



Colac Otway
SHIRE

23 November 2022

Council Meeting

Unconfirmed Resolutions

Confirmation of Minutes**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

Petition**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

Item 9.1 – Review of Development Plan – Irrewillipe Road/Aireys Street, Elliminyt**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**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**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

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

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

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

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

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

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

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