



Colac Otway
SHIRE

ORDINARY COUNCIL MEETING

MINUTES

Wednesday 22 May 2019

at 4:00 pm

COPACC

95 - 97 Gellibrand Street, Colac

Next Council Meeting: 26 June 2019



COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

Wednesday 22 May 2019

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COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at COPACC on
Wednesday 22 May 2019 at 4:00 pm.

MINUTES

1 DECLARATION OF OPENING OF MEETING

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 Brian Crook
Cr Kate Hanson
Cr Stephen Hart
Cr Joe McCracken
Cr Chris Potter
Cr Jason Schram (Mayor)
Cr Chris Smith

Peter Brown, Chief Executive
Errol Lawrence, General Manager, Corporate Services
Tony McGann, General Manager, Infrastructure & Leisure Services
Ian Seuren, General Manager, Development & Community Services
Sarah McKew, Manager, Governance & Communications
Jason Clissold, Manager, Financial Services
Frank Castles, Manager, Services & Operations
Jeremy Rudd, Manager, Assets & Project Delivery
Gary Warrener, Manager, Economic Development & Events
Madeleine Bisits, Manager, Arts & Leisure
Bláithín Butler, Coordinator, Strategic Planning
Ian Williams, Senior Statutory Planner
Maree East, Coordinator, Customer Service
Buddhima Edi, Coordinator, Assets Management
Lyndal McLean, Coordinator, Governance
Alison Martin, Coordinator, Communications
Nick Howard, Finance Coordinator
Vicki Jeffrey, Events Officer
Lyndal Redford, Governance Officer

3 APOLOGIES AND LEAVES OF ABSENCE

Nil

4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

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

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

A maximum of 30 minutes is allowed for question time. To ensure that each member of the gallery has the opportunity to ask questions, it may be necessary to allow a maximum of two questions from each person in the first instance. 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.

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

James Judd, Colac

- 1. Has the increased membership of Bluewater in Colac been enough to bring in more funds than any change in operating expenses since 24/7 gymnasium operations commenced in mid-2018, in view of the warranty with solar panels when warranty on performance expire?**

Response from General Manager, Infrastructure & Leisure Services

Bluewater's memberships have increased since the implementation of the 24/7 operations by an average of 264 people per month compared to 2017-2018 data. Based on year to date figures, the implementation of 24/7 operations has seen an increase in income for the health club of 9.3%. However it is worth noting that operational expenses have also increased in this period, for example utility expenditure has increased slightly by 1.9% due to higher demand for utilities

(mainly electricity) required to operate the facility on a 24/7 basis, even after the installation of solar PV.

The solar PV panels on the Bluewater facility have a manufacturer warranty of 25 years which covers the power output performance of the panels. By the end of the 25th year, the module will produce an actual output of at least 88% of its nameplate power output.

- 2. Are the solar panels put in at the Bluewater complex in Hearn Street Colac now able to provide the vast majority of electrical power used at this site or only during peak sunlight hours when heavy demand would be outside the main daylight period of the year?**

Response from General Manager, Development and Community Services

The 100kW PV system installed at Bluewater accounts for around 20% of overall electricity consumption onsite. On a sunny, summer day the PV system is capable of supplying 100% of electricity requirements at the facility, demanding no import from the grid and occasionally providing a modest export. In general, during the summer months between 11am-4pm, the solar system accounts for around 80-90% of electricity requirements at Bluewater. During winter this figure is more like 50-60% during peak solar conditions (10.30am-2.30pm).

Jennifer Bush, on behalf of the Pennyroyal Hall Committee

- 1. Why were we told in writing from a council officer that the hall would be made water tight and that the roof and guttering would be completed, only to be told afterwards that it would not be done?**

Response from Chief Executive

Ms Bush has submitted 14 questions. I'm going to provide a general statement in front of them and then the General Manager, Infrastructure & Leisure Services will respond individually to those questions.

We acknowledge that this process has taken a long time and along the way there may have been issues that could have been handled better or in a different way. The report tonight seeks to determine a course of action for the future and is focused on the future rather than looking to the past. A significant issue for this Council is the considerable number of assets that we own which are in a very poor condition and rarely used. The report tonight provides an option for Council to consider, in this particular case, and as Council will be considering this matter later in the meeting our answers to these questions that have been asked must reflect Council's later consideration of the issues.

- 2. Why has it taken four years of fundraising, meeting and completing a Master Plan to get to this point of making a decision on the hall's future?**

Response from General Manager, Infrastructure and Leisure Services

The funds required to renew the hall are substantial and when the investment required to bring the hall up to a suitable standard is high, Council needs to answer for itself a range of strategic questions before deciding on its future. Some of these include current usage and future demand, other opportunities nearby, suitability and capacity to meet current and future needs, accessibility to a broad range of users and the like. Council also needs to consider the views of the

community. As usage of the hall was low prior to its closure, Council was not able to prioritise these considerations as quickly as other, higher demand facilities facing a similar situation.

3. Why was the electricity wiring and non-functional smart box taken without notifying the Hall Committee knowing full well, and communicated through email and verbally, that our intent was to switch off to save money with the intention to reconnect for the tennis season (which meant that a portable toilet was used and taken at the end of that season)? If they had been in communication, we could have informed them that there was a functional smart meter inside the hall if this was the issue.

Response from General Manager, Infrastructure and Leisure Services

The electricity was disconnected following direction from Powercor that it posed a safety risk.

4. Why wouldn't council give us a letter of support and approval to complete our grant application, giving us access to funding and allowing us to commence work on the hall, starting with doors and windows? We had ticked all the other boxes in our grant application with money set aside by Sarah Henderson to do the works as confirmed in emails.

Response from General Manager, Infrastructure and Leisure Services

I'd be happy to work through the specifics of that issue with the Committee. However it's important to note that Council did support the Committee's work last year for their application to the "Pick my Project" grant program.

5. Why have Pennyroyal community members paid over a million dollars in rates since Colac Otway Shire has taken possession of the Pennyroyal Hall but have seen very little money spent in their own backyard to maintain their only remaining public building?

Response from General Manager, Infrastructure and Leisure Services

Council rates are collected and apportioned to priority projects and services across the Shire, many of which benefit the Pennyroyal community. Council has not directed that the hall be renewed and it has not been part of work programs based on a range of considerations, including level of demand for the facility.

Tim Cobb, Skenes Creek

My questions relate to the proposal to take a swag of foreshore and remove the war memorial just to make life easier for the big buses to turn round - when they need to come off Collingwood Street anyway.

1. We know VicRoads places great importance on evidence of accidents when prioritising road works. Has VicRoads provided any evidence of major (or minor) accidents at the war memorial junction?

Response from General Manager, Infrastructure & Leisure Services

No, RRV (Regional Roads Victoria) has not provided evidence of accident data. However given that only serious injuries or worse have been historically recorded in road accident statistics, it's typical for low speed intersections such as this to have only limited or anecdotal evidence.

2. VicRoads claims that their proposal fits with the Shire's tourism, traffic and parking strategy. How can this be the case when this strategy has not been completed, released to ratepayers or approved by Councillors?

Response from General Manager, Infrastructure & Leisure Services

The proposed roundabout would not adversely effect any option included in the Draft Tourism Traffic and Parking Strategy, in the opinion of officers.

3. The officer's report implies that the main objections to this proposal are from four residents. Why do they not alert Councillors to the fact that there is substantial controversy over this proposal and that many residents oppose it, including some whose relatives are commemorated on the memorial and whose families paid for it in the first place?

Response from General Manager, Infrastructure & Leisure Services

Objection to the roundabout proposal was commenced by the four residents immediately adjacent to the site. Council has been briefed a number of times since and we have included reference to opinions both in support of and against the proposal.

4. Do officers have a copy of the community feedback obtained by VicRoads and will they share it with Councillors? If not, why not?

Response from General Manager, Infrastructure & Leisure Services

No, we haven't received a copy of community feedback other than a statement from Regional Roads Victoria that the community members supported the proposal on the basis of a 70-30 split. It can be difficult to provide concise, tangible evidence from consultation sessions which are intended to provide the opportunity for the community to have a simple way to have their opinion heard without necessitating individuals to identify themselves.

5. Does the council think it is important to clarify who owns the memorial, which could be the community or the Shire, but is certainty not VicRoads or the OCC [Otway Coast Committee] before accepting VicRoads proposal?

Response from General Manager, Infrastructure & Leisure Services

Council did seek legal advice in late 2018 in an attempt to clarify ownership. The advice was inconclusive.

Leigh Barrett, Colac

In the area 6 kilometres square (36 square kilometres) with the Pennyroyal Hall at the centre, how much money has been spent on maintenance or capital works of Shire infrastructure in the last 5 financial years?

Response from General Manager, Infrastructure & Leisure Services

We haven't done any capital works in this area so far this year. That is, we haven't done any re-sheets, reseal or reconstruction work to roads. Our maintenance teams do rotate around the Shire and will be in this area in about four weeks' time to go into the region and do work on a needs basis.

So whilst I do not have the spend on the roads in the Pennyroyal area, the following works have either started or are soon to start in that area this year: a re-sheet to Loves Road, and grading and reinstatement to Wineshanty Road, Division Road, Creamery Road, James Road, Callahans Road and Middle Muroon Road.

I will take on notice the cost of this work and we will make an estimate of the cost and forward that to Mr Barrett, which will include the last five years.

Having declared a conflict of interest, Cr Hart adjourned from the meeting at 4:20pm.

Cr Stephen Hart	10.2
Nature of Disclosure:	Indirect Interest
Type of Interest:	Section 78A
Nature of interest:	Telstra facility. I own Telstra shares. Telstra has a direct interest so I have an indirect financial interest.

Having declared a conflict of interest, Cr Hanson adjourned from the meeting at 4:20pm.

Cr Kate Hanson	10.2
Nature of Disclosure:	Indirect Interest
Type of Interest:	Section 78A
Nature of interest:	78A Indirect financial interest - I own shares in Telstra.

Sarah Handscomb, Birregurra

Regarding the Telecommunications Facility (20M Monopole) - 52-54 Jenner Street, Birregurra PC191004-1, the following quotations are extractions from the application referenced above. The questions arise from the application.

Part One

"The nearest residence is located approximately 20 metres to the east of the proposed site. Although the proximity to this dwelling is close, the dwelling does not have its main aspects looking out onto the facility." (p 70)

1. Was the 20 metre distance provided by the permit applicant, or the COS Planning department?
2. Has this measurement been verified by the Planning department?
3. Can Council explain the discrepancy between the 20 metre claim and the 9 metre fact between the proposed pole and the residence to the east?
4. Is Council aware that a large kitchen window (approximately two metres from the shared boundary) has a direct outlook onto the site from the eastern residence?

Part Two:

The applicant has provided visual montages of indicative views from Main Street (pages 82-83).

1. Is Council aware that the indicative views are highly inaccurate, and conflict with the Locality Plan (page 76)?

- On page 82, the position indicated for the monopole by a yellow dotted line, is shown as behind the Artisan Bakery site, a long way from its actual position to the east, behind the Post Office.
- On page 83, the monopole is indicated as being located between the Post Office and the adjacent building, The Drapery, when it is in fact proposed to be close to the border between the Post Office and the private residence to the east, (the opposite direction) to the rear.

Response from General Manager, Development & Community Services

It was unclear when the application was first submitted to Council whether the new pole was to be located further to the west of the site, or in the current location proposed. The officer report inadvertently refers to a 20m distance from the pole to the adjoining dwelling to the east – which was initially understood to be the location of the pole – it should read as 9m. Council is aware that the adjoining dwelling to the east has a window that faces the proposed monopole.

Officers believe that having reviewed the photomontages they provide a reasonably accurate visual representation of the proposal.

Linda Jocovou, Birregurra

A trigger for determination by Council for the proposed telecommunications facility in Jenner Street, Birregurra (PP 186/2018-1) is that it may have an effect on the broader community. Can Council qualify what is meant by the use of the term “broader community” in the context of this application?

Response from General Manager, Development & Community Services

The term “broader community” is used in the Shire’s Instrument of Delegation to Officers concerning decisions on planning permit applications to facilitate reporting of applications to Councillors which have impacts beyond the immediate site locality and attract broader community interest. The Telstra application is considered to meet this criteria given its broad visual impact on the township, and widespread community interest in improving telecommunications reception in the area.

Jennifer Handscomb, Birregurra

Would Council be prepared to assess the possibility of reducing Communication Towers from 3 to 2 in Birregurra, by pursuing a (Shift and Combination) whereby a new tower of 35m high constructed at an agreed site in Birregurra (example Rec Reserve, back of top of golf course) combines the current facility the community health centre with the full requirements of the monopole, thus achieving a reduction of the proliferation of towers in Birregurra?

Response from General Manager, Development & Community Services

The provision of telecommunication facilities is led by the private sector, and in some cases supported by State and/or Federal Government funding such as the Blackspot Program. Council does not control the location of these facilities, beyond making decisions on planning permit applications lodged by companies such as Telstra. The Code of Practice against which proposals must be assessed encourages co-location of facilities to avoid a proliferation of towers, and this is supported by Council. It may be possible for a new tower elsewhere in the township, if

constructed by Telstra, to enable the co-location of other new facilities in the future, or to allow consolidation of existing towers in Birregurra, but this would rely on a willingness to do so by private companies to achieve this.

Cr Hart returned to the meeting at 4:27pm.

Cr Hanson returned to the meeting at 4:27pm.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Simon Arundell, Bungador

Would I be permitted to praise Cr Potter for his letter in the *Colac Herald*? He is the first Councillor to express his freedom of democracy. Will we hear from other Councillors? I hope so.

I hear you're a bit upset in losing \$300,000 on rural rates. I challenge this Council to draw up a list of all their costs from consultants down to boxes of biros so that the public can view your costs and perhaps we can give you some guidance on where you could save hundreds of thousands.

Are you prepared to draw up a list so that we can have a look at where all our money is being spent or the money the Shire gets?

Response from the Chief Executive

Thank you Simon, for your question. I think that drawing up such a list would occupy quite considerable time of officers and would add to our costs. We do go through a lot of scrutiny of our costs. We present budgets, annual reports, quarterly reports to Council. We review our expenses on a monthly basis through the Executive Management Team, and individual departments review their expenses. We are in the process of change here, where we are working on reducing expenses by gaining efficiencies through better use of technology and better systems. I don't think that I can provide the sort of simplistic outcome that you're seeking. It is a complex issue. It's a \$50 million business. Drawing up a list of the biros we use probably isn't going to provide much insight into how we might reduce the costs of this Council.

Like I said: consultants down to biros. I think it is important for the public to know where all this money is disappearing. One example where you could save a fortune is the toilets down at Memorial Square. The toilets were only built 25 years ago. Now you propose to pull them down. How about building an invalid bit on one end, because the building is still okay, and building a toilet up near Safeway where there are so many people who are using the hospital, shops etc. The toilet under Safeway is a dungeon and should never have been allowed in the first place. Would you consider building a toilet for the Colac people, not placing an emphasis on tourists?

Response from General Manager, Development & Community Services

In terms of public toilets, we are starting work on a strategic plan for what public toilets we need and that will consider what we require in Colac. In terms of the Memorial Square toilets, we're about to commence detailed design that might mean extending the current facilities or it might mean completely renewing. We'll work through that over the next few months.

Thank you. I'm sure you could save \$300,000 there alone.

Sharon Swaneveld, Elliminyt

1. What does Council regard as a greater risk to their business – the community or the Pennyroyal Hall?

Response from General Manager, Infrastructure & Leisure Services

What Council has in front of it is a question on how the Pennyroyal Hall can be managed in future. In terms of any risks that the building itself poses, they're effectively mitigated at the minute by the fact that there's no access to the building. I guess, in terms of – and perhaps I can cut to what I think is the heart of the question – community service, that's one of the things that Council has to grapple with in terms of the investment in assets and how much demand or use there is by the community of particular assets.

2. How much of rate-payers' money has been spent on completing an audit of Council assets and having an independent valuation completed on the Pennyroyal Hall property?

Response from General Manager, Infrastructure & Leisure Services

I will take that question on notice in terms of the specific costs. There has been a large amount of work done in the last year or so evaluating the condition of all of Council's buildings – I think there are 205 in total. There have been costs associated with that. As I say, I'll take that on notice and provide the answer.

MOTION

MOVED by Cr Stephen Hart

That Question Time be extended by 15 minutes.

CARRIED 7 : 0

Jennifer Bush, Pennyroyal

This is my daughter Asha Bush from Pennyroyal. Before she asks her question, can I please have all those who are here for the Pennyroyal Hall to show their support to stand.

Asha Bush, Pennyroyal

I am a future user of the hall. What will happen when I begin playing tennis and I don't have access to the hall and toilets? Why can't we have a hall for our children and grandchildren and great-grandchildren?

Response from General Manager, Infrastructure & Leisure Services

Council, in the report that it's looking at tonight, has a couple of options in front of it which are designed to ensure that the services which can be provided by this hall and the toilet block which is associated with it are available to the community that wants it in the future.

Chris White, Apollo Bay

1. Have the Colac Shire Councillors seen the alternative options for addressing safety issues at the Great Ocean Road and Nelson Street? There have been a number of these developed by Regional Roads Victoria – less invasive – and these really have not been shown to the community of Apollo Bay. Two of them allow for the Memorial to stay in its current place and also address safety issues. I'd like to know what Council officers and Councillors know about the other alternatives?

Response from General Manager, Infrastructure & Leisure Services

There were, from memory, four options in total for treatment of the intersection developed by Regional Roads Victoria and those four options were forwarded to Councillors. I guess, in addition, VicRoads did come to brief Councillors on the various options that they were considering.

2. The other question takes on from Tim Cobb as the community representative of the Colac Otway Tourism and Parking Strategy. Is this a bit premature to go to such extremes to put a roundabout in when we still have to address the parking and the traffic movement in the town? By putting in a roundabout, it looks like this would limit our options.

Response from General Manager, Infrastructure & Leisure Services

In the opinion of Council officers, the roundabout design would not impinge upon any of the key outcomes in the tourism and parking strategy to be pursued.

Peter Hope, Murroon

I am a Johnny-come-lately farmer in Murroon. I have a question in regard to the Pennyroyal Hall: I'm thinking about purchasing my farm, I saw that hall and don't want to be the last person to have a social function there so I'm just putting my claim through in a question in regard to the maintenance of that hall. I'm sure the Council has a policy in and around the preservation of social assets. The hall, I see, is a social asset. Firstly, by encouraging me to choose that locality and also be involved in a number of meetings there, including the tennis club, some of the land care issues, and social functions, I'm aware of many other social functions that might well have been held there. So the question to the Council is: this is a very protracted debate or negotiation but what about policy responsibilities on maintaining that hall? I would like some clarity on that. I know there are priorities in regard to expenditure throughout the whole shire but I've got a specific question about maintenance and policy on the preservation of that hall over this extended period of negotiation that may have some conclusions in the near future.

Response from General Manager, Infrastructure & Leisure Services

I apologise if I don't get to the heart of the question. I guess what Council has got in front of it is a decision in terms of spending funds on the restoration and renewal of this particular facility or investing those funds in other similar facilities across the Shire which have higher use and higher demand. In terms of Council's overall building stock, we're certainly doing some work at the minute to be able to provide Council with an updated asset management plan which can set out asset-by-asset what the plans are for those particular buildings over the next ten years.

A hall, to be utilized, needs to be maintained, hence less utilization since the ceiling fell down at my 60th birthday party. Nothing has happened. We go back to the point: a policy about maintenance so that utilization can persist. And with the demographic changes in our area I would also hypothesize that it will increase, not decrease. It can go from a base point of nothing because it's not safe, to something that can then become part of our social infrastructure and be used. So I go back to the question about policy of maintenance so then we can have a re-evaluation of potential usage in the future.

Response from General Manager, Infrastructure & Leisure Services

In terms of a policy about maintenance, the work that we are doing at the moment is to look at each of our building assets, determine what services we're looking to provide out of each of those and then to look at what standard each particular building has to be maintained to so that those services can be delivered out of that building. That's work that will continue probably for the rest of this Councillor year.

Pam White, Pennyroyal

I'm from the Pennyroyal Tennis Club. I'm the one that produced all those amazing children that play tennis out there – the Whites. Over the years (I've been there 20-30 years) only once was any maintenance done on a tennis court and that was putting sand on top of the court. Now, we had to sweep it off because it became a risk factor. Next, during our years of playing tennis we have always used the Pennyroyal Hall as our tearooms and as our toilets. Since it has been condemned – big question – we have no toilets and we have no tearooms, so tennis players sit out in the sun and the toilet is my house. The public toilet is my house because my house is there. Are you going to do anything for the toilets and the hall? You say its 'your' asset – you keep saying its 'your' asset – but to me it is the community's asset. Now we've got buses going past, one bus – sorry – with school children on. We can't hold any functions there for the children. Can I have an answer to when are you going to – don't give me years, or weeks or months – can you give us a time that you will do something with our hall and with our tennis court resurfacing?

Response from the Chief Executive

One of the concerns I have in answering your question is that I am pre-empting a Council decision. I'm being asked to give you an answer to what we're going to do before Council has made a decision about what it does. When I came here nine/ten months ago, the approach being taken was towards demolition of the hall...

When was the demolition because we weren't notified? We weren't notified that it was to be condemned. A man came out, took photos (I was there)...

Response from the Mayor

You'll have to let him answer the question, thank you.

Response from the Chief Executive

That is where Council officers were headed at that point. They were looking at the future use of the hall which was, in their opinion, very limited and that's where they were headed towards, saying, "The hall is not used – there can be no future – so we either have to sell it or we have to demolish it." I've had a number of meetings with the Pennyroyal Hall Committee in conjunction with the Mayor and in conjunction with other people and what we've attempted to put together as a recommendation to Council is a way in which the Pennyroyal Hall can continue to exist and provide the functions that it currently provides, which are to the tennis club in terms of toilets, using the supper room as an afternoon tea room, and the hall. That is what we're putting to Council but I think we have to be really careful here. That's all we're doing; putting a proposition to Council that they need to vote on later tonight and from that, we can answer some of these questions that you have but we can't answer many of them until we know what Council's decision is.

Katrine Juleff, Pennyroyal

I've been through all the goings-on with the hall since it was closed. I have many questions and I've decided not to put the questions to the administration. I'd like to speak directly to the Councillors please. All we have ever asked for is permission to raise money from grants from federal, state and philanthropic grants to renovate a community asset to ensure it's here for future generations as well as the present. Can I ask the Council that you vote for us to be allowed to independently raise money to renovate the hall? We have never asked the Council to provide all the money for the renovation so all this talk of the cost and involvement – every question has been answered with the same answer. That is wrong and I would like to make sure that the Council know that there is another option.

Response from the Mayor

Thank you, Ms Juleff. We do have a Recommendation. I can't really ask Councillors to pre-empt any of their decisions unfortunately, so we'll have to wait until the Recommendation is put before us.

Chris Dance, Apollo Bay

I have a couple of questions relating to the proposed roundabout in Apollo Bay.

1. Given the cultural significance of this icon, its heritage precinct location and its prominent position in town, and the widely recognised need diminution of traffic in such central locations for safety and amenity reasons and the extraordinarily high cost of the proposal, as well as the observation that Council officers have made to me directly that the roundabout actually enables double usage of Collingwood Street because it means that even the largest buses can access from north to south, go round the roundabout and then return along Collingwood Street - a people street/pedestrian precinct - how does Council view the status of this facility that was built in 1922 and these proposals in the perspective of rational and orderly planning and design (urban design in particular)?

Response from General Manager, Infrastructure & Leisure Services

The particular questions that have been asked are exactly the subject of the report and the Recommendation to Council tonight. Councillors will each make their own determination of that and discussion will be included in the debate, I'm sure.

2. Does Council consider the methodology adopted by Rural Roads Victoria effective, modern, up-to-date and public in that a large number of people at Apollo Bay are concerned about these things including people over 50 years of age? (I don't want to give too much away there). There was very, very little advertising in the Apollo Bay news sheet and despite the fact that there were workshops that were attended by a large number of people and they recorded their concerns about this project, no feedback emerged. People left their names, addresses and email addresses. Does Council consider this rigorous, public communication?

Response from the Chief Executive

I think Council clearly expressed its view earlier in the year that it didn't consider VicRoads' consultation processes to be adequate and there was a Resolution of Council. On that basis, we wrote to the Minister of Roads and a number of other people - and VicRoads - to express our concern and that, together with community concerns that were raised directly with VicRoads, saw some improvement in that consultation. I don't believe I could comment on the adequacy of the next bit but clearly the adequacy of the first bit was not good.

MOTION

MOVED Cr Joe McCracken

That Question Time be extended to 5:15pm.

CARRIED 7 : 0

Edith Hammond, Colac

1. If it got to the stage where you were going to demolish and re-sell the land, what would you sell it as – rural residential? Because you would not allow permission to build a house on it. If you did allow permission, would that not set a precedent for all the other small blocks throughout the Shire?

Response from General Manager, Development & Community Services

That is a really good question. The hall is on land zoned Farming, as you're probably aware. Based on its current and previous use and considering the location, there could be an argument made that it could be used as a dwelling in the future or knocked over and built on but that would be subject to a planning permit application. We'd need to work through that.

2. How could it be considered as a dwelling when you have condemned it?

Response from General Manager, Development & Community Services

Obviously it would need restoration.

3. So my question to you is why are you not allowing the Committee to restore the hall? They have not asked you for funds. They have not asked you to pay out \$350,000 for a new hall. The funding to repair the hall has been costed for less than half that amount of money. They are not asking you for that amount of money. They are asking you to sign a piece of paper allowing them a four-year period, which you spoke of, to do the repairs.

Response from the Mayor

We've gone over it a little bit but there is a Recommendation before us. That's not to say that Council's going to go one way or the other but we can't pre-empt. We'll just have to see when we get to that Recommendation what Councillors decide and where they go from there. Unfortunately we can't give answers to something that's before us tonight until it happens.

Rita White, Apollo Bay – Church Warden for St. Aidan's Anglican Church

1. Regional Roads Victoria, in comments made to the media including the *Colac Herald*, claim that 70% of locals support the proposed roundabout. Have Colac Otway Shire seen the data which supports this claim? And is the data that validates this claim being made available to the community? And if not, why not?

Response from General Manager, Infrastructure & Leisure Services

I have answered a similar question earlier tonight. No, we don't have a hard-and-fast breakdown of how VicRoads have determined that figure. We're simply taking that at face value.

Is it possible to get the data that would validate the claim so that we could have a look at it?

Response from General Manager, Infrastructure & Leisure Services

I could take that on notice and certainly have discussions with VicRoads about the issue.

2. Thank you, that would be great. Have Regional Roads Victoria given any indication that they would consider some initial measures which are less invasive/less costly as a trial and if not, why not? It would save a lot of money.

Response from the Mayor

It's hard for us to speak about what VicRoads would do. Ultimately Council, tonight, will form a position on whether we support their proposal or not but it's a VicRoads project, not a Council project. We can't really answer on behalf of another organisation. Sorry.

That's fair enough but it just seems like it would be a sensible option to go down that path rather than spend the \$3.5 million that they're going to spend on putting through this roundabout.

Lyn Russell, Colac

1. Did the Councillors know the history of the war memorial of Apollo Bay before I sent out an email to each and every one of them – that my great-grandfather paid for half that memorial?

Response from the Mayor

I think that we're aware of a little bit of the history but we thank you for filling us in. We certainly know about it now.

2. Thank you. I represent the Cawood family who were responsible for gathering funds from the community and are they [Councillors] aware that VicRoads has been in consultation with the Cawood family since the 19th of February?

Response from the Mayor

I don't think we were aware of that until you sent out that information a few days ago to us all.

Leigh Barrett, Colac

1. The recommendation from Council officers is to transfer the ownership to the Hall Committee. They've made it clear, and it's in the report in the agenda, they don't want the role so are you going to force the ownership on the Hall Committee?

Response from General Manager, Infrastructure & Leisure Services

We've put a single Recommendation to Council tonight. There were a couple of options sort of canvassed in the report but I always feel that it's better to put a single Recommendation to Council rather than two or three. In terms of the mechanics of the Recommendation, what we're trying to do – and we have had discussions with the Hall Committee in the past – but the Recommendation includes a number of elements, a number of financial elements which haven't been set out completely in the past and it also includes outlining of how insurances could be paid and managed and it also includes a Recommendation that the building would not be subject to having any rates levied for a ten-year period. The answer, really, is that there's a number of elements to that Recommendation which we think need to be tested. That's why it's in front of Council tonight.

2. Where is Option Three in the meeting that we had with Mr Brown and Mr McGann, Jen Bush and Sharon Swaneveld in April? Option Three is based on the statement that Mr McGann made in February 2018: that is, there was no cost to Council and the Hall Committee was prepared to raise the money and do the job. He could see no objection. So where is the option, because the option was sent to all Councillors and the option was made on the basis of that statement. It was presented to you - sent to you by email - and the CEO.

Response from General Manager, Infrastructure & Leisure Services

My memory of the report is that the second option, which is canvassed in the report, is actually fairly similar to what Mr Barrett has outlined, in that ownership of the hall would remain with Council but that the requirement to fund renewal maintenance and operations of the hall would rest with the Hall Committee. It was certainly part of the report. It's not the Recommendation.

We came away with the understanding that would be on the agenda.

Bruce Sansome, Apollo Bay

1. How can the Council be sure that the Regional Roads Victoria has properly consulted with the community, as Regional Roads Victoria numbers don't add up? Regional Roads failed to notify the residents in time for the meeting on 12 and 14 February as they stated they sent out 4,000 letters to landowners which residents received late after the meeting dates or never received at all. They only had 70 or 80 people attend. The residents of 21-29 Nelson Street are still waiting for a reply from Regional Roads Victoria from a meeting we had with them on 11 January. How can Council be sure that Regional Roads Victoria has properly consulted with the community?

Response from General Manager, Infrastructure & Leisure Services

I guess Councillors will take that sort of input into consideration when they consider the report tonight.

2. Have Regional Roads Victoria indicated why they are trying to fast-track this project without proper consultation? I know they've got a pot of money to spend on the Great Ocean Road; that's the only thing I can reason.

Response from the Chief Executive

VicRoads have indicated that they want to make a decision about this. They have money from the federal and state governments allocated to the Great Ocean Road and I guess what they're looking to do is make a decision about whether they proceed with works there or whether they transfer that money to another project along the road. That was the general indication that was given to Council when we met with them a month or so ago.

Robert Shoebridge, Gellibrand

I realise the Shire has a problem meeting costs and so on with the Pennyroyal Committee. If they're basically deeding the hall, to basically run with it and take all the future costs, is that a model that will also be done by other communities with their halls, because it always goes through cycles of running down and then picking up, so is this going to be a general trend towards communities having to take more control over their halls?

Response from General Manager, Infrastructure & Leisure Services

There are plans or options to look at that sort of arrangement for any other hall currently on the books.

Chris Maguire, Carpendeit

I'm a little bit out of my usual territory. The question I have to ask and it's only one now, is in regard to Mark McLennan's report on the Pennyroyal Hall. At least 26 men from the Pennyroyal area served in the Great War with four making the ultimate sacrifice. The second point I would like to make: it is one of the local halls that Marjorie Lawrence sang at before she rose to international prominence. The third point I would like to make: my mother's family, the Farquharson's, came from Scotland and settled at Pennyroyal. From Pennyroyal they ran a significant bridge building business along the Murray River in New South Wales and Victoria. So

the question I have for one of your officers is: what value does the Council place on local heritage?

Response from the Chief Executive

Part of the report does refer to the historical significance of the hall and Councillors have been given considerable information by Mr Barrett in the past and Council officers have also been giving considerable information about the historical and social value of the hall.

Yvonne Francis, Apollo Bay

Could the Colac Otway Shire make it perfectly clear what actual Recommendations have been made on our behalf regarding the contentious and dangerous roundabout and soldier's memorial on the Great Ocean Road or whether or not you are presenting an evolving opinion over time?

Response from General Manager, Infrastructure & Leisure Services

My memory is a little bit shaky on this but I do recall that Council resolved or made some Resolutions on this, perhaps two or three months ago (I can't remember the month) and there were several points in that Resolution which required Council officers to write to various levels of state government. I think we've heard from the Chief Executive today that at that time we wrote to the Minister and also to Regional Roads Victoria setting out Council's concerns on the project and the way that it had been conducted. I hope that answers your question.

I would just like that response clarified a little please if you wouldn't mind? I want to know whether the Council has made a definitive opinion already or whether the Council intends to make an evolving opinion over time as more and more information comes before you? I've made that same mistake myself with this particular issue. It's terribly complicated and I want to know whether you're sticking by a firm opinion, what it is or whether you're prepared to take more information and change as the information comes along?

Response from the Mayor

I think what Mr McGann was referring to was that a couple of months ago, there was a motion we didn't support about their initial roundabout and their public consultation and we resolved to write to Regional Roads, and they then conducted more consultation. So we didn't give support and that's where I guess Council sits. We have a Recommendation before us tonight and can't really comment until that Recommendation is heard whether we have a fixed position or it goes somewhere else. I hope that answers your question.

Jeanette Brown, Elliminyt

With the maintenance that you're supposed to have done to the [Pennyroyal] Hall, you can't do any now but why haven't you done it before it got to this stage? Where were you then? And the hall is 107 years old. It is a heritage hall.

Response from the Mayor

I'll try to find somebody that was here before it was condemned. It's going to be a bit tricky. Mr McGann, would you like to answer this?

Response from General Manager, Infrastructure & Leisure Services

If the hall had been properly maintained then it wouldn't be in the state that it's in now and it wouldn't have had an emergency order placed against it. The work that we're aiming to do with Council on the 205 buildings that it owns is to ensure that the buildings are set up to give service to the community and then to look at what works are required to each building for the next ten years and then to check in with Council as to whether it has the funds to pay for those works. That's the work that we're looking to do over this calendar year but if that building had been maintained, it would still be available for use.

Deryn Thomas, Pennyroyal

I have two questions relating to questions that were answered very early on and these questions that were asked:

1. What sort of indicators – I can't remember exactly the question and I don't have a copy of it – what parameters do you use to decide what you're going to do about the hall and in the answer there were a number of things but one mentioned 'current usage'. If the hall is condemned for the last four years, I would suspect that current usage is actually zero. So I would suggest you don't use 'current usage'. Also the other one that I remembered was 'predicted usage'. I think this is incredibly hard for you to predict. We do have the Princes Highway which has just been updated – that might effect things. We have a big increase at the primary school in Deans Marsh. We have large plans for houses in Moriac. Who can possibly predict what is going to happen to the area around Pennyroyal? How can you use those two indicators to predict what to do about the hall, to decide? Good luck with that.

Response from the Mayor

Yeah, I know. I was going to say I predicted Scott Morrison would win but that's about the extent of my genius.

Well, mine too.

Response from the Mayor

Mr McGann, how did you come up with the data for the points in there about predicted usage?

Response from General Manager, Infrastructure & Leisure Services

There are a couple of elements to that. The first was around the current use and I do apologise if that language was a little bit clumsy because obviously the hall is closed now but what we do know is what the hall was used for for the two years prior to the time that it was closed. I guess that's what we were referring to as, in some ways, the current use.

Yeah, I didn't understand the definition.

Response from General Manager, Infrastructure & Leisure Services

No, I do apologise for that. It's set out in the report the number times apart from tennis that the hall was used in those previous two years. In terms of the future use, there is a Section 86 Committee which manages the hall on behalf of Council. They have produced a master plan for the future of the hall and in that, they have certainly done some work to look at what the future use of the hall might be. That's the sort of thing Councillors will obviously take into account when considering the issue tonight.

2. You're presumably meaning things like applying for a grant to have a Men's Shed there which was one of the things they'd come up with. Anyway, the other question relates to how can you decide what to do with this hall? The question was asking how much money has been spent in the environs of Pennyroyal on building maintenance over the previous five years? We were interested to hear that. You talked about the first five months of this year and what you were going to do but I missed what has happened over the previous five years.

Response from the Mayor

Mr McGann needed to take the question regarding the previous five years on notice to be able to get that information.

Oh, I missed the "on notice". Thank you.

The meeting adjourned for a short break at 5.20pm.

Ian Williams left the meeting at 5.20pm.

Blaithin Butler left the meeting at 5.20pm.

Gary Warrener left the meeting at 5.20pm.

Lyndal Redford left the meeting at 5.20pm.

The meeting resumed at 5.25pm.

6 TABLING OF RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETING

Graham Howard, Colac East

I found out today that I believe Council has signed off on the closure of the Princes Highway again and all traffic is going to be directed up my road. I'm wondering why or how that would come about? I believe the Councillors should be notified of what's going on and then they make the decision, not the workers of the Shire.

Response from General Manager, Infrastructure & Leisure Services

In relation to the highway project I note the bridge replacement at the Barongarook Creek. In this instance VicRoads sought to utilise the same detour for an extended period of several months. Council officers denied this request and this resulted in VicRoads having to construct the temporary bridge which is currently in use.

In the case you raise about the recent closure of the Highway, Council officers decided that the short term closure of one week was warranted. The alternative would have been to inconvenience the community for a period of one month whilst the intersection works continued at a much slower pace.

A decision such as this is delegated to officers and there are no plans to change this practice.

7 PETITIONS / JOINT LETTERS

Nil

8 DECLARATIONS OF INTEREST

Cr Stephen Hart	10.2
Nature of Disclosure:	Indirect Interest
Type of Interest:	Section 78A
Nature of interest:	Telstra facility. I own Telstra shares. Telstra has a direct interest so I have an indirect financial interest.

Cr Kate Hanson	10.2
Nature of Disclosure:	Indirect Interest
Type of Interest:	Section 78A
Nature of interest:	78A Indirect financial interest - I own shares in Telstra.

9 CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on 24 April 2019.

RESOLUTION

MOVED Cr Kate Hanson, SECONDED Cr Joe McCracken

That Council confirm the minutes of the Ordinary Council Meeting held on 24 April 2019.

CARRIED 6 : 1

DIVISION

For the motion: Cr Brian Crook, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Jason Schram

Against the motion: Cr Chris Smith

Item: 10.1

Pennyroyal Hall

OFFICER	Mark McLennan
GENERAL MANAGER	Tony McGann
DIVISION	Infrastructure & Leisure Services
ATTACHMENTS	<ol style="list-style-type: none">1. Valuation Report - Pennyroyal Hall 2019 [10.1.1]2. Masterplan Pennyroyal Public Hall [10.1.2]3. Pennyroyal Hall building condition report 21838 [10.1.3]4. Pennyroyal Hall Email to C E, General Manager and all Councillors [10.1.4]5. Pennyroyal Hall Email to C E, General Manager and all Councillors Email Attachment [10.1.5]
PURPOSE	To recommend to Council an option for the future of the Pennyroyal Hall.



RECOMMENDATION

That Council transfer ownership of the Pennyroyal Hall and associated land to the Pennyroyal Hall Committee Inc. (The Committee) for a peppercorn amount, including the following conditions:

- a) Council waives rates on the property for a 10 year period after the ownership change or until 30 June 2030, whichever date is latest.*
- b) An agreement with The Committee that the hall be used only for public use.*
- c) An agreement with The Committee that the hall be renewed sufficiently to allow public use.*
- d) Council pays for Building and Public Liability insurance for the hall on an ongoing basis.*
- e) Council transfers to The Committee an amount equal to the insurance monies receipt of the funds.*
- f) Council reimburse the Committee funds that it spends on hall renewal works as follows:*
 - i. \$35,000 in lieu of demolition works to the hall.*
 - ii. \$10,000 in lieu of connecting underground power to the hall.*
- g) Council officers assist The Committee with future funding requests associated with the renewal of the hall.*

ALTERNATIVE MOTION

MOVED Cr Chris Smith

That Council:

- 1. Works with the Pennyroyal Hall Committee to allow the Committee to undertake the restoration of the Pennyroyal Hall to an appropriate usable condition.*
- 2. Makes available to the committee \$35,000 in lieu of demolition, \$10,000 in lieu of underground power, any insurance monies applicable and any other committed funds for the purpose of restoration.*
- 3. Works with the Committee to help with grant applications for this purpose.*

LAPSED due to no seconder

RECOMMENDATION

MOVED Cr Chris Potter, seconded Cr Brian Crook

That Council transfer ownership of the Pennyroyal Hall and associated land to the Pennyroyal Hall Committee Inc. (The Committee) for a peppercorn amount, including the following conditions:

- a) Council waives rates on the property for a 10 year period after the ownership change or until 30 June 2030, whichever date is latest.*

- b) *An agreement with The Committee that the hall be used only for public use.*
- c) *An agreement with The Committee that the hall be renewed sufficiently to allow public use.*
- d) *Council pays for Building and Public Liability insurance for the hall on an ongoing basis.*
- e) *Council transfers to The Committee an amount equal to the insurance monies receipt of the funds.*
- f) *Council reimburse the Committee funds that it spends on hall renewal works as follows:*
 - i. *\$35,000 in lieu of demolition works to the hall.*
 - ii. *\$10,000 in lieu of connecting underground power to the hall.*
- g) *Council officers assist The Committee with future funding requests associated with the renewal of the hall.*

AMENDMENT

MOVED Cr Joe McCracken, **SECONDED** Cr Chris Smith

To add the words 'opens negotiations to consider' after That Council in the Recommendation, renumber the Recommendation point 1 and to add point 2, so that the amended motion reads as follows (changes are underlined):

1. *That Council opens negotiations to consider the transfer ownership of the Pennyroyal Hall and associated land to the Pennyroyal Hall Committee Inc. (The Committee) for a peppercorn amount, including the following conditions:*
 - a) *Council waives rates on the property for a 10 year period after the ownership change or until 30 June 2030, whichever date is latest.*
 - b) *An agreement with The Committee that the hall be used only for public use.*
 - c) *An agreement with The Committee that the hall be renewed sufficiently to allow public use.*
 - d) *Council pays for Building and Public Liability insurance for the hall on an ongoing basis.*
 - e) *Council transfers to The Committee an amount equal to the insurance monies receipt of the funds.*
 - f) *Council reimburse the Committee funds that it spends on hall renewal works as follows:*
 - i. *\$35,000 in lieu of demolition works to the hall.*
 - ii. *\$10,000 in lieu of connecting underground power to the hall.*
 - g) *Council officers assist The Committee with future funding requests associated with the renewal of the hall.*

2. *If negotiations / discussions with the Pennyroyal Hall, Committee Inc. (The Committee) do not reach an agreeable resolution, that a report be presented to a future Ordinary Council Meeting.*

LOST 3 : 4

DIVISION

For the motion: Cr Joe McCracken, Cr Chris Smith, Cr Jason Schram

Against the motion: Cr Kate Hanson, Cr Stephen Hart, Cr Brian Crook, Cr Chris Potter

The RECOMMENDATION was voted upon and CARRIED 5 : 2

DIVISION

For the motion: Cr Kate Hanson, Cr Brian Crook, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter

Against the motion: Cr Chris Smith, Cr Jason Schram

Madeleine Bisits left the meeting at 6.07pm.

Buddhima Edi left the meeting at 6.07pm.

Item: 10.2

Development of Telecommunications Facility (20m Monopole)

ADDRESS AND PROPERTY DETAILS	52-54 Jenner Street, Birregurra	APPLICATION NUMBER	PP186/2018-1
PROPOSAL	Telecommunications Facility (20M Monopole)		
PERMIT TRIGGERS	Clause 34.01-4 (C1Z) – Buildings and Works; Clause 43.02-2 (DDO15) – Buildings and Works: Clause 52.19-1 (Telecommunications Facility) – Buildings and Works Associated with Telecommunications Facility		
TRIGGER FOR DETERMINATION BY COUNCIL	Proposal that may have an effect on the broader community		
ZONE	Commercial 1 Zone (C1Z)	OVERLAYS	Vegetation Protection Overlay (VPO3); Design and Development Overlay (DDO15)
COVENANTS	No		
CULTURAL HERITAGE	Not within an area of cultural heritage sensitivity		
OFFICER	Ian Williams	GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services		
ATTACHMENTS	<ol style="list-style-type: none"> 1. P P 186 2018 - 52-54 Jenner Street Application Form for Committee [10.2.1] 2. P P 1862018 - 52-54 Jenner Street and Photo Montage for Committee [10.2.2] 		

Having declared a conflict of interest, Cr Stephen Hart adjourned from the meeting at 6.08pm and did not take part in debate nor vote on the matter.

Cr Stephen Hart	10.2
Nature of Disclosure:	Indirect Interest
Type of Interest:	Section 78A
Nature of interest:	Telstra facility. I own Telstra shares. Telstra has a direct financial interest so I have an indirect financial interest.

Having declared a conflict of interest, Cr Kate Hanson adjourned from the meeting at 6.08pm and did not take part in debate nor vote on the matter.

Cr Kate Hanson	10.2
Nature of Disclosure:	Indirect Interest
Type of Interest:	Section 78A
Nature of interest:	78A Indirect financial interest - I own shares in Telstra.

RESOLUTION

MOVED Cr Brian Crook, seconded Cr Chris Potter

That Council resolves to:

- A. *Refuse to grant a planning permit for the construction of a Telecommunications Facility (20m monopole) and associated equipment at 52-54 Jenner Street, Birregurra for the following reasons:*
 1. *The proposed telecommunications facility, which would have a detrimental visual impact on adjacent land within the Birregurra Main Street Heritage Precinct, does not accord with the purpose of Clause 52.19-2 (Telecommunications Facility) of the Colac Otway Planning Scheme, or the principles for the design, siting, construction and operation of a telecommunications facility set out in 'A Code of Practice for Telecommunications Facilities in Victoria' (July 2004).*
 2. *The proposed facility would result in an incongruous form of development out of keeping with the character of the area, being of a design and scale that would be detrimental to the heritage place and cultural identity of the area. As such, the proposal is contrary to the objectives and strategies of Clause 15.01-1S (Urban Design), Clause 15.01-5S (Neighbourhood Character), Clause 15.03-1S (Heritage Conservation) and Clause 22.01-7 (HO303 - Birregurra Main Street Precinct, Birregurra) of the planning scheme.*
 3. *The proposal does not strike an appropriate balance between the provision of important telecommunications services and the need to protect the environment from adverse impacts arising from telecommunications infrastructure. As such, the proposal is contrary to the objectives and strategies of Clause 19.03-4S (Telecommunications) of the Colac Otway Planning Scheme.*
 4. *The proposed telecommunications facility is contrary to Clause 21.03-4 (Birregurra) of the planning scheme, the Birregurra Structure Plan (2013) and the Birregurra Neighbourhood Character Study (2012), which seek to retain and protect the township's significant and*

contributory heritage places and articulate Birregurra's history in the public realm, and ensure new development provides a sympathetic design response to existing heritage buildings.

- B. Write to the Federal Government and Telstra to confirm the community's desire to retain the funding committed to improving telecommunication coverage in Birregurra under the Blackspot Program, and that Council would strongly oppose any reallocation of this funding to other locations, or deferral of the expenditure.*
- C. Indicate to the Federal Government and Telstra that (without prejudice to its decision making role as Responsible Authority under the Planning Scheme) it would encourage Telstra to lodge a planning application with Council at the earliest opportunity for the establishment of a new Telstra mobile phone tower at the Birregurra Recreation Reserve or other location in Birregurra that has reduced visual impact on valued streetscape character in the town.*

CARRIED 4 : 1

DIVISION

For the motion: Cr Brian Crook, Cr Chris Potter, Cr Jason Schram, Cr Chris Smith

Against the motion: Cr Joe McCracken

Jason Clissold left the meeting at 6.51pm.

Jason Clissold returned to the meeting at 6.53pm.

Vicki Jeffrey left the meeting at 6.54pm.

Doug McNeill left the meeting at 6.54pm.

Item: 10.3

Regional Roads Victoria Proposed Roundabout - Apollo Bay

OFFICER	Jeremy Rudd
GENERAL MANAGER	Tony McGann
DIVISION	Infrastructure & Leisure Services
ATTACHMENTS	<ol style="list-style-type: none">1. Incoming Advice - New Roundabout Great Ocean Road & Nelson Street APOLLO BAY - RRV - 20190502 [10.3.1]2. Notice of Motion No 292 - Cr Joe Mc Cracken - Proposed Roundabout Apollo Bay - signed [10.3.2]
PURPOSE	To update Council on the request from Regional Roads Victoria for in principle support for the proposed roundabout at the corner of Nelson Street and the Great Ocean Road in Apollo Bay.

RECOMMENDATION

That Council gives in principle support to Regional Roads Victoria to proceed with developing their preferred option for installing a roundabout at the intersection of the Great Ocean Road and Nelson Street, Apollo Bay, subject to:

- 1. Continued consultation in relation to reasonable concerns from the Apollo Bay community, particularly those directly affected by the proposal.*
- 2. Agreement from VicRoads that the necessary works to the intersection of the Great Ocean Road and Nelson Street, which gives access to the Port of Apollo Bay, be designed and funded.*

ALTERNATIVE MOTION

MOVED Cr Joe McCracken, seconded Cr Chris Smith

That Council:

- 1. Does not give 'in principle' support to the proposed roundabout at the Nelson Street / Great Ocean Road in Apollo Bay, as it currently sits.*

2. *Encourages Regional Roads Victoria (RRV) to work with community members and impacted residents on reaching an amicable solution.*

LOST 3 : 4

DIVISION

For the motion: Cr Joe McCracken, Cr Chris Smith, Cr Jason Schram

Against the motion: Cr Chris Potter, Cr Stephen Hart, Cr Brian Crook, Cr Kate Hanson

RESOLUTION

MOVED Cr Chris Potter, SECONDED Cr Brian Crook

That Council gives in principle support to Regional Roads Victoria to proceed with developing their preferred option for installing a roundabout at the intersection of the Great Ocean Road and Nelson Street, Apollo Bay, subject to:

1. *Continued consultation in relation to reasonable concerns from the Apollo Bay community, particularly those directly affected by the proposal.*
2. *Agreement from VicRoads that the necessary works to the intersection of the Great Ocean Road and Nelson Street, which gives access to the Port of Apollo Bay, be designed and funded.*

CARRIED 4 : 3

DIVISION

For the motion: Cr Kate Hanson, Cr Stephen Hart, Cr Brian Crook, Cr Chris Potter

Against the motion: Cr Joe McCracken, Cr Chris Smith, Cr Jason Schram

Peter Brown left the meeting at 7.25pm.

Peter Brown returned to the meeting at 7.26pm.

The meeting adjourned for a short break at 7.39pm.

The meeting resumed at 7.48pm.

Item: 10.4

Barongarook Road, Barongarook - Road Safety Outcomes

OFFICER	Kristy Cochrane
GENERAL MANAGER	Tony McGann
DIVISION	Infrastructure & Leisure Services
ATTACHMENTS	1. Barongarook Road Barongarook - Road Safety Audit - RSA - 20190222 [10.4.1]
PURPOSE	To present to Council the findings from the Road Safety Audit conducted for Barongarook Road, Barongarook.

RESOLUTION

MOVED Cr Brian Crook, SECONDED Cr Chris Potter

That Council:

- 1. Adopts the recommendation of the Road Safety Audit to retain the current 100km/h speed limit on the Barongarook Road,*
- 2. Implements recommendations categorised as "Stage 1" works from the Road Safety Audit, being line-marking, signage improvements and other minor works, to the Barongarook Road and intersecting roads,*
- 3. Refers the "Stage 2" works from the Road Safety Audit, being the recommended tree removal, guard rail installations and sealing of the intersections, to the relevant existing and future programs for prioritisation against other identified risk areas, and,*
- 4. Writes to the petition organiser advising of Council's resolution on this matter.*

CARRIED 6 : 1

DIVISION

For the motion: Cr Brian Crook, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Jason Schram

Against the motion: Cr Chris Smith

Item: 10.5
Sale of Council Owned Land

OFFICER	Mark McLennan
GENERAL MANAGER	Tony McGann
DIVISION	Infrastructure & Leisure Services
ATTACHMENTS	1. Title Searches [10.5.1]
PURPOSE	This report recommends the sale of three parcels of Council owned Land

RECOMMENDATION

That Council:

1. *Resolve to dispose of the following Council owned properties;*
 - a. *3 Hall Street Cressy*
 - b. *Western Street Beeac*
 - c. *Lot 1 TP558492 on Certificate of Title volume 02103 folio 479*
2. *Authorises Council officers to perform any re-zoning and Subdivision procedures necessary to maximise land value and ensure that appropriate Planning controls are in place to acknowledge the potential contamination of the land at 33 Weston Street Beeac, prior to sale;*
3. *Acting under section 189 of the Local Government Act 1989 (the Act), resolves that the statutory procedures be commenced to sell the Council Land approved in this resolution by private treaty, public auction or tender and;*
 - 3.1 *Authorises Council officers to give public notice of proposed sale of land in accordance with sections 82A, 189 and 223 of the Act for the period of four weeks, from 31 May to 28 June 2019.*
 - 3.2 *Determines to convene a Special Committee meeting on 10 July 2019 in accordance with the Act to hear any persons who in their written submission under section 223 of the Act have requested that they be heard in support of their submission.*
4. *Conditionally upon receiving no submissions and after public notice under sections 82A, 189 and 223 of the Act, approves the Sale and/or Disposal of land described as 3 Hall Street, Cressy, Lot 1 on Certificate of Title volume 10161 folio 316.*

5. *Conditionally upon receiving no submissions and after public notice under sections 82A, 189 and 223 of the Act, approves the Sale and/or Disposal of land described as 33 Weston Street, Beeac, Lot 1 on Certificate of Title volume 04929 folio 623.*
6. *Conditionally upon receiving no submissions and after public notice under sections 82A, 189 and 223 of the Act, approves the Sale and/or Disposal of land described as Lot 1 TP558492 on Certificate of Title volume 02103 folio 479.*
7. *Having undertaken the necessary statutory procedures, authorises the Chief Executive or their delegated officers to advertise property for sale and negotiate sale of land on its behalf by private treaty, public auction or tender with a reserve price at no less than the sworn valuation not more than six months old at the time of sale;*
 - 7.1 *Gives authority to the Chief Executive to decide for each property the method of sale by private treaty, public auction or tender with the aim of maximising return to council.*
 - 7.2 *Resolves that when sale is by public auction or tender, in the event the reserve price is not achieved, authorises the Chief Executive or delegated officers to negotiate the sale privately with the highest bidder in the first instance, at a price no less than 5% below the reserve price;*
 - 7.3 *Resolves that in the event of negotiations being unsuccessful, authorises the Chief Executive or delegated officers to negotiate privately at a price no less than 5% below the reserve price;*
 - 7.4 *Resolves that if sale is by private treaty in the first instance, the sale price may not be less than the sworn valuation not more than six months old at the time of sale;*
 - 7.5 *Authorises the Chief Executive to affix the Common Seal and sign all documentation associated with the proposed sale and/or disposal and transfer of the land approved in this resolution on behalf of Council.*
8. *Instructs Council officers to further investigate Council owned properties with potential for sale not included in this resolution and provide a report to Council Briefing within six months of this resolution being approved unless otherwise agreed.*

ALTERNATIVE MOTION

MOVED Cr Chris Smith

That Council resolves to not dispose of the following Council owned properties, at this time:

- a. *3 Hall Street Cressy*
- b. *33 Western Street Beeac*
- c. *Lot 1 TP558492 on Certificate of Title volume 02103 folio 479*

LAPSED due to no seconder

RESOLUTION

MOVED Cr Brian Crook, **SECONDED** Cr Chris Potter

That Council:

1. *Resolve to dispose of the following Council owned properties:*
 - a. *3 Hall Street Cressy*
 - b. *33 Western Street Beeac*
 - c. *Lot 1 TP558492 on Certificate of Title volume 02103 folio 479*
2. *Authorises Council officers to perform any re-zoning and Subdivision procedures necessary to maximise land value and ensure that appropriate Planning controls are in place to acknowledge the potential contamination of the land at 33 Weston Street Beeac, prior to sale;*
3. *Acting under section 189 of the Local Government Act 1989 (the Act), resolves that the statutory procedures be commenced to sell the Council Land approved in this resolution by private treaty, public auction or tender and;*
 - 3.1 *Authorises Council officers to give public notice of proposed sale of land in accordance with sections 82A, 189 and 223 of the Act for the period of four weeks, from 31 May to 28 June 2019.*
 - 3.2 *Determines to convene a Special Committee meeting on 10 July 2019 in accordance with the Act to hear any persons who in their written submission under section 223 of the Act have requested that they be heard in support of their submission.*
4. *Conditionally upon receiving no submissions and after public notice under sections 82A, 189 and 223 of the Act, approves the Sale and/or Disposal of land described as 3 Hall Street, Cressy, Lot 1 on Certificate of Title volume 10161 folio 316.*
5. *Conditionally upon receiving no submissions and after public notice under sections 82A, 189 and 223 of the Act, approves the Sale and/or Disposal of land described as 33 Weston Street, Beeac, Lot 1 on Certificate of Title volume 04929 folio 623.*
6. *Conditionally upon receiving no submissions and after public notice under sections 82A, 189 and 223 of the Act, approves the Sale and/or Disposal of land described as Lot 1 TP558492 on Certificate of Title volume 02103 folio 479.*
7. *Having undertaken the necessary statutory procedures, authorises the Chief Executive or their delegated officers to advertise property for sale and negotiate sale of land on its behalf by private treaty, public auction or tender with a reserve price at no less than the sworn valuation not more than six months old at the time of sale;*
 - 7.1 *Gives authority to the Chief Executive to decide for each property the method of sale by private treaty, public auction or tender with the aim of maximising return to council.*
 - 7.2 *Resolves that when sale is by public auction or tender, in the event the reserve price is not achieved, authorises the Chief Executive or delegated officers to negotiate the sale privately with the highest bidder in the first instance, at a price no less than 5% below the reserve price;*

- 7.3 Resolves that in the event of negotiations being unsuccessful, authorises the Chief Executive or delegated officers to negotiate privately at a price no less than 5% below the reserve price;*
- 7.4 Resolves that if sale is by private treaty in the first instance, the sale price may not be less than the sworn valuation not more than six months old at the time of sale;*
- 7.5 Authorises the Chief Executive to affix the Common Seal and sign all documentation associated with the proposed sale and/or disposal and transfer of the land approved in this resolution on behalf of Council.*
- 8. Instructs Council officers to further investigate Council owned properties with potential for sale not included in this resolution and provide a report to Council Briefing within six months of this resolution being approved unless otherwise agreed.*

CARRIED 5 : 2

DIVISION

For the motion: Cr Joe McCracken, Cr Chris Potter, Cr Brian Crook, Cr Kate Hanson, Cr Jason Schram

Against the motion: Cr Chris Smith, Cr Stephen Hart

Jeremy Rudd left the meeting at 8.22pm.

Item: 10.6

Proposed Council Policy - Borrowing

OFFICER	Jason Clissold
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	1. Proposed Borrowing Policy_-_ May 2019 Final_ [10.6.1]
PURPOSE	To present the proposed Borrowing Policy for Council's consideration

RECOMMENDATION

That Council:

1. *Adopts the attached draft Borrowing Policy as presented.*
2. *Rescind the 25 June 2014 Council resolution related to borrowings. The adopted resolution stated:*

"That Council:

- a. *Resolves that, apart from debt approved in budgets before this resolution was adopted, Council does not agree to any further increase in debt, unless supported by a robust and feasible business plan with a demonstrated significant economic, environmental and/or social benefit.*
- b. *Instructs that the Chief Executive is to ensure that no contract or other proposal is considered where it is dependent on Council borrowing more funds, unless in exceptional circumstances including, but not limited to, liquidity issues, special charge schemes or natural disasters.*
- c. *Directs that this instruction is to continue until such time as this resolution is expressly rescinded by a subsequent resolution."*

ALTERNATIVE MOTION 1

MOVED Cr Stephen Hart, seconded Cr Chris Smith

That Council adopts the draft Borrowing Policy with the following alterations:

- a. Reduce the maximum Loans and Borrowings Ratio to 20%, alter the Borrowings Ratios and Limits table in the Policy appropriately, and insert the following wording in the policy*
- b. Council will accept a maximum Loans and Borrowings Ratio of 30%, only where the additional loans and borrowing are utilised to fund any unplanned expenditure such as natural disaster or Defined Benefit Superannuation calls. Council will then implement a plan to bring the ratio down to the lower limit (20%) as soon as practicable.*

CARRIED 4 : 3

DIVISION

For the motion: Cr Joe McCracken, Cr Stephen Hart, Cr Brian Crook, Cr Kate Hanson

Against: Cr Chris Potter, Cr Chris Smith, Cr Jason Schram

ALTERNATIVE MOTION 2

MOVED Cr Stephen Hart, SECONDED Cr Chris Smith

That Council:

- 1. Notes that the resolution adopted on 25 June 2014 regarding Council debt, number OM142506-19, which read as follows:*

“That Council:

- a. Resolves that, apart from debt approved in budgets before this resolution was adopted, Council does not agree to any further increase in debt, unless supported by a robust and feasible business plan with a demonstrated significant economic, environmental and/or social benefit.*
- b. Instructs that the Chief Executive is to ensure that no contract or other proposal is considered where it is dependent on Council borrowing more funds, unless in exceptional circumstances including, but not limited to, liquidity issues, special charge schemes or natural disasters.*
- c. Directs that this instruction is to continue until such time as this resolution is expressly rescinded by a subsequent resolution.”*

is consistent with the new ‘Borrowing’ policy, and

- 2. Does not rescind the resolution of 25 June 2014, referred to in point 1.*

CARRIED 6 : 1

DIVISION

For the motion: Cr Chris Smith, Cr Joe McCracken, Cr Chris Potter, Cr Stephen Hart, Cr Brian Crook, Cr Kate Hanson

Against the motion: Cr Jason Schram

Item: 10.7

Contract 1926 – Supply and Deliver Grader

OFFICER	Darren Graham
GENERAL MANAGER	Tony McGann
DIVISION	Infrastructure & Leisure Services
ATTACHMENTS	Nil
PURPOSE	Council approval is required to award Contract 1926 – Supply and Deliver Grader

RECOMMENDATION

That Council:

- 1. Awards Contract 1926 – Supply & Delivery of Grader to William Adams Pty Ltd for the tendered price referred to in the confidentially distributed document pertaining to this contract;*
- 2. Accepts the trade in price for the current grader offered by William Adams Pty Ltd under Contract 1926;*
- 3. Authorises the Chief Executive to sign any contracts following award of Contract 1926 – Supply & Delivery of Grader;*
- 4. Request that the Chief Executive ensures the contract price is listed on Council's website once the steps listed in point three have been completed.*

MOTION

MOVED Cr Brian Crook, **SECONDED** Cr Kate Hanson

That Council consider items:

- 10.7** *Contract 1926 - Supply and Deliver Grader, and*
10.9 *Colac Youth and Recreation Centre proposed Community Asset Committee*

en bloc, allowing for questions for items 10.7 and 10.9 and during question time.

CARRIED 7 : 0

MOTION

MOVED Cr Brian Crook, SECONDED Cr Chris Potter

That Council adopt the recommendations from items:

- 10.7 *Contract 1926 - Supply and Deliver Grader, and***
- 10.9 *Colac Youth and Recreation Centre proposed Community Asset Committee***

en bloc, as detailed below.

1. That Council:

- 1.1 *Awards Contract 1926 – Supply & Delivery of Grader to William Adams Pty Ltd for the tendered price referred to in the confidentially distributed document pertaining to this contract;***
- 1.2 *Accepts the trade in price for the current grader offered by William Adams Pty Ltd under Contract 1926;***
- 1.3 *Authorises the Chief Executive to sign any contracts following award of Contract 1926 – Supply & Delivery of Grader;***
- 1.4 *Request that the Chief Executive ensures the contract price is listed on Council's website once the steps listed in point three have been completed.***

2. That Council:

- 2.1 *Assist the Colac Youth Club Inc. to form a Community Asset Committee for the building known as the Colac Youth and Recreation Centre 30 – 40 Gravesend Street, Colac.***
- 2.2 *Assist the Colac Youth Club Inc. in its transition to operation as the Community Asset Committee.***
- 2.3 *Assist the Colac Youth Club Inc. in the development of the Management Plan for the building.***
- 2.4 *Subject to points 1, 2 and 3 above, delegates the management of the building to the Community Asset Committee.***

CARRIED 7 : 0

Item: 10.8

Review of Council Policy 16.5 - Debtor Management and Debt Recovery

OFFICER	Jason Clissold
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	1. Council Policy 16.5 Debtor Management and Debt Recovery - _ May 2019 Final_ [10.8.1]
PURPOSE	To present the revised Council Policy 16.5 - Debtor Management and Debt Recovery Policy for consideration

RECOMMENDATION

That Council adopt the revised Council Policy 16.5 - Debtor Management and Debt Recovery Policy.

ALTERNATIVE MOTION

MOVED Cr Stephen Hart, SECONDED Cr Brian Crook

That Council:

- 1. Adopts the revised Council Policy 16.5 – Debtor Management and Debt Recovery Policy, and*
- 2. Directs that the Chief Executive ensures the policy is reviewed after the 2020 Council election, during the 2021 calendar year.*

CARRIED 6 : 1

DIVISION

For the motion: Cr Joe McCracken, Cr Chris Potter, Cr Stephen Hart, Cr Brian Crook, Cr Kate Hanson, Cr Jason Schram

Against the motion: Cr Chris Smith

Jason Clissold left the meeting at 9.11pm.

Nick Howard left the meeting at 9.11pm.

Item: 10.9

Colac Youth and Recreation Centre proposed Community Asset Committee

OFFICER	Mark McLennan
GENERAL MANAGER	Tony McGann
DIVISION	Infrastructure & Leisure Services
ATTACHMENTS	Nil
PURPOSE	To propose the formation of a Community Asset Committee and Management Plan for the Colac Youth and Recreation Centre Inc.

RESOLUTION

That Council:

- 1. Assist the Colac Youth Club Inc. to form a Community Asset Committee for the building known as the Colac Youth and Recreation Centre 30 – 40 Gravesend Street, Colac.*
- 2. Assist the Colac Youth Club Inc. in its transition to operation as the Community Asset Committee.*
- 3. Assist the Colac Youth Club Inc. in the development of the Management Plan for the building.*
- 4. Subject to points 1,2 and 3 above, delegates the management of the building to the Community Asset Committee.*

This item was considered en bloc with Item 10.7. Please refer to the motion under the Item 10.7 for the Resolution.

Item: 10.10

Confirmed and Unconfirmed Minutes - Roads Advisory Committee

OFFICER	Hannah Filice
GENERAL MANAGER	Tony McGann
DIVISION	Infrastructure & Leisure Services
ATTACHMENTS	<ol style="list-style-type: none">1. Confirmed - Minutes - Colac Otway Roads Committee - February 2019 [10.10.1]2. Unconfirmed Minutes - Colac Otway Roads Committee - April - 2019 [10.10.2]3. COS Roads Advisory Committee - Terms of Reference Final - 2019 [10.10.3]
PURPOSE	To table the unconfirmed minutes of the Colac Otway Roads Advisory Committee Meeting to be noted at the Council meeting.

RESOLUTION

***MOVED** Cr Chris Potter, **SECONDED** Cr Brian Crook*

That Council note the confirmed minutes from the February 2019 meeting and the unconfirmed minutes of the April 2019 meeting of the Colac Otway Roads Advisory Committee.

CARRIED 6 : 1

DIVISION

For the motion: Cr Brian Crook, Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Jason Schram

Against the motion: Cr Chris Smith

Item: 10.11

**Old Beechy Rail Trail Minutes and Assemblies of Councillors
notes**

OFFICER	Lyndal McLean
GENERAL MANAGER	Peter Brown
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. Old Beechy Rail Trail Committee - Meeting Minutes with attachments - 2019 2 April - Confirmed [10.11.1]2. Assembly of Councillors - Pre Council Meeting Preparation - 24 April 2019 [10.11.2]3. Assembly of Councillors Record - Central Reserve Advisory Committee 20190501 [10.11.3]4. Assembly of Councillors - Councillor Briefing - 1 May 2019 [10.11.4]5. Assembly of Councillors - Councillor Briefing - 8 May 2019 [10.11.5]
PURPOSE	To report the Minutes of the Old Beechy Rail Trail and report the Assemblies of Councillors.

REPORTING

1. *The Assemblies of Councillors are reported herewith.*
2. *The Minutes of the Old Beechy Rail Trail Committee for 2 April 2019 are reported herewith*
The Local Government Act 1989 does not require a Council decision.

Cr Kate Hanson left the meeting at 9.20pm.

Cr Kate Hanson returned to the meeting at 9.22pm.

Cr Chris Smith moved the following motion as an Item of Urgent Business.

MOTION

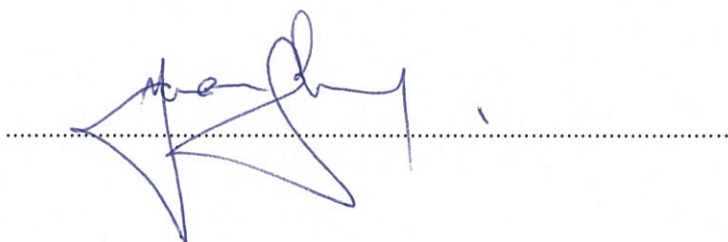
MOVED Cr Chris Smith

That Council undertake no further moves or works with regards to the closing or relocation of the Colac Otway Shire Office in Nelson Street, Apollo Bay, until a full report is presented and debated at an Ordinary Council Meeting.

The Mayor determined that this was not an Item of Urgent Business and the Chief Executive undertook to ensure that a full report on this issue be presented to Council at the 26 June 2019 Ordinary Council Meeting.

The Meeting was declared close at 9.29pm.

CONFIRMED AND SIGNED at the meeting held on 26 JUNE 2019.

A handwritten signature in blue ink is written over a horizontal dotted line. The signature is stylized and appears to be 'M. J. H.' followed by a large, sweeping flourish that extends to the right.