



Colac Otway
SHIRE

COUNCIL MEETING

MINUTES

Wednesday 23 November 2022

at 4:00 PM

COPACC

95 - 97 Gellibrand Street, Colac

Next Council Meeting: 14 December 2022



COLAC OTWAY SHIRE COUNCIL MEETING

Wednesday 23 November 2022

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COLAC OTWAY SHIRE COUNCIL MEETING

MINUTES of the **COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** held at COPACC on
Wednesday 23 November 2022 at 4:00 PM.

MINUTES

1 DECLARATION OF OPENING OF MEETING

OPENING PRAYER

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

AMEN

2 PRESENT

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

Anne Howard, Chief Executive Officer
Heath Chasemore, General Manager Infrastructure and Operations
Ian Seuren, General Manager Community and Economy
Marlo Emmitt, Manager Governance and Communications
David Butterfield, Manager Property, Procurement and Contracts
Lyndal McLean, Coordinator Council Business

3 APOLOGIES AND LEAVE OF ABSENCE

Cr Joe McCracken - Leave of absence (Council Resolution 24 August 2022)

4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

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

RECORDING AND PUBLICATION OF MEETINGS

Please note: All Council meetings will be live streamed and recorded when the meeting is held either at COPACC or online. This includes the public participation sections of the meetings. When meetings are held in other locations, Council will endeavour to make an audio recording of the meeting for community access. Matters identified as confidential items in the Agenda will not be live streamed or recorded regardless of venue or mode.

By participating in open Council meetings, individuals consent to the use and disclosure of the information they share at the meeting (including any personal and/or sensitive information).

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

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

This meeting was livestreamed to the public via Council's YouTube channel (search Colac Otway Shire Council at www.youtube.com).

5 QUESTION TIME

A maximum of 30 minutes is allowed for question time. To ensure that each member of the gallery has the opportunity to ask questions, it may be necessary to allow a maximum of two questions from each person in the first instance. Question time is not a forum for public debate or statements.

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

On 9 November 2022, Council deferred considerations of the following questions to its scheduled meeting on 23 November 2022.

James Judd

1. Council's solar panels put in. Since it is now out that some modern solar panels are not compatible with some older solar panels, should any solar panels fail to work during the warranty period, if a compatible solar panel, as a replacement, not be able to be obtained, does the Council held warranty cover the entire cost if a complete new bank of solar panels must be put in or just the cost of the failed one? Plus has the Council been able to make sure all the solar panels it uses are 100% recyclable as Council has already claimed that not all solar panels are recyclable after having claimed all were recyclable.

Response from General Manager Infrastructure and Operations

Warranty cover for Council's solar systems includes the replacement of some or all parts of the system, depending on the type of fault or availability of compatible parts, therefore it covers the

replacement of one panel, a whole string of panels or the whole system of panels during the warranty period.

95% of solar panel components can be recycled now such as aluminium, glass, silver, silicon, copper and plastics. The majority of solar panels installed by Council have a useful operating life of at least 25 year, by which time we expect there to be even more recycling opportunities.

2. **How can the Colac Otway Shire Council justify its persistent reductions in how much it allocates per year to be spent on drainage works in this municipality when Council is very persistent in adding more subdivisions to the urban area when each of these require extra spending on drainage works to connect to existing systems? Plus the renewal in the entire Shire is going up fast as old systems must be renewed and costs are going up fast to do works.**

Response from General Manager Infrastructure and Operations

New estates in urban areas require drainage infrastructure to be provided by the developer at their cost and is generally separate from Council's own funding allocation to infrastructure works, including drainage. Council then becomes responsible for these drainage assets in addition to the existing drainage network and needs to plan for the renewal of all assets at some time in the future. Fortunately, the new subdivisions provide assets that meet today's standards are not expected to be replaced for a number of decades.

Council's older drainage assets will require renewal sooner than those in new estates. They may also need to be upgraded if they are well below current standards.

Like all asset classes, the allocation of funding to renewal of drainage assets will be informed by two questions:

1. Has the asset deteriorated to a point where we want to rebuild it?
2. Does Council have the ability to fund the work now or in the future?

Council's Asset Plan and Long Term Financial Plan inform this work, but we know Council's financial challenges mean we have more work to do in this area.

3. **Is the Colac Otway Shire Council going to drastically increase the money it spends on footpath renewal to far above its current renewal rate by in excess of increased construction costs each year and the additional percentage of constructed footpaths per year so we do not have to wait at least 200 years before you renew a footpath once, as this was the effect of works done in the 2021-2022 financial year for just the footpaths that existed then without allowing for increased construction costs.**

Response from General Manager Infrastructure and Operations

As per our response to your question about drainage assets, Council's asset management frameworks enables Council to understand the condition and estimated replacement rates of our various assets including footpaths.

The amount of money Council will allocate to asset renewal will depend on its financial capacity at that point in time.

The significant increases in construction costs add to the overall financial challenge, and Council is not able to increase its revenue or financial capacity to match the changes in market. Given all this, Council cannot commit to an increase in funds to footpaths as suggested by your question.

Nasser Kotb

The Barwon Water investigation of wastewater in Forrest has come to a grinding halt after five years of community push. They admit that the solutions presented by them are too complex to implement. So they are back to the drawing board. Barwon Water has submitted the "2023-2028 Price Submission" to the State Government. In the meantime, the existing onsite wastewater systems are 60 – 70 percent considered failing and impacting on human health or the environment (COS audit 2018).

The audit also determined that the township was (and would continue to be) well below the World Health Organisation's target for Disease Protection due to discharge of wastewater off-site (four times below the WHO threshold). The Audit found that the problem is widespread and compounded by the growth of Forrest, over the past 10 years, as a popular tourist and recreation (Mountain Biking) destination. The problem is obvious due to the increase of visitor influx over weekends and holidays where the stench is noticeable. In addition, the Council is unable to decipher which properties are running Airbnb (short-term rentals). Hence the Council is unable to decide on a course of action.

1. With the excuse of "waiting for a Barwon Water investigation" is now unnavigable to Council to justify inaction, what is the Council plan to attend to their statutory obligation as in the Local Government Act 2020, the Council Health & Wellbeing Strategy and the Council multitude strategic plans?

Response from General Manager Infrastructure and Operations

The most appropriate role for Council, with respect to the implementation of a wastewater scheme in Forrest, is one of advocacy and in particular advocating for securing funding to deliver such a system. Therefore, Council has continued to work closely with Barwon Water, as it is the organisation best placed to explore, engage and advise on the best model for any system.

It is pleasing Barwon Water continues to recognise the opportunity a contemporary system would offer to Forrest and has included it in its project planning and Council will continue to support its efforts.

2. How much progress has the Council achieved since 2018 in addressing the health and environmental risks of ailing, failing systems (according to risk rating listed in the Audit document: High-Medium-Low-OHS Unknown)?

Response from General Manager Infrastructure and Operations

Council has made some progress in addressing the health and environmental risks of failing systems within the Shire. Council has recently received a grant from State Government to assist in the assessment and monitoring of waste water systems, with assessments scheduled to commence next year. A very limited number of high risk properties will be followed up in Forrest in 2023 and should additional resources be made available, that can be increased.

Questions received in writing for 23 November 2022 Council meeting

James Judd

1. Since the Colac Otway Shire Council closed down its recycling bins for soft plastics so they could be recycled and not put in the garbage bins, plus you recommended that they are recycled at supermarkets. Now recycle that collected recycled soft plastics from some supermarkets is no longer accepting [for] recycling soft plastics, does any outlet now exist or must people again put soft plastics in garbage bins? As we have no other known way to dispose of them.

Response from General Manager Infrastructure and Operations

It is regrettable that REDcycle has temporarily paused its service of collecting soft plastics from supermarkets. It is hoped that the issues being experienced by REDcycle can be rectified and for the service to resume shortly. In the meantime, residents are encouraged to put their soft plastics in their home rubbish bin, or alternatively they can store the soft plastics at home in preparation for resumption of service at some point in the future.

Nasser Kotb

1. I lodged a complaint in August 2022 using the Council complaint form (CL.UR1790085). The reply on 5th September 2022 was irrelevant. In September 2022 Council meeting the CEO replied to my question regarding the complaint saying "That complaint is now being investigated and you will receive a response as soon as possible". Considering that it is November, when would the Council have an answer to such a simple complaint?

Response from Chief Executive Officer

Mr Kotb, your complaint was received on the 6 September 2022. I provided you a written response to your complaint earlier today. This response was seven weeks overdue with respect to the timeframes set out in our Complaints Policy and I apologise to Mr. Kolt for this delay.

2. Has the Council acquired the required EPA permission to start the process of designing the wastewater system for the Forrest Caravan Park site?

Response from General Manager General Manager Infrastructure and Operations

Yes, Council has obtained permission from EPA Victoria for the wastewater system.

3. In August 2022, the Council stated "The preparation of the draft Environment Strategy will be ready before the end of the year for Council to consider." As it is November 2022, when would the Council release the Environment Strategy for community consultation?

Response from Chief Executive Officer

Officers are currently on track with the development of the draft Environmental Sustainability Strategy and will be discussing the document with Councillors in coming weeks.

4. In September 2022 meeting the Council stated "Council rating system ... and its rating strategy already includes a "holiday rental" rating category". If this information is available, what are the categories in the Council's rating system and what are the percentages of each category in Forrest and Apollo Bay?

Response from General Manager Corporate Services

The rating categories are described in Council's Rating Strategy 2022-2025 which is available on Council's website. The information requested regarding percentages of each category in specific areas is not available.

5. The Pangolin report for the 2020-21 FY indicates that there are many steps for the Council to take to reach carbon neutrality in real terms. Therefore the claim made that the Council reached carbon neutrality in 2020 is false. How much of the recommended actions in the report has been addressed into an action plan with a clear timeline (no political narrative please; just facts)?

Response from Chief Executive Officer

Council did achieve carbon neutrality for the 2020-2021 financial year. Council has reduced its carbon emissions over many years, reducing its residual emissions to a relatively low amount which were offset through the acquisition of carbon offsets. All of this has been transparent to the community through release of the Pangolin report, in addition to officers' reports and Council decisions made in public meetings.

Council's emissions have also been reported annually for many years in Council's Annual Reports.

The Pangolin report includes a number of opportunities for improvement that Council may consider in the future, either as standalone initiatives or through other action plans.

Noor Petersen

1. What are the hurdles preventing the Council from treating the AirBnB as "commercial" rather than "residential" properties, considering they are running a commercial business?

Response from General Manager Corporate Services

Council's adopted Rating Strategy includes definitions for different categories of properties. Council would not treat AirBnB as "commercial" because they don't meet the definition given to that particular rating category.

Council's Rating Strategy does enable it to recognise these properties are also different to "residential" where these properties are located in the "Balance of Shire" rating area which is where the majority are found (i.e. outside Colac/Elliminyt).

Properties identified as being uses that fit the definition of the "Holiday Rental" rating category, including AirBnB pay rates at a higher rate in the dollar than properties in the "Residential - Balance of Shire" rating category, but at a lesser rate than properties in the "Commercial/Industrial - Balance of Shire" rating category.

David Walsh

My first 2 questions are in regards to your key information in today's meeting item 9.1 Review of Development Plan - Irrewillipe Road/ Aireys St, Elliminyt. The main elements of the revised Development Plan for area 4 are as follows; integrated stormwater drainage generally directed towards the north and east.

1. How will you achieve the north flowing storm water drainage into Aireys St through the vacant block into the all but non-existing drain on the south side of Aireys St?

Response from General Manager Infrastructure and Operations

The revised Development Plan indicates the general flow of stormwater drainage for future development, which is generally to the north and west. As subdivision proposals are considered for each site, land owners will be required to demonstrate how stormwater drainage can be connected to the reticulated system. This may rely on adjoining land being developed first, or for establishment of easements through undeveloped land. There is no definitive requirement for drainage to connect to Aireys Street through the vacant allotment. The solutions adopted will depend on the timing and design of the subdivision of land within the precinct.

2. How will the storm water generally directed towards the east work? Your revised attachment points to the west?

Response from General Manager Infrastructure and Operations

The stormwater drainage solution for each site will be assessed on its merits, and can be considered for connection to Gravesend Street in an easterly direction where appropriate. The stormwater flows marked on the plan are indicative only, and do not represent definitive direction for subdivision applications.

3. Will Council fix the drainage problems in Aireys St before adding more runoff into the inadequate gutters already there that cause flooding in heavy rainfalls?

Response from General Manager Infrastructure and Operations

Each application for subdivision is considered on its merits, and if approved developers will be required to establish appropriate on site stormwater detention and treatment to minimise the impact of new development on existing drainage systems.

Council will also continue to address priority areas for improvement in Colac's urban drainage network within annual budget allocations.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Alan Billing

1. On Monday 24 October a petition was delivered to the Shire office reception regarding a request for extended hours of operation of the Tourist Information Centre. The presentation of a petition to Council is a procedural matter and no debate takes place at that point. Local Law No. 4 does not specify a timeline prior to a meeting by which petitions must be presented. Why was that petition not tabled at the October [26] meeting?

Response from Manager of Communications and Governance

Thank you for the question Mr Billing. The receipt of petitions is actually governed through the Governance Rules. The Governance Rules actually specify that a petition must be presented to the next available scheduled meeting, where it has been received at least 10 days prior to the Council meeting. The Council meeting was actually on the 26 October and we received the petition on the 24 October, so that's why it has come to this meeting.

The question is given that my reading of the Local Law was, there was nothing specified. Now you have given some additional specifications that don't appear in the Local Law.

Response from Manager of Governance and Communications

No, because the Council's Governance Rules actually govern the receipt and the handling of petitions.

2. The second question relates once again to the Tourist Information Centre. On the 30 June this year a deputation of four people representing former Apex club members; the organisation primarily responsible for the establishment of the Visitor Information Centre, and volunteers who undertook the operation of the Centre. We had the opportunity to meet with the former Mayor, Councillor Hanson, and the Shire Chief Executive Officer. The purpose of that meeting was to inform Council of the history of that facility and to seek clarification of the rationale for its continued closure and its future and to register our concern that Council was not engaging with the community about the future of the Visitor Information Centre, despite the extensive community involvement in the establishment of this operation. There's a third issue which might be a third question. The question is, 20 weeks have passed since that deputation, and at what point could we expect a formal response?

Response from Chief Executive Officer

Mr Billing, yes the discussion gave us a great opportunity to understand the history of the building and we did confirm that before any decision was made about the future of the building there would be community engagement and that is still the commitment that we have. I'm happy to confirm that that's the commitment in writing and I apologise that that wasn't done as clearly, as was your expectation.

3. Thank you, just a second [third] question if I could, why are there no agendas in the Gallery anymore? There used to be copies of the agenda available for Gallery attendees.

Response from Chief Executive Officer

We'll note that Mr Billing, thank you and the Manager of Communications and Governance can take that action.

Simon Arundell

1. This year [Council] spent \$26,000 on carbon credits I'm told, so the Councillors would feel good. It went to Europe. Keeping in mind that Colac, according to Colac Herald, as one of the lowest socio-economic areas in the state, how do you feel finding that most of this money was sent to India to build them a wind turbine, bearing in mind India is the sixth wealthiest Nation on Earth? How does that make you feel, from a low socio-economic area to the sixth wealthiest Nation on Earth? Was that a good move to spend your \$26,000 on? Would anyone like to reply?

Response from Chief Executive Officer

Mr Arundell, Council considered a number of options to achieve a carbon neutrality and there are various ways that offsets can be achieved and Council's decision was made in a public meeting.

But how do you feel now finding it went to the sixth wealthiest Nation on Earth?

Response from Chief Executive Officer

It's not my place to say how Council feels, just to explain how the decision was made.

Yeah, poor decision. I'm told that these carbon credits was a feel-good move by our Councillors. Most of the rate payers had no idea of what was going on. Does the money you spent really go under what you call 'misappropriation of public money' and seeing as the Councillors did this should this money be paid back to the rate payers of Colac from their own incomes? They're meant to delve in things revolving around the Shire, not the world. You're a local Council. Was this a misappropriation of money?

Response from Chief Executive Officer

Mr Arundell, I would refute your allegation of misappropriation of money. The decision was made transparently through due process. There's no misappropriations.

It may have been done transparently but no one knew who made up this law of carbon credits. We thought it was a law. I find from this Shire that it's not, it's just something you came up with yourselves.

Response from the Mayor

Have you got another question Mr Arundell?

No, that'll do but I hope you're doing more homework next time please, thank you.

Brendan Stahl

1. I just wonder when the Council will make a decision on the Colac Visitor Information Centre opening seven days a week.

Response from Chief Executive Officer

Thank you Mr Stahl for your question. The intention is that Council will receive the petition tonight and then receive a further report to consider it at the 14 December meeting. I can't comment on what the decision might be but that's when Council will have an opportunity to consider the petition more fully. Three weeks.

I recommend that the Councillors please look at it favourably because I think the community wants it. Thank you.

Response from Mayor

Thank you, noted Mr Stahl.

Wes Hawkett

1. My question is directed to the Chief Executive Officer. Five months ago at the deputation to you and the former Mayor, I discussed the sign over the bridge at the Barongarook Creek. The Apex sign that built and installed that bridge. To date no indication as to whether that sign will be replaced or anything else. No communication from the Council whatsoever. What is the situation now?

Response from Chief Executive Officer

Thank you, I do recall making an inquiry about the sign but I am not aware of actually where the sign was located so I'll have to take that on notice and write back to you.

Is that sign going to be replaced?

Response from Chief Executive Officer

I don't know whether we know where the sign that was removed, is. That would be my first question, to find out if this original sign was there. If there is a sign to be replaced then I think we should come back and agree on what that sign looks like.

Why is it taking five months to get an answer?

Response from Chief Executive Officer

Because I didn't follow up on the question that I asked and I apologise for that.

Thank you.

6 PETITIONS / JOINT LETTERS

A petition containing 660 signatures supporting the opening of the Visitor Information Centre in Colac seven days a week has been received from the community. A report responding to the petition will be presented to the Council meeting held on 14 December 2022. A redacted copy of the petition letter is annexed in these Minutes.

RESOLUTION

MOVED Cr Kate Hanson, SECONDED Cr Graham Costin

That Council receives the petition supporting the opening of the Visitor Information Centre in Colac seven days a week.

CARRIED 6 : 0

7 DECLARATIONS OF INTEREST

Nil

8 CONFIRMATION OF MINUTES

- Council meeting held on 26 October 2022.
- Council meeting held on 9 November 2022.

RESOLUTION

MOVED Cr Kate Hanson, SECONDED Cr Stephen Hart

That Council confirm the minutes of the Council meeting held on 26 October 2022 and the minutes of the Council meeting held on 9 November 2022.

CARRIED 6 : 0

Item: 9.1

Review of Development Plan - Irrewillipe Road / Aireys Street, Elliminyt

OFFICER	Simon Clarke
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Community and Economy
ATTACHMENTS	<ol style="list-style-type: none">Existing Approved Development Plan - Area 4 Colac/Elliminyt [9.1.1 - 1 page]Draft Amended Irrewillipe Road Development Plan [9.1.2 - 1 page]

RECOMMENDATION

That Council:

- Places the draft revised Development Plan for Development Plan DPO2 - Area 4 for land bounded by Irrewillipe Road, Main Street, Aireys Street and Hart Street, Elliminyt on public exhibition for a period of 3 weeks.*
- Hears verbal presentations from any submitters wishing to speak to their submission, prior to formal consideration of the final plan.*

REVISED OFFICER RECOMMENDATION

That Council:

- Places the draft revised Development Plan for Development Plan DPO2 - Area 4 (Attachment 2) for land bounded by Irrewillipe Road, Main Street, Aireys Street and Hart Street, Elliminyt on public exhibition for a period of 3 weeks.*
- Hears verbal presentations from any submitters wishing to speak to their submission, prior to formal consideration of the final plan.*

RESOLUTION

MOVED Cr Margaret White, SECONDED Cr Stephen Hart

That Council:

- 1. Places the draft revised Development Plan for Development Plan DPO2 - Area 4 (Attachment 2) for land bounded by Irrewillipe Road, Main Street, Aireys Street and Hart Street, Elliminyt on public exhibition for a period of 3 weeks, with the following amendment:*
 - 1.1 In the heading above the dot points replace the word 'Requirements' with 'Considerations'.*
- 2. Hears verbal presentations from any submitters wishing to speak to their submission, prior to formal consideration of the final plan.*

CARRIED 6 : 0

Item: 9.2

Contract 2301 - Design and Construct - Bridge Replacement - Howells Access, Skenes Creek

OFFICER	Matthew Skewes
GENERAL MANAGER	Heath Chasemore
DIVISION	Infrastructure and Operations
ATTACHMENTS	Nil

RESOLUTION

MOVED Cr Graham Costin, SECONDED Cr Margaret White

That Council:

- 1. Awards Contract 2301 – Design and Construct – Bridge Replacement - Howells Access, Skenes Creek to Murray Valley Piling Pty Ltd for the lump sum price of \$288,000 (exclusive of GST).*
- 2. Authorises the Chief Executive Officer to execute the contracts for Contract 2301 – Design and Construct – Bridge Replacement – Howells Access, Skenes Creek, on behalf of the Council.*
- 3. Authorises the Chief Executive Officer to perform all roles of the Principal for Contract 2301 – Design and Construct – Bridge Replacement – Howells Access, Skenes Creek.*
- 4. Authorises the General Manager Community and Economy as the Superintendent for Contract 2301 – Design and Construction – Bridge Replacement - Howells Access, Skenes Creek, including managing variations in accordance with the contract conditions.*
- 5. Notes that unsuccessful tenderers will be advised of the outcome of the tender process and the successful tenderer and contract price will be listed on Council's website.*

CARRIED 6 : 0

Item: 9.3

Contract 2214 - 3 Year Bituminous Surfacing Program 2022-2025

OFFICER	Paula Gardiner
GENERAL MANAGER	Heath Chasemore
DIVISION	Infrastructure and Operations
ATTACHMENTS	Nil

RESOLUTION

MOVED Cr Graham Costin, SECONDED Cr Margaret White

That Council:

- 1. Awards Contract 2214 – 3 Year Bituminous Surfacing Program 2022-2025, to InRoads Pty Ltd for the tendered prices referred to in Schedule 1 – Schedule of Prices.*
- 2. Notes that the indicative contract value resulting from the tendered prices in Schedule 1, over the nominated 3-year period is \$2,348,094.46 (ex GST), however the annual program will be adjusted each year to reflect the approved annual budget allocation.*
- 3. Authorises the Chief Executive Officer to execute the contracts for Contract 2214 – 3 Year Bituminous Surfacing Program 2022-2025, on behalf of Council.*
- 4. Authorises the Chief Executive Officer to perform all roles of the Principal.*
- 5. Notes that unsuccessful tenderers will be advised of this decision and the relevant contract details will be published on Council's website.*

CARRIED 6 : 0

Item: 9.4

Review of Submissions Committee Terms of Reference

OFFICER	Marlo Emmitt
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. Revised Terms of Reference for the Submissions Committee PDF [9.4.1 - 2 pages]2. Submissions Committee of Council - Terms of Reference - Adopted 26 August 2020 - for revocation [9.4.2 - 1 page]

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Kate Hanson

That Council:

- 1. Adopts the revised Submissions Committee Terms of Reference (at Attachment 1).*
- 2. Notes that the proposed schedule of Submissions Committee meetings for 2023 will be considered as part of the Council and Committee Meeting Dates 2023 report, which is the next item on the Council agenda.*
- 3. Revokes the Submissions Committee Terms of Reference at Attachment 2.*

CARRIED 6 : 0

Item: 9.5

Council and Committee Dates 2023

OFFICER	Lyndal McLean
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

RESOLUTION

MOVED Cr Kate Hanson, SECONDED Cr Stephen Hart

That Council:

1. *Approves the schedule of Council, Planning Committee and Submissions Committee meetings for 2023 as detailed below:*

February 2023		
Submissions Committee	Wednesday, 1 February	4pm
Planning Committee	Wednesday, 8 February	4pm
Council	Wednesday, 22 February	4pm
March 2023		
Submissions Committee	Wednesday, 1 March	4pm
Planning Committee	Wednesday 8 March	4pm
Council	Wednesday 22 March	4pm
April 2023		
Planning Committee	Wednesday 5 April	4pm
Council	Wednesday 26 April	4pm
May 2023		
Submissions Committee	Wednesday, 3 May	4pm
Planning Committee	Wednesday 10 May	4pm
Council	Wednesday 24 May	4pm
June 2023		
Submissions Committee	Wednesday, 7 June	4pm

Planning Committee	Wednesday 14 June	4pm
Council	Wednesday 28 June	4pm
July 2023		
Submissions Committee	Wednesday, 5 July	4pm
Planning Committee	Wednesday 12 July	4pm
Council	Wednesday 26 July	4pm
August 2023		
Submissions Committee	Wednesday, 2 August	4pm
Planning Committee	Wednesday 9 August	4pm
Council	Wednesday 23 August	4pm
September 2023		
Submissions Committee	Wednesday, 6 September	4pm
Planning Committee	Wednesday 13 September	4pm
Council	Wednesday 27 September	4pm
October 2023		
Submissions Committee	Wednesday 4 October	4pm
Planning Committee	Wednesday 11 October	4pm
Council	Wednesday 25 October	4pm
November 2023		
Planning Committee	Wednesday 1 November	4pm
Council	Wednesday 22 November	4pm
December 2023		
Planning Committee	Wednesday 6 December	4pm
Council	Wednesday 13 December	4pm

2. *Approves the scheduling of a Council meeting on Wednesday 8 November 2023 for the sole purpose of the term and election of the Mayor and Deputy Mayor, and determines that public question time will be restricted to questions relevant to the purpose of the meeting.*
3. *Notes that all Council meetings, Planning Committee and Submission Committee meetings will be held at Colac Otway Performing Arts and Cultural Centre (COPACC), Colac and livestreamed, unless otherwise advertised.*
4. *Will take all reasonable steps to hold at least one meeting every six months in 2023 at a suitable location in Apollo Bay.*

CARRIED 6 : 0

Item: 9.6

Quarterly Performance Report - 1 July to 30 September 2022

OFFICER	Marlo Emmitt
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. 2022-23 Quarterly Performance Report - July to September 2022 - Attachment 1 [9.6.1 - 45 pages]

RESOLUTION

MOVED Cr Margaret White, SECONDED Cr Graham Costin

That Council notes the Quarterly Performance Report for the first quarter 2022-23, for the period 1 July to 30 September 2022.

CARRIED 6 : 0

Item: 9.7

Audit and Risk Committee Biannual Report

OFFICER	Natasha Skurka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. Audit and Risk Committee - Report to Council of Colac Otway September 2022 [9.7.1 - 5 pages]

RESOLUTION

MOVED Cr Graham Costin, SECONDED Cr Jamie Bell

That Council:

- 1. Receives for information the Colac Otway Shire Audit and Risk Committee Biannual Report, dated 14 September 2022.*
- 2. Thanks the Chair and Committee members for their efforts and commitment to Colac Otway Shire Council.*

CARRIED 6 : 0

Item: 9.8

**Audit and Risk Committee Meeting - Unconfirmed Minutes -
6 October 2022**

OFFICER	Natasha Skurka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. Unconfirmed Audit and Risk Committee Minutes - 6 October 2022 [9.8.1 - 11 pages]

RESOLUTION

MOVED Cr Graham Costin, SECONDED Cr Margaret White

That Council:

- 1. Receives for information the Colac Otway Shire Audit and Risk Committee unconfirmed minutes, dated 6 October 2022.*
- 2. Notes the recommendations made by the Audit and Risk Committee.*

CARRIED 6 : 0

Item: 9.9

Revocation of Authorised Officer under the Planning and Environment Act 1987

OFFICER	Janine Johnstone
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. Final - Signed - Instrument of Authorisation - Authorised Officer Planning and Environment Act - Jas [9.9.1 - 1 page]

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Kate Hanson

That Council revokes the Instrument of Appointment and Authorisation under the Planning and Environment Act 1987 to Jason Scammell, dated 6 September 2022 (refer Attachment 1).

CARRIED 6 : 0

Item: 9.10

Report of Informal Meetings of Councillors

OFFICER	Lyndal McLean
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. Informal Meeting of Councillors - Councillor Briefing - 19 October 2022 [9.10.1 - 2 pages]2. Informal Meeting of Councillors - Council Meeting Preparation - 26 October 2022 [9.10.2 - 2 pages]3. Informal Meeting of Councillors - Councillor Briefing - 02 November 2022 - CB 20221102 [9.10.3 - 2 pages]4. Informal Meeting of Councillors - Councillor Briefing - 09 November 2022 [9.10.4 - 2 pages]
PURPOSE	To report the Informal Meetings of Councillors

REPORTING

The Informal Meetings of Councillors are reported herewith.

- | | |
|--------------------------------|-----------------|
| 1. Councillor Briefing | 19 October 2022 |
| 2. Council Meeting Preparation | 26 October 2022 |
| 3. Councillor Briefing | 2 November 2022 |
| 4. Councillor Briefing | 9 November 2022 |

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

Item: 10.1

**Notice of Motion: Sale of Bruce Street land, requested
report regarding options for sale proceeds**

COUNCILLOR Cr Stephen Hart

ATTACHMENTS 1. Extract from 4 May 2022 Closed Session Council Meeting
[10.1.1 - 2 pages]

NOTICE OF MOTION

That Council:

1. *Notes that the substantive resolution carried in the confidential session of the Unscheduled Council meeting held on 4 May 2022, regarding the sale of the Bruce Street, Colac land, has since been made public, in accordance with the Council resolution of 25 May 2022.*
2. *Notes that point 6 of that resolution stated that Council "Considers the allocation of net income from this sale for a project(s) in Colac or surrounds, at a future meeting of Council to be held as soon as practicable once the contract becomes unconditional".*
3. *Notes that the report to action point 6 of the resolution has not yet been presented to Council.*
4. *Agrees to consider a report regarding the allocation of net income from this sale for a project(s) including, but not limited to, Colac or surrounds, at a future meeting of Council to be held as soon as practicable once the contract becomes unconditional.*
5. *Agrees that point 4 above supersedes point 6 of the resolution carried in the confidential session of the Unscheduled Council meeting held on 4 May 2022.*
6. *Notes that this resolution does not seek to implement any other changes to the yet to be provided report or any other aspect of the resolution adopted on 4 May 2022.*

Cr Stephen Hart revised his notice of motion as detailed below.

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Kate Hanson

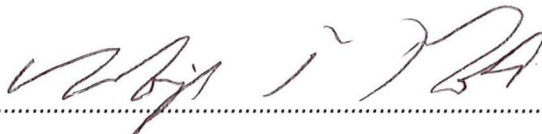
That Council:

- 1. Notes that the substantive resolution carried in the confidential session of the Unscheduled Council meeting held on 4 May 2022, regarding the sale of the Bruce Street, Colac land, has since been made public, in accordance with the Council resolution of 25 May 2022.*
- 2. Notes that point 6 of that resolution stated that Council "Considers the allocation of net income from this sale for a project(s) in Colac or surrounds, at a future meeting of Council to be held as soon as practicable once the contract becomes unconditional".*
- 3. Notes that the report to action point 6 of the resolution has not yet been presented to Council.*
- 4. Agrees to consider a report regarding the allocation of net income from this sale for a project(s) or use including, but not limited to, Colac or surrounds, at a future meeting of Council to be held as soon as practicable once the contract becomes unconditional.*
- 5. Agrees that point 4 above supersedes point 6 of the resolution carried in the confidential session of the Unscheduled Council meeting held on 4 May 2022.*
- 6. Notes that this resolution does not seek to implement any other changes to the yet to be provided report or any other aspect of the resolution adopted on 4 May 2022.*

CARRIED 6 : 0

The meeting was declared closed at 5.21pm.

CONFIRMED AND SIGNED at the meeting held on 14 December 2022.


.....MAYOR

Responses to questions taken on notice –26 October 2022 Council meeting

Tony Webber

1. We were planting trees this morning. Some of you might have seen us down along the Barham River at the end of Gambier Street, on the west end of Gambier Street. There's a pipe that goes into the river, but there's a section of it that's not joined to the road pipe. We're wondering if that's causing flooding? Maybe the Council staff could just have a look at that as there's about a foot where there's no pipe at all so water comes out and then just gradually flows into the open pipe at the other side. It could be a danger to someone in the dark [they] could fall into it. So could [you] just have a look at that, maybe on your way home you could call in and just have a quick look? Thank you.

Response from General Manager Infrastructure and Operations

Thank you for your question. Council officers have inspected the location and made some minor repairs to make the area safe, and installed guide posts to highlight the pipe to road users. Inspections have identified that the pipe isn't impacting flooding to the surrounding areas.

Tim Cobb

1. I've got one more little question, if I may, which is: there was a bit about trees - 2,500 trees and plants and stuff - being planted. I just wondered where those are, across the Shire?

Response from General Manager of Infrastructure and Operations

Council's Environment team was responsible for planting of 2,575 plants (native trees, shrubs, grasses) over the course of 2021/2022 in environmental reserves and revegetation projects across the Shire. These plantings aim to restore and improve biodiversity and habitat values and also includes the supply of plants to local Landcare groups for planting on Council owned or managed land. Locations of planting in 2021/22 include the Barongarook Creek corridor, Forrest, the Barongarook Creek Conservation Reserve, Lake Corangamite Reserve, Milford Creek and the Barham River Road (Apollo Bay/Marengo). In addition, Council's Services & Operations Department planted approximately 300 trees via their Street tree planting programs.

To the Mayor and Councillors

Colac Otway Shire.

Please find attached a petition signed by 660 community members supporting the opening of the Visitor Information Centre seven days a week.

These signatures were collected from a number of Murray Street businesses over a two week period.

It should be noted that 87 community members who signed the petition have offered their support as volunteers to support the operation of the Visitor Information Centre.

This petition is presented to Council by

Name	Address	Phone (Optional)	Signature	Would you volunteer? Yes or No

7

[illegible]

4

[illegible]

[illegible]

Name	Address	Phone (Optional)	Signature	Would you volunteer? Yes or No
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19

✓

Name	Address	Phone (Optional)	Signature	Would you volunteer? Yes or No

✓

We the undersigned urge the Colac Otway Shire to open the Visitor Information Centre seven days a week.

Name	Address	Phone (Optional)	Signature	Would you volunteer?

✓

[illegible]

We the undersigned urge the Colac Otway Shire to open the Visitor Information Centre seven days a week.

Name	Address	Phone (Optional)	Signature	Would you volunteer?

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19

We the undersigned urge the Colac Otway Shire to open the Visitor Information Centre seven days a week.

Name	Address	Phone (Optional)	Signature	Would you volunteer? Yes or No
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We the undersigned urge the Colac Otway Shire to open the Visitor Information Centre seven days a week.

Name	Address	Phone (Optional)	Signature	Would you volunteer? Yes or No

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We the undersigned urge the Colac Otway Shire to open the Visitor Information Centre seven days a week.

Name	Address	Phone (Optional)	Signature	Would you volunteer
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19

We the undersigned urge the Colac Otway Shire to open the Visitor Information Centre seven days a week.

Name	Address	Phone (Optional)	Signature	Would you volunteer

We the undersigned urge the Colac Otway Shire to open the Visitor Information Centre seven days a week.

Name	Address	Phone (Optional)	Signature	Would you volunteer
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(19)

[illegible]

We the undersigned urge the Colac Otway Shire to open the Visitor Information Centre seven days a week.

Name	Address	Phone (Optional)	Signature	Would you volunteer Yes or No
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14

Name	Address	Phone (Optional)	Signature	Would you volunteer Yes or No
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②

We the undersigned urge the Colac Otway Shire to open the **Visitor Information Centre** seven days a week.

Name	Address	Phone (Optional)	Signature	Would you volunteer

69

3.



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We the undersigned urge the Colac Otway Shire to open the Visitor Information Centre seven days a week.

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