

MEETING OF SPECIAL COUNCIL

AGENDA

10 JUNE 2015

at 1:00 PM

COPACC Meeting Rooms



Our Vision

Council will work together with our community to create a sustainable, vibrant future.

Our Mission

Council will work in partnership with our community and other organisations to provide:

- Effective leadership, governance and financial accountability
- Affordable and effective services
- An advocacy and engagement approach to sustainably grow our community

Our Values

Council will achieve its Vision and Mission by acting with:

- Respect
- Integrity
- Goodwill
- Honesty
- Trust

Our Strategic Direction

The four pillars of our Council Plan indicate our key strategic direction for 2013-2017.

An underlying principle in the development of the Council Plan was to more effectively integrate service delivery.

Pillar 1: Good Governance

Pillar 2: A Planned Future

Pillar 3: A Place to Live and Grow

Pillar 4: A Healthy Community and Environment

Our Councillors

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



Council Meetings

Welcome

Welcome to this Meeting of the Colac Otway Shire Council

Council Meetings are an important way to ensure that your democratically elected representatives are working for you in a fair and transparent way. They also allow the public to be involved in the decision making process of Council

About this meeting

There are a few things to know about tonight's meeting. The agenda itemizes all the different parts to the meeting. Some of the items are administrative and are required by law. In the agenda you will also find a list of all the items to be discussed this evening.

Each report is written by a Council officer outlining the purpose of the report, all relevant information and a recommendation. Council will consider the report and either accept the recommendation or make amendments to it. All decisions of Council are adopted if they receive a majority vote from the Councillors present at the meeting.

In accordance with Local Law 4, agenda items will be considered as follows:

- The item is introduced by the Mayor and Councillors are invited to ask questions of relevant officers
- A mover and a seconder of a motion is called for and if there is any Councillor who wishes to oppose the motion.
- The mover will then be invited to speak to the motion, followed by the seconder and then, if required, the Councillor who opposed the motion.
- Remaining Councillors will be given the opportunity to speak for or against the motion.
- If any Councillor speaks against the motion, the mover will be given the right of reply.
- There will be no further discussion of the item once the vote has been declared.

Public Question Time

Provision is made at the beginning of the meeting for general question time from members of the public. Matters relating to routine Council works should be taken up with Council's Customer Assist Staff.

Up to thirty minutes may be provided for Question Time. This is at the discretion of the Mayor.

Residents are encouraged to lodge questions in advance so that a more complete response can be given.

Questions can be submitted in writing up until 5.00pm on the Monday prior to each Council meeting. There is also provision for questions to be asked from the gallery. If you would like to ask a question during Question Time, it would be appreciated if you could please fill in the blue "Public Question Time – Council Meetings" form located in the meeting rooms and hand to the COPACC Duty Supervisor.

Questions relating to a topic on the agenda may be taken on notice and responded to after the meeting. Responses to questions taken on notice will be tabled at the following meeting and included in the minutes of that meeting.

Hearing of Submissions

Any person who has made a written submission on an item and requested that she or he be heard in support of that written submission pursuant to section 223 of the *Local Government Act 1989* will be entitled to address Council.

When the relevant item is listed for discussion, the Mayor/Chairperson will call your name and ask you to address the Council. The length of time available to each speaker is five minutes.

Recording of Meetings

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.

COLAC-OTWAY SHIRE SPECIAL COUNCIL MEETING

10 JUNE 2015

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OFFICERS' REPORTS

**SC151006-1 CONSIDERATION OF SUBMISSIONS TO THE DRAFT 2015-2016
BUDGET7**

NOTICE is hereby given that the next **MEETING OF SPECIAL COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** will be held in COPACC Meeting Rooms on 10 June 2015 at 1.00pm.

AGENDA

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**

3. **APOLOGIES**

4. **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.

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

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.

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6. QUESTION TIME

A maximum of 30 minutes is allowed for question time. To ensure that each member of the gallery has the opportunity to ask questions, a maximum of two questions from each person will be invited in the first instance. Once everyone has had an opportunity to ask their initial questions, and if time permits, the Mayor will invite further questions. 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. Question time 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.

7. HEARING OF SUBMISSIONS

8. PRESENTATION OF REPORTS

The meeting procedure will occur as follows:

1. The Mayor will introduce each report and then invite questions from Councillors to officers.
2. Once that is completed, a motion will be called for. This will then be debated.
3. Once the debate is complete and all Councillors have had an opportunity to share their views, the Mayor will call for a vote, both for and against and then once that has occurred by a show of hands, a result will be declared. No more discussion on the item will be allowed after the vote has occurred.

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

AUTHOR:	Ashley Roberts	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	CLF11/42

Purpose

The purpose of this report is to consider submissions received under section 223 of the *Local Government Act 1989* in relation to the draft proposed budget for 2015-2016.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Background

On 22 April 2015, Council resolved to give notice of preparation of the proposed 2015-2016 budget, including proposed rates and charges for the year, and invited submissions on the budget in accordance with section 129 of the *Local Government Act 1989*.

At the Ordinary Council Meeting held on 22 April 2015 it was resolved:

“That Council:

- 2. Pursuant to Section 223 (1)(b) of the Local Government Act 1989 determines that Council will consider, and if requested, hear any submissions received in relation to the proposed budget 2015/16, on Wednesday, 10 June 2015 at 1.00 pm at COPACC.***
- 3. Notes that written submissions will be accepted for a five week period closing 5:00pm Friday, 29 May 2015.”***

As part of the statutory process to adopt the 2015-2016 Budget, Council is required to consider all submissions received on the Budget.

The closing date for submissions was 5.00 pm on Friday, 29 May 2015. Submissions received on Monday 1 June, 2015 have also been taken into account. Ten (10) submissions were received relating to the Draft 2015-2016 Budget. This figure includes one submission that consists of five (5) separate parts.

Under section 223(1)(d) of the *Local Government Act 1989*:

- (d) the Council or special committee responsible for making the decision must—*
 - (i) consider all the submissions made under this section and any report made under paragraph (c);*

A hard copy of all submissions received have been provided to Councillors for their information. One submitter has requested an opportunity to be heard in support of their

submission at the Special Council meeting. This party has been advised by mail of the time and date in which they may be heard by Council.

Council Plan / Other Strategies / Policy

Good Governance

Means we care about and are responsive to the community, encourage democratic participation and involve people in decisions that affect them. We strive for excellence in financial management and council services, and always look for better ways to do things.

Our Goal:

Ensure transparency of governance practices, the capability of our organisation and effective resource management.

The 2015-2016 Draft Budget has been prepared in line with the Council Plan and is guided by priorities outlined in key strategic documents - the Council Plan and Strategic Resource Plan.

The 2015-2016 Draft Budget reflects Council's commitment to achieving progress against Council's Key Themes (Pillars):

- Good Governance
- A Planned Future
- A Place to Live and Grow
- A Healthy Community and Environment

The 2015-2016 Draft Budget was prepared in accordance with the requirements of the *Local Government Act 1989* and the *Local Government (Financial and Planning) Regulations 2014*. The 2015-2016 draft budget was the first where Council has been required to mandatorily apply the standard model budget format as dictated by the regulations. This model has been designed to aid comparability between all 79 municipalities across Victoria and differs markedly from the previous year. Where appropriate, Council has restated the previous year's forecasts in the new model format.

The Budget is a critical planning and resource tool of Council and is vital to the ongoing operational and financial viability of Council. It sets out the expected income and expenditure both operational and capital for the coming year and also incorporates Council's rating strategy and outlines Council's Strategic Resource Plan goals.

Key highlights of the draft budget include:

- The lowest average rates and charges rise in more than a decade - being 4.9 %
- An average forecast increase in rates and charges per assessment of \$87.00 per year or \$1.67 per week
- The delivery of a capital works program which will be the second biggest in the shire's history – valued at \$17.08 million
- The completion of the Bluewater Fitness Centre upgrade and the return to full operational service levels
- \$2.48 million to commence major upgrades to the facilities for Colac's premier sports facility - Central Reserve
- \$5.6 million for road reconstruction, re-sheeting, re-sealing and safety upgrades across the entire shire
- An extensive program of new and renewed footpaths across the entire shire valued at \$650,000
- \$670,000 for upgrades to bridges, determined on a safety priority basis

- \$1.47 million upgrades to the eastern entrance of the Colac CBD
- A program of service reviews in key areas including Planning
- The delivery of an operating surplus to partially fund capital work activities
- No new borrowings

Issues / Options

Submissions

Council received ten (10) Submissions on the 2015-2016 Draft Budget. The following table summarises the submissions received:

Submission #	Submission Details	Officer Comments
1	<p>(a) How is Council funding repairs to Council roads used by VicRoads as the bypass for Murray St works.</p> <p>(b) When rate increases are at a higher rate than the increase in the pension rebate pensioners become worse off. Is Council proposing any relief for pensioners to offset this gap?</p> <p>(c) What is Council's contribution to Give where you Grow G21? Accuracy of Population figures.</p> <p>(d) The level of the Commercial Rate In Dollar is too high and is a deterrent to business.</p> <p>(e) Will there be a hard waste collection in the Colac area in 2015-2016.</p>	<p>The period of time that Council roads will be used as a bypass is relatively short. It is not anticipated that the extra traffic volumes will be of such cumulative magnitude to cause significant damage to those Council roads to require additional maintenance or renewal over that amount already planned.</p> <p>Council has not budgeted any additional concessions over or above the pensioner rates rebate as set by the Victorian Government.</p> <p>There are no specific funds set aside in the 2015-16 Draft Budget for this. Any funding for programs with G21 will be negotiated within the constraints of Council's budgetary capacity.</p> <p>The level of all Rates and Charges was set in the Rating Strategy. The rating strategy is set on analysis of needs, costs and capacities to pay of all sectors of the community. Council balances the development of new businesses against the cost of infrastructure required to attract and support new businesses to the shire.</p> <p>There are no plans for a hard waste collection to be introduced in Colac during 2015-16.</p>

2	Support for toilet and shower block at Apollo Bay foreshore. Question whether \$50,000 is sufficient to make the facility 'vandal proof'	Council has allocated \$50,000 to this project and is confident it will provide a safe and secure facility at that cost.
3	Asserts that staff wages are too high and there is insufficient disclosure of salaries paid. Also the rate rise is unjustified.	Staff wages are governed by Council's EBA. Total Employee expenses include not only wages, but also statutory leave accruals. The level of staffing is dependent upon the level of service. All disclosures are made in line with the requirements of Australian Accounting Standards and the requirements of the <i>Local Government Act 1989</i> and the <i>Local Government (Planning and Reporting) Regulations 2014</i> . To quote the requirements of other legislation (i.e Corporations Act) is not relevant as it does not apply to this industry. The 2015-16 Draft Budget outlines how all monies, including rates levied by Council, are allocated to the provision of services and assets for the benefit of the community. Council is been very aware of the balance between service delivery and assets renewal with rating increases and the community's capacity to absorb these rate increases. The proposed rate increase for 2015-16 is the lowest for a decade. This has been achieved despite significant real term funding reductions from other sources, in particular the ongoing freeze Financial Assistance Grants, whilst at least maintaining existing service levels and managing asset renewal.
4	Support for toilet and shower block at Apollo Bay foreshore.	Noted
5	Support for toilet and shower block at Apollo Bay foreshore.	Noted
6	Support for toilet and shower block at Apollo Bay foreshore.	Noted
7	Complaint about consultation meeting times not being suitable. Questions	Consultation times were set to appeal to the broadest range of

	about Cape Otway Road.	ratepayers and residents as possible. The comment around the time being unsuitable for farmers is noted for future meetings. Council has not encouraged Cape Otway Road to be used as a freight route in place of the Princes Highway. It is anticipated the duplication of Princes Highway would be of significant benefit to freight operators.
8	Support for toilet and shower block at Apollo Bay foreshore.	Noted.
9	Funding request for renewal of facilities at Colac Indoor Sports Centre.	The Colac Indoor Tennis and Sports Centre provides an important community/recreation service that Council does not currently provide. It is however a privately operated facility and Council historically hasn't provided funding support to such facilities. The request for funds is for asset renewal to enable the courts to be suitable for participation. There is nothing currently budgeted to provide for this.
10	Support for toilet and shower block at Apollo Bay foreshore.	Noted.

Proposal

That Council notes the written and verbal submissions received and refers all submissions for further consideration to the Council meeting to be held on Wednesday 24 June 2015, as part of Council's deliberations in adopting the 2015-2016 Budget.

Financial and Other Resource Implications

All financial and resource implications concerning the 2015-2016 Draft Budget are contained and detailed within the 2015-2016 Draft Budget document. This report raises no additional implications.

Risk Management & Compliance Issues

Local Government Act 1989:

- Section 127 - "Council must prepare a budget"
- Section 129 - "Public notice"
- Section 130 - "Adoption of budget or revised budget"
- Section 223 - "Right to make submission".

Local Government (Planning and Reporting) Regulations 2014

Environmental and Climate Change Considerations

There are no environment and climate change considerations arising from this report, other than those outlined within the 2015-2016 Draft Budget document itself.

Community Engagement

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of January 2010, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected was to consult. Advertisements were placed in the local papers advising the community that documents were available for viewing on Council's website, and were also available from Council's Service Centres and Libraries from Wednesday 22 April 2015.

Section 223 of *the Act* requires that the Budget be available for comment for a period of at least four (4) weeks. A consultation period of over five (5) weeks was provided to enable the community the opportunity to comment on the Budget.

There were two public information sessions held concerning the 2015-2016 Draft Budget. These sessions took the form of an informal 'drop-in' session where residents and ratepayers were encouraged to speak with Council Officers about the draft budget. The sessions were held from 5.00pm – 7.00pm in Colac on Monday 11 May 2015 and one in Apollo Bay on Tuesday 12 May 2015. A total of seven interested parties attended the Colac session, whilst one person attended the session held in Apollo Bay.

The timelines proposed for approval 'in principle' of the 2015-2016 Annual Budget, public consultation, consideration of submissions and adoption of the 2014-2015 Annual Budget at the Council meeting on 24 June 2015 are generally consistent with most councils.

Implementation

The submissions lodged will be considered as part of Council deliberations on the 2015-2016 Budget.

Conclusion

Following the submission process on the Draft Budget a number of submissions have been received.

Officer's comments have been provided where possible on each of the issues raised.

Attachments

Nil

Recommendation(s)

That Council having received and noted the written and verbal submissions, refers all submissions for further consideration to the Council meeting to be held on Wednesday 24 June 2015, as part of Council's deliberations in adopting the 2015-2016 Budget.

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