

MINUTES of the **SPECIAL COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** was held in the COPACC Rehearsal Room, Rae Street, Colac on 30 July 2008 at 9.30 am.

1. OPENING PRAYER

2. PRESENT

Cr. Chris Smith (Mayor)
Cr. Peter Mercer
Cr. Warren Riches
Cr. Fran Lehmann
Cr. Carol Wilmink

Tracey Slatter, Chief Executive Officer
Colin Hayman, General Manager, Corporate & Community Services
Scott Cavanagh, Acting General Manager, Infrastructure & Services
Brett Exelby, Manager Finance & Customer Service

Althea Wright, Executive Officer
Suzanne White, Executive Assistant

3. APOLOGIES

Cr. Joe Di Cecco
Cr. Tony Graham
Doug McNeill, Acting General Manager, Sustainable Planning & Development

4. MAYORAL STATEMENT

Colac Otway Shire encourages active community input and participation in Council decisions. Council meetings provide one of these opportunities as members of the community may ask questions relating to matters being considered by Council at the current meeting. Questions not related to current agenda items can be made in writing and will be addressed if received within two days of the Council meeting. Council meetings also enable Councillors to debate matters prior to decisions being taken.

I ask that we all respect each other during this process by:

- being courteous and respectful in the way in which you speak;
- not speaking unless you have been permitted to by me as chairperson;

- respecting the local laws which govern meeting procedure (copies of these are here for your information); and
- understanding that I have a responsibility to ensure proper meeting procedure and the upholding of the local law.

Thank you, now question time. 30 minutes is allowed for question time.

1. Questions received in writing prior to the meeting
2. Questions from the floor

5. QUESTION TIME

Questions received in writing prior to the meeting

Nil

Questions received verbally at the meeting

Nil

6. DECLARATION OF INTEREST

Nil

OFFICERS' REPORTS

Corporate and Community Services

SC083007-1 ADOPTION OF THE 2008/09 BUDGET

SC083007-1 ADOPTION OF THE 2008/09 BUDGET

AUTHOR: Brett Exelby ENDORSED: Colin Hayman
DEPARTMENT: Corporate and Community Services FILE REF: GEN00392
Estimates / Budgets

Recommendation(s)**1. Adoption of 2008/2009 Budget**

- 1.1 **Council having considered all submissions received, adopts the 2008/2009 Budget annexed to this resolution as Attachment 1 in accordance with section 130 of the Local Government Act 1989 (the Act).**
- 1.2 **The Chief Executive Officer be authorised to give public notice of this decision to adopt the 2008/2009 Budget, in accordance with section 130(2) of the Act.**
- 1.3 **That a copy of the adopted Budget be forwarded to the Minister for Local Government before 31 August 2008, in accordance with section 130(4) of the Act.**
- 1.4 **That a copy of the adopted Budget be made available at the Rae Street Office and the Apollo Bay Customer Service Centre for public inspection in accordance with section 130(9) of the Act.**
- 1.5 **The persons making submissions to the budget be thanked in writing for their submission and advised of the outcome of and reasons for the budget decision (which reasons are to be found in the Officer comments contained in the Report considered by Council at its meeting on 15 July 2008).**

2. Amount intended to be raised

An amount of \$17,645,539 be declared as the amount that Council intends to raise by general rates, municipal charge and service (Waste Management) charges, which is calculated as follows:

Category	Income
General Rates (including Supplementary rates)	\$13,514,090
Municipal Charge	\$2,003,850
Annual Service (Waste Management) Charges	<u>\$2,127,599</u>
TOTAL	\$17,645,539

3. General Rates

- 3.1 **A general rate be declared for the period commencing 1 July 2008 to 30 June 2009.**
- 3.2 **It be declared that the general rate be raised by the application of differential rates.**

- 3.3 A differential rate be respectively declared for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each differential rate so declared:**

3.3.1 Residential Land – Colac, Colac East, Colac West or Elliminyt

Any land which is located in Colac, Colac East, Colac West or Elliminyt that is not zoned for commercial or industrial use and which:

- 3.3.1.1 is vacant or used primarily for residential purposes and is less than 1.0 hectare in area; and**
- 3.3.1.2 does not have the characteristics of:**
- a) Rural Farm Land;**
 - b) Holiday Rental Land; or**
 - c) Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt.**

3.3.2 Residential Land - Balance of Shire

Any land which is 1.0 hectare or more in area or which is not located in Colac, Colac East, Colac West or Elliminyt that:

- 3.3.2.1 is vacant or used primarily for residential purposes; and**
- 3.3.2.2 does not have the characteristics of:**
- a) Rural Farm Land;**
 - b) Holiday Rental Land;**
 - c) Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt; or**
 - d) Commercial/Industrial Land – Balance of Shire.**

3.3.3 Rural Farm Land

Any land which is “Farm Land” within the meaning of section 2 of the Valuation of Land Act 1960.

3.3.4 Holiday Rental Land

Any land that contains a dwelling, cabin or house or part of a house that:

- 3.3.4.1 is used for the provision of holiday accommodation for the purpose of generating income; or**
- 3.3.4.2 is made generally available for holiday accommodation and is a secondary or supplemental source of income for the owner.**

Note: Typically, the category will include absentee owned holiday houses, owner occupied “Bed and Breakfast” establishments, farm properties with accommodation cabins, holiday farms and the like.

The category will not include land used to provide tourist/holiday accommodation on an overtly commercial scale and basis where the provision of accommodation is an integral part of the use of the property. The types of properties excluded from this category would include motels, resorts, hotels with accommodation, caravan parks, centrally managed and promoted multi unit developments and the like.

3.3.5 Commercial/Industrial Land - Colac, Colac East, Colac West or Elliminyt

Any land which is located in Colac, Colac East, Colac West or Elliminyt which:

3.3.5.1 *does not have the characteristics of:*

- a) *Rural Farm Land;*
- b) *Residential Land – Colac, Colac East, Colac West or Elliminyt; or*
- c) *Holiday Rental Land; and*

3.3.5.2 *is used primarily for:*

- a) *the sale of goods or services;*
- b) *other commercial purposes; or*
- c) *industrial purposes*

or which is vacant but zoned for commercial or industrial use.

3.3.6 Commercial/Industrial Land - Balance of Shire

Any land which is not located in Colac, Colac East, Colac West or Elliminyt which:

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- a) *Rural Farm Land;*
- b) *Residential Land – Balance of Shire; or*
- c) *Holiday Rental Land; and*

3.3.6.2 *is used primarily for:*

- a) *the sale of goods or services;*
- b) *other commercial purposes; or*
- c) *industrial purposes*

or which is vacant but zoned for commercial or industrial use.

3.4 *Each differential rate will be determined by multiplying the Capital Improved Value of each rateable land (categorised by the characteristics described in paragraph 3.3 of this Resolution) by the relevant cents in the dollar indicated in the following table:*

<i>Category</i>	<i>Cents in the dollar of Capital Improved Value</i>
<i>Residential Land – Colac, Colac East, Colac West or Elliminyt</i>	<i>0.003015</i>
<i>Residential Land – Balance of Shire</i>	<i>0.002563</i>
<i>Rural Farm Land</i>	<i>0.002382</i>
<i>Holiday Rental Land</i>	<i>0.003015</i>
<i>Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt</i>	<i>0.004975</i>
<i>Commercial/Industrial Land – Balance of Shire</i>	<i>0.004221</i>

3.5 *It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that*

3.5.1 *the respective objectives of each differential rate be those specified in the Schedule to this Recommendation; and*

3.5.2 the respective types or classes of land which are subject to each differential rate be those defined in the Schedule to this Recommendation; and

3.5.3 the respective uses and levels of each differential rate in relation to those respective types or classes of land be those described in the Schedule to this Recommendation; and

3.5.4 the relevant:

3.5.4.1 uses of;

3.5.4.2 geographical locations of; and

3.5.4.3 planning scheme zonings of; and

3.5.4.4 types of buildings on the respective types or classes of land be those identified in the Schedule to this Recommendation.

4. Municipal Charge

4.1 A Municipal Charge be declared for the period commencing 1 July 2008 to 30 June 2009 to cover some of the administrative costs of the Council.

4.2 The municipal charge be the sum of \$150 per annum for each rateable property in respect of which a municipal charge can be levied.

5. Annual Service (Waste Management) Charges

5.1 An annual service (waste management) charge of \$235.00 per annum be declared for:

5.1.1 all land used primarily for residential or commercial purposes; or

5.1.2 other land

in respect of which a weekly waste collection and disposal service is provided, for the period 1 July 2008 to 30 June 2009.

5.2 An annual service (waste management) charge of \$152.00 per annum be declared for:

5.2.1 all land used primarily for residential or commercial purposes; or

5.2.2 other land

in respect of which a fortnightly waste collection and disposal service is provided, for the period 1 July 2008 to 30 June 2009.

6. Aire River Special (Drainage) Charge

A special charge of \$0.20 per hectare will be declared on those properties located within the Aire River Drainage Scheme for the period 1 July 2008 to 30 June 2009.

7. Tirrengower Special (Drainage) Charge

The special charge for the Tirrengower drainage works previously declared by Council be fixed at \$2.50 per hectare for the period 1 July 2008 to 30 June 2009.

8. Consequential

- 8.1 It be recorded that Council requires any person to pay interest at the maximum rate fixed under section 2 of the Penalty Interest Rates Act 1983 as the rate set out in accordance with section 172(2) of the Act on any amounts of rates and charges which:**
- 8.1.1 that person is liable to pay; and**
8.1.2 have not been paid by the date specified for their payment.
- 8.2 Council allow a lump sum payment and 4 instalment payments for the 2008/2009 year, on the dates published in the Victoria Government Gazette by the Minister and in accordance with section 167 of the Act.**
- 8.3 Council authorises the General Manager Corporate & Community Services and the Property & Customer Relations Co-ordinator to levy and recover the general rates, municipal charge and annual service charges in accordance with the Act.**

SCHEDULE

RESIDENTIAL LAND – COLAC, COLAC EAST, COLAC WEST OR ELLIMINYT

Objective:

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the -

- 1. Construction and maintenance of public infrastructure; and**
- 2. Development and provision of health and community services; and**
- 3. Provision of general support services.**

Types and Classes:

Rateable land having the relevant characteristics described in the Recommendation.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Land located in Colac, Colac East, Colac West and Elliminyt.

Use of Land:

Any use permitted under the relevant Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

Types of Buildings:

Any buildings which are now constructed on the land or which are constructed prior to 30 June 2009.

RESIDENTIAL LAND – BALANCE OF SHIRE**Objective:**

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the -

- 1. Construction and maintenance of public infrastructure; and*
- 2. Development and provision of health and community services; and*
- 3. Provision of general support services.*

Types and Classes:

Rateable land having the relevant characteristics described in the Recommendation.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Land which is not located in Colac, Colac East, Colac West or Elliminyt.

Use of Land:

Any use permitted under the relevant Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

Types of Buildings:

Any buildings which are now constructed on the land or which are constructed prior to 30 June 2009.

RURAL FARM LAND**Objective:**

To maintain and encourage the development of land for farming purposes and ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the -

- 1. Construction and maintenance of public infrastructure; and*

2. ***Development and provision of health and community services; and***
3. ***Provision of general support services.***

Types and Classes:

Rateable land having the relevant characteristics described in the Recommendation.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the relevant Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

Types of Buildings:

Any buildings which are now constructed on the land or which are constructed prior to 30 June 2009.

HOLIDAY RENTAL LAND

Objective:

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the -

1. ***Construction and maintenance of public infrastructure; and***
2. ***Development and provision of health and community services; and***
3. ***Provision of general support services; and***
4. ***Contribution towards economic development and tourism.***

Types and Classes:

Rateable land having the relevant characteristics described in the Recommendation.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

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Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the relevant Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

Types of Buildings:

Any buildings which are now constructed on the land or which are constructed prior to 30 June 2009.

COMMERCIAL/INDUSTRIAL LAND – COLAC, COLAC EAST, COLAC WEST OR ELLIMINYT

Objective:

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the -

- 1. Construction and maintenance of public infrastructure; and***
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- 3. Provision of general support services; and***
- 4. Contribution towards economic development and tourism.***

Types and Classes:

Rateable land having the relevant characteristics described in the Recommendation.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

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Geographic Location:

Land located in Colac, Colac East, Colac West and Elliminyt.

Use of Land:

Any use permitted under the relevant Planning Scheme.

Planning Scheme Zoning:

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Types of Buildings:

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Resolution

MOVED Cr Riches seconded Cr Mercer that Council;

1. Adoption of 2008/2009 Budget

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in respect of which a weekly waste collection and disposal service is provided, for the period 1 July 2008 to 30 June 2009.

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SCHEDULE

RESIDENTIAL LAND – COLAC, COLAC EAST, COLAC WEST OR ELLIMINYT

Objective:

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the -

- 1. Construction and maintenance of public infrastructure; and**
- 2. Development and provision of health and community services; and**
- 3. Provision of general support services.**

Types and Classes:

Rateable land having the relevant characteristics described in the Recommendation.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Land located in Colac, Colac East, Colac West and Elliminyt.

Use of Land:

Any use permitted under the relevant Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

Types of Buildings:

Any buildings which are now constructed on the land or which are constructed prior to 30 June 2009.

RESIDENTIAL LAND – BALANCE OF SHIRE**Objective:**

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Any buildings which are now constructed on the land or which are constructed prior to 30 June 2009.

RURAL FARM LAND**Objective:**

To maintain and encourage the development of land for farming purposes and ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the -

- 1. Construction and maintenance of public infrastructure; and**
- 2. Development and provision of health and community services; and**
- 3. Provision of general support services.**

Types and Classes:

Rateable land having the relevant characteristics described in the Recommendation.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Wherever located within the municipal district.

Use of Land:

Any use permitted under the relevant Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

Types of Buildings:

Any buildings which are now constructed on the land or which are constructed prior to 30 June 2009.

HOLIDAY RENTAL LAND

Objective:

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the -

- 1. Construction and maintenance of public infrastructure; and***
- 2. Development and provision of health and community services; and***
- 3. Provision of general support services; and***
- 4. Contribution towards economic development and tourism.***

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Rateable land having the relevant characteristics described in the Recommendation.

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Use of Land:

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Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

Types of Buildings:

Any buildings which are now constructed on the land or which are constructed prior to 30 June 2009.

COMMERCIAL/INDUSTRIAL LAND – COLAC, COLAC EAST, COLAC WEST OR ELLIMINYT

Objective:

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the -

- 1. Construction and maintenance of public infrastructure; and*
- 2. Development and provision of health and community services; and*
- 3. Provision of general support services; and*
- 4. Contribution towards economic development and tourism.*

Types and Classes:

Rateable land having the relevant characteristics described in the Recommendation.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Land located in Colac, Colac East, Colac West and Elliminyt.

Use of Land:

Any use permitted under the relevant Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

Types of Buildings:

Any buildings which are now constructed on the land or which are constructed prior to 30 June 2009.

COMMERCIAL/INDUSTRIAL LAND – BALANCE OF SHIRE

Objective:

To ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including the -

- 1. Construction and maintenance of public infrastructure; and***
- 2. Development and provision of health and community services; and***
- 3. Provision of general support services; and***
- 4. Contribution towards economic development and tourism.***

Types and Classes:

Rateable land having the relevant characteristics described in the Recommendation.

Use and Level of Differential Rate:

The differential rate will be used to fund some of those items of expenditure described in the Budget adopted by Council.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Geographic Location:

Land which is not located in Colac, Colac East, Colac West or Elliminyt.

Use of Land:

Any use permitted under the relevant Planning Scheme.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

Types of Buildings:

Any buildings which are now constructed on the land or which are constructed prior to 30 June 2009.

CARRIED 5 : 0

IN COMMITTEE**Resolution**

MOVED Cr Riches seconded Cr Wilmink 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
<i>Road Management Matter</i>	<i>Legal advice Matter may prejudice Council or any person</i>	<i>Section 89(2)(f) Section 89(2)(h)</i>

CARRIED 5 : 0