

**Colac Otway
SHIRE**

MINUTES

MEETING OF SPECIAL COUNCIL

OF THE

COLAC-OTWAY SHIRE

COUNCIL

12 JUNE 2013

at 1:00 PM

COPACC Meeting Rooms

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982.

COLAC-OTWAY SHIRE SPECIAL COUNCIL MEETING

12 JUNE 2013

TABLE OF CONTENTS

OFFICERS' REPORTS

SC131206-1	Consideration of Submissions to the 2013-2017 Draft Council Plan and Strategic Resource Plan 2013-14 to 2016-17	7
SC131206-2	Local Law Review Public Submissions	13

MINUTES of the MEETING OF SPECIAL COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL held at the COPACC Meeting Rooms on 12 June 2013 at 1.00 pm.

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 Mick McCrickard
Cr Chris Smith

Rob Small, Chief Executive Officer
Colin Hayman, General Manager, Corporate and Community Services
Neil Allen, General Manager, Infrastructure and Services
Jack Green, General Manager, Sustainable Planning and Development
Rhonda Deigan, Executive Officer

3. APOLOGIES

Cr Terry Woodcroft

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.

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. As this is a Special Council meeting, there will be no Council debate.

An audio recording of this meeting is being made for the purpose of ensuring the minutes of the meeting are accurate. In some circumstances the recording may be

disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982. 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

Bill Lambert – Kawarren

1. With reference to Local Law 1, what do Councillors think the definition of a "party" is and should Council impose a permit on the holding of an everyday, ordinary event?

Response:

The General Manager for Planning and Sustainable Development stated that it is not Council's intention to impose restrictions on the holding of family or small scale events within the community and this would be clarified in the revised local law.

2. Could that be put into the local law?

Response:

The General Manager for Planning and Sustainable Development advised that clarification of what constitutes an event or party would be included in the local law.

3. Will the community be given another opportunity to provide a submission to the local law after changes have been made?

Response:

The General Manager for Planning and Sustainable Development stated that there would not be another community consultation period as part of the local laws review process.

6. DECLARATION OF INTEREST

Cr Hart:	SC131206-3 Contract 1313 – Provision of Loan Services
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78A
Nature of Interest:	Owens bank shares

Cr Russell:	SC131206-3 Contract 1313 – Provision of Loan Services
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78A
Nature of Interest:	Owens bank shares

Rob Small	SC131206-3 Contract 1313 – Provision of Loan Services
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78A
Nature of Interest:	Owens bank shares

OFFICERS' REPORTS

Corporate and Community Services

SC131206-1 CONSIDERATION OF SUBMISSIONS TO THE 2013-2017 DRAFT
COUNCIL PLAN AND STRATEGIC RESOURCE PLAN 2013-14 TO 2016-
17

Sustainable Planning and Development

SC131206-2 LOCAL LAW REVIEW PUBLIC SUBMISSIONS

Rob Small
Chief Executive Officer

SC131206-1

**CONSIDERATION OF SUBMISSIONS TO THE 2013-2017
DRAFT COUNCIL PLAN AND STRATEGIC RESOURCE
PLAN 2013-14 TO 2016-17**

AUTHOR:	Carmen Lawrence	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	11/95682

Purpose

The purpose of this report is to consider submissions under section 223 of the *Local Government Act 1989* in relation to the Draft Council Plan 2013-2017 and Strategic Resource Plan 2013-14 to 2016-17.

Declaration of Interests

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

Background

On Wednesday 24 April 2013, Council resolved the following:

At the Special Council Meeting held on 18 April 2012 it was resolved:

That Council:

- 1. Endorses the draft Council Plan 2013-2017 and Strategic Resource Plan 2013-14 to 2016-17 to be released for public submissions for a period of five weeks.**
- 2. Considers any submissions on the draft Council Plan 2013-2017 and Strategic Resource Plan 2013-14 to 2016-17 at a Special Council Meeting to be held on Wednesday 12 June 2013 at COPACC at 1.00 pm.**
- 3. Requests the Chief Executive Officer to ensure that the public and Councillor feedback regarding specific projects be incorporated into annual plans as appropriate.**

As part of the statutory process to adopt the Council Plan and Strategic Resource Plan the Council is required to consider submissions received on the Plans.

At the close off time for submissions being 5.00 pm on Monday 3 June 2012, one (1) submission had been received relating to the 2013-2017 Draft Council Plan.

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);

The one submission has not indicated that they wish to be heard.

Council Plan / Other Strategies / Policy**Leadership and Governance**

Council will fulfil its leadership, statutory and legal obligations to its community and staff in a way that is: fair, ethical, inclusive, sustainable, financially responsible and meets the needs and practical aspirations of current and future generations.

The Council Plan that has been developed to meet the requirements of the *Local Government Act 1989* and includes:

- Pillars or Themes
- Goals
- Strategies
- Key Strategic Activities
- Performance Indicators and Targets
- Strategic Resource Plan.

Issues / Options**Submission 1 – Apollo Bay Aquatic Centre**

The submission is a letter with respect to the Apollo Bay indoor heated swimming pool.

“Our committee was surprised to find no mention of the Apollo Bay indoor heated swimming pool in the Draft Strategic Plan. We acknowledge and comprehend the strategic nature of the plan yet struggle with the absence of any reference to even exploring ways of enhancing health and education services and/or infrastructure for Apollo Bay. Given the unprecedented numbers who attended the community consultation for the Council Plan in Apollo Bay from which there was a clear priority for the need for an indoor heated pool and given the size of the town’s contribution to rate revenue, it is surprising that there appears to be no reference to addressing this project.

Our committee is extremely pleased with the Council’s decision to commit to the pool’s running costs and to pursue the pool project for Apollo Bay as a priority. It is for this reason that we expected some mention of the project in the planning for the next 4 years. Nevertheless, reading the goals and strategies listed under the pillars in the Council Plan, it seems that an indoor pool for Apollo Bay is in keeping with the following:

Pillar 2: A Planned Future aiming to facilitate the growth, liveability and development of the shire and encourage innovation and efficiency in the local economy and in particular Strategy 2 to develop an integrated response to meet future infrastructure needs.

Pillar 3: A Place to Live and Grow aiming to improve access to buildings, spaces, services and education to support and enable quality of life and in particular, Strategies 1 & 2 to address the health and wellbeing needs of people of all ages and abilities and to advocate for access to an increased range of education and training opportunities.

Pillar 4: A Healthy Community and Environment in particular Strategy 1 to encourage active participation in recreation, arts and leisure pursuits.

We sincerely hope that Council’s Operational Plan will address the achievement of this much needed and awaited health facility for the Apollo Bay & district community.”

Officer’s Comment

The aim of the Council Plan 2013-2017 is to articulate Council’s vision for the future of Colac Otway Shire for and to outline strategies to be achieved during the next four year period. It is

an important strategic document for informing where Council's financial resources will be directed.

The Council Plan includes:

- A vision: A sustainable community with a vibrant future
- A mission statement
- Council's values
- Our Commitment

To satisfy the requirements of the *Local Government Act*, the Council Plan is structured as follows:

- **Pillars**

The plan is structured around four key themes or 'pillars', these are:

- Pillar 1: Good Governance
- Pillar 2: A Planned Future
- Pillar 3: A Place to Live and Grow
- Pillar 4: A Healthy Community and Environment.

- **Goals**

These are high level objectives of Council:

- Pillar 1: Good Governance
 - Ensure transparency of governance practices, the capability of our organisation and effective resource management.
- Pillar 2: A Planned Future
 - Facilitate the growth, liveability and development of the shire and encourage innovation and efficiency in the local economy.
- Pillar 3: A Place to Live and Grow
 - Improve access to buildings, spaces and education to support and enable quality of life.
- Pillar 4: A Healthy Community and Environment.
 - Respect cultural differences, support a diverse range of healthy and creative activities, foster community safety and promote environmental sustainability.

Operational Plan

Currently an Operational Plan for 2013-14 is being developed.

The Operational Plan will include:

- Key Strategic Activities
- Approved Outline Business Cases
- Other major projects
- Advocacy projects

Council has previously resolved to advocate for funding for the Apollo Bay indoor heated pool.

The Draft Operational Plan does include "Advocate for funding for the Apollo Bay indoor heated pool."

The Action has been included in the Operational Plan under Pillar 3: A place to Live and Grow.

- Improve access to buildings, spaces and education to support and enable quality of life.

Proposal

The Council notes the submission received.

Financial and Other Resource Implications

There are no additional financial or resource implications arising from this report.

Risk Management & Compliance Issues

The draft Council Plan 2013-2017 meets the legislative requirements of sections 125, 126 and 223 of the *Local Government Act 1989*.

The Plan is to be prepared by 30 June 2013, following the election of Council. The Plan has been made available for public inspection, with members of the public provided the right to make a submission under the provisions of section 223 of the *Local Government Act 1989*.

Environmental and Climate Change Considerations

Not applicable.

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 has been to consult and involve the community in the development of the draft Council Plan.

An extensive community consultation process was undertaken to inform the development of the draft Council Plan 2013-2017. Regular media releases informed the community on the date, time and location of consultations. Sessions were held across the Shire.

Consultation also occurred with a number of Progress Associations and Business Groups.

In addition, feedback was sought using social media and Council's website. Section 223 of *the Act* requires that the Plan be available for comment for a period of at least four (4) weeks. A consultation period of five (5) weeks was provided to enable the community the opportunity to comment on the Council Plan.

The period of public consultation and comment closed Monday, 3 June 2013. People were invited to make a submission and request in their submission to appear in person (or be represented).

Implementation

The submission will be considered as part of the development of the Operational Plan 2013-2014.

Key dates/activities for the draft Council Plan 2013-2017 are:

- Draft Council Plan for public comment, 29 April 2013, for a five week period closing Monday, 3 June 2013.
- Special Council Meeting at COPACC to hear submissions, 12 June 2013.
- Council Plan adoption by Council, 26 June 2013.
- Council Plan forwarded to the Minister, 30 June 2013.

Key dates with respect to the Operational Plan 2013-2014:

- Draft Operational Plan to Council Workshop 12 June 2013.
- Final Operational Plan to Council Workshop 10 July 2013.
- Final Operational Plan to Council Meeting 24 July 2013.

Conclusion

The submission received by the Apollo Bay Aquatic Centre is appreciated.

Officer's comments have been provided on the submission.

Attachments

Nil

Original Resolution

MOVED Cr Stephen Hart seconded Cr Brian Crook

That Council having considered the written submission refers the submission for further consideration to the Ordinary meeting of Council to be held on Wednesday 26 June 2013, as part of Council's deliberations in adopting the Council Plan 2013-2017 and Strategic Resource Plan 2013-14 to 2016-17.

AMENDMENT - MOVED Cr Chris Smith seconded Cr Brian Crook

That the words "will consider" replace "having considered" and the words "and refer" replace "refers" in the recommendation.

VOTE 3 : 3

The Mayor used her casting vote to carry the motion.

CARRIED: 4 : 3

DIVISION called by Cr Chris Smith

For the Motion: Cr Chris Smith, Cr Brian Crook, Cr Michael Delahunty, Cr Lyn Russell (casting vote)

Against the Motion: Cr Stephen Hart, Cr Lyn Russell, Cr Mick McCrickard

MOVED Cr Stephen Hart seconded Cr Brian Crook

That Council will consider the written submission and refer the submission for further consideration to the Ordinary meeting of Council to be held on Wednesday 26 June 2013, as part of Council's deliberations in adopting the Council Plan 2013-2017 and Strategic Resource Plan 2013-14 to 2016-17.

CARRIED 6 : 0

Cr McCrickard left the meeting at 1.18pm.

SC131206-2

LOCAL LAW REVIEW PUBLIC SUBMISSIONS

AUTHOR:	Stewart Anderson	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F13/3646

Purpose

The purpose of this report is for Council to consider the submissions received under section 223 of the *Local Government Act 1989* in relation to the proposed changes to Council's Local Laws 1, 2 & 3.

Declaration of Interests

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

Background

A motion was passed at the Council Meeting held in September 2011 for Councillor Stephen Hart to be the Councillor Representative on a Steering Committee formed to oversee the review of Local Laws 1, 2 and 3. Local Laws 1, 2 and 3 relate to:

- *Local Law Number 1 – 2005 – Consumption of Liquor in a Public Place*
- *Local Law Number 2 – 2005 – General Local Law*
- *Local Law Number 3 – 2007 – Livestock Local Law.*

Legislation requires Council to review its Local Laws every 10 years. Council deliberately started the current Local Law review well before the sunset period to allow enough time for the process to be done carefully. The objective of this review is to ensure that these Local Laws remain relevant to the general expectations of the community. The community was informed that the review process was being undertaken and invited to make initial comments on the Local Laws in November 2011.

At Council's Statutory Meeting of 7 November 2012, Council resolved Councillor Delahunty to be its representative on the Steering Committee, overseeing the Local Laws Review for the period up to the next Statutory Meeting.

At the Council meeting held on 27 March 2013 it was resolved:

That Council:

1. ***Endorses the attached Draft Local Laws 1, 2 and 3 to be released for public comment for a period of six weeks.***
2. ***Requests that a further report be provided to Council following an analysis of the consultation process.***

Subsequent to Council approving the release of the Draft Local Laws for public comment in March 2013 media releases were issued advising the public of the main changes made to the local laws and inviting comment for a six week period.

Local Laws 1, 2 & 3 were subject to a six week public comment period from 12 April 2013 to 24 May 2013.

Under section 223 of the *Local Government Act 1989* the Council must consider all the submissions. Accordingly, the submissions received will be heard at the Special Council Meeting being held on 12 June 2013.

In total there were twelve written submissions made to Council that raised issues regarding Local Laws 1 & 2. Of the twelve submissions received there were two that identified issues relating to Local Law 1 and ten that identified issues relating to Local Law 2. No submissions were received regarding Local Law Number 3.

There was only one submission that made a request to be heard by Council at the Special Meeting on 12 June 2013, that being the submission from Mr Alan Billing.

Council Plan / Other Strategies / Policy Leadership and Governance

Council will fulfil its leadership, statutory and legal obligations to its community and staff in a way that is: fair, ethical, inclusive, sustainable, financially responsible and meets the needs and practical aspirations of current and future generations.

Issues / Options

Submission 1

The submission highlighted that under the provisions of Local Law 1 a permit is required to consume alcohol in a public place, yet many people have a glass of wine at a wedding reception or an alcoholic drink whilst utilising a public barbeque.

Officer's comment

There has been no change to this aspect of the Local Law in this review. Local Law number 1 was adopted by Council in 2005 at the behest of Victoria Police. Section 2.2 clearly states that the purpose is to prevent behaviour that is a nuisance or a safety hazard. It has been the role of the Police to enforce the provisions of this law and it has been applied in a responsible and equitable manner that aligns with the purpose set out in Section 2.2. The Local Law Steering Committee agreed that no change was required to address this issue.

Submission 2

The submission requested that the Local Law relating to dog excrement be moved from Part 5 to Part 4 - Municipal Amenity (Local Law 2) so that it would apply to all public places including the foreshore and not just Council controlled/managed land. A request to create wording to include horse excrement was suggested so that it would apply to foreshore areas of the coast.

The submission also highlighted the issue raised by Mr Lambert that under the provisions of Local Law 1 a permit is required to consume alcohol in a public place, yet many people have a glass of wine at a wedding reception or an alcoholic drink whilst utilising a public barbeque.

Submission 3

This submission refers to Section 75 (Local Law 2) that addresses the use of recreational vehicles on private land. The submission requests that the section be deleted so that Victoria Police would be the enforcing agency under the provisions of the Environment Protection Act 1970 Section 48A.

Officer's Comment

The local law has not changed and in its current form appears to be meeting the requirements and expectations of residents within the municipality. Section 48A of the Environment Protection Act 1970 deals with unreasonable noise from residential premises only, it does not apply to vacant land. Section 75 of Local Law number 2 was put in place to deal with issues that may arise from activities on vacant land and should not be deleted from the Local Law. In 2005 more prescriptive requirements similar to those used by Geelong were proposed to be inserted in the Local Law but many submissions were made by the community against this proposal. The Local Law Steering Committee agreed that no change was required to address this issue.

Submission 4

This submission refers to Section 134.7 & 134.8 of General Local Law number 2. These sections relate to waste management and more specifically the need to place rubbish bins out the night before and the requirement to remove the rubbish bin from the roadside within 1 day of being emptied. Alternate wording is suggested such as "Except in Wye River and Separation Creek" or replacing the word "must" with "should".

Officer's Comment

The wording contained in the local law relating to waste management applies to the whole of the municipality and is in place to ensure rubbish bins are on the road reserve for a minimal time to ensure safety issues for motorists and pedestrians are minimised. Discussions have been had with Council's Waste Management Coordinator and given that alternate arrangements that have been made in parts of Wye River & Separation Creek for bins to be located in corrals permanently then the Local Law needs to be amended to allow for this. It was not considered appropriate to exempt Wye River or Separation Creek from this requirement as it has been primarily introduced to address issues in difficult to access coastal areas.

Submission 5

This submission relates to Section 124 of Local Law number 2 that deals with unsolicited material and the need to have a permit or approval to distribute items such as hand bills, pamphlets, samples, goods etc on any road or Council land. The submission infers that this is in contravention of Section 15(2) of The Charter of Human Rights and Responsibilities Act 2006.

Officer's Comment

No change has been made to this section of the Local Law as part of this review. Advice has previously been sought from the Human Rights Commission that confirmed Council does have the right to apply a permit system to distribute items such as hand bills, pamphlets, samples, goods etc on any road or Council land.

Section 15(3) of the aforementioned act specifically states that actions may be subject to lawful restrictions reasonably necessary:

- a) to respect the rights and reputation of other persons; or
- b) for the protection of national security, public order, public health or public morality.

A recent High Court of Australia decision in the matter of the Attorney General (South Australia) v Corporation of the City of Adelaide confirmed that Local Government does have

the ability to control activities within municipal places. The Local Law as it reads is both lawful and necessary and therefore the Local Law Steering Committee agreed that no change was required to address this issue.

Submission 6

This submission refers to open air burning in residential areas (Local Law number 2 Sections 65-73) and suggests that the practice should be totally banned. The submission also raises the issue that Section 60 which allows burning off in townships on certain days is in conflict with Section 63 that addresses nuisances.

Officer's Comment

The Local Law in its current form meets the expectations of the majority of residents. However, the matter raised regarding nuisances was examined by the Local Law Review Steering Committee and a minor amendment will be made to remove any confusion.

Submission 7

This submission relates to the events section of Local Law number 2 and asks that it be a requirement for Ambulance Victoria to provide a detailed assessment of an event's medical needs prior to a permit being issued to ensure an appropriate level of resources are on hand.

Officer's Comment

This was considered to be a reasonable request but after discussion with the Local Laws Review Steering Committee it was felt that it would be best addressed in the events policy that will be developed in the near future. The development of this policy will take into consideration the points raised and will involve consultation with relevant agencies.

Submission 8

This submission relates to the events section of Local Law number 2 and states that the proposed Local Law is too restrictive and authoritarian. The local law should only apply to Council managed roads and should not apply to other roads.

Officer's Comment

The content of this submission has been carefully considered and the definition of an event will be refined to focus on Council Owned and Managed land. It is important to highlight that the submission made several references to a draft policy. The Local Law sets out the high level requirements for events but a more detailed supporting policy will be developed in the near future and the current event application form and associated guidelines will also be reviewed. Further stakeholder engagement will be undertaken as part of the development of the policy and the review of the application form and guidelines to ensure they meet the expectations of the community.

Submission 9

This submission also relates to the events section of Local Law number 2 and proposes that it is not transparent and clearly defined. Issues relating to the definition of events, the permitting process and the rights to access financial records are raised.

Officer's Comment

The content of this submission has been carefully considered and the definition of an event will be refined to focus on Council Owned or Managed land. The permitting process will depend on the completeness of the application and the complexity of the event. Council will issue the permit as soon as possible after receiving an application. Council considers sections 107-108 to be clear and accordingly it is apparent that a permit cannot be revoked at any time for any reason because before revoking a permit the provisions of section 109 apply. Section 115 relates to the actions that a court may or may not take following an application by Council. The Local Law Steering Committee agrees that section 115 is not required within the Local Law because it relates to Court procedures. The Local Law Steering Committee believes Section 114 is required but it is important to highlight that Council would only make application under section 114 in the event of circumstances involving significant financial impact to Council.

Submission 10

This submission relates to the keeping of animals at Section 131 of General Local Law number 2 and questions why a person can keep more pigeons than poultry and the impact on poultry breeders if no roosters can be kept on blocks sized up to 1 hectare.

Officer Comment

This appears to be a reasonable request that should lead to an alteration of the Local Law. Accordingly it is suggested that the numbers for poultry is raised to equal the numbers for pigeons.

In addition it was agreed that there should be an exemption included for club members so that they do not need to get a permit but this issue will be further discussed and considered by the Steering Committee to ensure the wording for the exemption is phrased in such a manner that it does not have any unintended consequences.

Submission 11

This submission raised issues in relation to the keeping of pigeons and highlighted that the Colac Racing Pigeon Club were already abiding by "The Victorian Racing Pigeon Code of Practice" that addressed welfare and nuisance issues. Concerns were expressed that the number of birds stated in the Local Law would impact on the rights of members to pursue their hobby.

Officer Comment

This appears to be a reasonable request that should lead to an alteration of the Local Law. It was agreed that there should be an exemption included for club members so that they do not need to get a permit but this issue will be further discussed and considered by the Steering Committee to ensure the wording for the exemption is phrased in such a manner that it does not have any unintended consequences.

Submission 12

This submission raised issues with Local Law number 2 relating to Events and the Keeping of Animals. The proposed events section was referred to as "using a sledge hammer to crack a nut". Issues relating to the local law applying to private land, penalties for the cancellation of an event and the ability to enforce compliance were raised. There was no specific reference to the Keeping of Animals other than the quote that "the draft local laws

pertaining to local events and domestic animals be withdrawn and redrafted after consultation with effected parties”.

Officer's Comment

The content of this submission has been carefully considered and although a family BBQ would not require a permit the definition of an event will be refined to focus on Council Owned or Managed land. In addition the wording of Section 118 will also be reviewed by the Steering Committee to ensure a permit is only required where necessary.

Proposal

The Council notes the submissions received.

Financial and Other Resource Implications

There are no additional financial or resource implications arising from this report.

Risk Management & Compliance Issues

Under the Local Government Act 1989 Council is required to undertake a review of Local Laws prior to the sunset period. As previously stated this process has been undertaken well before the sunset period for Local Laws 1,2 and 3 to ensure ample time could be given to effectively undertaking all the steps required.

Environmental and Climate Change Considerations

Not applicable.

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 is to consult with the community and included seeking written comment on the Draft Local Laws 1, 2 and 3. Council Officers will continue to meet with members of the community upon request to discuss any issues they may have.

Section 223 of *the Act* requires that the review of the local laws be available for comment for a period of at least four (4) weeks. A consultation period of six (6) weeks was provided to enable the community the opportunity to comment on the local laws.

It is worth highlighting that the community was informed that the review process was being undertaken and invited to make initial comments on the Local Laws in November 2011. This enabled consideration to be given to some issues in the preparation of the first draft of the revised Local Laws in March 2012.

Implementation

If the recommendation made in the report is supported, the following steps will be undertaken to complete the review process over the next six months.

- | | |
|--------------------|--|
| June 2013 | The public comments will be reviewed by Council and necessary changes made. Letters sent in response to written submissions explaining outcome. The 4 th Draft of Local Laws developed and legal advice obtained if required. |
| July 2013 | 4th Draft of Local Laws 1, 2 and 3 approved by the Steering Committee. |
| August 2013 | Final version of Local Laws 1, 2 and 3 submitted to Council for adoption. |

September 2013 New Local Laws 1, 2 and 3 gazetted and implemented.

Based on the timeline outlined above the final draft of the revised Local Laws will be submitted to Council for adoption in August 2013. Whilst the timeline will be followed as closely as possible, it should be recognised that by reviewing the local laws well before the statutory deadlines additional time can be taken to complete the process if required to effectively address any issues that may arise.

Conclusion

Council has undertaken a rigorous and timely review of Local Laws 1, 2 and 3. The major changes that are proposed relate to Local Law 2. All written submissions have been considered carefully by the Local Law Steering Committee and a written response will be provided for each one prior to the final draft of the Local Laws being submitted to Council for endorsement.

The submissions received are appreciated.

Officer's comments have been provided on the submissions.

Attachments

Nil

Hearing of Submissions

Mr Alan R Billing – Local Law 1

Original Recommendation(s)

That Council having considered the written submissions refers all submissions for further consideration to the Ordinary meeting of Council to be held on Wednesday 28 August 2013, as part of Council's deliberations in adopting the revised versions of Local Laws 1,2 and 3.

MOTION - MOVED Cr Stephen Hart seconded Cr Brian Crook

That Council having received the submissions refers all submissions for further consideration to the Ordinary meeting of Council to be held on Wednesday 28 August 2013, as part of Council's deliberations in adopting the revised versions of Local Laws 1,2 and 3.

Cr Mick McCrickard returned to the meeting at 1.32pm

CARRIED 6 : 0

IN COMMITTEE

Resolution

MOVED Cr Brian Crook seconded Cr Mick McCrickard 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 1313 - PROVISION OF LOAN SERVICES	this matter deals with contractual matters; AND this matter may prejudice the Council or any person	Section 89 (2) (d) (h)

CARRIED 6 : 0

MOVE OUT OF "IN-COMMITTEE"

Resolution

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

CARRIED 6 : 0

The Meeting Was Declared Closed at 1.46 pm

CONFIRMED AND SIGNED at the meeting held on 26 JUNE 2013.

.....*Sybil E. Russell*.....**MAYOR**