

COLAC OTWAY SHIRE COUNCIL ORDINARY MEETING OF COUNCIL

MINUTES of the **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held in COPACC Meeting Rooms on 27 May 2015 at 4.00pm.

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 Frank Buchanan (Mayor)
Cr Brian Crook
Cr Michael Delahunty
Cr Stephen Hart
Cr Lyn Russell
Cr Chris Smith
Cr Terry Woodcroft

Sue Wilkinson, 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

APOLOGIES

Nil

3. DECLARATION OF INTEREST

Pursuant to Sections 77, 78 and 79 of the Local Government Act 1989, direct and indirect conflict of interest must be declared prior to debate on specific items within the agenda; or in writing to the Chief Executive Officer before the meeting. Declaration of indirect interests must also include the classification of the interest (in circumstances where a Councillor has made a Declaration in writing, the classification of the interest must still be declared at the meeting), ie:

- a) direct financial interest
- b) indirect interest by close association
- c) indirect interest that is an indirect financial interest
- d) indirect interest because of conflicting duties
- e) indirect interest because of receipt of an applicable gift

- f) indirect interest as a consequence of becoming an interested party
- g) indirect interest as a result of impact on residential amenity
- h) conflicting personal interest.

A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.

Councillors are also encouraged to declare circumstances where there may be a perceived conflict of interest.

Referring to an email sent to all Councillors by Cr Crook on 16 May 2015, Cr Delahunty left the meeting at 4.06pm on the grounds that he could not remain in Council Chambers until questions regarding the legitimacy of his position on Council were resolved.

4. WELCOME & ACKNOWLEDGEMENT OF COUNTRY

Colac Otway Shire acknowledges the traditional custodians and law makers of this land, their elders past and present and welcomes any descendants 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.

5. QUESTION TIME

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.

Questions submitted in writing

James Judd

1. With the G21 projections for a population of Colac at about 50,000 by 2050, plus the GROW campaign of only about 1,000 youth jobs over 10 years, the projected population means a net gain in population at about 1,000 every year until 2050. What is being promoted in Colac to cater for the unemployed now plus the extra population in providing employment within this community at a rate to replace existing employees who cease to work and those added to the employable population? Has any amount been included within the 2015-2016 budget to meet Council's share of extra funds towards the cost of the GROW project by G21?

Response:

The G21 Regional Growth Plan forecasts a population for Colac of 20,000. Council continues to assist both small and large businesses with their expansion plans and will continue to integrate its employment creation activities with other regional activities such as those coordinated by organisations like G21 or the Great South Coast Group, where appropriate. In respect to the 2015-16 budget, Council is not required to make any specific allocation to the GROW program however it is expected that this program will provide leverage for existing and planned Council investment in economic and community development.

2. How much money has been allocated to this shire in the just released allocation by the Federal Government in "Roads to Recovery Grant Programme"?

Response:

Council's allocation under the Roads to Recovery funding program for 2015-2016 is \$2,491,371.

Overall Colac Otway Shire has been allocated \$7,474,114 from the 2014/15 to 2018/19 Roads to Recovery programme.

Questions from the floor

Dieter Wessner – Colac

1. At which meeting did Council decide to conduct a survey into the library annex?

Response:

The General Manager Corporate and Customer Services advised that the decision to conduct a review into library services was made at a Council meeting in early 2014.

2. What was the cost of undertaking the survey?

Response:

The General Manager Corporate and Customer Services advised that the cost for undertaking the survey and the preparation of the report was approximately \$16,000.

Ray Cooper – Beech Forest

1. With reference to the dwelling density calculation applied by Wannon Water across the Gellibrand catchment, why has the Colac Otway Shire not sought an agreement from Wannon Water, similar to that obtained by the Mansfield Shire from Murray Goulburn

Water in that it would not apply the dwelling density rule to any new residential developments across the Mansfield Shire?

Response:

The General Manager for Sustainable Planning and Development advised that the State Government applies guidelines right across Victoria that states that water authorities and Councils should not allow development density greater than one dwelling per forty hectares in water catchments. The creation of a Domestic Wastewater Management Plan is to allow Councils to justify residential development at a greater density level. The plan needs to be adopted by Council with the support of water authorities in order for it to be implemented.

Alan Billing – Larpent

1. What is the cost to Council of its membership of the Municipal Association of Victoria and the LGA, including the cost of Councillor participation?

Response:

The General Manager for Corporate and Community Services advised that the question would need to be taken on notice.

2. Why is this information not detailed in the 2015/2016 budget document?

Response:

The General Manager for Corporate and Community Services advised that the Municipal Association of Victoria is only one of a number of subscriptions paid by this Council. It is not possible to individually list all of the subscriptions paid in the budget document.

3. Is the pathway being constructed along the Lake Corangamite Road north of Cororooke to St Brendan's to be a shared pathway suitable for pedestrians, cyclists, prams and wheelchairs? What is the total cost of the pathway? What is the estimated annual use of the pathway? When approving this development, were Councillors provided with future maintenance costs?

Response:

The General Manager for Infrastructure and Services advised that the questions in relation to costs would need to be taken on notice, however the pathway is being created to cater for shared use between pedestrians, cyclists, prams and wheelchairs.

4. What was the cost of purchasing the twin wheelie bins currently being stored in Council's \$800,000 storage shed in Railway Street? What was the cost of these bins, who made the decision to purchase them and what is planned for these bins in the future?

Response:

The General Manager for Infrastructure and Services advised that the question would need to be taken on notice.

Cr Chris Smith left the meeting at 4.20pm.

Bill McCarthy – Colac

1. With respect to planned works on the grasslands and garden beds at the Lake Colac foreshore, can Council approve the cost of \$70,000 to widen the paths up to national standards, before the proposed garden edging is installed in two weeks' time?

Response:

The Acting General Manager for Sustainable Planning and Development advised that Mr McCarthy's comments with respect to the pathway would be taken on board, however no guarantees can be made at this time regarding changes to the plans.

Cr Chris Smith returned to the meeting at 4.21pm.

2. The commencement date of 9 June 2015 to install the garden edging will not allow time for the widening of the path which is required to meet national standards.

Response:

The Acting General Manager for Sustainable Planning and Development advised that the question would need to be taken on notice.

3. What was the process for installing the recent linemarking undertaken in Colac given that the bicycle lanes do not meet any road safety standards?

Response:

The General Manager for Infrastructure and Services advised that the linemarking had been designed to meet current road safety standards.

4. What standards have been applied in this instance?

Response:

The General Manager for Infrastructure and Services advised that the question would be taken on notice.

Simon Arundell – Bungador

1. How much longer is this shire going to persist in this gluttony rate increase each year?

Response:

The Mayor advised that the proposed rate increase of 4.9% would enable Council to continue to maintain services and deliver on its priorities and was required due to significant cuts in government funding.

The CEO advised that the draft Council budget is currently on exhibition with submissions closing on Friday, 29 May 2015 and encouraged Mr Arundell to put his comments in writing for consideration during the budget process.

2. Would you regard your rate rise as irresponsible and unforgiveable in imposing so much pain on these people who live in such poor socio-economic circumstances?

Response:

The Mayor advised that the rate increase was necessary to offset the lost income brought about by recent cuts in government grants and to enable Council to continue to deliver its services.

3. Is this not the only forum that I can ask questions of all Councillors and senior staff?

Response:

The Mayor advised that this was a forum to ask questions but not to hold discussions.

4. Would the shire consider having meetings where members of the community can ask questions of Councillors, such as briefing sessions?

Response:

The Mayor advised that there were a number of forums at which community members could ask questions of Councillors, including the recent budget consultation sessions.

Bill McCarthy – Colac

1. Given that the amount spent on cyclists in the Colac Otway Shire of only \$4 per head is one of the lowest in the state, what is the forecast budget to be spent on cyclists?

Response:

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

In calling an end to question time, the Mayor asked the General Manager for Corporate and Community Services to read the following:

"In terms of question time, a public question time not exceeding thirty minutes is allowed under the Local Law."

MOTION - MOVED Cr Chris Smith that members of the community be allowed to ask legitimate questions.

The motion lapsed due to the lack of a seconder.

6. TABLING OF RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS

These responses will not be read out but will be included in the minutes of this meeting.

Nil

7. PETITIONS/JOINT LETTERS (if required)

Nil

8. CONFIRMATION OF MINUTES

- **Ordinary Council Meeting held on the 22/04/15.**

MOVED Cr Stephen Hart seconded Cr Lyn Russell that Council confirm the above minutes.

CARRIED 5 : 1

As per Governance Local Law No 4, clause 34:

34. Objection to Confirmation of Minutes

- (1) If a Councillor is dissatisfied with the accuracy of the minutes, then he or she must:
 - (a) state the item or items with which he or she is dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (2) Except where sub-clause (1) applies, no vote shall be recorded against a motion to adopt the minutes.

9. PRESENTATION OF REPORTS

Before I move into the consideration of reports tonight Councillors, I would like to take a moment to discuss the process.

Firstly, with regard to meeting procedure, I intend to introduce each report and then invite questions from Councillors to officers. Once that is completed, I will then call for a motion. This will then be debated as per the usual processes. Once the debate is complete and all Councillors have had an opportunity to share their views, I will call for a vote, both for and against and then once that has occurred by a show of hands, I will declare the result. No more discussion on the item will be allowed after the vote occurred.

Cr Smith asked for a formal apology from the Mayor for not allowing himself, Cr Delahunty and Cr Crook the opportunity to ask questions during debate at previous Council meetings.

The Mayor ruled Cr Smith out of order.

The Mayor has the right to limit the number of questions asked and to direct that debate be commenced or resumed.

OM152705-1**CEO'S PROGRESS REPORT TO COUNCIL**

AUTHOR:	Rhonda Deigan	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Executive	FILE REF:	F11/3291

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

CARRIED 6 : 0

OM152705-2

G21 AND AFL BARWON REGIONAL STRATEGY

AUTHOR:	Ian Seuren	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	11/96721

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

1. ***Adopts the G21 and AFL Barwon Regional Strategy.***
2. ***Notes that any works outlined in the G21 and AFL Barwon Regional Strategy would be subject to consideration via future budget processes and analysis of various priorities.***

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

1. ***Adopts the G21 and AFL Barwon Regional Strategy.***
2. ***Notes that any works outlined in the G21 and AFL Barwon Regional Strategy would be subject to consideration via future budget processes and analysis of all Council priorities.***

CARRIED 5 : 1***DIVISION called by Cr Stephen Hart******For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Terry Woodcroft, Cr Frank Buchanan******Against the Motion: Cr Chris Smith***

OM152705-3

G21 REGIONAL TENNIS STRATEGY

AUTHOR:	Ian Seuren	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	11/96721

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

- 1. Adopts the G21 Regional Tennis Strategy.***
- 2. Notes that any works outlined in the G21 Regional Tennis Strategy would be subject to consideration via future budget processes and analysis of various priorities.***

MOTION - MOVED Cr Brian Crook seconded Cr Lyn Russell:***That Council:***

- 1. Adopts the G21 Regional Tennis Strategy.***
- 2. Notes that any works outlined in the G21 Regional Tennis Strategy would be subject to consideration via future budget processes and analysis of all Council priorities.***

CARRIED 5 : 1***DIVISION called by Cr Chris Smith******For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Terry Woodcroft, Cr Frank Buchanan******Against the Motion: Cr Chris Smith***

OM152705-4

AUSTRALIA DAY 2016 HOST TOWN

AUTHOR:	Hege Eier	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F15/1487

Original Recommendation(s)

That Council holds the 2016 Colac Otway Shire Australia Day event in Birregurra on the 26 January 2016.

MOTION - MOVED Cr Chris Smith:

That Council:

- 1. Holds the 2016 Colac Otway Shire Australia Day event in Birregurra on the 26 January 2016.***
- 2. Holds the 2017 Colac Otway Shire Australia Day event in Colac on the 26 January 2017.***

This motion lapsed due to the lack of a seconder.

MOTION - MOVED Cr Lyn Russell seconded Cr Terry Woodcroft:

That Council holds the 2016 Colac Otway Shire Australia Day event in Birregurra on the 26 January 2016.

CARRIED 6 : 0

OM152705-5**CONTRACT 1518 - SUPPLY & DELIVERY OF BITUMINOUS PRODUCTS**

AUTHOR:	Andrew Kavanagh	ENDORSED:	Phil Corluka
DEPARTMENT:	Infrastructure & Services	FILE REF:	F11/3291

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

- 1. Awards Contract 1518 – Supply & Deliver Bituminous Products, to the following suppliers, subject to allowance for rise and fall:***
 - a. asphalt – to Boral Resources Pty Ltd and Fulton Hogan Industries Pty Ltd with Cosworks to purchase the cheapest available of each product at such time as it is required;***
 - b. emulsion – to Fulton Hogan Industries Pty Ltd;***
 - c. cold bitumen premix – to Fulton Hogan Industries Pty Ltd;***
 - d. polymodified cold asphalt – to Boral Resources Pty Ltd***

for a period of two years, subject to an option to extend for one year at Council's discretion.
- 2. Delegates to the Chief Executive Officer authority to sign and place under Council Seal the Contract documents following the award of Contract No. 1518.***

CARRIED 6 : 0

**OM152705-6 BLUEWATER FITNESS CENTRE REDEVELOPMENT
PROJECT - PROGRESS REPORT**

AUTHOR:	Adam Lehmann	ENDORSED:	Phil Corluka
DEPARTMENT:	Infrastructure & Services	FILE REF:	F13/7721

MOVED Cr Lyn Russell seconded Cr Brian Crook

That Council notes the monthly status report for the Blue Water Fitness Centre Redevelopment Project covering the period to 1 April 2015 to 30 April 2015.

Cr Smith was asked to withdraw and apologise for a comment made accusing Cr Crook of a lack of honesty.

PROCEDURAL MOTION - MOVED Cr Stephen Hart:

That Cr Smith be evicted from the meeting for the remainder of the meeting.

The Mayor adjourned the meeting for five minutes at 5.41pm to consider this motion.

Crs Crook and Woodcroft left the Council Chambers between 5.42pm and 5.44pm.

The Mayor resumed the meeting at 5.45pm and asked Cr Smith twice more to withdraw and apologise for remarks he made regarding Cr Crook's honesty. Cr Smith refused both times to withdraw and apologise for his comments.

In accordance with Section 103 (1) of Colac Otway Shire's Local Law No 4 Governance that:

"Council may suspend from a meeting and for the balance of a meeting, any Councillor whose actions have disrupted the business of Council and have impeded its orderly conduct"

The Mayor moved the following procedural motion:

Moved: Cr Buchanan Seconded: Cr Hart

That Cr Smith be suspended for the balance of the meeting

Carried 5 : 1

Cr Smith left the meeting at 5.49pm

MOVED Cr Lyn Russell seconded Cr Brian Crook

That Council notes the monthly status report for the Blue Water Fitness Centre Redevelopment Project covering the period to 1 April 2015 to 30 April 2015.

Carried 5 : 0

OM152705-7

ONSHORE NATURAL GAS EXPLORATION

AUTHOR:	Stewart Anderson	ENDORSED:	Doug McNeill
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F14/6163

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

1. ***Writes to the Victorian Government advising that Colac Otway Shire supports an extension of the moratorium on unconventional natural gas extraction until such time that the environmental, social and economic issues raised by the community can be effectively addressed.***
2. ***Writes to the Victorian and Federal governments requesting support for the development of renewable energy sources to replace fossil fuels in the provision of heating, cooling and power.***
3. ***Approaches the Municipal Association of Victoria to determine its interest in leading a collaborative advocacy approach on this issue across the local government sector.***

MOTION - MOVED Cr Brian Crook seconded Cr Lyn Russell that:**That Council:**

1. ***Writes to the Victorian Government advising that Colac Otway Shire supports an extension of the moratorium on unconventional natural gas extraction until such time that the environmental, social and economic issues raised by the community can be effectively addressed.***
2. ***Writes to the Victorian and Federal governments requesting support for the development of renewable energy sources to replace fossil fuels in the provision of heating, cooling and power.***
3. ***Approaches the Municipal Association of Victoria (MAV) to determine its interest in leading a collaborative advocacy approach on this issue across the local government sector.***
4. ***Drafts a motion consistent with recommendations 1-3 and that this motion be forwarded to the next MAV State Council meeting for consideration.***
5. ***Forwards this report and recommendations to each member Council of the G21 and Great South Coast regions and urge them to also consider advocacy on this issue.***

CARRIED 5 : 0

OM152705-8 ASSEMBLY OF COUNCILLORS

AUTHOR:	Rhonda Deigan	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Executive	FILE REF:	F14/6031

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council notes the Assembly of Councillors reports for:

- Friends of Colac Botanic Gardens*** ***9 April 2015***
- Councillor Briefing*** ***22 April 2015***
- Councillor Briefing*** ***6 May 2015***

CARRIED 5 : 0

OM152705-9**MINUTES FROM YOUTH COUNCIL MEETINGS**

AUTHOR:	Maree Redmond	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Executive	FILE REF:	11/96640

MOVED Cr Lyn Russell seconded Cr Terry Woodcroft

That Council notes the minutes arising from Youth Council meeting held on:

- ***23 March 2015***
- ***30 March 2015***
- ***31 March 2015***
- ***20 April 2015.***

CARRIED 5 : 0

OM152705-10**MINUTES OF COLAC COMMUNITY LIBRARY AND
LEARNING CENTRE JOINT COMMITTEE**

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

MOVED Cr Stephen Hart seconded Cr Lyn Russell

That Council notes the minutes of the Colac Community Library and Learning Centre (CCLLC) Joint Committee for 11 February 2015.

CARRIED 5 : 0

IN COMMITTEE

MOVED Cr Brian Crook seconded Cr Lyn Russell

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
Minutes of In-Committee Council Meeting held on 22 April 2015	this matter may prejudice the Council or any person.	Section 89 (2) (h)
Contract 1518 – Supply & Delivery of Bituminous Products	this matter deals with contractual matters	Section 89 (2) (d)

CARRIED 5 : 0


OUT OF COMMITTEE

MOVED Cr Stephen Hart seconded Cr Brian Crook that the meeting move out of committee.

CARRIED 5 : 0

The Meeting Was Declared Closed at 6.12pm

CONFIRMED AND SIGNED at the meeting held on 24 JUNE 2015


.....MAYOR