

MINUTES of the **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held at the COPACC Meeting Rooms on 22 January 2014 at 5.00pm.

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 Frank Buchanan
Cr Chris Smith
Cr Terry Woodcroft

Rob Small, Chief Executive Officer
Colin Hayman, General Manager, Corporate & Community Services
Adam Lehmann, A/General Manager, Infrastructure & Services
Jack Green, General Manager, Sustainable Planning & Development
Carmen Lawrence, Manager, Organisational Support & Development
Brett Exelby, Manager, Finance & Customer Services
Rhonda Deigan, 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.

All Council and Committee meetings are audio recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the 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.

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

James Judd

1. Is the Council considering any celebrations to celebrate the 20th year since the inception of the Colac Otway Shire in the spring of 1994? I have the final celebration agenda of the "City of Colac" for a meeting at 8.00pm on Wednesday, 31 August 1994.

Response:

Council has no plans, at this stage, to celebrate the 20th anniversary of the Colac Otway Shire.

2. As heavy foliage is being blamed for branches falling from elm trees in Memorial Square, how can you explain how this is possible as foliage requires water to develop? The excessive supply of water to the trees is a direct result of Council's activities in frequent watering of Memorial Square that leaves the elm trees sitting in lakes.

Response:

Council has no belief that the regular watering is impacting on the issues related to elm trees in Memorial Square. There is no technical basis to support the writer's hypothesis.

Questions Received Verbally at the Meeting

Taylah Walters – Colac

1. With respect to the removal of a Youth Councillor, media responses from Council and the Mayor states that the Youth Councillor breached the Youth Council charter, could you please show me where the Youth Council charter was breached?

Response:

The Mayor stated that the media responses had also advised that she would not be entering into public debate with any junior or Youth Councillor under the age of 18.

2. When can I meet with you to discuss this in private?

Response:

The Mayor invited Taylah Walters to contact the Council office to make an appointment to meet with her.

3. Why have the media statements also said that I cannot reapply to Youth Council when the Charter clearly states that any standing Youth Councillors can reapply next year.

Response:

The Mayor advised that it was up to the secondary schools to nominate students to the Youth Council.

Simon Arundell – Bungador

1. Why has the roof on the Colac saleyards been put on backwards so that it is open to the west when that is where most of our weather comes from?

Response:

The Acting General Manager for Infrastructure & Services advised that the question would be taken on notice. The response will be sent to Mr Arundell and included in the minutes of the February council meeting.

2. When was the last time Councillors drove from Irrewillipe to Simpson along the Colac-Timboon road?

Response:

The Mayor advised that she drove along the road, which is managed by Vic Roads, recently.

3. When will Council approach the State Government and request that the Colac-Timboon Road be repaired?

Response:

The Mayor and CEO advised that discussions had been held with the Regional Manager of Vic Roads about the poor condition of the road.

Alan Smith – Colac

1. How can Council justify the expense of replacing the carpets in COPACC given the rate increases over recent years?

Response:

The General Manager for Corporate & Community Services advised that COPACC's carpet would be replaced in stages over the following years. It is planned that the carpet in the auditorium and theatre would be replaced this financial year due to the poor condition of that carpet.

2. As the damage appears to be at the joins in the carpet, has Council considered getting a quote on repairing the carpet and relaying the underlay?

Response:

The Mayor advised that the current condition of the carpet in the auditorium and the theatre was an OH&S issue that required its replacement. The rest of the carpet would be assessed and replaced as required over the following years.

3. Is Council planning to install a lift up to the CEO's office?

Response:

The Mayor stated that Council needs to install a lift to comply with fire, disability access and OH&S regulations.

4. Does Council know how much it will cost to have the lift serviced?

Response:

The Mayor advised that Council was aware of the costs which was why it had postponed the installation of the lift until a later date.

Simon Arundell – Bungador

1. In addition to the 30 minutes allowed for question time, will Council include a period of 30 minutes at the start of Council meetings to allow members of the public to speak about the hardships they are currently facing?

Response:

The Mayor advised that Council meets regularly with community groups and members of the public are welcome to contact the Council office to arrange meetings with the Mayor or other Councillors.

Alan Smith – Colac

1. Is Council actively trying to reduce future rate rises?

Response

The Mayor advised that Council's budget process allowed all members of the community the opportunity to provide a submission on proposed rate rises.

Simon Arundell – Bungador

1. How long do we need to wait before we receive a response to our submission to the Rates Strategy?

Response:

The Mayor advised that Mr & Mrs Arundell's submission to the Rates Strategy had been received.

6. DECLARATION OF INTEREST

Cr Hart:	OM142201-13 Contract 1324 – Telecommunications Services & Hardware (MAV Tender TC4322-2013)
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78A
Nature of Interest:	Owens Telstra Shares

Cr Russell:	OM142201-13 Contract 1324 – Telecommunications Services & Hardware (MAV Tender TC4322-2013)
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78A
Nature of Interest:	Owens Telstra Shares over the value of \$10,000

Cr Woodcroft:	OM142201-13 Contract 1324 – Telecommunications Services & Hardware (MAV Tender TC4322-2013)
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78A
Nature of Interest:	Owens Telstra Shares and recipient of dividends

Cr Woodcroft withdrew his conflict of interest during the In-Committee session of this meeting upon advice that shares are exempt if the total value does not exceed \$10,000 and the company has issued shares with a total value of more than \$10 million.

Rob Small:	OM142201-13 Contract 1324 – Telecommunications Services & Hardware (MAV Tender TC4322-2013)
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78A
Nature of Interest:	Owens Telstra Shares

7. CONFIRMATION OF MINUTES

- **Ordinary Council Meeting held on the 18/12/13.**

MOVED Cr Stephen Hart seconded Cr Frank Buchanan that Council confirm the above minutes.

CARRIED 7 : 0

OFFICERS' REPORTS

Chief Executive Officer

OM142201-1 CEO'S PROGRESS REPORT TO COUNCIL

Corporate and Community Services

OM142201-2 FINANCIAL INFORMATION 2012/2013
OM142201-3 OPERATIONAL PLAN SECOND QUARTER PERFORMANCE REPORT
OCTOBER - DECEMBER 2013
OM142201-4 SECOND QUARTER FINANCIAL PERFORMANCE REPORT 2013-2014
OM142201-5 DRAFT RATING STRATEGY 2014-2017
OM142201-6 NAMING OF ROADS, LOCALITIES AND FEATURES POLICY

Infrastructure and Services

OM142201-7 ROAD MANAGEMENT COMPLIANCE REPORT

Sustainable Planning and Development

OM142201-8 PLANNING SCHEME AMENDMENT C76 (BIRREGURRA STRUCTURE
PLAN AND NEIGHBOURHOOD CHARACTER STUDY) CONSIDERATION
OF SUBMISSIONS

General Business

OM142201-9 ASSEMBLY OF COUNCILLORS
OM142201-10 MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE

Notices of Motion

OM142201-11 COUNCILLOR VOTING ON THE BLUEWATER FITNESS CENTRE
PROJECT

CHIEF EXECUTIVE OFFICER

ITEM
<u>OM142201-1</u> <u>CEO'S PROGRESS REPORT TO COUNCIL</u>

OM142201-1**CEO'S PROGRESS REPORT TO COUNCIL**

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

***MOVED Cr Brian Crook seconded Cr Frank Buchanan
That Council notes the CEO's Progress Report to Council.***

CARRIED 7 : 0

CORPORATE AND COMMUNITY SERVICES

ITEM	
<u>OM142201-2</u>	<u>FINANCIAL INFORMATION 2012/2013</u>
<u>OM142201-3</u>	<u>OPERATIONAL PLAN SECOND QUARTER PERFORMANCE REPORT OCTOBER - DECEMBER 2013</u>
<u>OM142201-4</u>	<u>SECOND QUARTER FINANCIAL PERFORMANCE REPORT 2013-2014</u>
<u>OM142201-5</u>	<u>DRAFT RATING STRATEGY 2014-2017</u>
<u>OM142201-6</u>	<u>NAMING OF ROADS, LOCALITIES AND FEATURES POLICY</u>

OM142201-2**FINANCIAL INFORMATION 2012/2013**

AUTHOR:	Colin Hayman	ENDORSED:	Rob Small
DEPARTMENT:	Corporate & Community Services	FILE REF:	F11/3291

***MOVED Cr Brian Crook seconded Cr Terry Woodcroft
That Council notes the Financial Information 2012/2013 report.***

CARRIED 7 : 0

**OM142201-3 OPERATIONAL PLAN SECOND QUARTER PERFORMANCE
REPORT OCTOBER - DECEMBER 2013**

AUTHOR:	Margaret Giudice	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F11/3291

MOVED Cr Frank Buchanan seconded Cr Terry Woodcroft

That Council receives the 2013/2014 Operational Plan Second Quarter Performance Report for the three months ending 31 December 2013.

CARRIED 7 : 0

**OM142201-4 SECOND QUARTER FINANCIAL PERFORMANCE REPORT
2013-2014**

AUTHOR:	Brett Exelby	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F11/3291

MOVED Cr Frank Buchanan seconded Cr Brian Crook

That Council receives the second quarter financial performance report for 2013-2014

CARRIED 7 : 0

OM142201-5 DRAFT RATING STRATEGY 2014-2017

AUTHOR:	Brett Exelby	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F11/3291

Original Recommendation(s)

That Council endorses the draft Rating Strategy 2014-2017 to be placed on public exhibition for a 6 week period in accordance with Council's Community Engagement Policy 2010.

MOTION - MOVED Cr Brian Crook seconded Cr Stephen Hart:

That Council endorses the draft Rating Strategy 2014-2017 to be placed on public exhibition for a 6 week period in accordance with Council's Community Engagement Policy 2010 with the following changes:

Page 3 of the Strategy:

Change "The proposed rate movements over the next 10 years are as follows:"

To – "The possible rate movements over the next 10 years may be as follows (subject to annual review):"

Page 7 of the Strategy:

Change "The average Rates and Charges per assessment will increase by 6.0% in 2014-2015 raising a total of \$26.61million. The following table sets out future proposed rates and charges"

To - "The average Rates and Charges per assessment may increase by 6.0% in 2014-2015 raising a possible total of \$26.61million. The following table sets out future possible rates and charges"

Page 34 of the Strategy:

Change "In order to achieve the Council Plan strategic objectives while maintaining service levels and a responsible capital expenditure programme, rates and charges will increase by approximately 6.0% in average rates and charges per assessment in 2014-15 raising a total of \$26.61 million. The following table sets out future proposed rates and charges increases which will be subject to annual review."

To – "In order to achieve the Council Plan strategic objectives while maintaining service levels and a responsible capital expenditure programme, rates and charges may increase by approximately 6.0% in average rates and charges per assessment in 2014-15 raising a potential total of \$26.61 million. The following table sets out future possible proposed rates and charges increases which will be subject to annual review."

AMENDMENT - MOVED Cr Chris Smith seconded Cr Stephen Hart:

That the wording in the strategy regarding the payment of rates be changed to allow for a lump sum payment to be made by 15 February.

CARRIED 7 : 0

MOTION - MOVED Cr Brian Crook seconded Cr Stephen Hart:

That Council endorses the draft Rating Strategy 2014-2017 to be placed on public exhibition for a 6 week period in accordance with Council's Community Engagement Policy 2010 with the following changes:

Page 3 of the Strategy:

Change "The proposed rate movements over the next 10 years are as follows:"

To – "The possible rate movements over the next 10 years may be as follows (subject to annual review):"

Page 7 of the Strategy:

Change "The average Rates and Charges per assessment will increase by 6.0% in 2014-2015 raising a total of \$26.61million. The following table sets out future proposed rates and charges"

To - "The average Rates and Charges per assessment may increase by 6.0% in 2014-2015 raising a possible total of \$26.61million. The following table sets out future possible rates and charges"

Page 34 of the Strategy:

Change "In order to achieve the Council Plan strategic objectives while maintaining service levels and a responsible capital expenditure programme, rates and charges will increase by approximately 6.0% in average rates and charges per assessment in 2014-15 raising a total of \$26.61 million. The following table sets out future proposed rates and charges increases which will be subject to annual review."

To – "In order to achieve the Council Plan strategic objectives while maintaining service levels and a responsible capital expenditure programme, rates and charges may increase by approximately 6.0% in average rates and charges per assessment in 2014-15 raising a potential total of \$26.61 million. The following table sets out future possible proposed rates and charges increases which will be subject to annual review."

Pages 6 and 35 of the Strategy:

Change "Council will not offer a lump sum payment option therefore all rates must be paid via instalments with the due dates for payment each financial year as follows:

- **1st Instalment due – 30 September**

- *2nd instalment due – 30 November*
- *3rd Instalment due – 28 February*
- *4th Instalment due – 31 May.”*

To - “Council will allow a lump sum payment option therefore all rates must be paid via instalments with the due dates for payment each financial year as follows:

- *1st Instalment due – 30 September*
- *2nd instalment due – 30 November*
- *3rd Instalment due – 28 February*
- *4th Instalment due – 31 May*

or in total by 15 February.”

Page 41 of the Strategy:

Change “Apply the mandatory rate instalment payment options which are as follows:

- *1st Instalment due – 30 September*
- *2nd instalment due – 30 November*
- *3rd Instalment due – 28 February*
- *4th Instalment due – 31 May”*

To – “Offer the following payment options:

- *1st Instalment due – 30 September*
- *2nd instalment due – 30 November*
- *3rd Instalment due – 28 February*
- *4th Instalment due – 31 May*

or in total by 15 February.”

CARRIED 6 : 1

DIVISION called by Cr Brian Crook

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

Against the Motion: Cr Chris Smith

OM142201-6 NAMING OF ROADS, LOCALITIES AND FEATURES POLICY

AUTHOR:	Colin Hayman	ENDORSED:	Rob Small
DEPARTMENT:	Corporate & Community Services	FILE REF:	11/96037

MOVED Cr Terry Woodcroft seconded Cr Stephen Hart

That Council adopts Policy No. 20.2 - Naming of Roads, Localities and Features.

CARRIED 7 : 0

INFRASTRUCTURE AND SERVICES

ITEM
<u>OM142201-7 ROAD MANAGEMENT COMPLIANCE REPORT</u>

OM142201-7 ROAD MANAGEMENT COMPLIANCE REPORT

AUTHOR:	Adam Lehmann	ENDORSED:	Rob Small
DEPARTMENT:	Infrastructure & Services	FILE REF:	F11/3291

MOVED Cr Brian Crook seconded Cr Terry Woodcroft

That Council receives the Road Management Plan Compliance Report for the period July to September 2013 for information.

CARRIED 7 : 0

SUSTAINABLE PLANNING AND DEVELOPMENT

ITEM	
<u>OM142201-8</u>	<u>PLANNING SCHEME AMENDMENT C76 (BIRREGURRA STRUCTURE PLAN AND NEIGHBOURHOOD CHARACTER STUDY) CONSIDERATION OF SUBMISSIONS</u>

**OM142201-8 PLANNING SCHEME AMENDMENT C76 (BIRREGURRA
STRUCTURE PLAN AND NEIGHBOURHOOD CHARACTER STUDY)
CONSIDERATION OF SUBMISSIONS**

AUTHOR:	Gemma Browning	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/3291

MOVED Cr Brian Crook seconded Cr Michael Delahunty

That Council:

- 1. Supports submissions 1-3 made to Amendment C76 following its public exhibition.***
- 2. Not supports submissions 4, 5, 6 and 7 to Amendment C76.***
- 3. Refers all submissions to Amendment C76 to an independent planning panel.***

CARRIED 7 : 0

MOTION - MOVED Cr Michael Delahunty seconded Cr Stephen Hart:

That Council takes advantage of the Corangamite CMA's offer of funding to undertake a flood study of Birregurra and surrounding area.

CARRIED 7 : 0

GENERAL BUSINESS

ITEM	
<u>OM142201-9</u>	<u>ASSEMBLY OF COUNCILLORS</u>
<u>OM142201-10</u>	<u>MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE</u>

OM142201-9 ASSEMBLY OF COUNCILLORS

AUTHOR:	Rhonda Deigan	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	F13/6530

MOVED Cr Terry Woodcroft seconded Cr Stephen Hart

That Council notes the Assembly of Councillors reports for:

- ***Central Reserve Advisory Committee meeting 4 December 2013***
- ***Councillor Workshop 11 December 2013***
- ***Colac Livestock Selling Centre Advisory Committee 20 December 2013***

CARRIED 7 : 0

OM142201-10 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 Terry Woodcroft

That Council notes the Minutes and Executive Officer report of the Old Beechy Rail Trail Committee for 7 October 2013.

CARRIED 7 : 0

NOTICES OF MOTION

ITEM	
<u>OM142201-11</u>	<u>COUNCILLOR VOTING ON THE BLUEWATER FITNESS CENTRE PROJECT</u>

OM142201-11 COUNCILLOR VOTING ON THE BLUEWATER FITNESS CENTRE PROJECT (CR STEPHEN HART)

Recommendation

That Council consider the contents of this Notice of Motion.

Original Recommendation

That Council:

- 1. Notes that the Council has still not disclosed how each Councillor voted at the "In Committee" meeting on 23 October 2013 when a majority of Councillors approved the BWFC project with a cost of approximately \$2 million over the approved budget.***
- 2. Accepts and acknowledges that the public have a legitimate right to know how each Councillor voted.***
- 3. Directs the Chief Executive Officer to disclose how each Councillor voted on the "In Committee" resolution on 23 October 2013 that had the effect of approving the BWFC project at a cost of approximately \$2 million over the approved budget.***
- 4. Directs that this be disclosed by close of business, Thursday 23 January 2014.***

MOTION - MOVED Cr Stephen Hart seconded Cr Terry Woodcroft that:

That Council:

- 1. Notes that the Council has still not disclosed how each Councillor voted at the "In Committee" meeting on 23 October 2013 when a majority of Councillors approved the BWFC project with a cost of approximately \$2 million over the approved budget.***
- 2. Accepts and acknowledges that the public have a legitimate right to know how each Councillor voted on this significant project.***
- 3. Directs the Chief Executive Officer to disclose how each Councillor voted on the "In Committee" resolution on 23 October 2013 that had the effect of approving the BWFC project at a cost of approximately \$2 million over the approved budget.***
- 4. Directs that this be disclosed by close of business, Thursday 23 January 2014.***

CARRIED 7 : 0

IN COMMITTEE

MOVED Cr Frank Buchanan seconded Cr Michael Delahunty 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 Memo for Consideration - Building Maintenance - Essential Safety Measures	this matter may prejudice the Council or any person	Section 89 (2) (h)
Contract 1324 - Telecommunications Services & Hardware - Fixed Voice, Mobile Telephone And Internet Data (MAV Tender TC4322-2013)	this matter deals with contractual matters	Section 89 (2) (d)

CARRIED 7 : 0

Cr Smith left the meeting at 6.47pm.

OUT OF COMMITTEE

MOVED Cr Brian Crook seconded Cr Michael Delahunty that the meeting move out of committee.

CARRIED 7 : 0

The Meeting Was Declared Closed at 6.56 pm

CONFIRMED AND SIGNED at the meeting held on 26 FEBRUARY 2014


.....MAYOR