

**Colac Otway
SHIRE**

MINUTES

SPECIAL COUNCIL MEETING

OF THE

COLAC-OTWAY SHIRE

COUNCIL

5 MAY 2009

at 3.00 pm

**COPACC Meeting Room
Rae Street, Colac**

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982.'

Please note: That Public Notice of this meeting was not given seven days prior to the meeting, as the Special Meeting of Council was called on Tuesday 28 April 2009. This Special Meeting of Council was advertised in the Colac Herald on Wednesday, 29 April 2009.

COLAC-OTWAY SHIRE COUNCIL MEETING

5 MAY 2009

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1. 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 Brian Crook (Mayor)
Cr Frank Buchanan
Cr Stephen Hart
Cr Stuart Hart
Cr Geoff Higgins
Cr Lyn Russell
Cr Chris Smith

Jack Green, Acting Chief Executive Officer

Colin Hayman, General Manager, Corporate and Community Services
Neil Allen, General Manager, Infrastructure and Services
Doug McNeill, Acting General Manager, Sustainable Planning & Development

Althea Wright, Executive Officer

3. APOLOGIES

Nil

4. MAYORAL STATEMENT

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

Colac Otway Shire encourages active community input and participation in Council decisions. Council meetings provide one of these opportunities as members of the community may ask questions relating to matters being considered by Council at the current meeting. Questions not related to current agenda items can be made in writing and will be addressed if received within two days of the Council meeting. Council meetings also enable Councillors to debate matters prior to decisions being taken.

I ask that we all show respect to each other and respect for the office of an elected representative.

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Thank you, now question time. 30 minutes is allowed for question time.

1. Questions from the floor

5. QUESTION TIME

Questions Received in Writing Prior to the Meeting

Nil

Questions Received Verbally at the Meeting

Paul David Cross, Friends of Colac Library

Raised the following issues of concern in relation to the Joint Use Library

- legal advice from Minter Ellison
- Council's legal liability
- Cr Russell's stance

The Mayor advised that Minter Ellison had been engaged by Council to provide legal advice for the library agreement.

Lyn Foster, Friends of Colac Library

Raised concerns in relation to the committee of management for the Joint Use Library and the role of the School Principal and the Council's financial contribution.

Colin Hayman, General Manager, Corporate & Community Services advised that a meeting had been held with Corangamite Regional Library Corporation staff to discuss issues and that sub-committees will now be established to so that the Library can be effectively managed.

The Mayor advised that Council would contribute \$1.18 m with a possibility that this may extend to a maximum of \$1.3 m towards the Joint Use Library.

Helen Paatsch

Is there an opportunity for community members to be on the Library committee?

Colin Hayman, General Manager, Corporate & Community Services advised that this would be discussed at the next meeting of the Project Management Group.

Ian Hind

Raised the following concerns about the Joint Use Library:

- the failure of other such libraries
- the undertaking of a plebiscite
- accessibility for students and the community

Judy Pike

Requested that Council undertake a further investigation regarding the Joint Use Library.

Jackie Peterson

Raised concerns about the Joint Use Library.

Rod Spence, Colac Otway Residents & Ratepayers Association

Raised concerns in relation to the contract and Council's contribution for the Joint Use Library.

6. DECLARATION OF INTEREST

Nil

OFFICERS' REPORTS

Corporate and Community Services

SC090505-1 DRAFT COUNCIL PLAN 2009-2013

Chief Executive Officer

SC090505-2 APPOINTMENT OF CHIEF EXECUTIVE OFFICER

SC090505-1 DRAFT COUNCIL PLAN 2009-2013

AUTHOR:	Colin Hayman	ENDORSED:	Jack Green
DEPARTMENT:	Corporate and Community Services	FILE REF:	GEN01688 Council Plan

Purpose

This report presents for Council's consideration the Draft Council Plan 2009-2013.

Background

In accordance with the *Local Government Act* 1989, Council is required to prepare and forward to the Minister for Local Government a four year Council Plan, within six months of a general election or by 30 June.

The Council Plan must include:

- The Strategic Objectives of Council;
- Strategies for achieving the objectives for at least the next 4 years;
- Strategic indicators for monitoring the achievement of the objectives; and
- A Strategic Resource Plan that identifies the resources required to achieve these objectives.

Council has undertaken the necessary preparatory work and has compiled a Draft Council Plan.

This report recommends placing the draft Council Plan on public exhibition and seeking community submissions prior to Council considering its adoption.

Council Plan/Other Strategies/Policy

The Council Plan is a legislative requirement and each municipality is required to submit a new 4 year Council Plan to the Minister for Local Government.

The Council Plan, apart from being a statutory requirement is a fundamental part of Council's operation as it includes Council's objectives and strategies for the next four years.

Supporting plans such as business plans and specific topic strategies are also aligned to the Council Plan.

Issues/Options**The Development of the Plan**

The Council Plan has been developed via a collaborative process between elected Councillors, the organisation and the Colac Otway Shire community.

During February and March a Community Engagement process, consisting of a survey on the strategies in the draft Council Plan and eight community forums, were conducted across the municipality.

A total of 750 surveys were registered and 132 ratepayers were consulted at the Forums. Outcomes from the consultation process have provided further input to the Council Plan.

Vision, Mission and Values

The vision, mission and values have been changed from the previous Council Plan through a series of workshops with Council officers and with Councillors to ensure that the views of Council are accurately defined in the Council Plan.

Our Vision

Council will work together with our community to create a sustainable, vibrant future.

Our Mission

Council will work in partnership with our community and other organisations to provide:

- Effective leadership, governance and financial accountability
- Affordable and effective services
- An advocacy and engagement approach to sustainably grow our community.

Our Values

Council will achieve its Vision and Mission by acting with:

- Respect
- Integrity
- Goodwill
- Honesty
- Trust

Key Result Areas and Objectives

The Council Plan is divided into six key Result Areas or themes, each with its own objective and set of strategies and actions that will contribute to the achievement of the objective.

Council has proposed 38 strategies to deliver on these broad objectives over the next four years.

1. Leadership and Governance

Council will fulfil its leadership, statutory and legal obligations to its community and staff in a way that is: fair, ethical, inclusive, sustainable, financially responsible and meets the needs and practical aspirations of current and future generations.

2. Physical Infrastructure and Assets

Council will provide and maintain Council infrastructure and assets that meet community needs now and in the future.

3. Land Use and Development

Council will engage, plan and make decisions about land use and development that takes into account the regulatory role of Council, its diverse geography, social, community, economic and environmental impacts for current and future generations.

4. Environmental Management

Council will protect and enhance the environment entrusted to us, demonstrate efficient use of natural resources and minimise climate change impacts.

5. Economic Development

Council is committed to facilitating a healthy and resilient economy through effective leadership, advocacy and partnership.

6. Community Health and Wellbeing

Council will promote community health and wellbeing in partnership with other health services. Through a partnership approach, Council will provide a broad range of customer focused health, recreational, cultural and community amenities, services and facilities.

Strategic Resource Plan

The Plan incorporates a Strategic Resource Plan that identifies the resources required over the next four years. The Strategic Resource Plan provides information covering both financial and non-financial resources.

The Strategic Resource Plan provides a high-level, medium term view of the resources Council intends to use to support its service provision to the Colac community over the next four years.

The Strategic Resource Plan will be reviewed on an annual basis in conjunction with the review of the Council Plan and annual budget process.

A Long-Term Financial Plan, which will be for a 10 year period, will also be prepared and presented to Council for its consideration at a later stage.

Strategic Research

Extensive strategic research underpins the development of this Council Plan, with the Strategies and Key Actions for each of the Key Result Areas in the Plan supported by these findings.

A 'snapshot' of the collated results of the research is included as an attachment to the Council Plan. The information, facts and forecasts in the report are posed as Challenges to achieving the Vision and Objectives.

Following is an excerpt from the report:

"There are numerous positive performance indicators and examples of success throughout the Shire, however, the focus of this report is to capture the things that need to be addressed to achieve the preferred future for the municipality.

There are two types of 'Challenge' described for each Key Result Area, being:

1. *Municipal Wide Challenges – describe the challenges facing the whole municipality, not just the Council as a Local Government authority.*

Municipal wide challenges are not the sole responsibility of one organisation or level of government and therefore require multi-agency collaboration if they are to be addressed. Council therefore has a choice whether it gets involved through a leadership, advocacy, facilitation or participatory role in addressing the challenge.

2. *Council Specific Challenges – describe the challenges that are directly under the control or responsibility of Council.*

Council will need to decide if the challenge requires a strategic response and resource allocation.

Actions to address the Challenges will often require a combination of Council, community, government and private sector partnerships, funding and collaboration."

In addition to the background data and research, the development of the Council Plan is also the outcome of the following inputs:

- Employer obligations
- Statutory requirements
- Contracts and agreements
- Technical and specialist input
- Councillor input
- Staff input
- Community input
- Ideas and feedback
- Council Plan 2005-2009

Proposal

The proposal is for Council to adopt the Draft Council Plan 2009-2013 and that the document be made available for public comment.

Financial and other Resource Implications

The Strategic Resource Plan is a plan of resources required over the four year period 2009-2013 to achieve the strategies and actions detailed in the Council Plan.

The resources available to Council can be grouped into three main sections:

1. Financial Resources
2. Infrastructure
3. Human Resources

Risk Management & Compliance Issues

In accordance with section 125 of the *Local Government Act 1989* ("the Act") Council is required to prepare and approve a Council Plan before 30 June 2009.

Section 126 of the Act provides details of the Strategic Resource Plan.

In accordance with section 223 of the Act, Council is required to consider and hear submissions received in respect of the draft Council Plan 2009-2013.

An analysis of Risk Management and Compliance Issues will be required to be undertaken for actions in the draft Council Plan.

Environmental Considerations

The draft Council Plan 2009-2013 includes critical strategies and actions with respect to the Environment and Climate Change.

Communication Strategy/Consultation

The draft Council Plan has been developed as a collaborative process between elected Councillors, the organisation and the Colac Otway Shire community.

Community consultation and engagement is a core ingredient in Council's planning framework. Council has undertaken an extensive community consultation program in the development of this Council Plan. Two approaches were used: a *Community Survey* and eight *Community Forums*.

The community survey of 759 residents and non-resident ratepayers targeted people 15 to 80+ years of age in direct proportion to the current demographic distribution and gender balance of the Shire. A variety of methods were used including web, email, direct contact, paper and mail which provided a 95% confidence rate in the survey outcomes. The survey covered the Shire by gathering input from all towns and districts using a zone based approach.

Eight community forums were conducted at various times and in seven locations across the Shire that included the main towns and population areas. The forums were run in a 'world café' style where tables discussed the topics of the day, with the help of a facilitator and then recorded their input on the survey form.

The nature of the forums allowed for more topics to be explored and background information to be provided. Wider strategic 'big picture' topics such as Environment, Economic, Community and Population Sustainability were discussed. Whilst these areas are not directly or totally the responsibility of Council, they represent the core sustainability and therefore the viability of the Shire and have a significant impact on Council operations ie services, infrastructure, rate base and image.

The next stage of the consultation process is to invite the community to provide feedback on the draft Plan. The formal process is contained in the *Local Government Act 1989*. The Act requires Council to undertake a formal consultation process as outlined in section 223 of the Act.

The proposed consultation timetable is as follows:

Statutory advertisement	Friday 8 May 2009
Closing date for submissions	Monday 8 June 2009
Special Council meeting to hear submissions	Tuesday 16 June 2009

Copies of the document will be made available on Council's website and at Council's Customer Service centres.

Implementation

The timelines for the process are detailed above. A letter will be forwarded to all those who have completed a survey with a copy of the Plan and other information.

Conclusion

The draft Council Plan 2009-2013 represents Council's key strategic objectives, focus areas and strategies for the forthcoming four year period. The draft Plan is presented for Council's consideration and to allow the next stage of the community consultation process to commence.

The Council Plan 2009-2013 is required under the *Local Government Act* to be submitted to the Minister for Local Government by close of business on June 30 2009. To achieve this timeframe a Special Council Meeting will be held (if required) to hear any submissions on the draft Plan.

The final draft Council Plan will be required to be considered by Council at the June 24 Council meeting.

Attachments

Draft Council Plan 2009-2013

Recommendation(s)

- 1. That Council adopt the Draft Council Plan 2009-2013 for the purposes of Section 125 of the Local Government Act 1989.**
- 2. That public notice be given of the proposed Council Plan 2009-2013 inviting submissions be made in accordance with section 125 of the Local Government Act 1989.**
- 3. That Council consider and hear submissions received in respect of the Draft Council Plan 2009-2013 in accordance with section 223 of the Local Government Act 1989 at a Special Meeting of Council to be held on Tuesday, 16 June 2009 at 1.30 pm at COPACC.**

MOVED Cr Buchanan seconded Cr Russell

1. ***That Council adopt the Draft Council Plan 2009-2013 for the purposes of Section 125 of the Local Government Act 1989.***
2. ***That public notice be given of the proposed Council Plan 2009-2013 inviting submissions be made in accordance with section 125 of the Local Government Act 1989.***
3. ***That Council consider and hear submissions received in respect of the Draft Council Plan 2009-2013 in accordance with section 223 of the Local Government Act 1989 at a Special Meeting of Council to be held on Tuesday, 16 June 2009 at 1.30 pm at COPACC.***

CARRIED 6 : 1**Cr Stephen Hart voted Against the Motion.**

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SC090505-2 APPOINTMENT OF CHIEF EXECUTIVE OFFICER

AUTHOR:	Cr Brian Crook	ENDORSED:	Cr Brian Crook
DEPARTMENT:	Executive	FILE REF:	Personnel

Purpose

To appoint a new Chief Executive Officer for Colac Otway Shire.

Background

Following the advertising for the replacement of Council's Chief Executive Officer, Council is now required to make an appointment for this position.

Recommendation(s)

That Council in accordance with Section 94 of the Local Government Act 1989 endorse the appointment ofto the position of Chief Executive Officer, Colac Otway Shire Council commencing on 11 May 2009 for a contract period of three years with an option of a further two years.

MOVED Cr Stephen Hart seconded Cr Russell that Council in accordance with Section 94 of the Local Government Act 1989 endorse the appointment of Mr Rob Small to the position of Chief Executive Officer, Colac Otway Shire Council commencing on 11 May 2009 for a contract period of three years with an option of a further two years.

CARRIED 6 : 1

DIVISION called by Cr Smith

***For the Motion: Cr Stephen Hart, Cr Russell, Cr Stuart Hart, Cr Crook, Cr Higgins,
Cr Buchanan***

Against the Motion: Cr Smith

The Mayor thanked Mr Jack Green for his time and commitment to Council during his role as Acting Chief Executive Officer.

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