



**Colac Otway**  
SHIRE

**Unscheduled Council Meeting**  
**11 September 2024**

**Unconfirmed Resolutions**

UNCONFIRMED RESOLUTIONS

## Confirmation of Minutes

### **RESOLUTION**

*Moved Cr Arnott, Seconded Cr Hart*

*That Council confirm the minutes of the Council Meeting held on 28 August 2024.*

**CARRIED**

UNCONFIRMED RESOLUTIONS

## Item: 8.1 – Grey Headed Flying Fox Management Update

***This item was withdrawn from the agenda and will be represented at a future Council Meeting.***

UNCONFIRMED RESOLUTIONS

## **Item: 8.2 – Tirrengower Drainage Scheme – Review of Committee**

### **RESOLUTION**

**Moved Cr Arnott, Seconded Cr Potter**

**That Council:**

- 1. Notes the advice provided on options for future management of the Tirrengower Drainage Scheme.**
- 2. Acknowledges the work of the former Section 86 Committee for the Tirrengower Drainage Scheme and thanks the former Committee members for their contributions to managing the effective maintenance of the drainage scheme over many years.**
- 3. Establishes a new Advisory Committee to guide the future maintenance of the Tirrengower Drainage Scheme in accordance with the Terms of Reference attached to this report.**
- 4. Seeks nominations from landowners impacted by the drainage scheme to be members of the Advisory Committee.**
- 5. Notes that nominations to the Advisory Committee will be considered by Council at a future meeting.**
- 6. Notes that funds expended by Council for the purpose of maintaining the Tirrengower Drainage Scheme will be sourced through a Special Charge as per adopted Budget 2024-25.**

**CARRIED**

## **Item: 8.3 – Lake Colac Advisory Committee – Appointment of Community Representatives**

### **RESOLUTION**

***Moved Cr Finnigan, Seconded Cr Hart***

***That Council:***

- 1. Notes the Expressions of Interest received for the three community positions on the Lake Colac Advisory Committee and thanks those that nominated.***
- 2. Appoints community members, being applicant numbers:***
  - a. Applicant 2***
  - b. Applicant 6***
  - c. Applicant 7***

***to the Lake Colac Advisory Committee as identified in the Confidential Attachment to this report.***
- 3. Writes to each person that submitted an Expression of Interest to inform them of this decision and thank them for their interest.***

**CARRIED**

## **Item: 8.4 – Update to S6 Instrument of Delegation Council to Members of Council Staff**

### **RESOLUTION**

**Moved Cr Hart, Seconded Cr Arnott**

**That Council:**

- 1. In the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation (Attachment 2), delegates to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation, the powers, duties, and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.**
- 2. Authorises the Chief Executive Officer to execute the S6 Instrument of Delegation.**
- 3. Authorises the use of the common seal in accordance with Colac Otway Shire's Governance Local Law No 4 – 2020.**
- 4. Approves the S6 Instrument of Delegation to come into force immediately upon execution.**
- 5. Approves that coming into force of the S6 Instrument of Delegation, the previous S6 Instrument of Delegation from Council to members of Council staff (dated 17 June 2024) is revoked.**
- 6. Notes the duties and functions set out in the Instrument must be performed and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that may from time to time be adopted.**

**CARRIED**

## **Item: 8.5 - Forrest Wastewater Project**

### **RESOLUTION**

**Moved Cr Arnott, Seconded Cr Potter**

**That Council:**

- 1. Awards Contract 2427 Forrest Caravan Park Wastewater Treatment Upgrade works to Tenderer 4 (as per the confidential attachment to this report) for the lump sum price of \$607,584.00 (excluding GST).**
- 2. Authorises the Chief Executive Officer to execute the contract documents on behalf of Council.**
- 3. Authorises the Chief Executive Officer to perform all roles of the Principal.**
- 4. Nominates the General Manager Infrastructure and Operations to the role of Superintendent for the contract, 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**

## **Item: 8.6 – Colac Regional Saleyards – Advisory Committee Terms of Reference, Fee Amendment and Service Review Update**

### **RESOLUTION**

***Moved Cr Hart, Seconded Cr Finnigan***

***That Council:***

- 1. Endorses the revised Colac Regional Saleyard Advisory Committee Terms of Reference (Attachment 1).***
- 2. Writes to member organisations seeking their acceptance of a position on the Colac Regional Saleyards Advisory Committee including their nominated representative.***
- 3. Seeks Expressions of Interest (EOI) for the buyers' representative position and the two farmers representative positions on the Colac Regional Saleyards Advisory Committee, with the EOI period to be a minimum of three weeks commencing as soon as possible after 26 October 2024.***
- 4. Determines to increase the Council fees and charges for round bales at Colac Regional Saleyards to \$150 a bale (including GST).***
- 5. Notes that the Colac Regional Saleyards Service Review is well progressed and will be presented to a future Council meeting for consideration.***

**CARRIED**



## **Item: 8.7 – Development Plan (DPO10) – Colac West**

### **RESOLUTION**

***Moved Cr Arnott, Seconded Cr Hart***

***That Council:***

- 1. Approves the Colac West Development Plan generally in accordance with Attachments 1 and 2, subject to:
  - a) References to infrastructure provision within the Development Plan being updated to delete references to a Shared Infrastructure Funding Plan or Public Infrastructure Plan, and***
  - b) The document clarifying that the delivery of infrastructure by the developer, including its staging and construction details, will be dealt with through the planning permit application process including, where required, agreements under s173 of the Planning and Environment Act 1987.******
- 2. Delegates responsibility for approval of the Development Plan, once revised in accordance with the recommendation above, to officers.***
- 3. Acknowledges and notes the submissions received and confirms the actions in part one of the recommendation to submitters, notifying them when the Development Plan is approved.***

**CARRIED**

## Item: 8.8 – Planning Scheme Review

### **RESOLUTION**

**Moved Cr Hart, Seconded Cr Potter**

**That Council:**

- 1. Receives and notes the findings of the 2024 Planning Scheme Review and refers further consideration of the Planning Scheme review report (the report) to a future Council meeting post the 2024 Council election.**
- 2. Highlights the recommendation in the report to review delegations for planning applications and commentary in the report suggesting that the number of objections required for a planning matter to be considered by the Planning Committee (which currently consists of all Councillors), should increase from at least four to at least six.**
- 3. Highlights the reference in the report that recommends that refusals to build a dwelling in a Farm Zone should be decided by officers under delegation rather than the Planning Committee.**
- 4. Notes that this resolution is not an endorsement of any changes to the instrument of delegation, even where the potential changes are suggested in the report, particularly those outlined in points 2 and 3 above.**
- 5. Determines that the Chief Executive Officer will outline any proposed changes to Councillors and the community when the matter is being further considered.**
- 6. Notes the planning scheme review is a report of future actions and recommendations for Council to consider and that any changes to delegations or the planning scheme are the subject of future reports and decisions of Council, following a period of at least 6 weeks community consultation, to a future Council meeting.**

**CARRIED**

## **Item: 8.9 – Adoption of Investment Policy**

### **RESOLUTION**

***Moved Cr Arnott, Seconded Cr Finnigan***

***That Council notes the review undertaken and adopts the amended Council Investment Policy 16.3 (Attachment 1).***

**CARRIED**

UNCONFIRMED RESOLUTIONS

**Item: 8.10 – Audit and Risk Committee Meeting –  
Unconfirmed Minutes - 22 August 2024**

**RESOLUTION**

***Moved Cr Arnott, Seconded Cr Potter***

***That council receives for information, the minutes confirmed by the Audit and Risk Committee, dated 22 August 2024.***

**CARRIED**

UNCONFIRMED RESOLUTIONS

## **Item: 8.11 - Appointment of Audit and Risk Committee Chair and Reappointment of Independent Member**

### **RESOLUTION**

***Moved Cr Arnott, Seconded Cr Potter***

***That Council:***

- 1. Appoints Melissa Field as the Chairperson of the Audit and Risk Committee for a period of twelve months, commencing on 1 October 2024.***
- 2. Reappoints Melissa Field as an Independent Audit and Risk Committee member for a further three years, commencing on 1 December 2024.***

**CARRIED**

UNCONFIRMED RESOLUTIONS

**Item: 8.12 - Instrument of Appointment and  
Authorisation – Planning and Environment  
Act 1987 – Chris (Qiong) Hu**

**RESOLUTION**

***Moved Cr Finnigan, Seconded Cr Arnott***

***That Council:***

- 1. Appoints Chris (Qiong) Hu as an Authorised Officer pursuant to section 147(4) of the Planning and Environment Act 1987 (refer Attachment 1).***
- 2. Authorises the use of the common seal in accordance with Colac Otway Shire Council's Governance Local Law No 4 – 2020.***
- 3. 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 them.***
- 4. That the common seal is affixed to the Instrument of Appointment and Authorisation when Chris (Qiong) Hu commences employment with Council.***

**CARRIED**

**Item: 8.13 – Report of Informal Meeting of Councillors**

*This item did not require a formal decision of Council.*

UNCONFIRMED RESOLUTIONS

**Delegate Report: Item 9.1 – G21 Canberra Delegation –  
Cr White (Mayor)**

***This item did not require a formal decision of council.***

UNCONFIRMED RESOLUTIONS



## CLOSED SESSION

### **RESOLUTION**

***Moved Cr Finnigan, Seconded Cr Arnott***

***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:***

- 1. Minutes from Closed Session 24 July 2024, as this matter deals with confidential meeting information, as defined under Section 3(1)(h) of the Act, being records of meetings closed to the public under section 66(2)(a).***
- 2. Formal Consideration of 2024/25 CEO Performance Plan, as this matter deals with personal information which if released would result in the unreasonable disclosure of information about any person or their personal affairs. (Section 1, 3, f).***
- 3. Best Value Review of Aged and Disability Services – Final Report, as this matter deals with Council Business Information, being information that would prejudice the Council’s position in commercial negotiations if prematurely released. (Section 1, a).***

**CARRIED**