

MINUTES of the **MEETING OF SPECIAL COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held at the COPACC Meeting Rooms, Colac on 10 July 2013 at 1.00pm to 2.32pm and on 17 July 2013 from 12.00pm to 12.14pm at the COPACC Meeting Rooms, Colac.

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

Rob Small, Chief Executive Officer
Colin Hayman, General Manager, Corporate and Community Services
Neil Allen, General Manager, Infrastructure and Services
Jack Green, General Manager, Sustainable Planning and Development
Brett Exelby, Manager, Finance and Customer Services
Rhonda Deigan, Executive Officer

3. APOLOGIES

Cr Terry Woodcroft

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. As this is a Special Council Meeting, all questions asked must relate to the agenda.

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 Submitted in Writing Prior to the Meeting

James Judd

1. How does this council explain its budget calculations when in a particular estimate of expenses for two years, it adds both income and expenditure together to arrive at a total cost while offering no explanation of how income is an expense?

Response

In order to answer this question we would require further information as it is unclear what item in the budget Mr Judd is referring to.

Questions from the floor

Gary Ryan – Colac

1. Could Council explain why spending on roadworks in this coming budget has decreased from \$500,000 to \$300,000 while estimated expenditure on labour saving computers is \$1.5 million?

Response:

The General Manager for Infrastructure and Services explained that expenditure on roadworks was spread over several areas within the budget with a total value in excess of \$8 million.

2. Given the estimated expenditure on computers of \$1.5 million, will this address the issue of files reportedly being lost in the past?

Response:

The CEO advised that while there may have been some files lost during the amalgamation of the two Councils, officers are confident that the current electronic system of record keeping is best practice and will prevent further losses of files.

Tony Baldwin – Otway Business Inc.

1. Given the reduction in the predicted rate rise resulting from an increase in Federal Government grants, shouldn't Council use the extra funding from the Regional

Development Australia Fund – Round 5 to top up the funds already put aside for projects within the Colac Central Business and Entrances Project to encourage future economic development and investment within the Shire?

Response:

The Mayor advised that Councillors would be considering that matter as part of the agenda for this Special Council meeting.

Allan Billing – Larpent

1. Given that the burden on ratepayers to meet their rate payments has increased by 38% over the past five years, could Council please advise which group of ratepayers has had an increase of 38% in their capacity to pay this increase over the same period?

Response:

The CEO advised that Whelans Consultancy had undertaken a local government financial sustainability study with a focus on small rural Councils which had indicated that this Shire's ratepayers did have the capacity to pay their rates. However there will always be some people who will struggle to meet their financial commitments. This was especially true of some of our farmers whilst the milk prices were low and the Australian dollar high.

2. Why is Council continuing to mislead the community by saying that the rate rise will be 6.8% when in fact it will be 7.2%?

Response:

The General Manager for Corporate and Community Services advised that the average increase including rates, fees and charges and the waste management charge will be 6.8%.

3. Isn't that misleading?

Response:

The General Manager for Corporate and Community Services stated that no, the total rates and charges, including the waste management charge, will increase by an average of 6.8%.

4. So everyone will have an increase of 6.8%?

Response:

The General Manager for Corporate and Community Services reiterated that the total rates and charges, including the waste management charge, will increase by an average of 6.8%. Those ratepayers who do receive a waste collection will receive a slightly lower increase. Overall, however, there will be a 6.8% increase on average. The waste management charge for this year had been changed to reflect a move towards a cost recovery system which had resulted in a lower than average increase on last year's waste charge.

5. So the reality is that not everyone receives a waste collection and so their rate increase will be higher than 6.8%?

Response:

The General Manager for Corporate and Community Services stated that was correct for this year but would not be correct for other years.

6. It is quoted in the budget that \$689,617 is to be spent on tourism support, could Council explain how this level of support is justified and why other industries within the Shire do not receive similar support?

Response:

The CEO stated that Council believed that the investment made in the tourism industry was reasonable considering the multiplier effect this industry provided in benefits back to the Shire from this investment.

7. Why has Council not considered that other industries should receive that same support?

Response:

The General Manager for Corporate and Community Services responded that the commercial rate increased several years ago to cover the support provided to tourism, whilst at the same time the rates imposed on agricultural properties had been reduced.

Gary Ryan – Colac

1. Although there is a legal obligation for Council to put aside money to meet its employees' superannuation entitlements, why is there an outstanding amount owing for superannuation in the budget?

Response:

The CEO advised that Council does meet its obligations with respect to the Superannuation Guarantee Contribution for its staff. However the outstanding superannuation amount relates to a call this Council had received for top-up funds to the Defined Superannuation Benefits Fund. While this Council has been putting aside funds, and has been able to meet previous calls, no Council in Victoria had been able to predict the latest call, which for Colac Otway Shire was in excess of \$3 million. Council had been able to meet most of this call through existing reserves and the deferring of some projects, with the balance "borrowed" against the long service leave fund. This "loan" needs to be repaid to meet Council's long service leave liability.

2. Why didn't officers anticipate the full amount of the superannuation call?

Response:

The CEO stated that no Council could have predicted the size of the previous call. This amount is assessed by actuaries on behalf of the Government and is a complex issue. The Defined Benefits Superannuation Fund (DBSF), when it was introduced, was compulsory for local government employees and guaranteed a certain level of benefits to members. While the scheme was closed to new members in 1993, the benefits guaranteed to existing members must still be met and it is up to Councils to fund the difference between the funds available in the DBSF and the amount needed to meet this obligation.

6. DECLARATION OF INTEREST

Nil

OFFICERS' REPORTS

Corporate and Community Services

SC131007-1 ADOPTION OF THE 2013-2014 BUDGET

Sustainable Planning and Development

SC131007-2 REGIONAL DEVELOPMENT AUSTRALIA FUND - ROUND 5

Rob Small
Chief Executive Officer

SC131007-1

ADOPTION OF THE 2013-2014 BUDGET

AUTHOR:	Brett Exelby	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F13/5374

Resolution**MOVED Cr Brian Crook seconded Cr Mick McCrickard****That Council:**

1. **Having considered all submissions received, adopts the 2013-2014 Budget annexed to this resolution as Attachment 1 in accordance with Section 130 of the Local Government Act 1989 (the Act).**
2. **Authorises the Chief Executive Officer to:**
 - a. **Give public notice of this decision to adopt the 2013-2014 Budget, in accordance with Section 130(2) of the Act;**
 - b. **Forward a copy of the adopted Budget to the Minister for Local Government before 31 August 2013, in accordance with Section 130(4) of the Act;**
 - c. **Make available a copy of the adopted Budget at the Rae Street Office and the Apollo Bay Customer Service Centre for public inspection in accordance with section 130(9) of the Act; and**
 - d. **Thank persons making submissions to the budget in writing for their submission and advise of the outcome of the budget decision.**

3. **Authorises the amount intended to be raised:**

An amount of \$ 25,070,007 be declared as the amount that Council intends to raise by general rates, municipal charge and service (Waste Management) charges, which is calculated as follows:

Category	Income
General Rates (including Supplementary rates)	\$ 20,168,433
Municipal Charge	\$ 2,237,256
Annual Service (Waste Management) Charges	\$ 2,664,318
TOTAL	<u>\$ 25,070,007</u>

4. **Authorises a general rate be declared for the period commencing 1 July 2013 to 30 June 2014 and that:**
 - 4.1 **It be declared that the general rate be raised by the application of differential rates.**

- 4.2 A differential rate be respectively declared for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each differential rate so declared:**

4.2.1 Residential Land – Colac, Colac East, Colac West or Elliminyt

Any land which is located in Colac, Colac East, Colac West or Elliminyt that is not zoned for commercial or industrial use and which:

- 4.2.1.1 is vacant or used primarily for residential purposes and is less than 1.0 hectare in area; and**
- 4.2.1.2 does not have the characteristics of:**
- a) Rural Farm Land;**
 - b) Holiday Rental Land; or**
 - c) Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt.**

4.2.2 Residential Land - Balance of Shire

Any land which is 1.0 hectare or more in area or which is not located in Colac, Colac East, Colac West or Elliminyt that:

- 4.2.2.1 is vacant or used primarily for residential purposes; and**
- 4.2.2.2 does not have the characteristics of:**
- a) Rural Farm Land;**
 - b) Holiday Rental Land;**
 - c) Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt; or**
 - d) Commercial/Industrial Land – Balance of Shire.**

4.2.3 Rural Farm Land

Any land which is “Farm Land” within the meaning of Section 2 of the Valuation of Land Act 1960.

4.2.4 Holiday Rental Land

Any land that contains a dwelling, cabin or house or part of a house that:

- 4.2.4.1 is used for the provision of holiday accommodation for the purpose of generating income; or**
- 4.2.4.2 is made generally available for holiday accommodation and is a secondary or supplemental source of income for the owner.**

Note: Typically, the category will include absentee owned holiday houses, owner occupied “Bed and Breakfast” establishments, farm properties with accommodation cabins, holiday farms and the like.

The category will not include land used to provide tourist/holiday accommodation on an overtly commercial scale and basis where the provision of accommodation is an integral part of the use of the property. The types of properties excluded from this category would include motels, resorts, hotels with accommodation, caravan parks, centrally managed and promoted multi unit developments and the like.

4.2.5 Commercial/Industrial Land - Colac, Colac East, Colac West or Elliminyt

Any land which is located in Colac, Colac East, Colac West or Elliminyt which:

- 4.2.5.1 does not have the characteristics of:**
- a) **Rural Farm Land;**
 - b) **Residential Land – Colac, Colac East, Colac West or Elliminyt; or**
 - c) **Holiday Rental Land; and**

- 4.2.5.2 is used primarily for:**
- a) **the sale of goods or services;**
 - b) **other commercial purposes; or**
 - c) **industrial purposes**
- or which is vacant but zoned for commercial or industrial use.**

4.2.6 Commercial/Industrial Land - Balance of Shire

Any land which is not located in Colac, Colac East, Colac West or Elliminyt which:

- 4.2.6.1 does not have the characteristics of:**
- a) **Rural Farm Land;**
 - b) **Residential Land – Balance of Shire; or**
 - c) **Holiday Rental Land; and**

- 4.2.6.2 is used primarily for:**
- a) **the sale of goods or services;**
 - b) **other commercial purposes; or**
 - c) **industrial purposes**
- or which is vacant but zoned for commercial or industrial use.**

- 4.3 Each differential rate will be determined by multiplying the Capital Improved Value of each rateable land (categorised by the characteristics described in Clause 4.2 of this Resolution) by the relevant cents in the dollar indicated in the following table:**

Residential- Colac, Colac East, Colac West, Elliminyt	0.4034 cents in the dollar of CIV
Residential- Balance of Shire	0.3429 cents in the dollar of CIV
Rural- Farm	0.3187 cents in the dollar of CIV
Holiday Rental	0.4034 cents in the dollar of CIV
Commercial/Industrial - Colac, Colac East, Colac West, Elliminyt	0.6656 cents in the dollar of CIV
Commercial/Industrial- Balance of Shire	0.5648 cents in the dollar of CIV

- 4.4** *It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:*
- 4.4.1** *the respective objectives of each differential rate be those specified in Appendix B of the 2013-2014 Budget Document.*
 - 4.4.2** *the respective types or classes of land which are subject to each differential rate be those defined in the Schedule to this Recommendation; and*
 - 4.4.3** *the respective uses and levels of each differential rate in relation to those respective types or classes of land be those described in the Schedule to this Recommendation; and*
 - 4.4.4** *the relevant:*
 - 4.4.4.1** *uses of;*
 - 4.4.4.2** *geographical locations of; and*
 - 4.4.4.3** *planning scheme zonings of; and*
 - 4.4.4.4** *types of buildings on the respective types or classes of land be those identified in Appendix B of the 2013-2014 Budget Document.*
- 5.** *Authorises a Municipal Charge be declared for the period commencing 1 July 2013 to 30 June 2014 to cover some of the administrative costs of the Council.*
- 5.1** *The Municipal Charge be the sum of \$161 per annum for each rateable property in respect of which a municipal charge can be levied.*
- 6.** *Authorises the following Annual Service (Waste Management) Charges:*
- 6.1** *An annual service (waste management) charge of \$282 per annum be declared for:*
 - 6.1.1** *all land used primarily for residential or commercial purposes; or*
 - 6.1.2** *other land in respect of which a weekly waste collection and disposal service is provided, for the period 1 July 2013 to 30 June 2014.*
 - 6.2** *An annual service (waste management) charge of \$186 per annum be declared for:*
 - 6.2.1** *all land used primarily for residential or commercial purposes; or*
 - 6.2.2** *other land in respect of which a fortnightly waste collection and disposal service is provided, for the period 1 July 2013 to 30 June 2014.*

7. **Authorises a Special Charge of \$0.20 per hectare will be declared on those properties located within the Aire River Drainage Scheme for the period 1 July 2013 to 30 June 2014.**
8. **Authorises a Special Charge for the Tirrengower drainage works previously declared by Council be fixed at \$2.50 per hectare for the period 1 July 2013 to 30 June 2014.**
9. **Declares that it be recorded that Council requires any person to pay interest at the maximum rate fixed under section 2 of the Penalty Interest Rates Act 1983 as the rate set out in accordance with section 172(2) of the Act on any amounts of rates and charges which:**
 - 9.1 **that person is liable to pay; and**
 - 9.2 **have not been paid by the date specified for their payment.**
10. **Allows for four (4) instalment payments only for the 2013-2014 year, on the dates published in the Victoria Government Gazette by the Minister and in accordance with section 167 of the Act.**
11. **Authorises the General Manager Corporate & Community Services, Manager Finance and Customer Service and the Revenue Co-ordinator to levy and recover the general rates, municipal charge and annual service charges in accordance with the Act.**
12. **Repay the funds utilised from the employee Long Service Leave reserve for the payment of the Defined Benefits Superannuation Call within eight (8) years at an expected rate of \$199,482 per annum.**
13. **Establishes a "General Reserve" that at each year end the balance of the reserve is transferred to the Unfunded Superannuation Reserve.**

AMENDMENT - MOVED Cr Chris Smith seconded Cr Michael Delahunty:

That point 10 include an additional option for

"10.2 a one off annual payment by 15 February 2014."

CARRIED 6 : 0

AMENDMENT - MOVED Cr Chris Smith seconded Cr Mick McCrickard:

That the word "maximum" be removed from point 9.

CARRIED 6 : 0

MOVED Cr Brian Crook seconded Cr Mick McCrickard

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4.4.3 *the respective uses and levels of each differential rate in relation to those respective types or classes of land be those described in the Schedule to this Recommendation; and*

4.4.4 *the relevant:*

4.4.4.1 *uses of;*

- 4.4.4.2 geographical locations of; and**
- 4.4.4.3 planning scheme zonings of; and**
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accordance with section 167 of the Act; or

10.2 a one off annual payment by 15 February 2014.

- 11. Authorises the General Manager Corporate & Community Services, Manager Finance and Customer Service and the Revenue Co-ordinator to levy and recover the general rates, municipal charge and annual service charges in accordance with the Act.*
- 12. Repays the funds utilised from the employee Long Service Leave reserve for the payment of the Defined Benefits Superannuation Call within eight (8) years at an expected rate of \$199,482 per annum.*
- 13. Establishes a "General Reserve" that at each year end the balance of the reserve is transferred to the Unfunded Superannuation Reserve.*

CARRIED 4 : 2

DIVISION called by Cr Smith

**For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Mick McCrickard
Against the Motion: Cr Chris Smith, Cr Michael Delahunty**

The Mayor adjourned the meeting until 12.00pm on 17 July 2013 at COPACC Meeting Rooms to allow Councillors to have input into the decision on item SC131007-2 Regional Development Australia Fund - Round 5.

The meeting was adjourned at 2.32pm.

The Special Council Meeting adjourned on 10 July 2013 at 2.32pm resumed at 12.00pm on 17 July 2013 at the COPACC Meeting Rooms, Colac.

7. 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

8. PRESENT

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

Rob Small, Chief Executive Officer
Ian Seuren, A/General Manager, Corporate and Community Services
Neil Allen, General Manager, Infrastructure and Services
Jack Green, General Manager, Sustainable Planning and Development
Mike Barrow, Manager, Economic Development Unit
Rhonda Deigan, Executive Officer

9. APOLOGIES

Cr Terry Woodcroft
Colin Hayman

SC131007-2

REGIONAL DEVELOPMENT AUSTRALIA FUND - ROUND 5

AUTHOR:	Mike Barrow	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	11/96461

Original Recommendation(s)

That Council allocates Regional Development Australia (RDAF) Round 5 funding to the CBD and Entrances Project.

MOTION - MOVED Cr Brian Crook:

That Council:

- 1. Allocates Regional Development Australia (RDAF) Round 5 funding to the Colac Central Business District & Entrances Project to the amount of \$343,841 with an application to the Putting Locals First Program for matching funding of \$343,841 and a contribution of \$100,000 from the Local Government Infrastructure Program.***
- 2. Contributes \$400,000 from the Local Government Infrastructure Program to the Central Reserve Competition Lighting Project for both the football and netball facilities.***

This motion lapsed due to the lack of a seconder.

MOTION - MOVED Cr Stephen Hart seconded Cr Mick McCrickard:

That Council:

- 1. Allocates \$343,989 from the Regional Development Australia (RDAF) Round 5 funding to the Colac Central Business District & Entrances Project with \$344,000 from the Local Government Infrastructure Program also to be allocated to that project.***
- 2. Allocates \$80,000 from the Local Government Infrastructure Program to the Alvie Recreation Reserve Children's Play Area and BBQ Shelter Project.***

CARRIED 4 : 2

The Meeting Was Declared Closed at 12.14pm on 17 July 2013

CONFIRMED AND SIGNED at the meeting held on 24 JULY 2013

Lyn E. Russell.....MAYOR