

MINUTES of the **MEETING OF SPECIAL COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held at the COPACC Meeting Rooms on 16 April 2014 at 3.00pm.

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 and Community Services
Phil Corluka, General Manager, Infrastructure and Services
Jack Green, General Manager, Sustainable Planning and Development
David Testa, Manager Finance & Customer Service
Nick Welsh, Accountant Officer Assets
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. As this is a Special Council Meeting, all questions asked must relate to the agenda.

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 submitted in writing

James Judd

1. Why does Council make a fuss about reducing garbage charges when it is only a two card trick of reducing one service charge then adding an equal amount to another charge to all properties that more than offsets the reduction?

Response:

The waste management charge is based on user pay principles. As indicated in the Council report the waste management charge for 2014-15 is affected by not having to transfer funds to the Kerbside Bin Replacement Reserve.

2. Will Council give a firm undertaking to release agendas prior to Friday preceding the Special Council meetings proposed to be held on Wednesday 11 June 2014 listed in today's agenda? This is essential as the shire offices will not open to receive communications on the Monday preceding these meetings plus written questions for these meetings will have to be received at Rae Street office by 5.00pm on Friday 6 June to be considered. The details about these two matters listed in today's agenda are very big items that will take time to check all details used to make recommendations on them.

Response:

As with the April Council meeting, questions will be able to be submitted in writing for the June Special Council meeting up until 10.00am on the Tuesday prior to the meeting. The agendas for that meeting will be available on Council's website and available for collection from our Rae Street office on Friday morning as per current practice.

3. Since Council charges extra for more than one garbage collection per period, will those who need this service receive a garbage collection fee rebate based on:
 - a. \$10 off per total charges?
 - b. \$10 off each service charge?

Response:

Council does not offer a rebate on any kerbside collection charges.

Should a resident request an additional service they are informed of the current charge and that this charge is set annually by Council. It is then the landowners choice to go ahead with any additional service or make other arrangements.

Questions Received Verbally at the Meeting

Alan Billing – Larpent

1. What would Council regard as a "general charge"?

Response:

The General Manager for Corporate and Community Services advised that "general charge" referred to the municipal charge which is applied to every ratepayer, or consolidated ratepayer. The waste charge which is applied to every ratepayer who receives that service would be referred to as a "service charge".

2. With reference to the July 2013 Council resolution which restricted any future increases to the Council budget to below 6%, if the municipal charge has gone up by 6.2% and the rates which have gone up by 7%, then that would be outside the resolution passed in July 2013.

Response:

The General Manager for Corporate and Community Services noted that from his recollection, the resolution stated that the average rates and charges increase should be less than 6%, which includes the rates and other charges such as the municipal and the waste management charges. This has been the basis of all discussions with Councillors during this budget process.

3. The wording of the resolution would suggest that all charges that are part of the budget are included in that resolution?

Response:

The General Manager for Corporate and Community Services reiterated that it was Council's understanding that general rates and charges reflect the statement of the statutory charges contained within the budget being the rates, municipal charge and waste management charge as a total. That is what Council believed the 6% referred to, not all charges within the budget.

Cr Hart read aloud the resolution from the July 2013 Council meeting referred to above which stated that "all future draft budgets contain an increase in average Council rates, including the municipal charge, general rate and waste management charge of less than six percent".

4. In reference to page 11 of the draft budget document where it shows an average \$90, or \$1.73 a week, increase per assessment, does Council not think that including the waste charge, which is not applied across the board, in the average increase for 2014/2015 is a deceptive approach?

Response:

The General Manager for Corporate and Community Services stated that this is the approach Council has been taking for a number of years and would continue to do so.

5. When preparing averages, wouldn't it be more accurate to prepare averages across each category separately?

Response:

The General Manager for Corporate and Community Services stated that the information was available within the budget document.

6. Wouldn't it be a more accurate assessment to provide this information to the community.

Response:

The General Manager for Corporate and Community Services advised that all data is made available within the budget document. Mr Billing's suggestion will be taken on board.

Simon Arundell – Bungador

1. What major considerations were made by Councillors before striking this rate?

Response:

The Mayor replied that budget considerations included costs, an overall view of future government grants, infrastructure gap and service provision. All the information is included in the budget and given to Councillors at briefings.

2. Did you consider the capacity of ratepayers to pay when deciding on an increase in rates? For instance, the ability of beef farmers to pay given the decrease in the price of beef over the past 10 years.

Response:

The Mayor advised that she was aware of the costs associated with raising and selling beef. Council did not look at any one sector but the shire as a whole. Council has an obligation to set a rate, it is a land tax and the only income for Council. Councillors would prefer to keep increases to a minimum or in pace with the CPI.

6. DECLARATION OF INTEREST

Nil

OFFICERS' REPORTS

Chief Executive Officer

SC141604-1 SERVICE LEVEL STATEMENTS

Corporate and Community Services

SC141604-2 DRAFT BUDGET 2014-2015

SC141604-3 COUNCIL PLAN (INCLUDING THE STRATEGIC RESOURCE PLAN)

Rob Small
Chief Executive Officer

SC141604-1 SERVICE LEVEL STATEMENTS

AUTHOR:	Rob Small	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	F13/9159

Resolution

MOVED Cr Stephen Hart seconded Cr Michael Delahunty

That Council approves the service level statements for public exhibition for the same consultation period as for the 2014-2015 draft budget.

CARRIED 6 : 1

DIVISION called by Cr Frank Buchanan

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

SC141604-2 DRAFT BUDGET 2014-2015

AUTHOR:	David Testa	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	11/95682

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

1. **Recognises that the 2014-2015 Draft Budget annexed to this resolution be the Budget prepared by the Council pursuant to section 127 of the Local Government Act 1989.**
2. **Authorises the Chief Executive Officer to:**
 - a. **Give public notice of the proposed Budget in accordance with section 129 (1) of the Local Government Act 1989; and**
 - b. **Make available for public inspection a copy of the proposed budget in accordance with section 129 (3) of the Local Government Act 1989.**
3. **Calls for written submissions in accordance with section 223 of the Local Government Act 1989 on the proposals contained in the 2013-2014 budget. Written submissions will be accepted until 5:00pm Friday 30 May 2014.**
4. **Hears any person who wishes to be heard (either personally or by a person acting on their behalf) in support of a submission received in relation to the proposed budget at a Special Council Meeting on Wednesday 11 June 2014 at COPACC (time to be confirmed).**
5. **Proposes that the rates in the dollar of CIV for each type of rate to be levied for the period commencing 1 July 2014 and concluding on 30 June 2015 are:**

Rating Category	Rate in the dollar of CIV
Residential- Colac, Colac East, Colac West, Elliminyt	0.004317
Residential- Balance of Shire	0.003669
Rural- Farm	0.003410
Holiday Rental	0.004317
Commercial/Industrial - Colac, Colac East, Colac West, Elliminyt	0.007123
Commercial/Industrial- Balance of Shire	0.006044
Other Charges:	
Aire River Drainage Scheme	\$0.20 per hectare

<i>Tirrengower Drainage Scheme</i>	<i>\$2.50 per hectare</i>
------------------------------------	---------------------------

6. *Proposes that a Municipal Charge set at 10% of the total rates and municipal charges, which equates to \$171 per each rateable property in respect to which a municipal charge can be levied for the period commencing 1 July 2014 and concluding on 30 June 2015.*
7. *Proposes that a Waste Management Charge of \$272 be levied for the period commencing 1 July 2014 and concluding on 30 June 2015 for properties in areas receiving a weekly waste collection service.*
8. *Proposes that a Waste Management Charge of \$180 be levied for the period commencing 1 July 2014 and concluding on 30 June 2015 for properties in areas receiving a fortnightly waste collection service.*

**MOTION - MOVED Cr Frank Buchanan seconded Cr Michael Delahunty:
That Council:**

1. *Recognises that the 2014-2015 Draft Budget as tabled, be the Budget prepared by the Council pursuant to section 127 of the Local Government Act 1989.*
2. *Authorises the Chief Executive Officer to:*
 - a. *Give public notice of the proposed Budget in accordance with section 129 (1) of the Local Government Act 1989; and*
 - b. *Make available for public inspection a copy of the proposed budget in accordance with section 129 (3) of the Local Government Act 1989.*
3. *Calls for written submissions in accordance with section 223 of the Local Government Act 1989 on the proposals contained in the 2014-2015 budget. Written submissions will be accepted until 5:00pm Friday 30 May 2014.*
4. *Hears any person who wishes to be heard (either personally or by a person acting on their behalf) in support of a submission received in relation to the proposed budget at a Special Council Meeting on Wednesday 11 June 2014 at COPACC (time to be confirmed).*
5. *Proposes that the rates in the dollar of CIV for each type of rate to be levied for the period commencing 1 July 2014 and concluding on 30 June 2015 are:*

<i>Rating Category</i>	<i>Rate in the dollar of CIV</i>
<i>Residential- Colac, Colac East, Colac West, Elliminyt</i>	<i>0.004317</i>
<i>Residential- Balance of Shire</i>	<i>0.003669</i>
<i>Rural- Farm</i>	<i>0.003410</i>
<i>Holiday Rental</i>	<i>0.004317</i>
<i>Commercial/Industrial - Colac, Colac East, Colac West, Elliminyt</i>	<i>0.007123</i>

Commercial/Industrial- Balance of Shire	0.006044
Other Charges:	
Aire River Drainage Scheme	\$0.20 per hectare
Tirrengower Drainage Scheme	\$2.50 per hectare

6. ***Proposes that a Municipal Charge set at 10% of the total rates and municipal charges, which equates to \$171 per each rateable property in respect to which a municipal charge can be levied for the period commencing 1 July 2014 and concluding on 30 June 2015.***
7. ***Proposes that a Waste Management Charge of \$272 be levied for the period commencing 1 July 2014 and concluding on 30 June 2015 for properties in areas receiving a weekly waste collection service.***
8. ***Proposes that a Waste Management Charge of \$180 be levied for the period commencing 1 July 2014 and concluding on 30 June 2015 for properties in areas receiving a fortnightly waste collection service.***

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

SC141604-3

**COUNCIL PLAN (INCLUDING THE STRATEGIC
RESOURCE PLAN)**

AUTHOR:	Margaret Giudice	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	11/95682

Resolution***MOVED Cr Brian Crook seconded Cr Terry Woodcroft******That Council:***

- 1. Endorses the revised Council Plan 2013-2017 and the Strategic Resource Plan 2014-2015 to 2017-2018.***
- 2. Calls for written submissions in accordance with section 223 of the Local Government Act 1989 on the revised Council Plan 2013-2017 and the Strategic Resource Plan 2014-2015 to 2017-2018. Written submissions will be accepted until 5:00pm Friday 30 May 2014.***
- 3. Hears any person who wishes to be heard (either personally or by a person acting on their behalf) in support of a submission received in relation to the proposed budget at a Special Council Meeting on Wednesday 11 June 2014 at COPACC (time to be confirmed).***

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***

The Meeting Was Declared Closed at 4.15 pm

CONFIRMED AND SIGNED at the meeting held on 23 APRIL 2014

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

