

MINUTES of the **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held at the COPACC Meeting Rooms on 27 February 2013 at 5.00 pm.

1. 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 Lyn Russell (Mayor)
Cr Brian Crook
Cr Michael Delahunty
Cr Stephen Hart
Cr Mick McCrickard
Cr Chris Smith
Cr Terry Woodcroft

Rob Small, Chief Executive Officer
Colin Hayman, General Manager, Corporate & Community Services
Neil Allen, General Manager, Infrastructure & Services
Jack Green, General Manager, Sustainable Planning & Development
Maree Redmond, Acting 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 community input and participation in Council decisions. Council meetings provide an opportunity for the community to ask Council questions, either verbally at the meeting or in writing.

Please note that Council may not be able to answer some questions at the meeting. These will be answered later.

Council meetings enable Councillors to debate matters prior to decisions being made. I ask that we all behave in a courteous manner.

An audio recording of this meeting is being made for the purpose of ensuring the minutes of the meeting are accurate. 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. It is an offence to make an unauthorised recording of the meeting.

Thank you. Now 30 minutes is allowed for question time. 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. This is not a forum for public debate or statements.

1. Questions received in writing prior to the meeting (subject to attendance and time),
2. Questions from the floor.

5. QUESTION TIME

Questions Received in Writing Prior to the Meeting

Julie Smith - in relation to Amendment C69 and the Panel Hearing Report:

1. When was the most recent DWMP undertaken by Council?

Response

The most recent DWMP (Domestic Wastewater Management Plan) prepared by the Shire was in 2007. It was developed across the whole municipality for high risk townships and did not include Lavers Hill.

2. Can Council supply a FULL costing of the most recent DWMP done in the Colac Otway shire? If not, why not? If so, when can I expect a copy of it to be delivered to me?

Response

Council received funding from the State Government of \$30,000, Council contributed \$15,000 and \$15,000 was contributed in-kind. The \$60,000 total funds were primarily used for the DWMP but also used for other plans as well.

3. What is the difference between an onsite waste water plan and a DWMP?

Response

An Onsite Waste Water Plan relates to management of waste water within the title boundary and can cover such factors as erosion. A DWMP generally looks at the bigger picture for township zones. It considers housing density, the size of land blocks and the ultimate disposal of effluent if the township is eventually sewered.

4. The answer to my question 2 at the 23 January, 2013 Council Meeting is that a DWMP is required to change zoning on the Lots (i) 19G\PP2089 and (ii) TP125018 pt 19G. Why is there no mention of the landowners of these 2 properties being responsible for costs involved in preparation of a DWMP? Why can my land not be included in this DWMP (on i and ii) when the impact on water quality will be much higher should this land be developed than one house on my property of 25 acres and, at the end of the day these two lots, regardless of what they are called, remain in the Water Catchment Area and are currently still zoned Farming?

Response

A Domestic Wastewater Management Plan is required to support a density of development greater than one dwelling per 40 hectares under the State Government Guidelines for Open Potable Water Supply Catchments. The land being rezoned to Township Zone north of the Great Ocean Road in Lavers Hill in Amendment C69 includes the Police Station and vacant land at 68-72 Great Ocean Road. Wannon Water, following extensive consultation in the preparation of the Rural Living Strategy and Amendment C69, supported these rezonings given one site was developed and the vacant lot could potentially be developed on the topmost section of the site without adverse impacts on water quality. No DWMP was considered necessary. Officers have scheduled a meeting with the water authorities and Ms Smith to explain the requirements of a DWMP and the process which would need to be undertaken.

5. I ask again what is the proposed Housing Density of the two lots detailed in Question 4 above and will subdivision be permitted on these 2 blocks?

Response

The density of dwellings in this location is above 1 per 40 hectares. A planning permit is required to further develop either of the allotments, including for a dwelling, under the Environmental Significance Overlay 3 which requires consideration of impacts on the water catchment. Referral of any application would be required to the water authority, which may or may not consent to the development proceeding following a detailed examination of potential water quality impacts. There is no guarantee of further development occurring on either of the two allotments.

6. Did Planning Officers at any time between the release of the Panel Report on C69 and January 19, 2013 contact the Panel Hearing Committee seeking clarification of any recommendations, specifically those relating to my property within the Panel Report and if not, why not? I ask this question as I was told by Doug McNeil at the 23 January, 2013 Council meeting that a lay person may misinterpret the recommendations as the document was badly written.

Response

Shire planning officers did not have any contact with Planning Panels Victoria to seek clarification of any of the recommendations of the C69 Panel report. This was not considered necessary given officers clearly understood the processes which needed to be followed in responding to the recommendations. Officers sought advice from planning staff at the Geelong office of the Department of Planning and Community Development (DPCD) prior to the 23 January 2013 Council meeting to confirm that it was following the correct process given the questions being raised by Ms Smith.

7. Does Council have any plans within the next ten years to acquire any land within the Lavers Hill area for any type of public use?

Response

There are currently no plans for acquisition of land by Council for public use within the next ten years.

8. Could someone please fully explain to me why my land cannot be included in Amendment C69 when 2-6 Frizon St, Forrest is to be rezoned TZ which was a zoning not supported in Report OM122507-6, Amendment 4, page 93, Submission 15? This land was exhibited to be rezoned RLZ, the submission requested that a TZ be applied, the Council Officer's comments did not support this rezoning, the Panel

Recommendation was to rezone 2-6 Frizon St to TZ and it is now a change to exhibited Amendment. This shows that changes to exhibited amendments are possible so can Council explain the contradictory treatment between the land at Forrest and my own?

Response

It was not possible for rezoning of the Smith property to occur through Amendment C69. Because the property was not included in the exhibited amendment, it will need to go through a separate amendment process that allows surrounding land owners to respond with submissions through an exhibition process, and for formal input into the process by Wannan Water which is responsible for management of the water catchment. Such a rezoning would only be possible if justified/supported by a DWMP.

This is a long held consistent approach from DPCD which unfortunately was not made clear by the panel through its report. The land rezoned Township Zone at 2-6 Frizon Street was proposed to be rezoned Rural Living Zone by Amendment C69, and the Panel was able to consider the appropriateness of that zone during the panel process, and to make a recommendation for a different zoning without a separate amendment being required because it already formed part of the amendment and the change was not significant. Unlike the Smith property, a DWMP was not required to support the zoning change in Frizon Street as the land was not in a declared open potable water catchment.

James Judd

1. As last month no details were provided of what was bought up at a Council Workshop. When will you again provide these details to the public since the matter of the Library Annexe was moved from an open Council meeting to a Council Workshop. Without these details the public remains in the dark about the Council ever dealing with the matter. Unless someone leaks, no details ever get out and we want to know is it to continue and what hours will be provided.

Response

Councillor workshops and briefings are assemblies of Council and as such must be reported through our monthly meeting process. Almost invariably these briefings and workshops lead to disclosure through the regular Council meetings. The majority is in open Council with only those that meet the conditions of privacy, prejudicial situations or commercial in confidence matters being dealt with "in camera". Even then some of this material can be disclosed at a later date.

In checking the agenda for the January Council meeting, the agendas for the Councillors workshops on 12 December 2012 and the briefing session on 17 December 2012 were both included.

Is there a specific date of a briefing that you believe has not been disclosed?

2. The reduction proposed in the "Long Service Leave Reserve".
Is this estimated using the present requirement rate of call on the Long Service Leave Reserve?
or
Has any account been taken for the actual amount falling due and payable at any given time?

Once due it is actually due and payable at call. You cannot base a calculation on the basis some would defer taking long service leave.
Funds must always be available to meet in full amounts due at any one time and this includes people who have worked long enough to accrue any long service leave entitlements. Be it in part or a full amount.

Response

After the transfer of funds from the Long Service Leave Reserve to fund part of the balance of the Defined Benefits Call, there will be a balance in the Reserve to meet any immediate payments due to staff.

Council has recognised the importance of retaining funds in the Reserve and has committed to paying back the Reserve in as short a time as practicable.

Phil & Marg Lawson

The Apollo Bay Structure Plan designates the area close to the commercial centre of Apollo Bay as "Higher density residential" and to "Encourage medium density residential" as far as McLachlan St.

However half the roads in these areas have no footpaths meaning mothers with small children and prams share the roadway with buses. This is clearly unsafe and unsatisfactory. Note: There are no footpaths on the majority of Nelson St [a major road from the harbour to the Shire Offices]. Half the length of Pascoe St has no footpath and no footpaths exist at all on Montrose Ave, Martin, Thompson and Murray Streets.

Is Council going to rectify this situation in the next few years?
If not: When?

Response

Apollo Bay's footpath network has been previously appraised as part of the Apollo Bay Footpath Strategy. This document resulted in the definition of the primary footpath network and recommended work packages to complete this network. The primary footpath network is now in place. Regarding secondary footpath routes, such as Martin Street, Thompson and Murray Street, the Strategy recommended that construction proceed only where a Special Charge Scheme or other development contribution is secured.

The Council is currently undertaking a review of the Apollo Bay Footpath Strategy. This review will include full public consultation sessions prior to the Strategy being adopted by Council. I would encourage you to be part of this review process. Council welcomes and encourages public input and seeks to produce a Strategy that completely meets the needs of the broader Apollo Bay community. The information and consultation process will be advertised in the Colac Herald and Apollo Bay news sheet.

G. L. McKenzie

1. The Colac Otway Shire had a recent grant for a feasibility study of walk trails in the area that yielded answers with questionable monetary returns.
Does the Colac Otway Shire still employ the person that did the feasibility study? If so why?

Response

The Apollo Bay Trails Feasibility Study was carried out using a staff member on a one year fixed term contract. That person completed his project and has left Council's employ.

2. Are walk trails now a greater priority than the Apollo Bay rate payer's footpaths, curbing, underground drainage and even sealing the roads in Marengo and Skenes Creek? If so why?

Response

Walking trails are not necessarily a higher priority than footpaths, curbing or drainage nor are they more important than sealing roads.

Petition

A petition from Cate Thomas of Apollo Bay regarding "Laws Relating To Dogs And Their Owners" was tabled.

As per Local Law 4 Clause 104 (1) a report will be provided on the petition to the 27 March Council meeting.

Questions Received Verbally at the Meeting

Malcolm Gardiner – Kawarren (2 Questions on Notice)

1. Does the Shire intend putting in a submission to Barwon Water regarding the augmentation options for the Colac Water Supply.
2. If the Shire does make a submission, could I obtain a copy of it please.

6. DECLARATION OF INTEREST

| | |
|---------------------|---|
| Colin Hayman: | OM132702-4 – DEFINED BENEFIT SUPERANNUATION FUNDING |
| Nature of Interest: | Indirect |

| | |
|---------------------|---|
| Neil Allen: | OM132702-4 – DEFINED BENEFIT SUPERANNUATION FUNDING |
| Nature of Interest: | Indirect |

| | |
|---------------------|--|
| Colin Hayman: | OM132702-19 – DEFINED BENEFITS SUPERANNUATION SCHEME |
| Nature of Interest: | Indirect |

| | |
|---------------------|--|
| Neil Allen: | OM132702-19 – DEFINED BENEFITS SUPERANNUATION SCHEME |
| Nature of Interest: | Indirect |

| | |
|-----------------------|--|
| Cr Delahunty: | OM132702-23 – Contract 1216 – Design and Construction of the Colac Livestock Selling Centre Roof |
| Nature of Disclosure: | Direct |
| Nature of Interest: | Submitted an Expression of Interest for the construction of the roof. |

7. CONFIRMATION OF MINUTES

- **Ordinary Council Meeting held on the 23 January 2013**
- **Special Council Meeting held on the 13 February 2013**

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft that Council confirm the above minutes.

CARRIED 7 : 0

OFFICERS' REPORTS

Chief Executive Officer

- OM132702-1 CEO'S PROGRESS REPORT TO COUNCIL
- OM132702-2 COUNCILLOR CODE OF CONDUCT
- OM132702-3 STAFF ESTABLISHMENT LEVELS
- OM132702-4 DEFINED BENEFIT SUPERANNUATION FUNDING

Corporate and Community Services

- OM132702-5 FINANCIAL REPORTING - BENCHMARKING/PERFORMANCE INDICATORS AND FINANCIAL SUSTAINABILITY INDICATORS
- OM132702-6 FESTIVAL AND EVENTS SUPPORT SCHEME 2013/14
- OM132702-7 2013-2014 COMMUNITY FUNDING PROGRAM
- OM132702-8 COUNCILLOR AND MAYORAL ALLOWANCES MEETING DATE

Infrastructure and Services

- OM132702-9 DECLARATION OF ROAD AS UNUSED - ROAD ABUTTING 190 SPRINGS ROAD, YEO
- OM132702-10 LICENCE FOR APOLLO BAY SAILING CLUB TEMPORARY CLUB HOUSE/MULTIPURPOSE FACILITY
- OM132702-11 PROPOSED LEASE AGREEMENT - 5 BEECH FOREST LAVERS HILL ROAD, BEECH FOREST
- OM132702-12 ROAD DISCONTINUANCE - LANE ABUTTING 1 BRYAN AVENUE, COLAC
- OM132702-13 SPECIAL CHARGE SCHEME FINALISATION - SINCLAIR STREET SOUTH, ELLIMINYT

Sustainable Planning and Development

- OM132702-14 REVIEW OF BIRREGURRA STRUCTURE PLAN - DRAFT REPORT
- OM132702-15 APOLLO BAY FORESHORE RESERVE NEIGHBOURHOOD SAFER PLACE DESIGNATION

General Business

- OM132702-16 ASSEMBLY OF COUNCILLORS
- OM132702-17 MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE
- OM132702-18 ITEM FOR SIGNING & SEALING - CREATION OF SEWERAGE EASEMENT - 28 -36 MAIN STREET, BIRREGURRA; 42-44 MAIN STREET, BIRREGURRA; AND 30-34 JENNER STREET, BIRREGURRA

Notices of Motion

- OM132702-19 DEFINED BENEFITS SUPERANNUATION SCHEME
- OM132702-20 TAXATION AND COUNCILLOR ALLOWANCES
- OM132702-21 2013/2014 BUDGET

CHIEF EXECUTIVE OFFICER

| ITEM | |
|-------------------|---|
| OM132702-1 | CEO'S PROGRESS REPORT TO COUNCIL |
| OM132702-2 | COUNCILLOR CODE OF CONDUCT |
| OM132702-3 | STAFF ESTABLISHMENT LEVELS |
| OM132702-4 | DEFINED BENEFIT SUPERANNUATION FUNDING |

OM132702-1**CEO'S PROGRESS REPORT TO COUNCIL**

| | | | |
|-------------|---------------|-----------|-----------|
| AUTHOR: | Rhonda Deigan | ENDORSED: | Rob Small |
| DEPARTMENT: | Executive | FILE REF: | F11/3291 |

***MOVED Cr Terry Woodcroft seconded Cr Mick McCrickard
That Council notes the CEO's Progress Report to Council.***

CARRIED 7 : 0

OM132702-2 COUNCILLOR CODE OF CONDUCT

| | | | |
|-------------|--------------|-----------|-----------|
| AUTHOR: | Colin Hayman | ENDORSED: | Rob Small |
| DEPARTMENT: | Executive | FILE REF: | 11/96037 |

MOVED Cr Stephen Hart seconded Cr Mick McCrickard

- 1. That Council adopts the Colac Otway Shire Councillor Code of Conduct.***
- 2. That all Councillors sign the Councillor Code of Conduct at the Council Meeting on 27 February 2013.***

CARRIED 6 : 1

DIVISION called by Cr Stephen Hart

For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Mick McCrickard, Cr Terry Woodcroft, Cr Michael Delahunty

Against the Motion: Cr Chris Smith

OM132702-3 STAFF ESTABLISHMENT LEVELS

| | | | |
|-------------|-----------|-----------|-----------|
| AUTHOR: | Rob Small | ENDORSED: | Rob Small |
| DEPARTMENT: | Executive | FILE REF: | CLF11/42 |

Original Recommendation(s)**That Council:**

1. **Authorises the CEO to approve placement of new staff positions, whether temporary or permanent, that have a negligible impact on rates and charges (where the income funds the operation, as in grants or acting as an auspicing agency only).**
2. **Notes that the allocation of hours for certain service delivery items are a mandatory requirement on Council and in these instances the existing delegations continue in operation.**
3. **Requests that any changes to staff establishment figures, where there is a direct impact on rates or charges income, shall require prior approval of Council, preferably through the budget process (existing situation) and also consistent with Council's December resolution.**
4. **Recognises the division of responsibilities mandated in the Local Government Act 1989.**

MOTION - MOVED Cr Chris Smith seconded Cr Terry Woodcroft that:**That Council:**

1. **Notes with concern the significant increase in employee numbers and associated costs in recent years.**
2. **Instructs the Chief Executive Officer to immediately institute a cap on Equivalent Full Time (EFT) staff numbers so there is no further increase unless there is an explicit Council resolution approving the increase before it occurs.**
3. **In calculating the EFT staff number, the Chief Executive Officer is to ensure that staff hired via an employment agency on a contractual basis or similar arrangement are included in the calculation.**
4. **Instructs the CEO to ensure that employee costs for the current financial year will be kept within the budget.**

LOST 2 : 5**DIVISION called by Cr Chris Smith****For the Motion: Cr Chris Smith, Cr Michael Delahunty****Against the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Mick McCrickard, Cr Terry Woodcroft**

MOTION - MOVED Cr Stephen Hart seconded Cr Brian Crook:**That Council:**

- 1. Authorises the CEO to approve placement of new staff positions, whether temporary or permanent, that have a negligible impact on rates and charges (where the income funds the operation, as in grants or acting as an auspicing agency only).**
- 2. Notes that the allocation of hours for certain service delivery items are a mandatory requirement on Council and in these instances the existing delegations continue in operation.**
- 3. Requests that any changes to staff establishment figures, where there is a direct impact on rates or charges income, shall require prior approval of Council, preferably through the budget process (existing situation) and also consistent with Council's December resolution.**
- 4. Recognises the division of responsibilities mandated in the Local Government Act 1989.**
- 5. The Chief Executive Officer is to produce a 2013/2014 budget with a maximum annual employee cost, net of direct grants and external funding of \$13.9 million.**

CARRIED 6 : 1**DIVISION called by Cr Chris Smith****For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Mick McCrickard, Cr Terry Woodcroft, Cr Michael Delahunty****Against the Motion: Cr Chris Smith**

OM132702-4 DEFINED BENEFIT SUPERANNUATION FUNDING

| | | | |
|-------------|--------------|-----------|-----------|
| AUTHOR: | Brett Exelby | ENDORSED: | Rob Small |
| DEPARTMENT: | Executive | FILE REF: | CLF11/42 |

Original Recommendation(s)**That Council:**

1. **Confirms the deferment of the following capital works as listed in the January 2013 Ordinary Council Meeting minutes as follows:**

| PROJECTS/PROGRAM | Funds Available \$ |
|--|-------------------------------|
| Asphalt Programme | 28,000 |
| Reseals Program | 7,834 |
| Sealed Road Reconstruction Programme | 117,372 |
| Guardrail Installation Programme | 80,000 |
| Streetlight Replacement Programme | 39,000 |
| Drainage Pipe and Pit Network Renewal | 50,000 |
| Drainage Upgrade Programme | 96,916 |
| Open Space Renewal Programme | 50,000 |
| Events Equipment Renewal | 17,000 |
| Rehabilitation - Landfills | 190,000 |
| Carpark Improvements | 3,381 |
| Building Improvements | 5,421 |
| Parks, Environ & Reserves New | 23,699 |
| Other Miscellaneous Projects | 1,543 |
| SUB TOTAL | 710,166 |
| Less Over Expenditure | |
| Heavy Vehicle Truck Study | -16,183 |
| TOTAL | 693,983 |

2. **Notes the remaining liability to the Defined Benefit Superannuation Fund (Vision Super) has been funded through these savings and a further \$1,595,854 from the Employee Long Service Leave Reserve.**
3. **Repay the funds to the Employee Long Service Leave Reserve which is to be funded over four to five years with the final agreement on this level to be determined in the 2013/2014 budget consideration.**
4. **Allocate funds to the Defined Benefit Superannuation Future Liability Reserve to be limited to \$50,000 per annum with the final figure to be determined in the 2013/2014 budget considerations.**

Rob Small left Council Chambers at 6:04 PM

Rob Small returned to Council Chambers at 6:05 PM

MOTION - MOVED Cr Brian Crook seconded Cr Terry Woodcroft:**That Council:**

1. **Confirms the deferment of the following capital works as listed in the January 2013 Ordinary Council Meeting minutes as follows:**

| PROJECTS/PROGRAM | Funds Available \$ |
|--|-------------------------------|
| Asphalt Programme | 28,000 |
| Reseals Program | 7,834 |
| Sealed Road Reconstruction Programme | 117,372 |
| Guardrail Installation Programme | 80,000 |
| Streetlight Replacement Programme | 39,000 |
| Drainage Pipe and Pit Network Renewal | 50,000 |
| Drainage Upgrade Programme | 96,916 |
| Open Space Renewal Programme | 50,000 |
| Events Equipment Renewal | 17,000 |
| Rehabilitation - Landfills | 190,000 |
| Carpark Improvements | 3,381 |
| Building Improvements | 5,421 |
| Parks, Environ & Reserves New | 23,699 |
| Other Miscellaneous Projects | 1,543 |
| SUB TOTAL | 710,166 |
| Less Over Expenditure | |
| Heavy Vehicle Truck Study | -16,183 |
| TOTAL | 693,983 |

2. **Notes the remaining liability to the Defined Benefit Superannuation Fund (Vision Super) has been funded through these savings and a further \$1,595,854 from the Employee Long Service Leave Reserve.**
3. **Repay the funds to the Employee Long Service Leave Reserve which is to be funded over a number of years with the final agreement on this level to be determined in the 2013/2014 budget consideration.**
4. **Allocate funds to the Defined Benefit Superannuation Future Liability Reserve to be limited to \$50,000 per annum with the final figure to be determined in the 2013/2014 budget considerations.**

CARRIED 5 : 2**DIVISION called by Cr Chris Smith****For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Mick McCrickard, Cr Terry Woodcroft****Against the Motion: Cr Chris Smith, Cr Michael Delahunty**

CORPORATE AND COMMUNITY SERVICES

| ITEM | |
|-------------------|--|
| OM132702-5 | FINANCIAL REPORTING - BENCHMARKING/PERFORMANCE INDICATORS AND FINANCIAL SUSTAINABILITY INDICATORS |
| OM132702-6 | FESTIVAL AND EVENTS SUPPORT SCHEME 2013/14 |
| OM132702-7 | 2013-2014 COMMUNITY FUNDING PROGRAM |
| OM132702-8 | COUNCILLOR AND MAYORAL ALLOWANCES MEETING DATE |

OM132702-5**FINANCIAL REPORTING -
BENCHMARKING/PERFORMANCE INDICATORS AND
FINANCIAL SUSTAINABILITY INDICATORS**

| | | | |
|-------------|-----------------------------------|-----------|-----------|
| AUTHOR: | Colin Hayman | ENDORSED: | Rob Small |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | 11/95595 |

MOVED Cr Brian Crook seconded Cr Mick McCrickard

That Council notes the report on Benchmarking/Performance Indicators 2012/2013.

CARRIED 7 : 0

OM132702-6

FESTIVAL AND EVENTS SUPPORT SCHEME 2013/14

| | | | |
|-------------|--------------------------------|-----------|--------------|
| AUTHOR: | Vicki Jeffrey | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | F11/3291 |

Original Recommendation(s)***That Council:***

- 1. Endorses the revised Festival and Events Support Scheme guidelines and application forms as attached.***
- 2. Commences implementation of the 2013/2014 Festival and Events Support Scheme in accordance with:***
 - a. The revised guidelines and application forms including the proposed process and timelines, and***
 - b. The current funding levels of \$60,000.***
- 3. Refers the increased funding request to the 2013/2014 budgetary process as follows:***

Festival and Events Support Scheme Events \$60,000 to \$75,000

MOTION - MOVED Cr Mick McCrickard seconded Cr Terry Woodcroft:***That Council:***

- 1. Endorses the revised Festival and Events Support Scheme guidelines and application forms as attached.***
- 2. Commences implementation of the 2013/2014 Festival and Events Support Scheme in accordance with:***
 - a. The revised guidelines and application forms including the proposed process and timelines, and***
 - b. The current funding levels of \$60,000.***
- 3. Refers the increased funding request for consideration to the 2013/2014 budgetary process as follows:***

Festival and Events Support Scheme Events \$60,000 to \$75,000

CARRIED 7 : 0

OM132702-7

2013-2014 COMMUNITY FUNDING PROGRAM

| | | | |
|-------------|--------------------------------|-----------|--------------|
| AUTHOR: | Jodie Fincham | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | F11/3291 |

Original Recommendation(s)**That Council:**

1. **Endorses the revised 2013/2014 Council Community Funding Program guidelines and application forms.**
2. **Commences implementation of Council's Community Funding Program in accordance with:**
 - a. **The revised guidelines and application forms including the proposed processes and timelines, and**
 - b. **The current funding levels.**

| | |
|-----------------------|-----------------|
| Recreation Facilities | \$80,000 |
| Community Projects | \$40,000 |
| COPACC Assistance | \$10,000 |
3. **Refers the increased funding request to the 2013/2014 budgetary process as follows:**

| | |
|-----------------------|------------------------------|
| Recreation Facilities | \$80,000 to \$100,000 |
| Community Projects | \$40,000 to \$ 60,000 |
| COPACC Assistance | \$10,000 |

MOTION - MOVED Cr Mick McCrickard seconded Cr Terry Woodcroft:**That Council:**

1. **Endorses the revised 2013/2014 Council Community Funding Program guidelines and application forms.**
2. **Commences implementation of Council's Community Funding Program in accordance with:**
 - a. **The revised guidelines and application forms including the proposed processes and timelines, and**
 - b. **The current funding levels.**

| | |
|-----------------------|-----------------|
| Recreation Facilities | \$80,000 |
| Community Projects | \$40,000 |
| COPACC Assistance | \$10,000 |

3. *Refers the increased funding request for consideration to the 2013/2014 budgetary process as follows:*

| | |
|------------------------------|------------------------------|
| <i>Recreation Facilities</i> | <i>\$80,000 to \$100,000</i> |
| <i>Community Projects</i> | <i>\$40,000 to \$ 60,000</i> |
| <i>COPACC Assistance</i> | <i>\$10,000</i> |

CARRIED 7 : 0

OM132702-8

**COUNCILLOR AND MAYORAL ALLOWANCES MEETING
DATE**

| | | | |
|-------------|--------------------------------|-----------|--------------|
| AUTHOR: | Rick Morrow | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | F11/2221 |

Original Recommendation(s)

That Council notes the resolutions relating to Councillor and Mayoral allowances passed on 19 December 2012 indicating the intention to determine the allowances at the 28 March 2013 Council Meeting and that the date be changed to 27 March 2013.

MOTION - MOVED Cr Michael Delahunty seconded Cr Mick McCrickard:

That Council notes the resolutions relating to Councillor and Mayoral allowances passed on 19 December 2012 indicating the intention to determine the allowances at the 28 March 2013 Council Meeting and that that determination be changed to the 27 March 2013 Council meeting.

CARRIED 7 : 0

INFRASTRUCTURE AND SERVICES

| ITEM | |
|--------------------|---|
| OM132702-9 | DECLARATION OF ROAD AS UNUSED - ROAD ABUTTING 190 SPRINGS ROAD, YEO |
| OM132702-10 | LICENCE FOR APOLLO BAY SAILING CLUB TEMPORARY CLUB HOUSE/MULTIPURPOSE FACILITY |
| OM132702-11 | PROPOSED LEASE AGREEMENT - 5 BEECH FOREST LAVERS HILL ROAD, BEECH FOREST |
| OM132702-12 | ROAD DISCONTINUANCE - LANE ABUTTTING 1 BRYAN AVENUE, COLAC |
| OM132702-13 | SPECIAL CHARGE SCHEME FINALISATION - SINCLAIR STREET SOUTH, ELLIMINYT |

OM132702-9

**DECLARATION OF ROAD AS UNUSED - ROAD ABUTTING 190
SPRINGS ROAD, YEO**

| | | | |
|-------------|---------------------------|-----------|------------|
| AUTHOR: | Clive Brooker | ENDORSED: | Neil Allen |
| DEPARTMENT: | Infrastructure & Services | FILE REF: | F11/3291 |

MOVED Cr Michael Delahunty seconded Cr Terry Woodcroft***That Council:***

- 1. Declares as unused that section of Springs Road Yeo, fully described as the unused road east of Crown allotment 81, Parish of Yeo and east of the southern part of lot 2, PS333357 Parish of Yeo.***
- 2. Instructs the Chief Executive Officer to give notice to the Department of Sustainability and Environment of Council's determination to declare the road as unused, by signing the attached document, being Schedule 4 of the Land Regulations 2006 No. 118.***
- 3. Requests that DSE include a special condition on any grazing licence granted over the unused road which requires that any gates erected by the licensee be free swinging and unlocked at all times.***

CARRIED 7 : 0

OM132702-10 LICENCE FOR APOLLO BAY SAILING CLUB TEMPORARY CLUB HOUSE/MULTIPURPOSE FACILITY

| | | | |
|-------------|---------------------------|-----------|------------|
| AUTHOR: | Ranjani Jha | ENDORSED: | Neil Allen |
| DEPARTMENT: | Infrastructure & Services | FILE REF: | F11/3291 |

MOVED Cr Terry Woodcroft seconded Cr Mick McCrickard

That Council:

- 1. Supports a three (3) year Licence Agreement to be signed between Council and Apollo Bay Sailing Club for the temporary clubhouse/multipurpose facility at the Apollo Bay Harbour premises.***
- 2. Delegates to the Chief Executive Officer authority to sign the Licence Agreement subject to the following conditions:***
 - The new Licence Agreement fee being \$175.00 from the year 2013 - 2014 onwards based on a 3% average CPI increase per year from the previous licence.***
 - The Public Liability Insurance be increased from \$10M to a value of \$20M.***
 - All Apollo Bay Sailing Club operations comply with the Apollo Bay Harbour Safety & Environment Management Plan (SEMP).***
 - That the licence be for 3 years from the date of this approval.***

CARRIED 7 : 0

OM132702-11 PROPOSED LEASE AGREEMENT - 5 BEECH FOREST LAVERS HILL ROAD, BEECH FOREST

| | | | |
|-------------|---------------------------|-----------|------------|
| AUTHOR: | Adam Lehmann | ENDORSED: | Neil Allen |
| DEPARTMENT: | Infrastructure & Services | FILE REF: | 11/95690 |

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft:

That Council;

Subject to Flow FM receiving statutory planning and/or building approvals where applicable, enter into a lease agreement between the Colac Otway Shire Council and Flow FM for the installation of radio broadcast equipment on Council premises at 5 Beech Forest Lavers Hill Road, Beech Forest, as follows;

- 1) The term of the lease is for a period of 5 years up to 27 February 2018, with a further 5 year option at Council's discretion;***
- 2) The rental charge is \$1,000 per annum indexed annually at the start of each year based on the Consumer Price Index; and***
- 3) Reimbursement of Electricity costs based on a fee of \$1,500 per year indexed annually at the start of each year based on the Consumer Price Index.***

CARRIED 7 : 0

OM132702-12 ROAD DISCONTINUANCE - LANE ABUTTING 1 BRYAN AVENUE, COLAC

| | | | |
|-------------|---------------------------|-----------|------------|
| AUTHOR: | Adam Lehmann | ENDORSED: | Neil Allen |
| DEPARTMENT: | Infrastructure & Services | FILE REF: | 11/96582 |

MOVED Cr Brian Crook seconded Cr Mick McCrickard

That Council:

- 1. Gives public notice of its intention to discontinue the section of road described as Lot 1 on TP 944155R and abutting 1 Bryan Avenue, Colac.***
- 2. Subject to complying with all relevant legislation including section 223 of the Local Government Act 1989 and a six week notification period, and if no submissions are received, instruct the Chief Executive Officer to execute the discontinuance via a notice published in the Victoria Government Gazette.***
- 3. If objections are received, advertises in the local media and holds a Special Council Meeting on a date to be determined in COPACC to consider the objections. Formal advice of the time and place of the meeting will be provided to those parties wanting to be heard in support of their objections.***
- 4. If required, makes a final decision following preparation of a report by the General Manager Infrastructure and Services based on the recommendations of the Special Council Meeting to the following Council meeting.***

CARRIED 7 : 0

OM132702-13 SPECIAL CHARGE SCHEME FINALISATION - SINCLAIR STREET SOUTH, ELLIMINYT

| | | | |
|-------------|---------------------------|-----------|------------|
| AUTHOR: | Paula Gardiner | ENDORSED: | Neil Allen |
| DEPARTMENT: | Infrastructure & Services | FILE REF: | F11/3291 |

MOVED Cr Terry Woodcroft seconded Cr Brian Crook:

That Council:

1. **Adopts the final Special Charge Scheme costs for the construction of the formally unsealed section of Sinclair Street South, between Irrewillipe Road and Pound Road, Elliminyt, as follows;**
 - a. **The final scheme cost being \$275,972.95**
 - b. **Council apportionment \$99,582.38**
 - c. **Property owners apportionment \$176,390.57**
2. **Authorises officers to commence collection of money owed through the Special Charge Scheme by notifying effected property owners of the final costs levied against the properties within the scheme boundary based on the Property Owners apportionment costs of \$176,390.57 distributed as follows:**

| Property Address | Property Description | Cost |
|---------------------------|-----------------------------------|-------------|
| 194 Sinclair Street South | CA 24 Section A | \$8,439.74 |
| 200 Sinclair Street South | CA 23 Section A | \$8,439.74 |
| 204 Sinclair Street South | Lot 1 LP71879 CA Pt.22 Section A | \$5,485.83 |
| 208 Sinclair Street South | Lot 2 LP71879 CA Pt.22 Section A | \$8,439.74 |
| 212 Sinclair Street South | CA 21 Section A | \$8,439.74 |
| 218 Sinclair Street South | CA 20 Section A | \$0 |
| 222 Sinclair Street South | Lot 1 TP587211W | \$8,439.74 |
| 226 Sinclair Street South | CP160454 | \$8,439.74 |
| 232 Sinclair Street South | CA 1 Section H | \$8,439.74 |
| 238 Sinclair Street South | Lot 1 TP779415 | \$8,439.74 |
| 246 Sinclair Street South | Lot 1 PS 513219K (CA 6 Section H) | \$8,439.74 |
| 275 Sinclair Street South | Lot 2 PS510563K | \$8,439.74 |
| 285 Sinclair Street South | Lot 2 LP308326D | \$8,439.74 |
| 295 Sinclair Street South | Lot 2 PS523188 | \$8,439.74 |
| 303 Sinclair Street South | CA 12 Section K | \$8,439.74 |
| 313 Sinclair Street South | CA 13 Section K | \$8,439.74 |
| 323 Sinclair Street South | CA 14 & 15 Section K | \$8,439.74 |
| 232 Pound Road | CA Pt.26 Section A | \$6,329.81 |
| 248 Pound Road | Lot 3 PS517162R | \$6,329.81 |
| 200 Cants Road | PC366956 | \$25,319.22 |
| 120 Irrewillipe Road | CA 10 Section H | \$6,329.81 |

CARRIED 7 : 0

SUSTAINABLE PLANNING AND DEVELOPMENT

| ITEM | |
|--------------------|---|
| OM132702-14 | REVIEW OF BIRREGURRA STRUCTURE PLAN - DRAFT REPORT |
| OM132702-15 | APOLLO BAY FORESHORE RESERVE NEIGHBOURHOOD SAFER PLACE DESIGNATION |

OM132702-14 REVIEW OF BIRREGURRA STRUCTURE PLAN - DRAFT REPORT

| | | | |
|-------------|---------------------------------------|-----------|------------|
| AUTHOR: | Don Lewis | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F12/7761 |

MOVED Cr Brian Crook seconded Cr Terry Woodcroft

That Council receives the revised draft Birregurra Structure Plan and endorses the document for public consultation for a period of 6 weeks.

CARRIED 7 : 0

OM132702-15

**APOLLO BAY FORESHORE RESERVE NEIGHBOURHOOD
SAFER PLACE DESIGNATION**

| | | | |
|-------------|---------------------------------------|-----------|------------|
| AUTHOR: | Wendie Fox | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F11/3291 |

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft.

That Council endorses the area as described and detailed within the Neighbourhood Safer Place Site Assessment Report which is located within the Apollo Bay Foreshore Reserve, Apollo Bay as a designated Neighbourhood Safer Place.

CARRIED 7 : 0

Cr Mick McCrickard left Council Chambers at 6.52 PM

GENERAL BUSINESS

| ITEM | |
|--------------------|--|
| OM132702-16 | ASSEMBLY OF COUNCILLORS |
| OM132702-17 | MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE |
| OM132702-18 | ITEM FOR SIGNING & SEALING - CREATION OF SEWERAGE EASEMENT - 28 -36 MAIN STREET, BIRREGURRA; 42-44 MAIN STREET, BIRREGURRA; AND 30-34 JENNER STREET, BIRREGURRA |

OM132702-16 ASSEMBLY OF COUNCILLORS

| | | | |
|-------------|---------------|-----------|-----------|
| AUTHOR: | Rhonda Deigan | ENDORSED: | Rob Small |
| DEPARTMENT: | Executive | FILE REF: | CLF11/6 |

MOVED Cr Stephen Hart seconded Cr Brian Crook

That Council notes the Assembly of Councillors reports for:

- ***Friends of Colac Botanic Gardens*** 13 December 2012
- ***Councillor Workshop*** 16 January 2013
- ***Livestock Selling Centre Advisory Committee*** 17 January 2013
- ***Councillor Briefing Session*** 23 January 2013
- ***Councillor Induction Tour of the Shire*** 6 February 2013
- ***Councillor Workshop*** 13 February 2013

CARRIED 6 : 0

OM132702-17

MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE

| | | | |
|-------------|--------------------------------|-----------|--------------|
| AUTHOR: | Jodie Fincham | ENDORSED: | Colin Hayman |
| DEPARTMENT: | Corporate & Community Services | FILE REF: | F11/3291 |

MOVED Cr Stephen Hart seconded Cr Brian Crook

That Council notes the Minutes and Executive Officer Report of the Old Beechy Rail Trail Committee for 3 December 2012.

CARRIED 6 : 0

OM132702-18 ITEM FOR SIGNING & SEALING - CREATION OF SEWERAGE EASEMENT - 28 -36 MAIN STREET, BIRREGURRA; 42-44 MAIN STREET, BIRREGURRA; AND 30-34 JENNER STREET, BIRREGURRA

| | | | |
|-------------|---------------------------|-----------|------------|
| AUTHOR: | Adam Lehmann | ENDORSED: | Neil Allen |
| DEPARTMENT: | Infrastructure & Services | FILE REF: | F11/3291 |

MOVED Cr Terry Woodcroft seconded Cr Brian Crook

That Council resolves to approve the signing and sealing of the attached Creation of Easement document consenting to the creation of sewerage easements in favour of Barwon Water over:

- a. 28-36 Main Street, Birregurra (C/T Vol 6701 Fol 028)***
- b. 42-44 Main Street, Birregurra (C/T 8652 Fol 259)***
- c. 30-34 Jenner Street, Birregurra (C/T Vol 7106 Fol 186)***

CARRIED 6 : 0

Cr Mick McCrickard returned to Council Chambers at 6.55 PM

NOTICES OF MOTION

| ITEM | |
|-------------|--|
| OM132702-19 | DEFINED BENEFITS SUPERANNUATION SCHEME |
| OM132702-20 | TAXATION AND COUNCILLOR ALLOWANCES |
| OM132702-21 | 2013/2014 BUDGET |

OM132702-19 DEFINED BENEFITS SUPERANNUATION SCHEME (CR STEPHEN HART)**ORIGINAL RECOMMENDATION**

That Council consider the contents of this Notice of Motion.

MOVED Cr Stephen Hart seconded Cr Brian Crook

That Council:

1. ***Notes with concern the significant cost of "calls" to top up the Local Government defined benefits superannuation scheme with the latest call costing Colac Otway Shire approximately \$3.2 million including associated tax and charges.***
2. ***Notes that the defined benefits scheme has been closed to new members for approximately twenty years.***
3. ***Resolves that it is Council's position that the defined benefits scheme should be ended, as soon as possible, for those employees who continue to accumulate benefits under that scheme.***
4. ***Resolves that in ending the scheme it is Council's position that no member loses any of their existing benefit.***
5. ***Resolves that this position should be taken to the Municipal Association of Victoria (MAV) State Council with a view to the MAV adopting a similar position.***
6. ***Instructs Council's Chief Executive Officer to take all reasonable steps to give effect to this resolution including:***
 - a) ***Assisting with the necessary preparations to take an appropriate resolution to the MAV as outlined in point 5.***
 - b) ***Writing to the State and Federal Governments to inform them of this position and to ask them to take any necessary legislative steps to give effect to it.***
 - c) ***Raising Council's position at other forums, such as G21 and/or Great South Coast, where appropriate.***

CARRIED 7 : 0

Cr Terry Woodcroft left Council Chambers at 7:07 PM

Cr Terry Woodcroft returned to Council Chambers at 7:10 PM

OM132702-20 TAXATION AND COUNCILLOR ALLOWANCES (CR STEPHEN HART)**ORIGINAL RECOMMENDATION**

That Council consider the contents of this Notice of Motion.

MOVED Cr Stephen Hart seconded Cr Mick McCrickard:

That Council:

1. ***Notes that most recipients of periodical income payments are required to either quote their tax file number or exemption to the organisation making the payment and/or have tax instalments deducted and forwarded to the Tax Department.***
2. ***Notes that these rules do not apply to the Allowance paid to Councillors unless a Council resolution is passed unanimously to, in effect, instruct that this should occur.***
3. ***Notes that the necessary resolution was supported by the majority of Council at meetings on 25/2/2009 and 23/1/2013 but couldn't be implemented as the resolutions failed to gain unanimous support.***
4. ***Resolves that it is this Council's position that Councillors should be required to provide their tax file number or exemption to Council and/or have tax instalments deducted from Councillor Allowances and that the Council should be required to provide group certificates for each financial year without requiring a unanimous or any resolution of Council.***
5. ***Resolves that this position should be taken to the Municipal Association of Victoria (MAV) State Council with a view to the MAV adopting a similar position.***
6. ***Instructs Council's Chief Executive Officer to take all reasonable steps to give effect to this resolution including:***
 - a) ***Assisting with the necessary preparations to take an appropriate resolution to the MAV as outlined in point 5.***
 - b) ***Writing to the State and Federal Governments to inform them of this position and to ask them to take any necessary legislative steps to give effect to it.***
 - c) ***Raising Council's position at other forums, such as G21 and/or Great South Coast, where appropriate.***

CARRIED 5 : 2

DIVISION called by Cr Stephen Hart

For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Mick McCrickard, Cr Terry Woodcroft

Against the Motion: Cr Chris Smith, Cr Michael Delahunty

OM132702-21 2013/2014 BUDGET (CR CHRIS SMITH)

Original Recommendation

That Council consider the contents of this Notice of Motion.

The Mayor ruled that part 2 of the Notice of Motion be withdrawn as a result of the previous resolution in item 3 part 5 of this meeting:

"The Chief Executive Officer is to produce a 2013/2014 budget with a maximum annual employee cost net of direct grants and external funding of \$13.9 million."

MOTION - MOVED Cr Chris Smith seconded Cr Terry Woodcroft that:

That Council considers the contents of this amended Notice of Motion as follows:

"That the CEO be instructed to produce a 2013/2014 budget with the following:

- 1. A maximum general property rate rise of 3%"***

LOST 2 : 5

DIVISION called by Cr Chris Smith

For the Motion: Cr Chris Smith, Cr Michael Delahunty

Against the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Mick McCrickard, Cr Terry Woodcroft

IN COMMITTEE

MOVED Cr Terry Woodcroft seconded Cr Stephen Hart that pursuant to the provisions of Section 89(2) of the Local Government Act, the meeting be closed to the public and Council move "In-Committee" in order to deal with:

| SUBJECT | REASON | SECTION OF ACT |
|--|--|-----------------------|
| Confidential Items for Consideration - Memo to Councillors - Declaration of Road as Unused - Road Abutting 190 Springs Road, Yeo | This matter may prejudice the Council or any person. | Section 89 (2) (h) |
| Contract 1216 - Design and Construction of the Colac Livestock Selling Centre Roof | This matter deals with contractual matters. | Section 89 (2) (d) |
| Contract 1212 - Apollo Bay Harbour Design and Construction of a Dredge and Workboat | This matter deals with contractual matters. | Section 89 (2) (d) |

CARRIED 7 : 0

Resolution

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft that Council move "Out-of-Committee".

CARRIED 6 : 0

The Meeting Was Declared Closed at 8:02 pm

CONFIRMED AND SIGNED at the meeting held on 27 MARCH 2013

.....*Lyn E. Russell*.....**MAYOR**

