



**Colac Otway**  
SHIRE

**COUNCIL MEETING**

**MINUTES**

**Wednesday 13 December 2023**

**at 4:00 PM**

**COPACC**

**95 - 97 Gellibrand Street, Colac**

**Next Council Meeting: 28 February 2024**



# COLAC OTWAY SHIRE COUNCIL MEETING

Wednesday 13 December 2023

## TABLE OF CONTENTS

1	Declaration of Opening of Meeting.....	4
2	Present.....	4
3	Apologies .....	4
4	Welcome and Acknowledgement of Country .....	4
5	Question Time .....	5
6	Petitions / Joint Letters .....	9
7	Declarations of Interest.....	10
8	Confirmation of Minutes .....	10
9	Officer Reports .....	11
9.1	Aged and Disability Services Review .....	11
9.2	Sale of 69 McLachlan Street Apollo Bay - consideration of community submissions.....	12
9.3	Social Housing at 36-52 Bruce Street, Colac.....	14
9.4	Appointments to Committees and external organisations .....	16
9.5	Assessment of Audit and Risk Committee Performance.....	20
9.6	Quarterly Performance Report - July to September 2023 .....	21
9.7	Community Asset Committees Annual Report 2022-23 .....	22
9.8	Project Budget Adjustments and Cash Reserve Transfers - December 2023.....	23
9.9	Provision of Labour Hire Services .....	24
9.10	Revocation of Authorised Officer under the Planning and Environment Act 1987 .....	25
9.11	Report of Informal Meeting of Councillors.....	26
10	Delegate Reports and Notices of Motion.....	27
11	Urgent Business.....	27
12	Closed Session .....	27

13 Close of meeting.....28

# COLAC OTWAY SHIRE COUNCIL MEETING

MINUTES of the **COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** held at COPACC on  
Wednesday 13 December 2023 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 Margaret White (Mayor)  
Cr Max Arnott  
Cr Graham Costin  
Cr Tosh-Jake Finnigan  
Cr Kate Hanson  
Cr Stephen Hart  
Cr Chris Potter

Anne Howard, Chief Executive Officer  
Andrew Tenni, General Manager Corporate Services  
Doug McNeill, Acting General Manager Infrastructure and Operations  
Ian Seuren, General Manager Community and Economy  
Marlo Emmitt, Manager Governance  
Carmen Lawrence, Coordinator Council Business

### **3 APOLOGIES**

Nil

### **4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY**

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

## RECORDING AND PUBLICATION OF MEETINGS

Please note: 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.

This meeting will be livestreamed to the public via Council's YouTube channel (search Colac Otway Shire Council at [www.youtube.com](http://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

James Judd

1. **The Council has set a rent per annum it will receive from the operators of the Lake Colac Holiday Park, but this is dubious if Council will not end up having to pay the operators per annum. As the total amount quoted also includes a State Government charge that must be deducted from the total payable. So, if the Fire Services levy equals or excess the total rent Council will receive nothing or could actually have to pay the operators. So, the total payment only equals the rent set.**

#### *Response from General Manager Community and Economy*

The rental amount for the Lake Colac Holiday Park lease is significantly higher than the Fire Services Levy charged for the property and it is not expected that the Fire Services Levy will ever be greater than the rental amount for the property.

2. **How many dollars did the Colac Otway Shire Council obtain from the Victorian State and the National Governments to upgrade the child's play area at memorial Square in Colac? Now that access is to be restricted for at least five months due to the toilet upgrade at Memorial Square, with added risk urgent access to the toilets will not be available in an emergency from the play area within months from when Council claimed works were finished the new play area. Plus was access to the toilets and shopping used to justify Councils claims for these funds, because if challenged and**

found guilty Council could have to promptly pay back in full all funds it had received with a possible extra penalty added.

***Response from General Manager Community and Economy***

Council received a combined total of \$550,000 from the Federal and State Governments to redevelop the Memorial Square's playspace.

The new Memorial Square toilets are being built adjacent to the existing toilets, meaning there will be continued access to public toilet facilities in Memorial Square. The existing toilet block will be demolished after the new facility is operational.

Access to the playspace will still be available whilst the toilets are being redeveloped.

3. **Will the Colac Otway Shire Council ever provide a safe place at Memorial Square in Colac in the event of inclement weather. We used to have the band stand that had a roof, and you could retire there out the rain if it was not being used.**

***Response from General Manager Infrastructure and Operations***

There are many places in the vicinity of Memorial Square and more broadly in Colac that could be used for temporary shelter from the rain during a storm event.

4. **When was the old Shire of Colac broken up, so the Colac township became a separate municipality, that later became the Colac City Council that went out of existence during 1994. With the city offices in Rae Street now the Colac Otway Shire Council offices, plus the Colac Otway Shire Council offices in Murray Street Colac now a medical clinic, near the old post office and district sorting facility for all mail that has been for years a Chinese restaurant.**

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

On 19 January 1938, the town of Colac itself split away from the Shire of Colac to form the Borough of Colac, which was later proclaimed on the 26 January 1960 as the City of Colac. On 23 September 1994, the Shire of Colac was abolished, and along with the City of Colac, the Shire of Otway and parts of the Shires of Heytesbury and Winchelsea, was merged into the newly created Shire of Colac Otway.

5. **Will the Colac Otway Shire Council ever issue a definite list of its proposed works that will impact the Colac region and state by when the service will be delivered? These projects have long been promoted by this Council:**
  - a) **The extension of the centre strip on Murray Street, Colac down to Armstrong Street.**
  - b) **The Colac 2050 growth plan when little has been done to make sure it will ever be possible to introduce it.**

Just earmarking land that could be developed is nothing until services actually can be definitely provided. The future planning of this region is handicapped as long as no definite knowledge of when works will be done is provided, plus every time we have a change of Government at either State or Federal level all promises of allocations are subject to review or cancellation. As well, some of Council's forward planning is based on many election periods before they will be done, including

one with a least ten election cycles forward from when announced it would be done. The State has changed the laws many times since the Colac 2050 growth plan was announced, about who and how much will have to be paid on lands rezoned and released for sale, with the Shire now a low priority in collecting money after the State collects its charges.

When the Colac Otway Shire Council has persisted in claiming, it is from monies received from developers that will pay for services to be provided, when the truth exists that no funds may be available once the State takes its claim.

#### *Response from General Manager Infrastructure and Operations*

Council has a range of adopted strategies and plans that require external funding to be delivered, one of which is the Colac CBD and Entrances Project which proposes that streetscape improvements be extended from Corangamite Street along Murray Street to Armstrong Street. The Council advocates for funding under appropriate State and Federal programs as appropriate for implementation of these plans.

Council is actively implementing the Colac 2050 Growth Plan by undertaking the Precinct Structure Plan (PSP) for the Deans Creek growth area west of Colac. Council undertook an amendment to the Planning Scheme in 2019 to change the town boundary of Colac to reflect the outcomes of the 2050 project and is now undertaking technical assessments as part of the PSP process to establish a detailed plan for the growth area, including future urban layout, identification of supporting infrastructure, and development contributions plans to enable funding of the required infrastructure. The PSP process will result in urban zoned land that facilitates planning applications for subdivision. Council has separately supported rezoning of land in 2022 and 2023 at Irrewillipe Road and Colac Lavers Hill Road in Elliminyt to facilitate subdivision for housing. All of these initiatives will result in development contributions to assist in funding new infrastructure in Colac in future years.

#### Jane Gross

On 30 November 2023, I submitted a question, on behalf of the Apollo Bay Community Voice, to the CEO and Councillors regarding the Regional Precincts and Partnerships Program – Stream Two: Precinct delivery grant opportunity along with the following link:

[https://www.infrastructure.gov.au/sites/default/files/documents/rppp\\_delivery\\_-\\_grant\\_opportunity\\_guidelines\\_pdf\\_2.pdf](https://www.infrastructure.gov.au/sites/default/files/documents/rppp_delivery_-_grant_opportunity_guidelines_pdf_2.pdf)

1. I had stumbled across this grant opportunity and wondered whether the Council had considered preparing a master plan and business case to build a 50 - 60 place Child Care Centre at the Early Years Hub in Apollo Bay? Given \$5M is the minimum amount per application, would this project not be eligible? It would be a great solution to the Child-Care crisis in Apollo Bay, would not require the sale of any land and would fulfil Council's commitment to advocating for Child-Care for Apollo Bay.

Having received no answer to the email, I am submitting the question again to Council.

### ***Response from Chief Executive Officer***

Council has submitted an exciting application to the Regional Precincts and Partnerships Program in time for it to be assessed as part of the first tranche of grants. The application relates to two sites, one in Colac and the other being the Council land at Nelson St in Apollo Bay. If successful, these two sites will move to an investment-ready state for affordable and key worker housing.

### **Stephanie Goodlet**

My questions are in regard to Item 9.7, Community Asset Committees Annual Report.

1. As a regular user (cleaner and mower) of the Apollo Bay Seniors Hall, and a member of the asset committee, we believe that running costs, cleaning, and maintenance tasks that council believe are being provided to the hall are inaccurate. Regular users would be happy to work with Council to gain accountability around these concerns.

Council assert that they spend nearly \$40k on the Senior's Hall in Apollo Bay annually, with half of this on cleaning and provision of soap etc. The cleaning is part of a cleaning contract for the wider Local Government Authority. We do not feel the cleaner attends the venue regularly, if at all. Regular users purchase soap, toilet paper, hand towel, bin liners etc. I ask that Council be more responsive to concerns, and requests the cleaners provide dates and times of attending the site to clean, so that users can reasonably assess the cleanliness in consideration of the day it was undertaken.

### ***Response from General Manager Infrastructure and Operations***

Council notes the concerns raised regarding the standard of cleaning at the building. We agree that times and dates of cleaning should be recorded and will remind the contractor to do so. Please continue to let us know if you believe that the contractor is not meeting their obligations and we will take appropriate steps under the contract.

2. As a member of The Apollo Bay Senior Citizens Asset Committee, I wish to clarify that we did not provide activities and performance information for this report as we are yet to sign the Instrument of Delegation, or even begin negotiations with Council regarding the agreement and our responsibilities. As volunteers, we were provided with a list of requirements beyond manageable, asking us to undertake tasks that Council have not completed themselves in the five years I have held playgroup at this hall.

Council suggest \$1,200 is spent on the garden annually, but cannot show actual expenditure or tell me when supposed garden works were undertaken, since 2018, Janet Macgregor and myself have regularly mown and weeded the hall. The garden was created and funded by Landcare. As a ratepayer I have concerns about the lack of transparency of works undertaken, funds spent, and accountability in following up on concerns these tasks are not done.

I ask that Councillors request a thorough investigation into all community hall finances, budget, and actual spending, as well as the current Asset Management processes, requirements and feasibility of the tasks asked of volunteers.



*Response from Chief Executive Officer*

We agree that the Community Asset Committee model, in the form intended under the Local Government Act 2020, is proving difficult to implement and we will seek to discuss this with Councillors in the new year.

**QUESTIONS RECEIVED VERBALLY AT THE MEETING**

Jane Gross

1. I have a question regarding the sale of 69 McLachlan Street, and specifically, about the fourth option in Ian Seuren's report in the Agenda today of gifting the property to the Community.

Are you aware that if Councillors decide to proceed with the gifting option, that the Community understands that this decision would absolve Council from further responsibility for the building or the site and the community would not expect financial assistance from Council in the future for the site or for the building? Furthermore, having spoken to a Solicitor, the Community has been advised that the most suitable legal entity for ownership would be a Charitable Trust with respected citizens as the Board of Trustees and that would take an estimated time to set up of approximately 90 days. It would be achievable, so the question is, are you aware of these facts?

*Response from General Manager Community and Economy*

Through you Mayor, thanks Jane no we weren't aware of that detailed information so thank you for sharing.

**6 PETITIONS / JOINT LETTERS**

**Statement from the Mayor**

A petition with a total of 730 signatories was received from the Australian Services Union on 7 December 2023, in relation to Community Care Services.

The purpose of the petition is to urge Council to continue direct delivery of this vital community service providing care from Council workers to vulnerable and older residents in their homes.

In accordance with clause 57.11 of Council's Governance Rules, if a petition or joint letter relates to any item already on the agenda for the Council meeting at which the petition or joint letter is submitted, the Chair may decide that the petition or joint letter will be dealt with in conjunction with that agenda item.

## 7 DECLARATIONS OF INTEREST

Cr Tosh-Jake Finnigan	9.1 - Aged and Disability Services Review
Nature of disclosure	Material
Cr Max Arnott	9.1 - Aged and Disability Services Review
Nature of disclosure	Material

## 8 CONFIRMATION OF MINUTES

### **RECOMMENDATION**

*That Council confirm the minutes of the:*

- *Council Meeting - 22 November 2023, and*
- *Unscheduled Council Meeting - 6 December 2023.*

**CARRIED 7 : 0**

Item: 9.1

## Aged and Disability Services Review

<b>OFFICER</b>	Andrew Tenni
<b>GENERAL MANAGER</b>	Andrew Tenni
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	Nil

### RESOLUTION

*Cr Tosh-Jake Finnigan and Cr Max Arnott declared a conflict of interest pursuant to section 127 of the Local Government Act 2020 and left the meeting at 4.20pm and returned at 4.25 after discussion on the item concluded.*

Cr Tosh-Jake Finnigan	9.1 - Aged and Disability Services Review
Nature of disclosure	Material
Cr Max Arnott	9.1 - Aged and Disability Services Review
Nature of disclosure	Material

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

**That Council:**

1. *Thanks the employees, clients and community that have participated in the Best Value Review thus far and provided their valuable insights and views about Council's delivery of Aged and Disability Services.*
2. *Notes that a petition with 730 signatures has been received at this meeting and thanks people who took the time to convey their views through the petition.*
3. *Notes that a Final Report will be provided at the Council meeting on 28 February 2024.*

**CARRIED 5 : 0**

Item: 9.2

## Sale of 69 McLachlan Street Apollo Bay - consideration of community submissions

OFFICER	Ian Seuren
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	Nil

### RECOMMENDATION

*That Council:*

- 1. Notes and considers the submissions received regarding the potential use of the property located at 69 McLachlan Street, Apollo Bay.*
- 2. Determines whether to proceed with the sale of the property located at 69 McLachlan Street, Apollo Bay.*

### RESOLUTION

*MOVED Cr Chris Potter, SECONDED Cr Graham Costin*

*That Council:*

- 1. Notes that the community submissions have raised potential uses for the property at 69 McLachlan Street Apollo Bay if it is retained by Council for a future community use.*
- 2. Thanks those who made a submission to Council regarding this matter.*
- 3. Determines not to sell the property located at 69 McLachlan Street Apollo Bay.*
- 4. Provides in-principle support to transfer the land without consideration to an entity that can facilitate future use for the local community.*
- 5. Invites expressions of interest from entities that may facilitate future use for the local community in time for Council to consider submissions before the end of April 2024.*

6. *Notes that this decision does not authorise any Council Officer to enter any contracts on behalf of Council in relation to the sale or transfer of 69 McLachlan Street Apollo Bay.*
7. *Notes that this decision does not infer nor represent a commitment that any further financial contribution will be provided to the future community use beyond the transfer of the property.*

**CARRIED 5 : 2**

**DIVISION**

***For the motion: Cr Chris Potter, Cr Graham Costin, Cr Stephen Hart, Cr Tosh-Jake Finnigan, Cr Max Arnott***

***Against the motion: Cr Kate Hanson, Cr Margaret White***

Item: 9.3

## Social Housing at 36-52 Bruce Street, Colac

OFFICER	Doug McNeill
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

### RECOMMENDATION

*That Council:*

- 1. Notes that TW Projects have complied with all aspects of the contract of sale to date and are ahead of anticipated timelines for development of the land.*
- 2. Recognises Disability Housing Limited is a subsidiary of a registered housing provider.*
- 3. Endorses the proposal by TW Projects that it partners with Disability Housing Limited to develop social housing on three lots resulting from the subdivision of land at 36-52 Bruce Street, Colac*
- 4. Requires that a Section 173 agreement is entered into between Disability Housing Limited and Council to ensure that the social housing is retained for that purpose for a period of 20 years and notes that TW Projects have been consulted and raised no objection to this agreement.*
- 5. Notes that Council's endorsement of the above provider for the proposed social housing development will satisfy the special conditions in the contract of sale between TW Projects and Council.*
- 6. Notes that that the proposed partnership between TW Projects and Disability Housing Limited demonstrates a voluntary model for the provision of social housing that may be adopted in future developments.*

## **RESOLUTION**

*MOVED Cr Tosh-Jake Finnigan, SECONDED Cr Stephen Hart*

*That Council:*

- 1. Notes that TW Projects have complied with all aspects of the contract of sale to date and are ahead of anticipated timelines for development of the land.*
- 2. Recognises Disability Housing Limited is a subsidiary of a registered housing provider.*
- 3. Requests that TW Projects provides three lots resulting from the subdivision of land at 36-52 Bruce Street, Colac to the Colac Otway Shire Council free of charge in order to facilitate a social housing outcome with Disability Housing Limited, with the land being provided to Disability Housing Limited by council at no charge.*
- 4. Notes that Council's endorsement of the above provider for the proposed social housing development will satisfy the special conditions in the contract of sale between TW Projects and Council.*
- 5. Notes that that the proposed partnership between Council and Disability Housing Limited, with land provided free of charge by TW Projects demonstrates a voluntary model for the provision of social housing that may be adopted in future developments.*

*CARRIED 4: 3*

*DIVISION*

*For the motion: Cr Tosh-Jake Finnigan, Cr Stephen Hart, Cr Graham Costin, Cr Kate Hanson*

*Against the motion: Cr Chris Potter, Cr Max Arnott, Cr Margaret White*

Item: 9.4

## Appointments to Committees and external organisations

OFFICER	Carmen Lawrence
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

### RECOMMENDATION

*That Council:*

1. *Appoints the following representatives to committees established by Council:*
  - a. *Colac Municipal Aerodrome Advisory Committee representative is Cr ....*
  - b. *Colac Regional Saleyards Advisory Committee representative is Cr ....*
  - c. *Lake Colac Co-ordinating Committee representative is Cr ....*
  - d. *Mooleric Road Consultative Committee representative is Cr ....*
  - e. *Ondit Road Quarry Consultative Committee representative is Cr ....*
  - f. *Port of Apollo Bay Consultative Committee representative is Cr ....*
  
2. *Appoints the following representatives, and substitute representatives, to external committees and other bodies:*
  - a. *COPACC Trust representatives are Cr ... and Cr ....*
  - b. *Colac Road Safety Group representative is Cr ....*
  - c. *Geelong Regional Library Corporation representative is Cr ....*
  - d. *Geelong Regional Library Corporation substitute representative is Cr ....*
  - e. *Rural Councils Victoria representative is Cr ....*
  - f. *Rural Councils Victoria substitute representative is Cr ....*
  - g. *Rural Financial Counselling Service Vic – Wimmera SouthWest (RFC) representative is Cr ....*



- h. *Timber Towns Victoria Committee representative is Cr ....*
3. *Appoints the following representatives, and substitute representatives, to the State and Commonwealth Local Government associations:*
- a. *Australian Local Government Association representative is Cr ....*
  - b. *Australian Local Government Association substitute representative is Cr ....*
  - c. *Municipal Association of Victoria representative is Cr ....*
  - d. *Municipal Association of Victoria substitute representative is Cr ....*
4. *Appoints the following representatives to G21 Region Alliance Pillars:*
- a. *G21 Cultural and Economic Development Pillar representative is Cr ....*
  - b. *G21 Health and Wellbeing Pillar representative is Cr ....*
  - c. *G21 Sustainability Pillar representative is Cr ....*
  - d. *G21 Managing Growth Advisory Group representative is Cr ....*
5. *Notes the following representatives were appointed to the following committees and organisations at the Council meeting held on 22 November 2023:*
- a. *Councillors Max Arnott and Margaret White to Council's Audit and Risk Committee.*
  - b. *Councillor Margaret White to the G21 Region Alliance (Board).*
  - c. *Councillor Margaret White to the South West Victoria Alliance (Board).*
6. *Notes that the Central Reserve Advisory Committee and Friends of the Colac Botanic Gardens Advisory Committee will cease to be Advisory Committees to Council.*
7. *Thanks the current and previous members of the:*
- a. *Central Reserve Advisory Committee for their advice and contribution to the development of Central Reserve.*
  - b. *Friends of the Colac Botanic Gardens Advisory Committee for their advice and contribution to the Colac Botanic Gardens.*

## RESOLUTION

*MOVED Cr Tosh-Jake Finnigan, SECONDED Cr Max Arnott*

*That Council:*

1. *Appoints the following representatives to committees established by Council:*
- a. *Colac Municipal Aerodrome Advisory Committee representative is Cr Chris Potter.*
  - b. *Colac Regional Saleyards Advisory Committee representative is Cr Tosh-Jake Finnigan.*

- c. *Lake Colac Co-ordinating Committee representative is Cr Tosh-Jake Finnigan and Cr Graham Costin.*
  - d. *Mooleric Road Consultative Committee representative is Cr Max Arnott.*
  - e. *Ondit Road Quarry Consultative Committee representative is Cr Max Arnott.*
  - f. *Port of Apollo Bay Consultative Committee representative is Cr Chris Potter and Cr Graham Costin.*
2. *Appoints the following representatives, and substitute representatives, to external committees and other bodies:*
- a. *COPACC Trust representatives are Cr Tosh-Jake Finnigan and Cr Max Arnott.*
  - b. *Colac Road Safety Group representative is Cr Kate Hanson, and Cr Chris Potter.*
  - c. *Geelong Regional Library Corporation representative is Cr Margaret White.*
  - d. *Geelong Regional Library Corporation substitute representative is Cr Kate Hanson.*
  - e. *Rural Councils Victoria representative is Cr Graham Costin.*
  - f. *Rural Councils Victoria substitute representative is Cr Chris Potter.*
  - g. *Rural Financial Counselling Service Vic – Wimmera South West (RFC) representative is Cr Kate Hanson.*
  - h. *Timber Towns Victoria Committee representative is Cr Tosh-Jake Finnigan.*
3. *Appoints the following representatives, and substitute representatives, to the State and Commonwealth Local Government associations:*
- a. *Australian Local Government Association representative is Cr Max Arnott.*
  - b. *Australian Local Government Association substitute representative is Cr Stephen Hart.*
  - c. *Municipal Association of Victoria representative is Cr Stephen Hart.*
  - d. *Municipal Association of Victoria substitute representative is Cr Graham Costin.*
4. *Appoints the following representatives to G21 Region Alliance Pillars:*
- a. *G21 Cultural and Economic Development Pillar representative is Cr Chris Potter.*
  - b. *G21 Health and Wellbeing Pillar representative is Cr Graham Costin.*
  - c. *G21 Sustainability Pillar representative is Cr Stephen Hart.*
  - d. *G21 Managing Growth Advisory Group representative is Cr Tosh-Jake Finnigan.*
5. *Notes the following representatives were appointed to the following committees and organisations at the Council meeting held on 22 November 2023:*
- a. *Councillors Max Arnott and Margaret White to Council's Audit and Risk Committee.*
  - b. *Councillor Margaret White to the G21 Region Alliance (Board).*
  - c. *Councillor Margaret White to the South West Victoria Alliance (Board).*

6. *Notes that the Central Reserve Advisory Committee and Friends of the Colac Botanic Gardens Advisory Committee will cease to be Advisory Committees to Council.*
  
7. *Thanks the current and previous members of the:*
  - a. *Central Reserve Advisory Committee for their advice and contribution to the development of Central Reserve.*
  - b. *Friends of the Colac Botanic Gardens Advisory Committee for their advice and contribution to the Colac Botanic Gardens.*

**CARRIED 7 : 0**

Item: 9.5

## Assessment of Audit and Risk Committee Performance

OFFICER	Natasha Skurka
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. Annual Assessment of the Audit and Risk Committee Survey 2022-23 [9.5.1 - 6 pages]

### RESOLUTION

*MOVED Cr Max Arnott, SECONDED Cr Chris Potter*

*That Council notes the results of the Audit and Risk Committee's 2022-23 annual assessment of its performance against the Audit and Risk Committee Charter, in accordance with section 54(4) of the Local Government Act 2020.*

*CARRIED 7 : 0*

Item: 9.6

## Quarterly Performance Report - July to September 2023

<b>OFFICER</b>	Xavier Flanagan
<b>GENERAL MANAGER</b>	Andrew Tenni
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	1. 2023-24 Quarterly Performance Report - July to September 2023 [9.6.1 - 53 pages]

### RESOLUTION

*MOVED Cr Tosh-Jake Finnigan, 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 2023.*

**CARRIED 7 : 0**

*Cr Kate Hanson left the meeting at 5.39pm and did not return. The meeting adjourned for a short break and resumed at 5.50pm*

Item: 9.7

## Community Asset Committees Annual Report 2022-23

<b>OFFICER</b>	Janine Johnstone
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	1. Community Asset Committees - 2022-23 Annual Report - Attachment 1 - Activities of the Committees - 2 [9.7.1 - 8 pages]

### RESOLUTION

*MOVED Cr Stephen Hart, Cr Max Arnott*

*That Council:*

- 1. Receives the 2022-23 Annual Report of activities and performance of Community Asset Committees in accordance with the requirements of section 47(6) of the Local Government Act 2020.*
- 2. Notes the activities and performance of the Apollo Bay Senior Citizen Community Asset Committee has not been presented in this report.*
- 3. Notes that Lavers Hill Hall Community Asset Committee has provided Council with information and thanks the Committee for that information.*
- 4. Advises that it is satisfied if committees don't provide information requested for the annual report and thanks the committee members for their ongoing commitment to their communities.*

**CARRIED 6 : 0**

Item: 9.8

## Project Budget Adjustments and Cash Reserve Transfers - December 2023

OFFICER	Paula Gardiner
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

### RESOLUTION

*MOVED Cr Max Arnott, SECONDED Cr Graham Costin*

*That Council:*

- 1. Approves the new projects as presented in Table 1 and 2 of this report, at a total cost to Council of \$300,000 (exc. GST), funded from;
  - a. Unallocated Renewal Funds of \$300,000**
- 2. Approves the project budget adjustments in Table 3a.*
- 3. Approves the project budget adjustments in Table 3b.*

*CARRIED 6 : 0*

Item: 9.9

## Provision of Labour Hire Services

<b>OFFICER</b>	Andrew Tenni
<b>GENERAL MANAGER</b>	Andrew Tenni
<b>DIVISION</b>	Corporate Services
<b>ATTACHMENTS</b>	Nil

### RESOLUTION

*MOVED Cr Chris Potter, SECONDED Cr Max Arnott*

*That Council:*

- 1. Notes that officers approved an extension of Contract 2016 for the period from 10 November 2022 to 30 September 2023, which was outside of the period authorised by Council, and in doing so have breached their delegated authority.*
- 2. Authorises the Chief Executive Officer to enter into a Customer Agreement with Comensura for the period 1 October 2023 to 31 March 2024, under the MAV Head Agreement between MAV and Comensura.*
- 3. Notes that a report is to be presented to the Council meeting on 28 February 2024 seeking approval to enter into a subsequent Customer Agreement with Comensura under the newly negotiated terms and conditions of the MAV Head Agreement.*

**CARRIED 6 : 0**



Item: 9.10

## Revocation of Authorised Officer under the Planning and Environment Act 1987

<b>OFFICER</b>	Janine Johnstone
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	1. To be revoked - Instrument of Authorisation - Authorised Officer Planning and Environment Act - Heath Chasem [9.10.1 - 1 page]

### RESOLUTION

*MOVED Cr Tosh-Jake Finnigan, SECONDED Cr Graham Costin*

*That Council revokes the Instrument of Appointment and Authorisation under the Planning and Environment Act 1987 for Heath Chasemore.*

**CARRIED 6 : 0**

Item: 9.11

## Report of Informal Meeting of Councillors

<b>OFFICER</b>	Carmen Lawrence
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. Informal Meeting of Councillors - Council Meeting Preparation - 8 November 2023 [9.11.1 - 2 pages]</li> <li>2. Informal Meeting of Councillors - Councillor Briefing - 15 November 2023 [9.11.2 - 2 pages]</li> <li>3. Informal Meeting of Councillors - Council Meeting Preparation - 22 November 2023 [9.11.3 - 2 pages]</li> <li>4. Informal Meeting of Councillors Record - Planning Committee Site Visit - 9 Dennis Street Colac - 28 [9.11.4 - 1 page]</li> </ol>

### REPORTING

*The Informal Meetings of Councillors are reported herewith:*

- |   |                         |
|---|-------------------------|
| <i>1. Pre-Council Meeting Preparation</i> | <i>8 November 2023</i>  |
| <i>2. Councillor Briefing</i>             | <i>15 November 2023</i> |
| <i>3. Pre-Council Meeting Preparation</i> | <i>22 November 2023</i> |
| <i>4. Planning Committee Site Visit</i>   | <i>28 November 2023</i> |

*The Colac Otway Shire Governance rules do not require a Council decision.*

## CLOSED SESSION

### RESOLUTION

*MOVED Cr Tosh-Jake Finnigan SECONDED Cr Chris Potter*

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

<b>SUBJECT</b>	<b>REASON</b>	<b>SECTION OF ACT</b>
<i>Minutes of the Closed Session Council Meeting held on 24 May 2023</i>	This matter deals with confidential meeting information, being records of meetings closed to the public under section 66(2)(a)	Section 3 Section 3(1)(h)
<i>Wye River Road Issues</i>	On the basis that this matter deals with business information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.	Section 3 (1)(a)

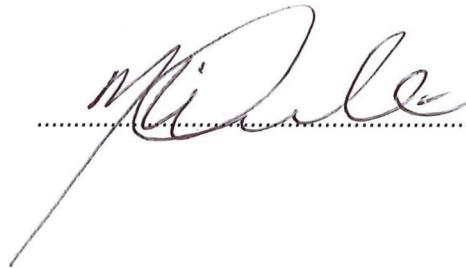
**CARRIED 6 : 0**

*The Closed Session commenced at 6.10pm.*

*The meeting re-opened to the public at 6.20pm.*

*The meeting was declared closed at 6.20pm*

**CONFIRMED AND SIGNED** at the meeting held on 28 February 2024

.....MAYOR