

MINUTES of the **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held at the COPACC Meeting Rooms on 26 March 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
Phil Corluka, General Manager, Infrastructure & Services
Doug McNeill, A/General Manager, Sustainable Planning & Development
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 – Colac

1. When will Council cease spending large portions of all funds to improve facilities in places that only a minority of residents can make use of them instead of on services that will benefit the vast majority of the municipality?

Response:

The Council has a good balance of projects across all settlements in the shire. In addition the Small Towns Improvement Plan provides specifically for smaller towns

2. When will this Council turn its attention to quality of services infrastructure to this municipality before concentrating on attracting people and industries to it? The frequency of power blackouts is a major concern. Unless these are able to be used without major regular interruptions this region can close down.

Response: This Council does have quality services and endeavours to balance its expenditure across over 70 services. The issue of power blackouts is not a Council issue but rather one for the relevant power authority.

3. When will Council put a serious effort into sorting out the proposed route for the Colac by-pass road not delay a decision until impossible to implement without going through housing areas as extending outwards into now vacant regions? Every year delayed means possible routes are forced further away from Colac with the result the attraction to come to Colac is reduced. The further you force people to travel also carries the risk of turning Colac into a ghost town.

Response: Council's work on an alternative heavy vehicle transport route is complete. The outcomes of the project will be considered in the upcoming Colac Structure Plan. The ultimate decision on the location of a Colac Bypass routes rests with the State Government not Council.

4. Why do you unload assets? Council's continual disposal of properties and fixed assets to gain instant cash does not ease the pressure on ratepayers through the continual increase in rates and charges to make up for lost revenue in rent. Since Council's operating expenses are not going down but increase every year even with windfall income from sales and outward leases.

Response:

Council does not unload assets as is expressed in this question unless there is a specific identification as a facility as surplus. That being said the funds would always go towards a capital asset or capital funds so they would not necessarily reduce the operating budget.

5. When will Council make decisions after referring matters for decision to its own expert staff not by-pass them for outside advisers with no requirement to be answerable to all ratepayers over payments accepted by them?

Response:

Council routinely determines matters based on the advice of its own officers. This does not preclude the need for external advice and expertise to be sought on occasion.

6. Since the Bluewater Fitness Centre does not meet the definition of true infrastructure, the fitness centre is only available to a minority of the community and Shire, how does Council explain roads, bridges, drainage systems and footpaths being allowed to deteriorate while using funds from infrastructure advances for sporting facilities?

Response:

There is always a need to balance Council expenditure on a range of infrastructure needs across the Shire. Council allocates funding to renew its assets according to need, including roads and drains and other community infrastructure. Sporting facilities, swimming pools, and the like play a significant part in the health and wellbeing of the community.

7. If Council claims it looks after the community, how can it claim it offers a community bus service when it operates times that are subject to only operating non holiday periods? During shop operating hours in the time no Saturday afternoon trading. No services Sundays, Saturday afternoons or public holidays when demand could be greater. People will not change the system they use for one that cannot be expected to operate every day and after 6.00pm weekdays. You will not go out by bus if nothing operates to take you home.

Response:

The bus service is run by the Department of Transport. Council advocates on the community's behalf with respect to suggested changes to the timetable.

8. If the parking meter revenue raised in one centre is only to be spent in that centre, fast tracking expenditure in that centre, how is that of benefit to the shire when all other areas are denied any benefit from this extra income? It is not being used to offset rate income. That was promoted as an area that would benefit when extra untied income streams were received. All elected councillors now represent the full municipality so if you support this item as presented you are voting against the majority of the municipality.

Response:

Council has a responsibility on behalf of all ratepayers to explore all possible revenue streams that exist to try and help Council service the community. The officer report in relation to metered parking does not recommend the implementation of parking meters. The report only recommends that Council consult with the community in relation to the possibility of installing metered parking in Apollo Bay and using the income to fund new high priority projects in Apollo Bay. If Council supports this recommendation all of the community will be given an opportunity to provide comment on the proposal.

Bill Gross – Apollo Bay

Questions re Agenda Item OM142603-13 "Metered Parking Investigation"

1. Given that under the heading "Good Governance" at the top of the second page of this Agenda item it states that "**we care about and are responsive to the community, encourage democratic participation and involve people in decisions that affect them**", will Council demonstrate its compliance with this principle, and conduct a quick survey (referendum if necessary) of Apollo Bay ratepayers and residents to determine this issue rather than waste money on extensive consultations.
 - a) or will Councillors recognise this as a another cynical attempt to "milk" Apollo Bay, and reject this ill-conceived proposal without spending any ratepayers money, in the knowledge that there is no doubt it will be rejected by the citizens of Apollo Bay?
 - b) or will Councillors permit its officers to conduct "consultations" in a futile attempt at a propaganda blitz to change public opinion?

Response:

Should Council resolve to consult the community in relation to parking meters in Apollo Bay, officers will undertake such consultation in a genuine manner. It is not proposed to hold a referendum of citizens on the issue. All formal submissions would be presented to Council for consideration if Council resolves to consult on the issue.

2. Why is Apollo Bay not entitled to have its "important initiatives" funded from rates, which in real \$ terms are much higher than Colac's, without a parking tax?

Response:

Council has a responsibility to explore all revenue opportunities, and if Council support the recommendation, community consultation would be held about the potential for parking meters in Apollo Bay. The extra funding generated from parking meters has potential to fund new and high priority infrastructure improvements in Apollo Bay earlier than may otherwise have been possible. All infrastructure projects within the Shire are reviewed annually to determine priority for budget allocation.

3. Did this investigation set out with the basic premise that it should prove that parking meters would only work in Apollo Bay and not Colac given that:
 - a) The investigation arbitrarily chose to place meters in only a fraction of the retail and commercial areas of Colac.
 - b) According to Table 2, income from each metered parking space in Colac, excluding weekends, would be less than \$2.73 per day!!! Is this believable?
15 meters times 15 spaces = 225 spaces
225 spaces times 261 working days = 58,725 space days
58,725 space days times \$2.73 = \$160319.25
 - c) In the Report, the text between Tables 1 and 2 clearly states that the income from the Colac machines could be \$440,000, yet Table 2 arbitrarily shows income at

\$160,000 resulting in a convenient loss and therefore a negative recommendation for metering Colac. A typo? Really? Or is the \$160,000 the typo?

- d) If the income from meters in Apollo Bay is based on 22 meters servicing 15 spaces each (330 spaces in total), then the figure has either been deliberately distorted, or is at best a wild guess. An actual count of spaces in the main street and the side streets to Pascoe St. shows approx 100 less spaces than in this report.
- e) On weekdays through 9-10 months each year in Apollo Bay, less than 50% of car spaces are occupied – check out “street view” in Google maps. The same Google view of Murray St east of Corangamite St shows far more car spaces filled. The same block in Bromfield St, which the Planning Department arbitrarily chose not to include in the report, is also shown as far busier than Apollo Bay’s main street. Yet according to Table 2, Colac income per meter is \$10667, while Table 1 shows Apollo Bay income per meter at \$20,000. Even taking into account the Apollo Bay meters are proposed to operate for 40% more days and 25% more hours (why?); the Apollo Bay figure is inflated. The Colac income per meter (\$10667) increased by 40% and that then total increased by 25% is less than \$20,000.

Response:

The officer investigation did not have any predetermined outcome in mind.

The lower figure for Colac reflects the lower occupancy rate of spaces compared to Apollo Bay, and the different spread of hours in which the demand occurs. The study area for Colac is proportionately less than for Apollo Bay (being based on Murray Street and Johnstone’s Car Park only). There was an error on P87 of the Council agenda where the income for Colac was estimated at \$440,000, when in fact it should have read \$160,000, consistent with the figures in the table.

4. Considering the obvious errors portrayed by question 3 above, is this report an example of the competence to be expected from the Planning Department, and if so, do councillors view this level of competence to be satisfactory?

Response:

The findings of the study are based on a series of assumed conditions in each of the townships as described in the officer report to Council. It is considered that the findings of the investigation are sound. The investigation was undertaken by a group of staff across various Departments of Council.

Martin Tunley

1. The Gross Income is \$440,000. How was that figure reached? My understanding is that it would need to be 603 hours per day of parking. (603 hours x \$2 x 365). I note there will be about 330 parking bays. Most of the year the main street will look deserted.

Response:

The estimates of revenue from parking meters in Colac and Apollo Bay in the officer investigation are based on assumptions of demand for parking spaces at different times of the day and year.

2. I note that there will a loan for the capital costs. Can Colac Otway Shire afford to go into more debt for a risky proposition especially after the cost overrun of the Colac Pool?

Response:

The officer analysis of parking meter viability has been premised on a loan which would be repaid within ten years. Taking account of these costs, metered parking in Colac is not considered to be financially viable within the investigation area. The

analysis indicates that revenue would exceed costs incurred if meters were installed in Apollo Bay, including the costs of any loan for meter installation.

3. Where is the interest cost in the proposal? It is not noted in the annual costs of \$275,000. How much is the interest cost per year? How will the repayments affect the cashflow. The repayment of the loan is not included in the Profit and Loss but will affect the cashflow of the money available for "Apollo Bay Infrastructure.

If I add the expected interest costs (\$29,200) and \$39,000pa needed to repay the loan the cash-flow left is \$96,750. The \$165,000pa available for Apollo Bay infrastructure is therefore misleading. Once a "feasibility analysis" has been done there isn't much left anyway.

Response:

The \$165,000 annual net income for Apollo Bay includes all costs of borrowing for upfront installation of meters (including annual interest costs), as well as depreciation to pay for their future replacement.

4. How long are the machines expected to last? 10 years is a long time in an area where items rust quickly. I note from https://www.melbourne.vic.gov.au/AboutCouncil/PlansandPublications/strategies/Documents/Parking_Meter_Plan_2005-2010.pdf that the longest time Melbourne Council expect a machine to last is for 7 years.

Response:

The machines are expected to last at least 10 years based on an understanding of their operation elsewhere. The investigation to date has factored in a renewal cycle of every 10 years, as well as day to day maintenance costs.

Rhiannon Cox

1. How did you arrive at the \$440,000 revenue figure for Apollo Bay, a township of 1700 (increased to 15,000 for a 4 week period- averaged to 2900 over a 12 month period). Equally, how does Colac, a township of over 10,000 only generate a revenue of \$160,000? I would like to see the calculations that allowed you to arrive at these figures.

Response:

These are the estimated annual incomes for Colac and Apollo Bay based on an officer investigation of parking meters for defined areas that have the highest parking pressures as identified in Council's 2012 Car Parking Strategy. The lower figure for Colac reflects the lower occupancy rate of spaces compared to Apollo Bay, and the different spread of hours in which the demand occurs. The officer report to Council describes the premise upon which the investigation was undertaken.

2. I would also ask have you taken into consideration indexation and increases in loan repayments in your 10 year calculation, also how does this new loan affect other debt held by the Colac Otway Shire- particularly in light of the blow out costs for the Blue Water Fitness redevelopment.

Response:

The initial officer investigation into parking meters has factored in the anticipated costs of borrowing to fund the initial purchase of ticket machines. The financial

implications of a new loan would be considered by Council before any decision would be taken to proceed beyond the consultation being recommended.

3. The document indicated that this revenue will be held in a reserve for high priority projects- What projects are these and who will decide where this revenue will be best spent? You speak about this money being reserved for Apollo Bay but what guarantees do we have of this? I would like to see a document indicating proposed expenditure of the revenue raised.

Response:

There is no further detail about the way in which income raised by parking meters would be spent by Council. The initial investigation by officers highlights the potential for revenue raised in Apollo Bay to be spent on infrastructure improvements in Apollo Bay. Should Council choose to proceed with installation of parking meters after a period of community consultation, the way in which this might be implemented would be further clarified. Ideas could be suggested on how this could be undertaken if consultation is undertaken.

Questions Received Verbally at the Meeting

Yvonne Francis – Apollo Bay

1. Was a parking meter scheme also designed for Colac and will the money collected from parking meters in Apollo Bay be spent within the boundaries of the central business district of Apollo Bay?

Response:

The CEO stated that proposals were prepared for both Colac and Apollo Bay. There has been no decision made at this stage, the recommendation being considered today is for the proposition to be put out for public consultation, therefore I cannot tell you where that money will be spent.

Dieter Wessner

1. With respect to pages 65-69 of today's agenda relating to 35 Hiders Access Yuulong, how is it possible for someone to build a dwelling over a public road, how long ago was it build and why hasn't Council done anything about it before now?

Response:

The Acting General Manager, Sustainable Planning and Development, stated that a house had been partially built over a "paper" road and that the report today was seeking to rectify the situation. The question regarding when the house was built was taken on notice.

Alan Billing - Larpent

1. Is Council aware that the image on the new welcome to Colac signs at the east and west entrances to the town are unreadable and could prove to be a distraction to motorists trying to read the name of the town?

Response:

The CEO advised that the wording had been replaced by a logo which over time will be recognisable as being the brand for Colac. The CEO did not agree that the sign would be a distraction to motorists.

2. Is Council aware that the sign is not reflective and is impossible to read at night?

Response:

The CEO advised that he was not aware of that but would make further investigations.

3. When will Council remove the image and return the wording welcoming visitors to Colac?

Response:

The CEO stated that he could not answer that question today, however investigations would be undertaken into Mr Billing's concerns.

4. What funds were expended on changing the welcome to Colac signs?

Response:

The CEO advised that the question would be taken on notice.

Simon Arundell – Bungador

1. Why did Council spend \$5,000 - \$10,000 on overweight people?

Response:

The General Manager for Corporate and Community Services stated that the Physical Activity Strategy addressed a number of community concerns one of which was obesity.

Cr Frank Buchanan stated that the question time allowed for civil questions and that Mr Arundell owed an apology to Councillors.

Anthony Callahan – Larpent

Mr Callahan referred to his question taken on notice at the 26 February 2014 Council meeting regarding the C70 Planning Scheme Amendment. The Mayor read the response to that question as follows:

1. In relation to Planning Scheme amendment C70, what has been the cost of the process to date given that Mr Small has stated that C70 would make little or no difference?

Response:

The response is that a large part of the work involved in preparing and exhibiting the amendment was borne by a planning consultant funded externally by the State Government Rural Planning Flying Squad. There is very little direct cost to Council arising from the amendment except for the cost of publishing public notices in newspapers and posting notices to land owners and occupiers. Considerable staff time was spent discussing the exhibited amendment with land owners during and after exhibition of the amendment, and in responding to issues raised in submissions, briefing Councillors and the like. It is difficult to quantify the cost of this time.

Mr Callahan gave notice of his intention to submit a question in writing for the April Council meeting.

Les Barry – Colac Otway Residents and Ratepayers Association

1. How long does it take the CEO to respond to a letter that was sent to him three weeks ago?

Response:

The CEO advised that the response had been sent to Mr Barry, apologised that he had not yet received it and stated that a copy would be sent to him.

Questions Taken on Notice – 26 February 2014 Council Meeting

The Mayor tabled the following responses to questions taken on notice at the 26 February 2014 Council Meeting:

Wayne Latta

When did the Mayor start to manage her own superannuation fund?

Response:

The Mayor Lyn Russell commenced managing her own superannuation fund on 25 January 2013.

Under s78A (3) of the Local Government Act 1989:

“(3) If a person, and family members of the person, hold shares in a company or body that has a direct or indirect interest in a matter with a combined total value that does not exceed \$10 000 and the total value of issued shares of the company or body exceeds \$10 million, the person's indirect financial interest is not a conflict of interest.”

At the time of the decision by Council on the Fuel Contract, being April 2013, the shares held by Cr Russell in companies associated with fuel did not exceed the value of \$10,000, therefore there was no conflict of interest.

Ray Cooper

At the time that Council was asked to make a decision to proceed on C67 and C70 amendments, why wasn't an analysis of full costs put forward at that point in time? To date, how much has been the full cost, including employee costs, their share of overheads - every cost? With the proposal being put forward today, is the Council quite rightly going to get a full analysis of what that may cost?

Response:

The response is that a large part of the work involved in preparing and exhibiting Amendment C70 was borne by a planning consultant funded externally by the State Government Rural Planning Flying Squad. There is very little direct cost to Council arising from the amendment except for the cost of publishing public notices in newspapers and posting notices to land owners and occupiers. Considerable staff time was spent discussing the exhibited amendment with land owners during and after exhibition of the amendment, and in responding to issues raised in submissions, briefing Councillors and the like. It is difficult to quantify the cost of this time.

Amendment C67 was similarly prepared and managed by a consultant funded externally by the State Government. As with C70, there was the cost of publishing public notices in newspapers and posting notices to land owners and occupiers, and considerable staff time was spent discussing the exhibited amendment with land owners during and after exhibition of the amendment, and in responding to issues raised in submissions, briefing Councillors and the like. Again, it is difficult to quantify the cost of this time. Unlike Amendment C70 however, specific costs incurred by Council relating to Amendment C67 included:

- **\$9,414 Cost of the independent panel**

- **\$8,250 Cost of Peter Dalhaus to review submissions & expert witness at the panel hearing**

Council understood the anticipated costs of these amendments when it commenced their preparation.

Panel costs, and costs associated with technical review of submissions are accommodated within the Strategic Planning area of the Council budget. Council did not anticipate that more refined mapping would be required – the desire by land owners for such mapping is a legitimate outcome of the public exhibition process.

Officers are now pursuing the State Government to explore whether further mapping can be done at no cost to Council, and will further report to Council on this issue. Should the funding of more refined mapping of the environmental overlays ultimately rest with Council, Councillors would consider the estimated cost of such work through a Council report process.

Alan Billing

1. What date was the contract signed?

Response:

The Instrument of Agreement between the Colac Otway Shire Council and BDH Constructions the Bluewater Fitness Centre Redevelopment was signed by the CEO on 6 December 2013. Council approved the signing of the contract at its October 2013 Council meeting.

2. What percentage of the Colac Otway Shire population use the Bluewater Fitness Centre?

Response:

It is difficult to accurately quantify the exact percentage of the Colac Otway Shire population who visit and use Bluewater Fitness Centre. However, Council can provide an estimate based on:

- **The number of Centre members**
- **Centre program participants**
- **Colac Secondary College students**
- **Basketball and netball participants**
- **Bluewater Learn to Swim enrolments**
- **School Learn to Swim enrolments**
- **Casual pool and gymnasium users.**

The Centre attracts more than 150,000 visitations annually and it is estimated that more than 5,500 different residents use the facility. This equates to approximately 25% of our population who utilise Bluewater Fitness Centre. Of importance is that the facility is used by all age groups from babies right through to the elderly and offers a vital service to the full spectrum of our population.

Petition:

Residents, Ratepayers and users of the Colac Pony Club ground – Request for upgrade of Christies Road, Elliminyt.

Tribute to Rodney Spence

Cr Hart paid tribute to Rodney Spence for his contribution to this shire and passed on the condolences of Council to June Spence and family on his death.

6. DECLARATION OF INTEREST

Cr Russell:	In-Committee Item OM142603-19 Contract 1406 – Supply of Crushed Rock, Sealing Aggregate and Pavement Materials
Nature of Disclosure:	Direct
Nature of Interest:	Brother-in-law owns one of the companies named in the report

7. CONFIRMATION OF MINUTES

- **Ordinary Council Meeting held on the 26/02/14.**

MOVED Cr Frank Buchanan seconded Cr Terry Woodcroft that Council confirm the above minutes.

CARRIED 7 : 0

OFFICERS' REPORTS

Chief Executive Officer

OM142603-1 CEO'S PROGRESS REPORT TO COUNCIL

Corporate and Community Services

OM142603-2 HARRINGTON MEMORIAL PARK PETITION
OM142603-3 HARRINGTON MEMORIAL PARK COMMITTEE OF MANAGEMENT
OM142603-4 ADOPTION OF 2014-17 RATING STRATEGY

Infrastructure and Services

OM142603-5 LOCAL GOVERNMENT WASTE FORUM REPRESENTATIVE
OM142603-6 ROAD SAFETY STRATEGY
OM142603-7 ROAD DISCONTINUANCE - GOVERNMENT ROAD ABUTTING
FORMER MARENGO LANDFILL SITE
OM142603-8 DECLARATION OF ROAD AS UNUSED – GOVERNMENT ROAD
NORTH WEST OF CROWN ALLOTMENT 11J, PARISH OF
MOORBANOOL
OM142603-9 ROAD DEVIATION - 35 HIDERS ACCESS, YUULONG
OM142603-10 UPDATE ON BLUEWATER FITNESS CENTRE REDEVELOPMENT

Sustainable Planning and Development

OM142603-11 LOCAL GOVERNMENT INFRASTRUCTURE PROGRAM – ALLOCATION
OF REMAINING FUNDS TO BLUEWATER FITNESS CENTRE
REDEVELOPMENT PROJECT
OM142603-12 SMALL TOWN IMPROVEMENT PROGRAM STIP REVIEW OF
GUIDELINES
OM142603-13 METERED PARKING INVESTIGATION

General Business

OM142603-14 ASSEMBLY OF COUNCILLORS
OM142603-15 MINUTES FROM THE COLAC COMMUNITY LIBRARY & LEARNING
CENTRE JOINT COMMITTEE MEETING
OM142603-16 MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE
OM142603-17 ITEM FOR SIGNING & SEALING - TRANSFER OF LAND PART OF
FORMER ROAD - 1505 OLD BEECH FOREST ROAD, BEECH FOREST

Notices of Motion

OM142603-18 PROCESSING OF VISAS FOR ASYLUM SEEKERS

CHIEF EXECUTIVE OFFICER

ITEM
<u>OM142603-1</u> <u>CEO'S PROGRESS REPORT TO COUNCIL</u>

OM142603-1**CEO'S PROGRESS REPORT TO COUNCIL**

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

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

CARRIED 7 : 0

CORPORATE AND COMMUNITY SERVICES

ITEM	
<u>OM142603-2</u>	<u>HARRINGTON MEMORIAL PARK PETITION</u>
<u>OM142603-3</u>	<u>HARRINGTON MEMORIAL PARK COMMITTEE OF MANAGEMENT</u>
<u>OM142603-4</u>	<u>ADOPTION OF 2014-17 RATING STRATEGY</u>

OM142603-2**HARRINGTON MEMORIAL PARK PETITION**

AUTHOR:	Ian Seuren	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F14/217

MOVED Cr Brian Crook seconded Cr Terry Woodcroft

That Council writes to the organiser of the petition informing them that the project will be completed to the original scope and any additional works will be considered in the future in light of available funds.

CARRIED 7 : 0

OM142603-3

**HARRINGTON MEMORIAL PARK COMMITTEE OF
MANAGEMENT**

AUTHOR:	Ian Seuren	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F14/217

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

1. ***Pursuant to section 86 of the Local Government Act 1989, the following nominated members are appointed to the Harrington Memorial Park Committee of Management from 1 July 2014 to 30 June 2017:***
 - ***Matthew Jackman***
 - ***Yvonne Sheppard***
 - ***Carolyn Tatchell***
 - ***Lucille Clements***
 - ***Sherryl Smith***
 - ***Alan Turner***
 - ***John Harris***
 - ***Jennifer Kamp***
 - ***Peter Jacobs***
2. ***Councillor is appointed to represent Council on the Harrington Memorial Park Committee of Management and act as Chairperson for the Committee.***
3. ***There be delegated to the Harrington Memorial Park Committee of Management the powers, duties and functions set out in the Instrument of Delegation (the Instrument) effective from 1 July 2014.***
4. ***The Instrument:***
 - 4.1 ***Comes into force effective from 1 July 2014; and***
 - 4.2 ***Remains in force until Council determines to vary or revoke it.***
5. ***The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with any guidelines or policies Council may from time to time adopt.***
6. ***The Instrument be signed and sealed.***
7. ***In accordance with section 81(2A) of the Local Government Act 1989, resolves to exempt members of the Committee who are not Councillors from being required to submit a primary or ordinary conflict of interest return in accordance with this section.***

8. ***The Committee be advised that a copy of minutes of meetings held should be forwarded to Council for its record after each meeting and that a Treasurer's Report be provided on an annual basis.***

MOTION - MOVED Cr Michael Delahunty seconded Cr Stephen Hart:

That Council defers this item, pursuant to s89 (2) of the Local Government Act 1989, to the closed section of this Council meeting.

AMENDMENT - MOVED Cr Chris Smith seconded Cr Brian Crook:

That a second point be added as follows:

"2. A full report be brought back to an open Council meeting as soon as possible."

CARRIED 7 : 0

MOTION - MOVED Cr Michael Delahunty seconded Cr Stephen Hart:

That:

- 1. Council defers this item, pursuant to s89 (2) of the Local Government Act 1989, to the closed section of this Council meeting.***
- 2. A full report be brought back to an open Council meeting as soon as possible.***

CARRIED 7 : 0

OM142603-4

ADOPTION OF 2014-17 RATING STRATEGY

AUTHOR:	Paul Carmichael	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F11/3291

Original Recommendation(s)

That Council adopts the 2014-2017 Rating Strategy and the strategies contained therein, namely:

1. ***Council applies Capital Improved Valuation (CIV) as the valuation methodology to levy Council rates and continues to review the impacts of revaluations as they occur.***
2. ***Council applies differential rating as its rating system. Council considers that each differential rate contributes to the equitable and efficient carrying out of Council functions.***
3. ***That Council applies differential rates for:***
 - 3.1. ***Residential – Colac***
 - 3.1.1. ***Which will include all residential properties within the localities of Colac, Colac East, Colac West and Elliminyt within the Colac residential rating category.***
 - 3.2. ***Residential – Balance of Shire***
 - 3.3. ***Rural – Farm***
 - 3.3.1. ***Which will also include all vacant land (less than 5 hectares) that for planning purposes is zoned for farming use only and has been deemed as being unable to support a bona fide farming enterprise capable of requiring a supporting residence or dwelling.***
 - 3.4. ***Holiday Rental***
 - 3.5. ***Commercial/Industrial – Colac***
 - 3.6. ***Commercial/Industrial – Balance of Shire.***
4. ***The service charges applied by Council are a Waste Collection Charge for the collection and disposal of household waste, including recyclables, litter bins collections and green waste for developed properties only.***
5. ***Council applies a Municipal charge in accordance with legislation.***
6. ***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.
7. ***Council also allows ratepayers to pay property rates via payment arrangements, by any number of instalments, provided the full amount of rates***

and charges are paid by 31 May each year.

8. *Council recognises there are cases of genuine financial hardship and has a Hardship Policy which establishes the guidelines for assessment based on fairness, compassion, confidentiality and compliance with statutory requirements.*

MOTION - MOVED Cr Stephen Hart seconded Cr Terry Woodcroft:

That Council adopts the 2014-2017 Rating Strategy and the strategies contained therein, namely:

1. **Council applies Capital Improved Valuation (CIV) as the valuation methodology to levy Council rates and continues to review the impacts of revaluations as they occur.**
2. **Council applies differential rating as its rating system. Council considers that each differential rate contributes to the equitable and efficient carrying out of Council functions.**
3. **That Council applies differential rates for:**
 - 3.1. **Residential – Colac (Differential of 100%)**
 - 3.1.1. **Which will include all residential properties within the localities of Colac, Colac East, Colac West and Elliminyt within the Colac residential rating category.**
 - 3.2. **Residential – Balance of Shire (Differential of 85%)**
 - 3.3. **Rural – Farm (Differential of 79%)**
 - 3.3.1. **Which will also include all vacant land (less than 5 hectares) that for planning purposes is zoned for farming use only and has been deemed as being unable to support a bona fide farming enterprise capable of requiring a supporting residence or dwelling.**
 - 3.4. **Holiday Rental (Differential of 100%)**
 - 3.5. **Commercial/Industrial – Colac (differential of 165%)**
 - 3.6. **Commercial/Industrial – Balance of Shire (Differential of 140%).**
4. **The service charges applied by Council are a Waste Collection Charge for the collection and disposal of household waste, including recyclables, litter bins collections and green waste for developed properties only.**
5. **Council applies a Municipal charge in accordance with legislation.**
6. **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.**
7. **Council also allows ratepayers to pay property rates via payment arrangements, by any number of instalments, provided the full amount of rates**

and charges are paid by 31 May each year.

8. *Council recognises there are cases of genuine financial hardship and has a Hardship Policy which establishes the guidelines for assessment based on fairness, compassion, confidentiality and compliance with statutory requirements.*

AMENDMENT - MOVED Cr Chris Smith that the wording "(less than 5 hectares)" is removed at 3.3.1.

The amendment lapsed due to the lack of a seconder.

MOTION - MOVED Cr Stephen Hart seconded Cr Terry Woodcroft:

That Council adopts the 2014-2017 Rating Strategy and the strategies contained therein, namely:

1. *Council applies Capital Improved Valuation (CIV) as the valuation methodology to levy Council rates and continues to review the impacts of revaluations as they occur.*
2. *Council applies differential rating as its rating system. Council considers that each differential rate contributes to the equitable and efficient carrying out of Council functions.*
3. *That Council applies differential rates for:*
 - 3.1. *Residential – Colac (Differential of 100%)*
 - 3.1.1. *Which will include all residential properties within the localities of Colac, Colac East, Colac West and Elliminyt within the Colac residential rating category.*
 - 3.2. *Residential – Balance of Shire (Differential of 85%)*
 - 3.3. *Rural – Farm (Differential of 79%)*
 - 3.3.1. *Which will also include all vacant land (less than 5 hectares) that for planning purposes is zoned for farming use only and has been deemed as being unable to support a bona fide farming enterprise capable of requiring a supporting residence or dwelling.*
 - 3.4. *Holiday Rental (Differential of 100%)*
 - 3.5. *Commercial/Industrial – Colac (differential of 165%)*
 - 3.6. *Commercial/Industrial – Balance of Shire (Differential of 140%).*
4. *The service charges applied by Council are a Waste Collection Charge for the collection and disposal of household waste, including recyclables, litter bins collections and green waste for developed properties only.*
5. *Council applies a Municipal charge in accordance with legislation.*
6. *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.*
- 7. *Council also allows ratepayers to pay property rates via payment arrangements, by any number of instalments, provided the full amount of rates and charges are paid by 31 May each year.*
- 8. *Council recognises there are cases of genuine financial hardship and has a Hardship Policy which establishes the guidelines for assessment based on fairness, compassion, confidentiality and compliance with statutory requirements.*

CARRIED 6 : 1

DIVISION called by Cr Chris Smith

**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**

INFRASTRUCTURE AND SERVICES

ITEM	
<u>OM142603-5</u>	<u>LOCAL GOVERNMENT WASTE FORUM REPRESENTATIVE</u>
<u>OM142603-6</u>	<u>ROAD SAFETY STRATEGY</u>
<u>OM142603-7</u>	<u>ROAD DISCONTINUANCE - GOVERNMENT ROAD ABUTTING FORMER MARENGO LANDFILL SITE</u>
<u>OM142603-8</u>	<u>DECLARATION OF ROAD AS UNUSED – GOVERNMENT ROAD NORTH WEST OF CROWN ALLOTMENT 11J, PARISH OF MOORBANOOL</u>
<u>OM142603-9</u>	<u>ROAD DEVIATION - 35 HIDERS ACCESS, YUULONG</u>
<u>OM142603-10</u>	<u>UPDATE ON BLUEWATER FITNESS CENTRE REDEVELOPMENT</u>

OM142603-5

LOCAL GOVERNMENT WASTE FORUM REPRESENTATIVE

AUTHOR:	Ranjani Jha	ENDORSED:	Phil Corluka
DEPARTMENT:	Infrastructure & Services	FILE REF:	F13/8328

Original Recommendation(s)

That Council appoints Councilloras the Colac Otway Shire Council representative to the Barwon South West Waste and Resource Recovery Region Local Government Forum for 2014-2015.

MOTION - MOVED Cr Frank Buchanan seconded Cr Terry Woodcroft:

That Council appoints Councillor Stephen Hart as the Colac Otway Shire Council representative to the Barwon South West Waste and Resource Recovery Region Local Government Forum for 2014-2015.

CARRIED 7 : 0

OM142603-6 ROAD SAFETY STRATEGY

AUTHOR:	Paula Gardiner	ENDORSED:	Phil Corluka
DEPARTMENT:	Infrastructure & Services	FILE REF:	11/95452

MOVED Cr Terry Woodcroft seconded Cr Michael Delahunty

That Council:

- 1. Endorses the draft Road Safety Strategy for public consultation; and***
- 2. Places the draft Road Safety Strategy on exhibition for a period of six (6) weeks.***

CARRIED 7 : 0

OM142603-7

**ROAD DISCONTINUANCE - GOVERNMENT ROAD
ABUTTING FORMER MARENGO LANDFILL SITE**

AUTHOR:	Adam Lehmann	ENDORSED:	Phil Corluka
DEPARTMENT:	Infrastructure & Services	FILE REF:	F14/301

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft***That Council:***

- 1. Being of the opinion that the section of Government Road South of and abutting Crown Allotment 1 Sec 3C, Parish of Krambruk is not reasonably required for public use and therefore resolves to discontinue the road;***
- 2. Directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Local Government Act 1989 be published in the Victoria Government Gazette; and***
- 3. Upon gazettal of the road discontinuance, advises the Department of Environment and Primary Industries and requests that the land be reserved for community purposes.***

CARRIED 7 : 0

**OM142603-8 DECLARATION OF ROAD AS UNUSED – GOVERNMENT
ROAD NORTH WEST OF CROWN ALLOTMENT 11J,
PARISH OF MOORBANOOL**

AUTHOR:	Adam Lehmann	ENDORSED:	Phil Corluka
DEPARTMENT:	Infrastructure & Services	FILE REF:	11/96582

MOVED Cr Frank Buchanan seconded Cr Terry Woodcroft

That Council:

- 1. Declares as unused that section of unmade Government Road, fully described as the Government Road North West of Crown Allotment 11J, Parish of Moorbanool.***
- 2. Instructs the Chief Executive Officer to give notice to the Department of Environment and Primary Industries of Council's determination to declare the road as unused, by signing the attached document, being Schedule 4 of the Land Regulations 2006.***

CARRIED 7 : 0

OM142603-9

ROAD DEVIATION - 35 HIDERS ACCESS, YUULONG

AUTHOR:	Adam Lehmann	ENDORSED:	Phil Corluka
DEPARTMENT:	Infrastructure & Services	FILE REF:	11/96582

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council, in respect of the proposed road exchange/deviation of the identified section of Hiders Access, Yuulong and pursuant to section 206 and clause 2 of Schedule 10 of the Local Government Act 1989, resolves:

- 1. To give public notice as required under sections 207a and 223 of the Local Government Act 1989 allowing anyone to make a submission in relation to the proposed deviation in which the Council proposes to exchange the Government Road for land upon which Hiders Access has been constructed;***
- 2. To receive a further report should any submissions be received in relation to the proposed land exchange/deviation; and in the event that no submissions are received:***
 - a. Directs that a notice, pursuant to the provisions of clause 2(3) of Schedule 10 of the Local Government Act 1989, be published in the Victoria Government Gazette;***
 - b. That any easements, rights or interests required to be created or saved over the government road by any authority be done so and not be affected by the land exchange/deviation;***
 - c. That the Government Road, once deviated, be transferred and consolidated to the adjoining owner of the land to the east of the road, being the registered proprietor of 35 Hiders Access, Yuulong in exchange for land upon which the made portion of Hiders Access traverses 5495 Great Ocean Road, Yuulong.***
- 3. That Council's seal be affixed to any transfer or transfers of freehold land and to any other documents to which Council's seal is required to be affixed in connection with the road deviation and land exchange; and***
- 4. That the General Manager Infrastructure and Services be delegated the power to sign all other documents relating to the deviation/exchange.***

CARRIED 7 : 0

**OM142603-10 UPDATE ON BLUEWATER FITNESS CENTRE
REDEVELOPMENT**

AUTHOR:	Phil Corluka	ENDORSED:	Rob Small
DEPARTMENT:	Infrastructure & Services	FILE REF:	11/96037

Original Recommendation(s)

That Council notes the report on the internal enquiry into the revised budget for the Bluewater Fitness Centre contract.

MOTION - MOVED Cr Stephen Hart seconded Cr Terry Woodcroft:

That Council:

- 1. Notes the report on the internal enquiry into the revised budget for the Bluewater Fitness Centre contract.***
- 2. Notes that as a "notice of motion" regarding this matter is on today's agenda, defers any further action pending consideration of that resolution.***

CARRIED 7 : 0

SUSTAINABLE PLANNING AND DEVELOPMENT

ITEM	
<u>OM142603-11</u>	<u>LOCAL GOVERNMENT INFRASTRUCTURE PROGRAM - ALLOCATION OF REMAINING FUNDS TO BLUEWATER FITNESS CENTRE REDEVELOPMENT PROJECT</u>
<u>OM142603-12</u>	<u>SMALL TOWN IMPROVEMENT PROGRAM STIP REVIEW OF GUIDELINES</u>
<u>OM142603-13</u>	<u>METERED PARKING INVESTIGATION</u>

**OM142603-11 LOCAL GOVERNMENT INFRASTRUCTURE PROGRAM -
ALLOCATION OF REMAINING FUNDS TO BLUEWATER
FITNESS CENTRE REDEVELOPMENT PROJECT**

AUTHOR:	Michael Swanson	ENDORSED:	Doug McNeill
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F13/8603

Original Recommendation

That Council allocates the remaining funds of \$204,989 from the LGIP to the Blue Water Fitness Centre redevelopment, to cover part of the shortfall in funding.

MOTION - MOVED Cr Chris Smith seconded Cr Stephen Hart:

That Council does not allocate the remaining funds of \$204,989 from the LGIP to the Blue Water Fitness Centre redevelopment, to cover part of the shortfall in funding.

LOST 3 : 4

DIVISION called by Cr Chris Smith

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

MOTION - MOVED Cr Brian Crook seconded Cr Frank Buchanan:

That Council allocates the remaining funds of \$204,989 from the LGIP to the Blue Water Fitness Centre redevelopment, to cover part of the shortfall in funding.

CARRIED 4 : 3

DIVISION called by Cr Brian Crook

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

OM142603-12

**SMALL TOWN IMPROVEMENT PROGRAM STIP REVIEW
OF GUIDELINES**

AUTHOR:	Katrina Kehoe	ENDORSED:	Doug McNeill
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	11/96428

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft***That Council:***

1. ***Endorses the amendments to the Small Town Improvement Program (STIP) guidelines to broaden the eligible community groups or representatives who can apply where no formal Progress Association/Action Group/Advancement Association exists.***
2. ***Endorses the amendment to exclude the funding of development, update or review of Township Master Plans or Community Infrastructure Plans or similar strategic documents from STIP funds.***

AMENDMENT - MOVED Cr Chris Smith:***That the following be added as point 3:******“Requests that a separate town improvement fund be established for Apollo Bay.”******The amendment lapsed due to the lack of a seconder.******MOVED Cr Stephen Hart seconded Cr Terry Woodcroft******That Council:***

1. ***Endorses the amendments to the Small Town Improvement Program (STIP) guidelines to broaden the eligible community groups or representatives who can apply where no formal Progress Association/Action Group/Advancement Association exists.***
2. ***Endorses the amendment to exclude the funding of development, update or review of Township Master Plans or Community Infrastructure Plans or similar strategic documents from STIP funds.***

CARRIED 6 : 1***DIVISION called by Cr Chris Smith******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***

OM142603-13

METERED PARKING INVESTIGATION

AUTHOR:	Stewart Anderson	ENDORSED:	Doug McNeill
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/3291

Original Recommendations***That Council:***

1. ***Notes the officer's investigation into the feasibility of introducing parking meters within Colac and Apollo Bay.***
2. ***Does not support any further investigation of parking meters in Colac.***
3. ***Acknowledges it has made no decision on whether it should proceed with the introduction of parking meters in Apollo Bay.***
4. ***Supports the proposal to undertake consultation with the community for a minimum of six weeks in relation to the possible implementation of metered parking in Apollo Bay and the use of the net income to fund new high priority projects in Apollo Bay.***
5. ***Directs Council Officers, at the end of the consultation process, to provide a report to Council on the feedback received from the community.***

MOTION - MOVED Cr Frank Buchanan seconded Cr Terry Woodcroft:

That Council abandon any further investigation or consultation into installing parking meters in the Colac Otway Shire.

AMENDMENT - MOVED Cr Michael Delahunty seconded Cr Stephen Hart:

That an additional point be added as follows:

"Council supports ongoing investigations into alternative revenue streams to relieve pressure on property based rates."

LOST 3 : 4

AMENDMENT - MOVED Cr Chris Smith seconded Cr Stephen Hart:

That an additional point be added as follows:

"That Colac Otway Shire Council establishes a Small Town Improvement Program specifically for Apollo Bay along the lines of our current Small Town Improvement Program for other towns.

LOST 2 : 5

DIVISION called by Cr Stephen Hart

For the Motion: Cr Chris Smith, Cr Stephen Hart

Against the Motion: Cr Brian Crook, Cr Lyn Russell; Cr Terry Woodcroft, Cr Michael Delahunty, Cr Frank Buchanan

AMENDMENT - MOVED Cr Chris Smith:

That an additional point be added as follows:

“That the CEO bring a report to the April Open Council meeting on the actual costs, including staff time, of investigating parking meters within the Colac Otway Shire”.

The amendment lapsed due to a lack of a seconder.

MOTION - MOVED Cr Frank Buchanan seconded Cr Terry Woodcroft:

That Council abandon any further investigation or consultation into installing parking meters in the Colac Otway Shire.

CARRIED 6 : 1

DIVISION called by Cr Chris Smith

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

Against the Motion: Cr Brian Crook

GENERAL BUSINESS

ITEM	
<u>OM142603-14</u>	<u>ASSEMBLY OF COUNCILLORS</u>
<u>OM142603-15</u>	<u>MINUTES FROM THE COLAC COMMUNITY LIBRARY & LEARNING CENTRE JOINT COMMITTEE MEETING</u>
<u>OM142603-16</u>	<u>MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE</u>
<u>OM142603-17</u>	<u>ITEM FOR SIGNING & SEALING - TRANSFER OF LAND PART OF FORMER ROAD - 1505 OLD BEECH FOREST ROAD, BEECH FOREST</u>

OM142603-14 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:

- ***Councillor Workshop*** ***19 February 2014***
- ***Councillor Briefing Session*** ***26 February 2014***
- ***Councillor Briefing*** ***28 February 2014***
- ***Councillor Workshop*** ***12 March 2014.***

CARRIED 7 : 0

OM142603-15**MINUTES FROM THE COLAC COMMUNITY LIBRARY
& LEARNING CENTRE JOINT COMMITTEE MEETING**

AUTHOR:	Colin Hayman	ENDORSED:	Rob Small
DEPARTMENT:	Corporate & Community Services	FILE REF:	11/96218

MOVED Cr Stephen Hart seconded Cr Frank Buchanan

That Council notes the minutes, arising from the Colac Community Library & Learning Centre Joint Committee meeting held on 13 November 2013.

CARRIED 7 : 0

OM142603-16

**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 Frank Buchanan

That Council notes the Minutes and Executive Officer Report of the Old Beechy Rail Trail Committee for 2 December 2013.

CARRIED 7 : 0

**OM142603-17 ITEM FOR SIGNING & SEALING - TRANSFER OF
LAND PART OF FORMER ROAD - 1505 OLD BEECH FOREST ROAD,
BEECH FOREST**

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

MOVED Cr Terry Woodcroft seconded Cr Frank Buchanan

That Council agrees to sign and seal the Transfer of Land documents prepared for sale of land described as the former road being part of Road R1 on PS627770J as discontinued by virtue of the notice in the Victorian Government Gazette G48, 29 November 2012, to Skeet & Sylvia Morrow Pty Ltd.

CARRIED 7 : 0

NOTICES OF MOTION

ITEM	
OM142603-18	PROCESSING OF VISAS FOR ASYLUM SEEKERS

**OM142603-18 PROCESSING OF VISAS FOR ASYLUM SEEKERS
(CR BRIAN CROOK)**

Original Recommendation

That Council consider the contents of this Notice of Motion.

Original Recommendation

That on behalf of all asylum seekers living in Colac Otway Shire, we request:

- 1. That the visa applications of asylum seekers, currently living in our community on bridging visas, be processed as soon as possible.***
- 2. That if this process (above) legitimises their status as refugees, that they be afforded the opportunity of permanent residency.***
- 3. That the permanent residents in our community who have proven to be refugees, but arrived by boat or plane to seek asylum, are allowed the same right as any other permanent resident attempting to bring their families over through the family stream visa rather than being considered the "lowest priority" taking years to be processed and hence punishing these families retrospectively.***
- 4. That Council forward a copy of this notice of motion to Prime Minister Tony Abbott MP and the Minister for Immigration and Border Protection, Scott Morrison MP, with copies to Richard Marles MP, Bill Shorten MP, Sarah Hanson-Young MP, Sarah Henderson MP, Richard Di Natale MP, Julian Burnside, Ali Corke and Brendan O'Connor MP.***

MOTION - MOVED Cr Brian Crook seconded Cr Frank Buchanan:

That on behalf of all asylum seekers living in Colac Otway Shire, we request:

- 1. That the visa applications of asylum seekers, currently living in our community on bridging visas, be processed as soon as possible.***
- 2. That if this process (above) legitimises their status as refugees, that they be afforded the opportunity of permanent residency.***
- 3. That the permanent residents in our community who have proven to be refugees, but arrived by boat or plane to seek asylum, are allowed the same right as any other permanent resident attempting to bring their families over through the family stream visa rather than being considered the "lowest priority" taking years to be processed and hence punishing these families retrospectively.***
- 4. That Council forward a copy of this notice of motion to Prime Minister Tony Abbott MP and the Minister for Immigration and Border Protection,***

Scott Morrison MP, with copies to Richard Marles MP, Bill Shorten MP, Sarah Hanson-Young MP, Sarah Henderson MP, Richard Di Natale MP, Julian Burnside, Ali Corke and Brendan O'Connor MP.

5. ***That the CEO ensures that an appropriately worded notice of motion is lodged for the next Municipal Association of Victoria State Council Meeting and the Australian Local Government Association National General Assembly of Local Government to support the intent of this motion.***

CARRIED 6 : 1

DIVISION called by Cr Stephen Hart

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

ORDINARY COUNCIL MEETING

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
Contract Approval Contract 1401 - Ferrier Drive Reconstruction Stage 1	this matter deals with contractual matters	Section 89 (2) (d)
Contract 1406 - Supply of Crushed Rock, Sealing Aggregate and Pavement Materials	this matter deals with contractual matters	Section 89 (2) (d)
Confidential Documents for consideration - Audit Committee Chairperson's Report to Council, CEO Employment Process and Matrix for CEO Recruitment Agencies	this matter deals with personnel matters; AND this matter deals with contractual matters; AND this matter may prejudice the Council or any person	Section 89 (2) (a) (d) (h)
Bluewater Fitness Centre Redevelopment Updates	this matter deals with contractual matters; AND this matter may prejudice the Council or any person	Section 89 (2) (d) (h)
Harrington Memorial Park Committee of Management	This matter deals may prejudice the Council or any person	Section 89 (2) (h)

CARRIED 5 : 2

DIVISION called by Cr Stephen Hart

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

Against the Motion: Cr Chris Smith, Cr Stephen Hart

Cr Chris Smith left the meeting at 8.04pm.

OUT OF COMMITTEE


MOVED Cr Stephen Hart seconded Cr Michael Delahunty that the meeting move out of committee.

CARRIED 6 : 0

ORDINARY COUNCIL MEETING

The Meeting Was Declared Closed at 8.22 pm.

CONFIRMED AND SIGNED at the meeting held on 23 APRIL 2014

..........**MAYOR**