



Colac Otway
SHIRE

ORDINARY COUNCIL MEETING

MINUTES

WEDNESDAY 23 MAY 2018

AT 4PM

COPACC

Next Council Meeting: 27 June 2018

COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

23 MAY 2018

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COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at
COPACC on 23 May 2018 at 4pm

MINUTES

1. I DECLARE THIS MEETING OPEN

OPENING PRAYER

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

AMEN

2. PRESENT

Cr Kate Hanson
Cr Stephen Hart
Cr Joe McCracken (Mayor)
Cr Chris Potter
Cr Jason Schram
Cr Chris Smith
Cr Terry Woodcroft

Robert Dobrzynski, Acting Chief Executive Officer
Errol Lawrence, General Manager, Corporate Services
Tony McGann, General Manager, Infrastructure & Leisure Services
Gareth Smith, General Manager, Development & Community Services
Sarah McKew, Manager, Governance & Customer Service
Lyndal McLean, Acting Governance Officer
Jane Preston-Smith, Executive Officer, Development & Community Services
Simon Clarke, Strategic Planning & Major Projects Coordinator
Sarah Osborne, Acting Communications Coordinator
Doug McNeill, Manager, Planning, Building & Health
Ian Seuren, Manager, Arts & Leisure
Lucy Vesey, Bluewater Leisure Centre Manager
Glen Bernoth, Acting Communications Officer
Buddhima Edi, Asset Systems Engineer
Gary Warrenner, Manager, Economic Development
Tamzin McLennan, Acting COPACC Manager
Nicole Frampton, Recreation & Open Space Coordinator
Mark McLennan, Contracts Administrator
Eugene Stackpole, Acting Asset Management Coordinator
Jeremy Rudd, Manager, Assets & Project Delivery
Frank Castles, Project Delivery Coordinator

3. APOLOGIES

Nil

4. WELCOME & ACKNOWLEDGEMENT OF COUNTRY

I would like to start this evening by acknowledging the traditional custodians and law makers of this land, their elders past and present and welcome any descendants here today.

I would also like to advise that all Council meetings are audio recorded, with the exception of confidential matters. This includes the public participation sections of meetings.

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

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

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

5. QUESTION TIME

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

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

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

James Judd

- 1. Since the State Budget was handed down prior to holding the Special Council Meeting to authorise release of the Annual Budget for public comment, what is the pensioner rebate on Council rates and charges for financial year 2018 – 2019, since this has no effect of total Council revenue, but is very meaningful to pensioner ratepayers and their annual liability to Council? Pensioners are a meaningful portion of this Shire's property owners and ratepayers. Plus the states claim that the Fire Services Levy would not change is a lie, since only a portion is a fixed fee, with the balance**

calculated on valuation and a new valuation takes effect on 01/07/2018, so this portion will go up if any upward valuation.

Response from General Manager, Corporate Services

The maximum pensioner concession rebate for 2018-19 will be \$279.40, comprised of \$229.40 for municipal rates and charges and \$50.00 for the fixed component of the State Government's Fire Services Property Levy (FSPL).

The effect of increased valuations on the variable (valuation based) component of the FSPL is unknown at this stage as we have not yet been advised of the rates applicable for the variable component of the levy. A decrease in the rate applied would counteract the effect of any increase in property valuation.

2. **What was the total fire services levy on Council rates notices sent out for the 2017-2018 Council rate year, against what is to be charged on rate notices to be sent out for the 2018-2019 Council rate year?**

Response from General Manager, Corporate Services

The total Fire Services Property Levy levied on 2017-18 rates notices for the State Government was \$3,254,264.41, comprising of a variable levy amounting to \$1,390,956.41 and a fixed charge amounting to \$1,863,308.00.

The State Government has not yet advised what the variable rates or the fixed charge will be for 2018-19. We are therefore unable at this stage to provide an answer for 2018-19.

3. **When will the issue of road safety in Murray Street be taken up by Colac Otway Shire Council, with the very short street light cycle for the north-south crossings of Murray Street? Plus at a number of major crossing no provision to stop in safety by the time you cross half the width of Murray Street at some very busy cross roads, often lights change by the time pedestrians reach the middle of the road.**

Response from General Manager, Infrastructure and Leisure Services

As VicRoads is the Responsible Road Authority for traffic signalling changes, we encourage you to contact them with your enquiries. Colac Otway Shire regularly raises resident concerns with VicRoads and have passed this request onto VicRoads.

4. **Is the Colac Lake Foreshores Masterplan to be implemented in a number of stages over a period of years, or only as funds received to do each stage, instead of all allocations from annual Council budgets?**

Response from General Manager, Infrastructure and Leisure Services

The Lake Colac Foreshore Master Plan is a 10-year plan. It will be implemented over a period of time as funds become available both through Council's annual budget process and as external funding opportunities arise.

5. What was the total operating of Bluewater Fitness Centres for the period 01/07/2017 to 31/03/2018? Less total income received for the same period 01/07/2018 to 31/03/2018? Total deficit. Is the deficit in line with Council's 2017-2018 estimated deficit for 9 months?

Response from General Manager, Infrastructure and Leisure Services

Income for the period	1/7/2017 – 31/3/2018	\$860,005
Expenditure for the period	1/7/2017 – 31/3/2018	\$1,288,702
Total deficit for the period	1/7/2017 – 31/3/2018	\$428,697
Compared to budgeted deficit of		\$407,427

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Alan Billing, Larpent

At the beginning of the Colac Otway Shire and that first term of Council there was a Council Chamber table constructed – a three piece blackwood table. I was just wondering if anybody within the Council knows where the table currently is?

Response from the Mayor

I asked the same question not that long ago because I thought it might be nice for it to be in here, but apparently it's too big to be in here for Occupational Health & Safety purposes. It's very heavy to lift and change the makeup of the room as this room is used for multiple purposes.

Response from General Manager, Corporate Services

It is located in the hardware building, across the road.

Michael Tomkins, Elliminyt

1. My question is regarding the C90 development. Currently water runs down Forrest Street South in a straight line around our dam and in front of Pound Road. Can you please explain how it is possible on the C90 model that the water will turn left on flat land before the land in a one-in-one-hundred year storm and flood our house, but not continue in a straight line on flat land to inundate our dam?

Response from Manager, Planning, Building & Health

The mapping shows that there would be flooding across the majority of your property in a one-in-one-hundred year event which doesn't happen very often. Obviously on the corner of your property some water from the drain on Forrest Street does run into the property. It is not shown in the mapping as being flood prone, but that's obviously been built up around the outside of it and there are some higher parts of the property and the edges of that watercourse. The majority of your land is shown through the modelling for the amendment to be flood prone in that one-in-one-hundred year event – it doesn't mean it floods that often.

2. Continuing with the C90 development as stated currently our dam is the only part of our land which isn't going to be moved into the land subject to inundation. Currently it is in the inundation

zone and if the C90 model is approved it will be taken out of the land subject to inundation zone. If I were to build my house on the C90 model, does that mean that planning would recommend the site for my house to be located in the dam or is that proof that this modelling technology is not 100% correct?

Response from Manager, Planning, Building & Health

We've obviously had some discussions in the course of the assessment of your submission. One of the things that we have indicated to you is that whilst the overlay is proposed to be expanded over a greater part of your property to include the area where you have currently got a house that you recently built, the modelling that was undertaken that informs this quality control does indicate that the depth of the flood water would be very shallow. So in that one-in-one-hundred year flood event it would be very shallow flooding. So there would be no objection if you were to lodge a fresh application for that same house, for it to be built in the same position. The main issue would be that you would be asked to build the floor level of the house up to a point which is 300 millimetres above that flood level.

Vivienne Wheeler, Colac

1. Despite some calling the COPACC foyer an art gallery, is Council prepared to support artists requiring a visual arts meeting space / gallery? We have been seeking such a similar space for some years and have requested the use of the old library and the Civic Hardware store in the past with no success. Many smaller towns than ours have a dedicated art gallery and I think that we need more Council support on this issue.

Response from the Mayor

To answer your question specifically about the library annexe, that's up for consideration this evening as to what the future use of that may or may not be. In terms of support of the arts, was that at the crux of your question?

We did put a submission in – without a reply – and I put a submission in and a petition about three years ago before the library closed; I didn't get much response from that either. We could have been using that space as a meeting room for the last two or three years, which would have helped us a lot. As far as a gallery goes, we obviously need another sort of space. I feel that Council aren't supporting the visual arts as perhaps they should.

Response from the Mayor

I daresay a lot of that will come up in discussion in consideration of the Arts & Culture Strategy tonight.

Response from General Manager, Infrastructure & Leisure Services

The strategy that is before Council tonight for consideration suggests that Council would investigate as part of the strategy provision of spaces like this.

Sandy Batten, Barwon Downs

In the Arts Strategy, I was reading it and I couldn't see what the difference was between the first draft which was supposed to be presented at the last Council meeting, but was delayed because of a new submission. Are you able to point us in the direction as to where it's reflected in the current document?

Response from Manger, Arts & Leisure

The main change is based on the late submission that we received from the document that was going to go to the March Council meeting. It's around theme three, on pages 29 – 30. There is a new paragraph in the introduction. There are some changes to the strategies under that theme to recognise the opportunity for cultural tourism.

And that was with regards to fibre?

Response from Manger, Arts & Leisure

More than just fibre – fibre is a really important artistic opportunity but there are a whole range of artistic elements that can feed into cultural tourism.

Sam Auld, Warrion

It's Farrells Road again and the tips are still there. Today's paper is revealing the same problem: "Composting company hit with an \$8,000 EPA penalty". I notice on the bottom of your agenda: "Questions asked verbally – if a Council officer is unable to answer a question during a meeting then the question will be taken on notice and a written response will be provided." I await with bated breath. These tips are still there on Farrells Road. Are they going to be attended to? Are they legal? We have in the paper here today the very same problem in Camperdown.

Response from the Mayor

Firstly, I take it on board that you haven't been contacted – it shouldn't happen.

Response from General Manager, Development & Community Services

I wasn't at the last meeting so I am not aware of this issue and haven't been briefed on it. I will make it a priority tomorrow to understand what the concerns were and the issue and where it is at. It is a Local Laws issue to make sure people are adhering to the planning scheme and appropriate land uses for that site. Apologies that no one has got back to you to date but we will make sure that we focus on that this week.

Response from Cr Chris Smith

I think that last time you suggested that the material had come from the Colac Saleyards. I have asked them questions and I stand corrected if I am wrong. My understanding is that the materials do come from the Colac Saleyards but we as an organisation apparently currently sell or pass that onto another contractor and so once it leaves our site, it hasn't anything to do with Council. I know that doesn't change your position as to wanting it dealt with but I can verify from what I have been

told that yes, it did come from the Colac Saleyards but it is not our responsibility once it leaves there, apart from if it becomes an environmental issue.

Philip Lang, Colac

1. I have a question regarding the C90 amendment, firstly in the agenda items that are available to us on the Council website for today's meeting. There is a reasonably detailed explanation for the whole C90 thing and there is also a table of what is essentially all of the submissions and what the Council's response to those submissions are. My question is there were 23 submissions made; given that number, I can't see why it would be such an onerous task to actually respond to each submission, which to my knowledge hasn't happened. I certainly haven't received anything direct apart from a letter which I received – dated 4 May – saying that this meeting would be on and the submissions for C90 would be considered today. How come we haven't had an individual response?

Response from General Manager, Development & Community Services

In the general process we acknowledge the submissions, we recognise they have happened and inform people of the process going forward. We assess those submissions to understand if there is confusion in process or issues that warrant follow up or if there is an opportunity to address that. In some instances that is definitely not possible so we continue on with our process. In some instances there are discussions with the submitters to clarify issues and things that could be done. The submissions are assessed on a case-by-case basis; in some instances we are talking hundreds of submissions and planning applications and the like as well. We try to run a consistent approach – not amended to each amendment process.

2. This is more of a question to the Councillors themselves; I am sure that they have had a look at the C90 proposal and whilst there are advantages for some landholders, there are disadvantages for others. But my main concern is the modelling that I believe is flawed. Are the Councillors as a group prepared to accept this modelling?

Response from the Mayor

To answer that question, it is subject to consideration in the agenda, so it will be decided then.

Response from General Manager, Development & Community Services

The study which originally kicked off in 2017 was a partnership project with the Department of Environment, Land, Water and Planning, Corangamite Catchment Water Authority and Council, which is a standard Victorian approach on how you look at undertaking a flood study. Through that, they appoint consultants to help undertake the study, which includes the modelling process. Those agencies go through a due process to make sure they appoint a reputable organisation that has the appropriate modelling and systems available to work through this. This has followed a normal due process as it would across Victoria. You scrutinise the work, of course, as part of that process. All three organisations partner in consultation with the community at various stages through that process as well to help ground truth of modelling. It will never be 100% perfect and that ground truth allows you to pick up where there are certain anomalies. We have looked at some smoothing of the modelling that has been done which has allowed some of those properties to be removed.

Kate Tomkins, Elliminyt

1. We bought 10 Pound Road with a 20 metre overlay at the front subject to inundation and at the time I was a little unsure. I asked a member from Planning to come out and visit the block and he did, just to make sure that everything was all aboveboard and he reassured me that it was fine to build on and not only that, he said that next time they were going to plan the overlays he was quite confident that ours would be gone altogether. So, fast forward six years and now Planning proposes to cover our entire block, apart from our dam. Can you please tell me how a family can securely plan a future in Colac Otway Shire with such contradictory messages and direction from the Planning department?

Response from General Manager, Development & Community Services

I certainly understand the background on this one and understand as well the level of certainty – or not – of who you spoke to from Council. If it was certain, we would be able to take that up and understand the full details because we keep extremely accurate histories and notes of all conversations had with community members on properties in the Planning department. The aim of undertaking such amendments is actually to provide certainty going forward to community members so that they have accurate information before them and we are not relying on individual conversations where these things can be embedded into the planning scheme. There is actually extremely accurate and clear information for anyone who makes enquiries which are not reliant on individual conversations, but actually looking factually at maps and the like. Hopefully the type of work that the officers have been doing with State Government in this area is to improve that, to reduce this type of risk happening in the future, if that is what happened with this property.

2. My other question is about residents in Pound Road down on the Queens Street end. There are large amounts of excess water when it rains which is causing their properties to flood and they have complained to Council about it, so I am sure that Council is aware. We also have photos of their muddy drains in a dry year when drains are cracked and dry. Doug [McNeill] stated that any new development like Jarver Close won't increase water as this is compliance of a permit. My question is can you please outline how we get an independent body to test to see if this permit has been followed correctly, because we don't believe that it is?

Response from General Manager, Development & Community Services

A normal process would be for us to investigate those issues and follow that through. We actually do separate in the organisation our Compliance arm with our Planning arm. Part of that reasoning is to try to keep a separation of those that have been involved with making the early decisions to do that. We are happy to continue to do that and to support you in understanding that there has been compliance with what those conditions were. If that hasn't been done to date, we are more than happy to do that. That is a role that we do outside of Planning in our Compliance area.

Yvonne Francis, Apollo Bay

May I ask Council if they have any intention of picking up the rubbish that is dumped on the side of the Colac-Apollo Bay Road, close to Turtons Track?

Response from General Manager, Infrastructure & Leisure Services

I will follow this through with Yvonne in the next couple of days and we will attend to this issue urgently.

Tania Hislop, Colac

I would like to talk about the C90. Given that this was started in 2017, is Council rushing into this? Have they considered all the submissions? Is it really necessary that it is passed without consideration? Our land is affected by this, going from only a small amount of water inundation to being probably two thirds of our property. I know it affects our neighbours quite substantially more. We have a building overlay on it which is obviously going to change the way which we can potentially develop our property. There are severe drainage issues in the road that backs onto our property that potentially if they were fixed, the flood issue may not be such a problem.

Response from the Mayor

A lot of the issues that you have raised will be considered by Councillors in their decision today. We certainly take your point on board.

Response from General Manager, Development & Community Services

Further to the Mayor's response that they will seriously consider the submissions tonight, the proposed resolution is for those to go to a panel where they are further considered by another independent body as well. So certainly anything that happens tonight potentially may not be the conclusion, unless it was ceased. The aim is to continue and continue the assessment of those submissions. Hopefully that gives you some comfort; whatever happens tonight, there is another process proposed as part of this as well.

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

Yvonne Francis, Apollo Bay

I work on community radio in Apollo Bay and we broadcast from an old building called the Youth Club in Moore Street, Apollo Bay. Huge efforts by local volunteers have been witnessed lately to roughly repaint the whole old building and I have raised this issue in the past, too. When can Apollo Bay look forward to a substantial investment into art and culture?

Response from General Manager, Infrastructure & Leisure Services

Apollo Bay has a thriving arts community which is demonstrated by the Apollo Bay Arts Inc. Council continues to support the Apollo Bay community through funding of a number of arts and cultural events as well as ongoing maintenance of the Apollo Bay foreshore sculptures.

Specifically regarding the Apollo Bay Youth Club, Council officers would be happy to work with the Club to seek funding for improvements to their facility, however please note that Council does not own the building in which the Youth Club operates; the Apollo Bay Youth Club is an incorporated body which owns the building.

7. PETITIONS/JOINT LETTERS

Nil

8. DECLARATIONS OF INTEREST

Nil

9. CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on 18 April 2018.
- Special Council Meeting held on 2 May 2018.

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Kate Hanson

That Council confirm the above minutes.

CARRIED 7 : 0

ORDINARY COUNCIL MEETING
AMENDMENT C90 - FLOOD AMENDMENT
OM182305-1

LOCATION / ADDRESS	Colac and Elliminyt	GENERAL MANAGER	Gareth Smith
OFFICER	Simon Clarke	DIVISION	Development & Community Services
TRIM FILE	F16/1104	CONFIDENTIAL	No
ATTACHMENTS	1. C90 Flood Amendment Submission Review		
PURPOSE	To consider the submissions received during the exhibition of Amendment C90 and how to proceed with the amendment.		

RECOMMENDATION

That Council:

- 1. Pursuant to section 22 (1) of the Planning and Environment Act 1987, consider all submissions received to Colac Otway Amendment C90.*
- 2. Pursuant to section 23 (1)(a) of the Planning and Environment Act 1987, make changes to Amendment C90 as noted in the Attachment that have been suggested in response to submissions.*
- 3. Adopt the amendments to remove the flood overlay from 136 properties affected by very minor encroachments at the extremity of the flood mapping extent as detailed within the report.*
- 4. Adopt the Deans Creek and Barongarook Creek Flood Study (August 2017).*
- 5. Pursuant to section 23 (1)(b) of the Planning and Environment Act 1987, refer the unresolved submissions to a Panel.*
- 6. Authorise officers/suitable persons to represent Council at the Planning Panel hearing generally in accordance with the response to issues outlined in this report.*

ALTERNATIVE MOTION

MOVED Cr Chris Smith seconded Cr Jason Schram

That the Council defers consideration of Amendment C90 to facilitate further deliberation by Councillors directed at avoiding any further restrictions being imposed on land parcels by virtue of the Amendment C90 provisions.

CARRIED 7 : 0

Ian Seuren left the meeting at 4.38pm.

Ian Seuren returned to the meeting at 4.40pm.

ORDINARY COUNCIL MEETING
AUSTRALIA DAY ADVISORY COMMITTEE
OM182305-2

LOCATION / ADDRESS	Across the Shire	GENERAL MANAGER	Gareth Smith
OFFICER	Hege Eier	DIVISION	Development & Community Services
TRIM FILE	F18/3340	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	This report is for Council to consider the membership and decision making powers of the Australia Day Advisory Committee.		

RECOMMENDATION

That Council:

- 1. Endorse the establishment of an Australia Day Advisory Committee consisting of Councillors and community representatives.*
- 2. Consider the adoption of a Terms of Reference for the Committee at the June Ordinary Council meeting.*
- 3. Appoint Councillors to the Australia Day Advisory Committee and the Australia Day Working Group, at a future Ordinary Council Meeting.*
- 4. Conduct an Expression of Interest process for community members to nominate for selection as a member of the Advisory Committee.*

ALTERNATIVE MOTION

MOVED Cr Chris Smith seconded Cr Jason Schram

That Council:

- 1. Endorse the establishment of an Australia Day Advisory Committee consisting of all Councillors.*
- 2. Endorse the establishment of an Australia Day Working Group consisting of Councillors and community representatives.*
- 3. Consider the adoption of a Terms of Reference for the Committee and the Working Group at the June Ordinary Council meeting.*

4. *Conduct an Expression of Interest process for community members to nominate as members of the Australia Day Working Group.*

LOST 3 : 4

DIVISION

For the Motion: Cr Chris Smith, Cr Kate Hanson, Cr Jason Schram

Against the Motion: Cr Stephen Hart, Cr Terry Woodcroft, Cr Joe McCracken, Cr Chris Potter

ALTERNATIVE MOTION

MOVED Cr Stephen Hart seconded Cr Chris Potter

That Council:

1. *Endorse the establishment of an Australia Day Advisory Committee consisting of seven Councillors and community representatives.*
2. *Consider the adoption of a Terms of Reference for the Committee at the June Ordinary Council meeting.*
3. *Appoint Councillors to the Australia Day Working Group at a future Ordinary Council meeting.*
4. *Conduct an Expression of Interest process for community members to nominate for selection as a member of the Advisory Committee.*

CARRIED 5 : 2

DIVISION

For the Motion: Cr Stephen Hart, Cr Terry Woodcroft, Cr Kate Hanson, Cr Joe McCracken, Cr Chris Potter

Against the Motion: Cr Chris Smith, Cr Jason Schram

Nicole Frampton attended the meeting at 5.07pm.

Jane Preston-Smith left the meeting at 5.32pm.

Mark McLennan attended the meeting at 5.32pm.

Eugene Stackpole attended the meeting at 5.32pm.

Gary Warrener left the meeting at 5.39pm.

ORDINARY COUNCIL MEETING

ADOPTION OF CREATIVE COLAC OTWAY - ARTS & CULTURE STRATEGY 2018 - 2022

OM182305-3

LOCATION / ADDRESS	Whole Municipality	GENERAL MANAGER	Tony McGann
OFFICER	Ian Seuren	DIVISION	Infrastructure & Leisure Services
TRIM FILE	F17/8256	CONFIDENTIAL	No
ATTACHMENTS	1. Creative Colac Otway - Arts and Culture Strategy 2018-2022 2. Creative Colac Otway - Arts and Culture Strategy 2018-2022 - Implementation Plan		
PURPOSE	To consider adopting the Creative Colac Otway - Arts and Culture Strategy 2018-2022		

RECOMMENDATION

That Council:

1. *Adopts the Creative Colac Otway – Arts and Culture Strategy 2018-2022;*
2. *Notes that implementation of actions contained within the Creative Colac Otway – Arts and Culture Strategy 2018-2022 which require additional Council resources will be subject to future budget deliberations.*

ALTERNATIVE MOTION

MOVED Cr Chris Smith seconded Cr Terry Woodcroft

That Council:

1. *Adopts the Creative Colac Otway – Arts and Culture Strategy 2018-2022.*
2. *Create a priorities implementation plan linked to the Council's Long Term Financial Plan.*
3. *Notes that implementation of actions contained within the Creative Colac Otway – Arts and Culture Strategy 2018-2022 which require additional Council resources will be subject to future budget deliberations.*

CARRIED 7 : 0

Tamzin McLennan left the meeting at 5.38pm.
Buddhima Edi left the meeting at 5.38pm.

ORDINARY COUNCIL MEETING
CONSIDERATION OF CONTRACTS -
CON 1701 - CLEANING SERVICES – COUNCIL BUILDINGS, PUBLIC
CONVENIENCES AND BARBECUES;
CON 1737 – CLEANING SERVICES – BLUEWATER LEISURE CENTRE.
OM182305-4

LOCATION / ADDRESS	Whole of municipality	GENERAL MANAGER	Errol Lawrence
OFFICER	Andrew Kavanagh	DIVISION	Corporate Services
TRIM FILE	F18/1229	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	Council approval is required to award Consideration of Contracts - Con 1701 - Cleaning Services – Council Buildings, Public Conveniences and Barbecues; Con 1737 – Cleaning Services – Bluewater Leisure Centre.		

This item was withdrawn and deferred to a future Ordinary Council Meeting.

The meeting adjourned for a short break at 5.59pm.
 Lucy Vesey left the meeting at 5.59pm.
 The meeting resumed at 6.09pm.

Recognition of Orange Day – Cr Chris Potter

Today is Orange Day, a day of thanks for the many Victoria State Emergency Services (SES) volunteers who support their local communities. On the weekend the Beech Forest SES celebrated their 50th Anniversary. It is appropriate that Council recognises and appreciates the contribution of the SES volunteers to the community and the hard work that they do.

ORDINARY COUNCIL MEETING

2019/20 COMMUNITY SPORTS INFRASTRUCTURE FUND AND 2018/19 FEMALE FRIENDLY FACILITIES FUND

OM182305-5

LOCATION / ADDRESS	Whole Municipality	GENERAL MANAGER	Tony McGann
OFFICER	Nicole Frampton	DIVISION	Infrastructure & Leisure Services
TRIM FILE	F18/4551	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	To seek Council endorsement for applications to be submitted to Sport and Recreation Victoria's 2019/20 Community Sports Infrastructure Fund and 2018/19 Female Friendly Facilities Fund.		

RESOLUTION

MOVED Cr Chris Potter seconded Cr Jason Schram

That Council:

- 1. Endorse the following projects to be submitted to the 2019-20 Community Sport Infrastructure Fund and 2018/19 Female Friendly Facilities Fund:*
 - Colac Memorial Square Playspace – Community Sports Infrastructure Fund Minor Facilities Category (includes a requested Council contribution of \$165,000 in the 2019/20 budget).*
 - Forrest Mountain Bike Trails – ‘Barwon Flow’ Trail – Community Sports Infrastructure Fund Minor Facilities Category (includes a requested Council contribution of \$10,000 in the 2019/20 budget).*
 - Central Reserve Master Plan Implementation – Stage 2 (netball courts and netball and football lighting upgrades) – Community Sports Infrastructure Fund Major Facilities Category (includes a requested Council contribution of up to \$375,000 in the 2019/20 budget).*
 - Western Reserve Oval Redevelopment and Lighting Upgrades – Female Friendly Facilities Fund (includes a requested Council contribution of \$67,000 from the Active Reserves Renewal Programme in the 2018/19 budget and up to \$108,000 in the 2019/20 budget).*

2. *Pending the outcome of the applications, successful projects are to be submitted for Council consideration through the 2019/20 budget process.*

CARRIED 7 : 0

**Mark McLennan left the meeting at 6.30pm.
Eugene Stackpole left the meeting at 6.30pm.**

ORDINARY COUNCIL MEETING

PROPOSED USE OF FORMER COLAC LIBRARY ANNEXE BUILDING

OM182305-6

LOCATION / ADDRESS	Gellibrand Street, Colac	GENERAL MANAGER	Errol Lawrence
OFFICER	Errol Lawrence	DIVISION	Corporate Services
TRIM FILE	F17/6687	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	Formalise the proposal to use space as meeting rooms		

RECOMMENDATION

That Council, having given careful consideration to the responses to the community survey, resolve to proceed with the refurbishment of the Colac Library Annexe for the purpose of a Council Administration meeting venue.

ALTERNATIVE MOTION

MOVED Cr Jason Schram seconded Cr Stephen Hart

- 1. That the Council continue with the refurbishment of the Library Annexe.*
- 2. That Council officers develop a policy for consideration by the Council, relating to the future of the Library Annexe and incorporating the following principles:*
 - a. Priority use of the Library Annexe be for community purposes free of charge.*
 - b. The Library Annexe may be used for Council purposes provided that such use is booked no more than one month in advance.*
 - c. That a booking system be maintained.*
 - d. That the Council retains the ability to rent the Library Annexe on a commercial basis, subject to (a) and (b) above.*
 - e. That Council may in the future consider the Library Annexe to be incorporated into an extension of COPACC.*

AMENDMENT

MOVED Cr Chris Smith

To change the timeframe in 2b to two weeks in lieu of one month.

The amendment LAPSED due to no seconder

ALTERNATIVE MOTION

MOVED Cr Jason Schram seconded Cr Stephen Hart

1. *That the Council continue with the refurbishment of the Library Annexe.*
2. *That Council officers develop a policy for consideration by the Council, relating to the future of the Library Annexe and incorporating the following principles:*
 - a. *Priority use of the Library Annexe be for community purposes free of charge.*
 - b. *The Library Annexe may be used for Council purposes provided that such use is booked no more than one month in advance.*
 - c. *That a booking system be maintained.*
 - d. *That the Council retains the ability to rent the Library Annexe on a commercial basis, subject to (a) and (b) above.*
 - e. *That Council may in the future consider the Library Annexe to be incorporated into an extension of COPACC.*

CARRIED 7 : 0

Jeremy Rudd attended the meeting at 6.42pm.

Frank Castles attended the meeting at 6.42pm.

Glen Bernoth left the meeting at 6.54pm.

Nicole Frampton left the meeting at 6.54pm.

Ian Seuren left the meeting at 6.54pm.

ORDINARY COUNCIL MEETING
**AUTHORISATION OF OFFICER UNDER THE
PLANNING AND ENVIRONMENT ACT**
OM182305-7

LOCATION / ADDRESS	2-6 Rae Street, Colac	GENERAL MANAGER	Errol Lawrence
OFFICER	Errol Lawrence	DIVISION	Corporate Services
TRIM FILE	F17/9071	CONFIDENTIAL	No
ATTACHMENTS	1. Delegation to Vikram Kumar under the Planning and Environment Act 1987		
PURPOSE	To appoint a statutory planner under the Planning and Environment Act		

RECOMMENDATION

MOVED Cr Terry Woodcroft seconded Cr Chris Potter

That Council:

- 1. Appoints Vikram Kumar, Statutory Planner, as an authorised officer pursuant to section 147(4) of the Planning and Environment Act 1987.*
- 2. Notes that the Instrument of Appointment and Authorisation comes into force immediately the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it.*
- 3. Delegates to the Chief Executive Officer authority to sign and place under Council seal the Instrument of Appointment and Authorisation.*

CARRIED 6 : 1

DIVISION

For the Motion: Cr Stephen Hart, Cr Terry Woodcroft, Cr Kate Hanson, Cr Joe McCracken, Cr Chris Potter, Cr Jason Schram

Against the Motion: Cr Chris Smith

ORDINARY COUNCIL MEETING
**NOTICE OF MOTION –
COLAC OTWAY SHIRE SKILLS AUDIT**
OM182305-8

COUNCILLOR

Chris Potter

This Notice of Motion was withdrawn by Cr Chris Potter.

ORDINARY COUNCIL MEETING
**OLD BEECHY RAIL TRAIL MINUTES AND
 ASSEMBLY OF COUNCILLOR NOTES**
 OM182305-9

LOCATION / ADDRESS	Whole of municipality	GENERAL MANAGER	Errol Lawrence
OFFICER	Sarah McKew	DIVISION	Corporate Services
TRIM FILE	F17/6554	CONFIDENTIAL	No
ATTACHMENTS	<ol style="list-style-type: none"> 1. Assembly of Councillors - 11 April 2018 2. Assembly of Councillors - Councillor Briefing - 11 April 2018 3. Assembly of Councillors - Colac Regional Saleyards Advisory Committee Meeting - 20180413 4. Assembly of Councillors - Councillor Briefing - 18 April 2018 5. Assembly of Councillors - Councillor Briefing - 2 May 2018 6. Assembly of Councillors - Lake Colac Advisory Committee - 8 May 2018 7. Assembly of Councillors - Councillor Briefing - 9 May 2018 8. Assembly of Councillors Record - Central Reserve Advisory Committee 20180509 9. Meeting Minutes - Old Beechy Rail Trail Committee - 5 December 2017 - confirmed 		
PURPOSE	To report the minutes of the Old Beechy Rail Trail and report the Assemblies of Councillors.		

REPORTING

1. *The Assemblies of Councillors are reported herewith.*
2. *The minutes of the Old Beechy Rail Trail Committee for 5 December 2017 are reported herewith.*

The Local Government Act 1989 does not require a Council decision.

Cr Chris Smith requested that his opposition to this item be noted.

CLOSED SESSION

RECOMMENDATION

That pursuant to the provisions of Section 89 (2) of the Local Government Act, the meeting be closed to the public and Council move into Closed Session in order to deal with:

SUBJECT	REASON	SECTION OF ACT
<i>Minutes of the Closed Session Council Meeting held on 18 April 2018 and Minutes of the CEO Recruitment Special Committee meeting held on 9 May 2018.</i>	this matter deals with personnel matters; AND this matter deals with contractual matters; AND this matter may prejudice the Council or any person.	Section 89 (2) (a), (d) & (h)
<i>Bruce Street Land Fill Update</i>	this matter may prejudice the Council or any person.	Section 89 (2) (h)
<i>Proposed Rates Recovery Sales Beeac and Beech Forest</i>	this matter may prejudice the Council or any person.	Section 89 (2) (h)
<i>Confidential Contract</i>	this matter deals with personnel matters; AND this matter deals with contractual matters.	Section 89 (2) (a) & (d)

ALTERNATIVE MOTION

MOVED Cr Chris Potter seconded Cr Jason Schram

That pursuant to the provisions of Section 89 (2) of the Local Government Act, the meeting be closed to the public at 7.14pm and Council move into Closed Session in order to deal with:

SUBJECT	REASON	SECTION OF ACT
<i>Minutes of the Closed Session Council Meeting held on 18 April 2018 and Minutes of the CEO Recruitment Special Committee meeting held on 9 May 2018.</i>	this matter deals with personnel matters; AND this matter deals with contractual matters; AND this matter may prejudice the Council or any person.	Section 89 (2) (a), (d) & (h)
<i>Bruce Street Land Fill Update</i>	this matter may prejudice the Council or any person.	Section 89 (2) (h)
<i>Proposed Rates Recovery Sales Beeac and Beech Forest</i>	this matter may prejudice the Council or any person.	Section 89 (2) (h)
<i>Confidential Contract</i>	this matter deals with personnel matters; AND this matter deals with contractual matters.	Section 89 (2) (a) & (d)

1. *That the Confidential Contract be called what it should be.*
2. *That Council authorise the Mayor to indicate to this meeting the subject matter of Confidential Contract, immediately prior to Council entering into Closed Session.*

CARRIED 7 : 0

Announcement by the Mayor – Subject matter of Closed Session Confidential Contract item.

Agenda item 4 of the Closed Session of tonight's meeting is to consider the contract for the appointment of a permanent Chief Executive Officer for Colac Otway Shire.

**Robert Dobrzynski left the meeting at 7.01pm.
Robert Dobrzynski returned to the meeting at 7.03pm.**

The meeting was declared closed at 8.15pm

CONFIRMED AND SIGNED at the meeting held on 27 JUNE 2018


.....MAYOR

APPENDIX A PUBLICATION OF RESOLUTION IN RESPONSE TO IC182305-1

The following resolution is being published in response to IC182305-1 Bruce Street Land Fill Update. The resolution is from the 23 May 2018 Closed Session Ordinary Council Meeting.

**BRUCE STREET LAND FILL UPDATE
IC182305-1**

RESOLUTION

That Council:

- 1. Endorse the proposal to undertake a boundary realignment between Lot RES1 PS426320 and Lot A PS426320 located at 2-34 and 36-52 Bruce Street, Colac as shown on the Plan of Subdivision REF.107 VERSION NO.01 prepared by the South West Survey Group.*
- 2. Delegate officers to lodge the endorsed Plan of Subdivision for registration at Plan Acceptance, Land Use Victoria.*
- 3. Authorise the public disclosure of points 1 and 2 above and the reasons.*