.

5. FINANCIAL AND OTHER RESOURCE IMPLICATIONS

Nil

6. RISK MANAGEMENT & COMPLIANCE ISSUES

The *Planning and Environment Act 1987* regulates enforcement and is reliant on authorised officers acting on behalf of the responsible authority. The authorisation of officers under this Instrument is consistent with legal advice received.

7. ENVIRONMENTAL AND CLIMATE CHANGE CONSIDERATIONS

Nil

8. COMMUNITY ENGAGEMENT

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of July 2013, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The appropriate method is to inform.

9. IMPLEMENTATION

The attached Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) comes into force immediately upon its execution.

10. CONCLUSION

Council is required to appoint authorised officers pursuant to section 147(4) of the *Planning and Environment Act 1987* for matters relating to planning compliance and enforcement.

11. RECOMMENDATION

Recommendation

That Council:

- 1. Appoints Mr Gareth Smith General Manager Development and Community Services as an authorised officer pursuant to the Planning and Environment Act 1987.*
- 2. Notes that the Instrument of Appointment and Authorisation comes into force immediately the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it.*
- 3. Delegates to the Chief Executive Officer authority to sign and place under Council Seal the Instrument of Appointment and Authorisation.*

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INSTRUMENT OF APPOINTMENT AND AUTHORISATION

*(Planning and Environment Act 1987)*

In this Instrument “**officer**” means –

**GARETH SMITH**

By this Instrument of Appointment and Authorisation Colac Otway Shire Council –

1. Under section 147(4) of the *Planning and Environment Act 1987* appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and

It is declared that this Instrument –

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked

This Instrument is authorised by a resolution of the Colac Otway Shire Council on 14 December 2016.

THE COMMON SEAL of Colac Otway Shire  
Council was hereunto affixed in accordance  
with Local Law No 4

.....  
Chief Executive Officer

Dated:

**ORDINARY COUNCIL MEETING  
ASSEMBLY OF COUNCILLORS  
OM161412-10**

|                           |                                                                                                                                                                                                                                                                                                                                                                                                   |                     |                    |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------------|
| <b>LOCATION / ADDRESS</b> | Whole of Municipality                                                                                                                                                                                                                                                                                                                                                                             | <b>MANAGER</b>      | Mark Lyons         |
| <b>OFFICER</b>            | Sarah McKew                                                                                                                                                                                                                                                                                                                                                                                       | <b>DEPARTMENT</b>   | Corporate Services |
| <b>TRIM FILE</b>          | F16/6696                                                                                                                                                                                                                                                                                                                                                                                          | <b>CONFIDENTIAL</b> | No                 |
| <b>ATTACHMENTS</b>        | <ol style="list-style-type: none"><li>1. Assembly of Councillors - Colac Regional Saleyards Advisory Committee - 18 September 2016</li><li>2. Assembly of Councillors - Councillor Briefing - 16 November 2016</li><li>3. Assembly of Councillors - Ordinary Council Meeting Preparation - 23 November 2016</li><li>4. Assembly of Councillors - Councillor Briefing - 30 November 2016</li></ol> |                     |                    |
| <b>PURPOSE</b>            | The purpose of this report is to provide details of the Assemblies of Councillors which have taken place.                                                                                                                                                                                                                                                                                         |                     |                    |

### 1. DECLARATION OF INTERESTS

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

### 2. BACKGROUND

The *Local Government Act 1989* S.3 (1) defines an 'Assembly of Councillors' as:

A meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers or is likely to be:

- the subject of a decision of the Council or
- subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

The *Local Government Act 1989* S.3 (1) defines an Advisory Committee as:

Any committee established by the Council, other than a special committee, that provides advice to:

- the Council; or
- a Special committee; or
- a member of Council staff who has been delegated a power, duty or function of the Council under S. 98 (Delegations).

### 3. CRITERIA

When considering whether or not a committee is an advisory committee, there are two key criteria to consider:

- How is it established?
- What is its advisory role?

For a committee to be considered an ‘advisory committee’ under the Act, it must be established by the Council. This generally requires a decision to establish the committee by:

- Council resolution; or
- resolution of a special committee; or
- a Council management decision.

*Local Government Act 1989* S.80 requires a written record to be made by Council Staff member:

“At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of”:

- the names of all Councillors and members of Council staff attending; and
- the matters considered; and
- any conflict of interest disclosures made by a Councillor attending.

This information is:

- to be recorded (documented);
- to be retained by the Chief Executive Officer for 4 years;
- to be made available for public inspection at the Council Offices for 12 months after the date of the Assembly of Councillors.

### 4. COUNCIL AGENDA

An agenda item is required to note the Assembly of Councillors.

It is a requirement that the written record of any Assembly of Councillors must be (as soon as practicable):

- reported at an ordinary meeting of the Council; and
- incorporated in the minutes of that Council meeting.

### 5. WRITTEN RECORD

The written record of an Assembly must include at least:

- the names of all Councillors and names of Council staff attending;
- the matters considered;
- any conflict of interest disclosures made by a Councillor attending;
- whether a Councillor who has disclosed a conflict of interest leaves the Assembly.

## 6. PROCEDURE AT AN ASSEMBLY OF COUNCILLORS

A Councillor who has a conflict of interest at an assembly of Councillors must:

- disclose to the meeting that he or she has a conflict of interest; and
- leave the meeting while the matter is being discussed and is recalled once the discussion has concluded.

## 7. STAFF ATTENDANCE

It is important that any meeting that is an assembly of Councillors should have at least one member of Council staff in attendance to:

- prepare the record of the Assembly;
- make recommendations about Council decisions;
- disclose any conflict of interest if applicable.

Relevant meetings in a Colac Otway Shire context that meet the reporting requirements include:

- Councillor Briefings (including pre-meeting briefings);
- Central Reserve Advisory Committee;
- Colac Livestock Selling Centre Advisory Committee;
- Friends of the Colac Botanic Gardens Committee; and
- Lake Colac Coordinating Committee.

## 8. COUNCIL PLAN / OTHER STRATEGIES / POLICY

The *Local Government Act 1989* requires that records of meetings which constitute an Assembly of Councillors be tabled at the next practicable meeting of Council and incorporated into the minutes of the Council meeting.

### Issues / Options

Not all gatherings or meetings at which Councillors are present will constitute assemblies of Councillors. For a meeting to be an assembly of Councillors it **MUST** be one of the two types of meetings described above.

Examples of Meetings or Committees that would **NOT** be defined as an Assembly of Councillors are:

- Ordinary Meeting of the Council;
- an Audit Committee established under S.139 of the *Local Government Act*;
- Special Committee of the Council;
- a committee or working group established by another organisation;
- chance meetings of Councillors and Council staff that are not planned or scheduled;
- meetings of other organisations such as clubs, associations, peak bodies or political parties.

## 9. PROPOSAL

The following assemblies of Councillors have been held and are attached to this report for noting:

- *Colac Regional Saleyards Advisory Committee* **18 September 2016**
- *Councillor Briefing* **16 November 2016**
- *Ordinary Council Meeting Preparation* **23 November 2016**
- *Councillor Briefing* **30 November 2016**

## 10. FINANCIAL AND OTHER RESOURCE IMPLICATIONS

Nil

## 11. RISK MANAGEMENT & COMPLIANCE ISSUES

The inclusion of the Assembly of Councillors report meets the compliance requirements of the *Local Government Act 1989*:

Section 80 A – requirements for an assembly of Councillors;  
Section 3 (1) – definition of an ‘advisory committee’ and ‘assembly of Councillors’.

## 12. ENVIRONMENTAL AND CLIMATE CHANGE CONSIDERATIONS

Nil

## 13. COMMUNITY ENGAGEMENT

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of July 2013, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected would be to inform. This is achieved by including documentation and notification of the Assembly of Councillors that have occurred to the public at the Ordinary Council Meeting.

## 14. IMPLEMENTATION

All meetings that are defined as an Assembly of Councillors will be recorded, documented and kept by Council for 4 years. They will be reported to the next practicable Ordinary meeting of Council.

## 15. CONCLUSION

The *Local Government Act 1989* requires that records of meetings which constitute an Assembly of Councillors be tabled at the next practicable meeting of Council and incorporated in the minutes of the Council meeting. All relevant meetings have been recorded, documented and will be kept by Council for 4 years. The attached documents provide details of those meetings held that are defined as an Assembly of Councillors.

## 16. RECOMMENDATION

### Recommendation

*That Council notes the Assembly of Councillors reports for:*

- *Colac Regional Saleyards Advisory Committee* **18 September 2016**
- *Councillor Briefing* **16 November 2016**
- *Ordinary Council Meeting Preparation* **23 November 2016**
- *Councillor Briefing* **30 November 2016**

~~~~~



Assembly of Councillors Record

This Form MUST be completed by the attending Council Officer and returned IMMEDIATELY to Document Management Co-ordinator for filing. A copy of the completed form must be provided to the Executive Officer to the CEO, Mayor & Councillors for reporting at the next Ordinary Council Meeting.

Assembly Details:

Colac Regional Saleyards Advisory Committee

Date:

18 / 09 / 2016

Time:

9.00 am

Assembly Location: .Colac Regional Selling Centre

(some e.g's. COPACC, Colac Otway Shire Offices, 2 - 6 Rae Street, Colac, Shire Offices – Nelson Street, Apollo Bay

In Attendance:

Councillors: Cr Buchanan

Officer/s: Tony White / Heather Johnson / Chris Spalding / Graeme Riches

Matter/s Discussed: ...Auctions Plus presentation, sheep sales at Colac, OH & S issues. No decisions made.


(some e.g's. Discussion s with property owners and/or residents, Planning Permit Application No. xxxx re proposed development at No. xx Pascoe Street, Apollo Bay, Council Plan steering committee with Councillors and officers.)

Conflict of Interest Disclosures: (refer page 5)

Councillors:/...../...../.....
...../...../...../.....

Officer/s:/...../...../.....
...../...../...../.....

Left meeting at:

Completed by: 

Assembly of Councillors

INVITEES:

Cr Hanson, Cr Hart, Cr McCracken, Cr Potter, Cr Schram, Cr Smith, Cr Woodcroft, Sue Wilkinson, Mark Lyons, Ingrid Bishop, Gareth Smith

ATTENDEES:

Cr Hanson, Cr Hart, Cr McCracken, Cr Potter, Cr Schram, Cr Smith, Cr Woodcroft, Mark Lyons, Ingrid Bishop, Gareth Smith, Stewart Anderson, Hege Eier, Sarah McKew, Ian Seuren, Tony White, Jenny Wood

EXTERNAL ATTENDEES:

Nil

APOLOGIES:

Sue Wilkinson

ABSENT:

Nil

Briefing commenced at 2.07pm

| | Declaration of Interest | Item | Reason |
|--------------------|-------------------------|---|-------------------------|
| | Nil | | |
| 2.07pm – 2.55pm | | Appointment of Councillors and Officers to External Committees and Bodies Council Appointment to Internal Committees | Jenny Wood |
| 2.55pm – 3.47pm | | Cinema Lease | Ian Seuren |
| 3.47pm – 3.54pm | | Break | |
| 3.54pm – 4.29pm | | Australia Day Awards 2017 | Tony White Hege Eier |
| 4.29pm – 4.50pm | | Marine and Coastal Act Consultation Paper - Draft Submission | Stewart Anderson |



| | | |
|--------------------|--------------------------------------|--|
| 4.50pm – 4.59pm | Meeting dates and briefing schedules | |
| 4.59pm | Meeting closed | |



Assembly of Councillors

INVITEES:

Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Jason Schram, Cr Chris Smith, Cr Terry Woodcroft, Sue Wilkinson, Mark Lyons, Ingrid Bishop, Gareth Smith

ATTENDEES:

Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Jason Schram, Cr Chris Smith, Cr Terry Woodcroft, Sue Wilkinson, Mark Lyons, Ingrid Bishop, Gareth Smith, Jenny Wood, Sarah McKew, Daniel Fogarty, Sandra Wade

EXTERNAL ATTENDEES:

Nil

APOLOGIES:

Nil

ABSENT:

Nil

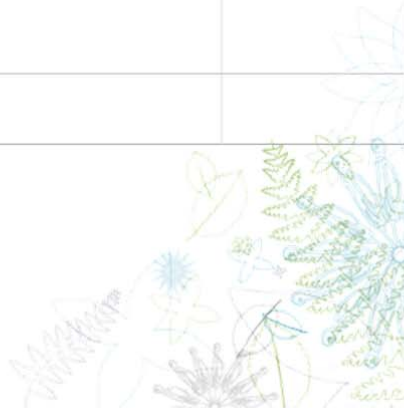
Meeting commenced at 2.32pm

| | Declaration of Interest | Item No. | Reason |
|--------------------|--|----------|-------------|
| | Nil | | |
| 2.32pm – 3.06pm | Bushfire / Landslip Update | | Sandra Wade |
| 3.07pm – 3.46pm | Reviewed agenda for 4pm Ordinary Council meeting | | |
| 3.47pm | Meeting closed | | |



Assembly of Councillors

| INVITEES: Cr Smith, Cr Woodcroft, Cr Hanson, Cr Hart, Cr Schram, Cr Potter, Cr McCracken, Sue Wilkinson, Mark Lyons, Ingrid Bishop, Gareth Smith | | | |
|--|--|-------------------------------|--|
| ATTENDEES: Cr Smith, Cr Woodcroft, Cr Hanson, Cr Hart, Cr Schram, Cr Potter, Cr McCracken, Sue Wilkinson, Mark Lyons, Ingrid Bishop, Gareth Smith, Ian Seuren, Graeme Collins, Nicole Frampton, Stewart Anderson, Jenny Wood | | | |
| EXTERNAL ATTENDEES: Elaine Carbines, CEO G21 | | | |
| APOLOGIES: Nil | | | |
| ABSENT: Nil | | | |
| 2.01pm | Declaration of Interest | Item | Reason |
| Left meeting at 3.25pm; returned at 3.43pm | Cr Hart | Lavers Hill to Crowes Pathway | Indirect as it may affect residential amenity of my property |
| 2.03pm – 3.23pm | Bluewater | | |
| 3.23pm – 3.29pm | Break | | |
| 3.29pm – 3.41pm | Lavers Hill to Crowes Pathway | | Ian Seuren Nicole Frampton |
| 3.41 pm – 4.03pm | Emergency Management Protocols | | Stewart Anderson |
| 4.03pm – 4.53pm | Councillor Induction – G21 Briefing | | Elaine Carbines CEO G21 |
| 4.53pm - 5.23pm | General Business <ul style="list-style-type: none"> • Library Board • Future Meeting Dates • Future Briefings | | |
| 5.23pm | Meeting Closed | | |



**ORDINARY COUNCIL MEETING
NOTICE OF MOTION - DAIRY FARMER RATE RELIEF (CR CHRIS SMITH)
OM161412-11**

| | | | |
|---------------------------|-----------------------|---------------------|-------------------------|
| LOCATION / ADDRESS | Whole of Municipality | MANAGER | Sue Wilkinson |
| OFFICER | | DEPARTMENT | Chief Executive Officer |
| TRIM FILE | CLF11/24 | CONFIDENTIAL | No |
| ATTACHMENTS | Nil | | |
| PURPOSE | Notice of Motion | | |

TAKE NOTICE that it is my intention to move at the Ordinary Council Meeting of the Colac Otway Shire to be held on 14 December 2016:

- 1. That Dairy farmers within the Colac Otway Shire who pay their 2016/2017 Rate Account/s in full prior to the 20th of June 2017 will not be charged any penalty interest.*
- 2. A current Dairy Licence is required to be produced to avoid penalty interest being charged.*
- 3. This motion only applies to properties used in connection with Dairy Farming.*

1. RECOMMENDATION

Recommendation

That Council consider the contents of this Notice of Motion.

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## IN COMMITTEE

### Recommendation

*That pursuant to the provisions of Section 89 (2) of the Local Government Act, the meeting be closed to the public and Council move "In-Committee" in order to deal with:*

| <b>SUBJECT</b>                                                          | <b>REASON</b>                                                                                        | <b>SECTION OF ACT</b>    |
|-------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|--------------------------|
| <b>Minutes of In-Committee Council Meeting held on 23 November 2016</b> | this matter deals with contractual matters; AND this matter may prejudice the Council or any person. | Section 89 (2) (d) & (h) |
| Notice of Motion – Reporting                                            | this matter deals with personnel matters.                                                            | Section 89 (2) (a)       |
| Notice of Motion – Bluewater                                            | this matter deals with contractual matters; AND this matter deals with legal advice.                 | Section 89 (2) (d) (f)   |