



ORDINARY COUNCIL MEETING

MINUTES

WEDNESDAY 24 APRIL 2019

AT 4PM

COPACC

Next Council Meeting: 22 May 2019

COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

24 APRIL 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 24 April 2019 at 4pm

MINUTES

1. I DECLARE THIS MEETING OPEN

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
Gary Warner, Manager, Economic Development & Events
Paul Jane, Acting Manager, Arts & Leisure
Madeleine Bisits, Manager, Arts & Leisure
Tamzin McLennan, COPACC Manager
Lyndal McLean, Governance Coordinator
Alison Martin, Communications Coordinator
Toni Saunders, Coordinator, Business Improvement
Paul Carmichael, Revenue Coordinator
Nick Howard, Finance Coordinator
Darren Graham, Business Coordinator, Services & Operations
Melanie Duvé, Corporate Planning & Reporting Officer
Danny Eaton, Contractor

3. APOLOGIES AND LEAVES OF ABSENCE

Cr Smith was an apology for a short period at the commencement of the Meeting.

4. WELCOME & ACKNOWLEDGEMENT OF COUNTRY

I would like to start this evening by acknowledging the traditional custodians and law makers of this land, their elders past and present and welcome any descendants here today.

I would also like to advise that all Council meetings are audio recorded, with the exception of confidential matters. This includes the public participation sections of 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. Once everyone has had an opportunity to ask their initial questions, and if time permits, the Mayor will invite further questions.

Please remember, you must ask a question. If you do not ask a question you will be asked to sit down and the next person will be invited to ask a question. Question time is not a forum for public debate or statements.

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

James Judd, Colac

1. What were the figures for the following months from the Planning Department:

- January 2019
- February 2019
- March 2019
- (a) Applications lodged with Council each month?
- (b) Value of applications each month?
- (c) Value of applications withdrawn/refused each month?
- (d) Average time taken from receipt to finalisation of applications made each month?
- (e) Longest term item outstanding at end of each month?

Response from General Manager, Development & Community Services

Information on planning performance and level of activity is generally provided in the Quarterly Performance Report which is listed in the agenda for Council's consideration today. Information not included in the quarterly report is currently being sourced and collated and will be provided following the meeting.

2. If the Colac Otway Shire Council is unable to obtain the funds to implement all drainage improvements required under C97 planning amendment due to:
- (a) Land holder holding land in proposed rezoned areas refusing to develop land;
 - (b) People refusing to meet the Council's requirement for funds if land developed according to new zoning;
- because any delay in drainage improvements will land ever be available to bring in the *Colac 2050 Growth Plan* on time.

Response from General Manager, Development & Community Services

Land identified in the Growth Plan and Amendment C97 for potential township expansion will only be rezoned and allowed to be developed once a higher degree of development planning has occurred by the land owner, including site specific analysis of drainage infrastructure needs, and development of infrastructure funding plans which bind developers to contributions to pay for their fair share of drainage upgrades, whether on the property or elsewhere in Colac. Whilst some areas of future development rely upon drainage improvements, others are less constrained by potential flooding, and can be developed more easily, ensuring that land will be available for development to meet Colac's housing needs in a timely manner. Council will need to periodically review the effectiveness of implementation of the Growth Plan to ensure that adequate land is being released for new residential and industrial growth.

3. In view of the preliminary report of local government representation review that consideration of increasing number of Councillors in the Colac Otway Shire could be put off and again reviewed in 2031 has the Council yet given any consideration about the eventual need of a bigger Council Chamber since any new chamber will require the outlay of a large amount of funds plus new chambers cannot be provided without forward planning of years duration?

Response from General Manager, Corporate Services

Council officers believe the current Council Chamber in Colac adequately meets Council meeting requirements and could accommodate an increase in the number of Councillors also, should that be an outcome from the VEC electoral representation review which is currently underway.

4. The rural farm rate: does that refer to all farm land outside the urban boundaries within the Colac Otway Shire municipal areas under zoning now current until the C97 planning amendment is authorised with any amendments?

Response from General Manager, Corporate Services

The Rural Farm rate would be applied to all properties that are used as a "farm" as defined by the *Valuation of Land Act 1960*.

Farm land that is located in areas affected by the CP97 planning scheme amendment would continue to be included in the "Rural Farm" rating category whilst it continues to be used for a legitimate farming purpose as defined by the *Valuation of Land Act*.

It should be noted that the definition of "farm" under the *Valuation of Land Act* is different to the definition under the planning scheme.

- 5. Do the Colac Otway Shire Council have to pay any extra funds when it refers submissions to a government authority to decide on contents of a submission then advise Council against Council's own staff investigating submissions and trying to settle matters direct with submission lodgers? Plus costs to Council to employ advisors to present details to a hearing and legal expenses incurred by Council?**

Response from General Manager, Development & Community Services

When considering submissions made to a planning scheme amendment, Council must consider whether to make changes, abandon the amendment or refer submissions to an independent panel. It is not unusual for Council to make amendments to any officer recommendation in doing so. When Council is the proponent of an amendment, as in the case of Amendment C97 (Colac 2050 Growth Plan), Council is responsible for paying the cost of the panel hearing to Planning Panels Victoria. A budget is set aside for this process. Where an amendment is proposed by an external party, those persons pay the cost of the Panel. Council is responsible for the costs of engaging any representation at the Panel hearing.

- 6. Will the Colac Otway Shire Council reconsider again having a Junior Council, since this existed for years and is common now in a number of other municipalities?**

Response from General Manager, Development & Community Services

At this point in time, Council has no intentions of reconsidering the establishment of a Youth Council or something similar. Council supports Colac Area Health financially to employ a Youth Officer whose role is partly to actively engage with young people to inform local decision making.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Graeme 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

To some extent I will have to take this on notice because I'm not aware of the particular circumstances. I do know that with the construction of the new bridge over Barongarook Creek that highway traffic is to be maintained at all times for that. I can only think that there might be some works intended at the intersection of Flaxmill Road and Princes Highway so I will take this question on notice and I'll engage with Mr Howard later in the week.

Response from the Mayor

It's been circulated. There is signage up. They're closing the overpass bridge and diverting the traffic past Flaxmill Road, not stopping work at Flaxmill Road.

Yes, Jason, you are 100 per cent right on that. They're closing the bridge again over the railway line out at the Colac East. It's got nothing to do with the Barongarook Creek and I'm concerned with the amount of traffic. You're also going to have road trains that you were told about six months or more ago going to go up that street and I believe it is totally unacceptable. It goes back to the question I asked previously: why aren't the Councillors notified? I believe those Councillors should have been notified about what's going on and they make decisions – not the workers.

Simon Arundell, Bungador

1. It's been brought to my attention, for quite a while now, that the Councillors within the Shire have agreed that they will make no statements at all unless first getting permission from the Mayor. Is this true?

Response from the Mayor

It is in the Code of Conduct that media statements should be run by the Mayor before they are made but Councillors are entitled to speak on decisions they make on why they voted. Hopefully that's answered your question a little bit?

Well, it sounds like it's not good enough. We pretend in this country to live in a democracy – most people don't even know what democracy is – and part of democracy is that our elected leaders at all levels of government are free to speak on each and every issue that comes before them or may come before them and this is not happening in the Shire of Colac. Many people don't like this; I've asked them. How will we know who to vote for come the next election if we don't hear from the other six? And if I don't hear from them, they certainly won't get my vote and other people have said the same thing. So can you please look into that and get rid of that lovely little law that is so fuzzy and happy for some but not for the people?

Response from the Mayor

The Code of Conduct gets reviewed; I'm not sure when or if we have a date but it's certainly something Councillors can look at when they review the Code of Conduct next.

This point, I believe and I'm sure you are, cannot wait. Democracy should not have to wait. It has to be here.

2. Is this Council prepared to start to think about Murray Street? Do you realise you've lost so many opportunities? No one has their brain in gear. The intersection at Shell does not need to be there. There should be a road put under the bridge the same as on this side and no trucks would have to cross that highway; they'd merely blend-in or blend-off. Has anyone put that thought towards you?

Response from the Mayor

No, but I'd be happy to have a conversation with you at some stage to investigate that idea. I'm not 100 per cent sure what you mean but...

Well, it's the same as the road on this side. It goes under the bridge. There's sort of been another one on the other side. I said it when they built the thing.

Secondly, do you realise you've missed a golden opportunity with the temporary bridge? God knows how many millions it's going to cost and the waste is horrendous because I get reports on that bridge. Did any of you give it any thought to building a proper bridge in line with Dennis Street which then might work into a four-lane highway going through Colac? Did anyone have that thought in their mind?

Response from the Mayor

Certainly those things have been discussed. I think the previous Council did move a motion that they wouldn't divert any traffic in residential areas but ultimately VicRoads or Major Roads make the decision on the highway.

Isn't it the responsibility of our elected leaders to put Colac's view first? The people of Melbourne probably don't even know where Colac is. We should have a plan and you have none. Now, when I was a young boy the little garden you put near the [former] post office had a little service station there and I thought Noddy filled his car up there. I used to always look for Noddy. Well, it disappeared and now you've put a park there. You missed another opportunity – that should have been made into a turning left lane when free to do so, assisting with the flow of traffic. Another opportunity left! I please ask you all to start to think. You're the leaders: put your mark on Colac's future because if you don't completely re-build Murray Street into a proper main street, no one will ever stop in Colac.

Tim Cobb, Skenes Creek

1. My question is about Item 2 on the agenda: the rating strategy. Are Council aware that the state government has just started a review of rural rating which might address some of the issues that some of the rural councils face, and do officers think that a sensible decision might be for Councillors to keep the rating strategy as it is until that review has finished?

Response from the Chief Executive

We are aware of the rating review that has been announced by the Victorian State Government. That'll take effect over the rest of this year and they're due to report back to the Victorian State Government in about April next year. I think that this Council will certainly be making submissions to that inquiry but I think it is important to realise that it is quite narrow in its frame and so the questions will only address specific rating issues, not other issues that this Council

thinks needs to be addressed in the longer term around the distribution of the GST, about the grants commission distribution to rural councils and about cost shifting between state, federal and local government. So there are other issues that won't be covered off. We think that would be, ideally, part of this review. I guess the outcomes of this review probably won't be effective for at least two years and this Council has an obligation to continually consider its rating strategy as it goes through each annual budget period. Council is considering it this year and it is appropriate that it should consider it each year.

2. I have another question on the rating review report and it might count as preamble but I would thank the Council officers for their report which I thought was pretty thorough and comprehensive. It's pretty clear from the report that there's no sound argument for a reduction in the farm rate. Would Council acknowledge that there are other sectors of rate payers such as Colac retailers, aged pensioners, maybe coastal rate payers that have an equally valid or maybe equally invalid case to seek a rate reduction and a shifting of the burden onto the other groups of ratepayers?

Response from the Mayor

I think what a lot of that referred to was we opened up submissions and we had several that spoke on the farm rate, in particular. If Mr Lawrence would like to make further comment, I don't think we had any other submissions...

I think you had about 50 last year when you asked exactly the same question.

Response from General Manager, Corporate Services

I think the officers have offered an opinion in the report about where the rates strategy lies. That's just a professional opinion given by the officers. It's up to the Council to decide what they will do.

Simon Arundell, Bungador

I pay about 13-15 times the equivalent rates of houses in Colac. I only have one household on my property. Fourteen of my households, unlike the other 14 in Colac, are not allowed in Colac. They're not allowed to walk down the footpath, they can't go to the library, they can't go to the high school because they're cattle! So we're paying 15 equivalents and only getting one unit's worth ourselves. I think that's pretty hard; very hard. I wonder, and I did ask, what are the incomes of those 15 odd households and what is their take on government pensions, etcetera, because my cattle can't get them either. As far as the shop keepers go: yes, I look at some of the industrial land and I wonder about their rates but do they ever stop to think that their rates are helping to pay for the footpath out front, the parking and everything else that revolves around it? All the rural areas get is a road, which we're glad we got but were all those sort of things taken into account? I know you're tied up with state legislation too but something - you must realise - must happen. I was talking to a neighbour the other day: when he shifted there were six houses; today there is one. Rural Australia is still dying - no matter what anyone says - the rivers etc, and this is helping to kill rural Australia. Are you looking forward to eating totally imported foods? Would you like imported foods? Because that's what you're going to end up with.

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

Nil.

7. PETITIONS/JOINT LETTERS

Nil

8. DECLARATIONS OF INTEREST

Nil

9. CONFIRMATION OF MINUTES

- Special Council Meeting held on 20 March 2019
- Ordinary Council Meeting held on 27 March 2019.

RESOLUTION

MOVED Cr Chris Potter, seconded Cr Kate Hanson

That Council confirm the above minutes.

CARRIED 6 : 0

Cr Smith attended the meeting at 4:31pm

The meeting adjourned for a short break at 4:31pm

The meeting resumed at 4:33pm as it became apparent some members of the gallery, staff and Cr Smith believed the meeting was in Closed Session due to the door of Council Chambers being closed. The Mayor apologised to those effected.

MOTION

MOVED Cr Stephen Hart

That public Question Time resume for 15 minutes.

CARRIED 7 : 0

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING (continued)

Leigh Barrett, Colac

1. What is the rate revenue taken in the last financial year from an area 6 kilometres square (36 square kilometres) with the Pennyroyal Hall at the centre, to the nearest \$1,000, \$5,000 or \$10,000?

Response from General Manager, Corporate Services

There are 126 assessments within a 6 kilometre radius of the Pennyroyal Hall and they pay \$354,916.99 in municipal rates and charges (including the State Government's Fire Services Property Levy).

2. How often does council review the activity at Meredith Park?

Response from General Manager, Development & Community Services

Meredith Park is a designated free camping area, with the camping rules displayed in the park. Council's Compliance Officers generally patrol Meredith Park twice a week to check on the activity. Outside of this, officers also visit the park if a complaint is received.

3. What brought about the introduction of the speed humps between Moore Street and Stoddart Street? Was it Council research, public concern, liaising with police or a combination?

Response from General Manager, Infrastructure and Leisure Services

The installation of additional traffic calming devices (speed cushions) in Sinclair Street and surrounding streets was a combination of feedback from residents, discussions with local Victoria Police and the completion of a successful trial of an earlier installation. The speed cushions have now been installed in:

- Sinclair Street
- Stoddart Street
- Donaldson Street
- Moore Street
- Bilson Street

QUESTIONS RECEIVED VERBALLY AT THE MEETING (continued)

Elizabeth Ryan, Birregurra

1. This is regarding the rating strategy which I put in a submission to on the previous meeting and I would just like to question, through the Mayor, the conflict of interest point 8 that states that there is no conflict of interest at this point in time and I would like to dispute that. I would like Council's interpretation of the other officers themselves being ratepayers - do they then have conflict of interest in determining the rating strategy?

Response from the Chief Executive

I may have to take some of the question on notice and find specific parts of the Act but in general terms the *Local Government Act* is clear that decisions made in relation to rating, it is assumed that people will have a conflict of interest as a ratepayer in the municipality and that certainly applies to Councillors. In relation to officers, I'm not so sure about the specific clause in the Act that details that. The requirement of officers is where they have a conflict of interest they are asked to declare that but they are still entitled to present a report and be present at the Council meeting.

2. The second question was related to my question in my submission which was regarding references and I'd like to point out that - I actually did send it in - there are currently 185 dairy farmers in the Colac Otway Shire.

Response from the Mayor

You'd just like us to note that there's 185?

Yes, please, because that wasn't actually noted and also I would like to invite the Councillors to the Australian Dairy Plan. I have just been notified that there'll be a meeting in Colac on Tuesday 14 May.

Response from the Mayor

Please leave that information with officers and I'm sure that will get that to us shortly.

Alan Billing, Larpent

I'd like to thank you Mr Mayor for allowing the change in the meeting structure, but as a regular attender of Council meetings the process has been that if the Council Chamber door is shut, then the community believes that they are excluded. It was shut so that normal protocol applied, we thought. You also had two staff members out there who also assumed the same thing. Thank you for the apology and also thank you for the change allowing us to present.

1. The *Local Government Act* requires councils to ensure the equitable imposition of rates and charges. In addition, Section 5 of the Ministerial Guidelines states 'that consideration be given to the nexus between consumption benefit and the rate burden'. My question to you Mr Mayor, not to the officers: the rating strategy proposed, if passed unchanged today, would see a family business in Murray Street with curb and channelling, fully paved footpath, street furniture and managed garden beds together with a place of residence pay a rate burden of around \$4,500 compared with a family farm business with a basic road access and all other Council services 30 kilometres away, to pay a rate burden of \$21,000. Does Council believe that is an equitable imposition of rates and charges?

Response from the Mayor

If you are asking a position, I'll have to take the position of Council. I'll have to wait and see. If you are asking me personally, I think the rates across the whole board are unfair on pretty much everyone who lives in a rural Council compared to some of the revenues and things from the

city. It's near impossible for us to get it right. There are 79 councils throughout Victoria with 79 different rating strategies. Everyone says how unfair it is and I agree. Everyone's got a different idea but no one has the answer. I don't know how I can answer it any better than that, Mr Billing.

I will wait with interest to see the outcome and we have a reasonable gallery also watching.

Yvonne Francis, Apollo Bay

1. **Does Council wish to review its decision made before the public in Apollo Bay in February last, I believe, to not express any concerns about the impact of oil exploration or even the actually drilling in the Great Australian Bight?**

Response from the Chief Executive

Council has no intention to review that decision. We are seeking some further information in relation to a different issue – which some people might connect to the issue you've raised – and that's to do with seismic testing, so we will be seeking some further information on that but at this stage no, in relation to oil drilling.

2. **VicRoads' Mark Koliba put in a press release to the *Colac Herald* recently that a big roundabout is now a preferred option for the traffic leaving Apollo Bay on the Great Ocean Road and heading west towards the Twelve Apostles in spite of clearly expressed concerns in Apollo Bay about causing traffic to bank-up and choke the central business district and the foreshore. What steps is the Colac Otway taking to better inform VicRoads of your decision?**

Response from the Mayor

We have had a Briefing with Mark Koliba and some other associates of his, a few weeks ago now. He spoke to Councillors on why they came to that decision. But Council's position was to write letters to them saying that we - I might have the incorrect terminology here - didn't support the current proposal and they certainly took that on board and is obviously why they came up for the meeting but I don't think we've been able to convince them otherwise. It is a bit of a split in the community and we've definitely heard from people who aren't happy with it and there are people who do support it. I think that a lot of the controversy is to do with the Memorial, as well, which is a bit of a split. We note that the RSL has given support to move it as sort of the custodians of it. Then there are other general members of the community that don't. It is a divisive issue but as of Council's position from a previous meeting, we have written letters and we have had a meeting, and it's sort of pretty much where we're at currently.

Your position then?

Response from the Mayor

The position – I can't remember it off-hand – we didn't give in principle support and were to write letters to VicRoads at least and maybe some Ministers. Cr McCracken wrote the Notice of Motion.

Response from Cr Joe McCracken

I won't get into the argument but basically the Motion that was passed was an absence of support until a number of things happened including a Briefing and some letters were sent. I understand that Regional Roads Victoria have written back to us requesting a position and I daresay that will come up at a future Council Meeting, from what I understand.

May I add that it has been a very contentious thing and the position put to the *Colac Herald* didn't really represent, to my thinking, the way many of us felt. I felt it didn't represent what went on at all and a lot of the information to have consultations came in very abruptly. So I'd be very grateful if Council would look at that issue again.

Elizabeth Ryan, Birregurra

My question is in regard to the rating strategy. Again, it's about the municipal charge which has been recommended that it stays at \$189. I'd like to see that taken up to the full 20% that's allowable by the State Government and would like Council to consider that. I would like to know if that's an option, please?

Response from General Manager, Corporate Services

Yes, it is an option.

Statement from the Mayor

That concludes our second question time for the evening. Once again, I apologise for any confusion at the start of this meeting. I sincerely apologise to all those members of the community that were left in the foyer. I hope now you've had the opportunity to speak and I'll state it again we have passed the Minutes of the previous Ordinary Council Meeting and the Special Council Meeting and we had begun on Item 1 which I'm happy to start again.

Cr Smith stated, when asked by the Mayor, that he did not have any conflicts of interest to declare for this meeting.

ORDINARY COUNCIL MEETING
**DRAFT REVISED 2017-2021
COUNCIL PLAN REVIEW**

OM192404-1

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Errol Lawrence
OFFICER	Melanie Duve	DIVISION	Corporate Services
TRIM FILE	F18/6688	CONFIDENTIAL	No
ATTACHMENTS	1. Council Plan Review Summary and Recommendations 2. Draft Revised Council Plan 2017-2021 - Review 2018 - 2019 Final		
PURPOSE	To provide Council with the recommended changes to the 2017-2021 Council Plan following a review of the Plan, and to initiate Community Consultation as required under the Local Government Act 1989.		

RESOLUTION

That Council:

MOVED Cr Stephen Hart, seconded Cr Joe McCracken

- 1. Supports the recommended changes to the 2017-2021 Council Plan for the purposes of section 125 of the Local Government Act 1989.*
- 2. Authorises the Chief Executive to give public notice, in accordance with section 223 of the Local Government Act 1989, that Council has reviewed and changed the Council Plan 2017-2021 and Draft Strategic Resource Plan 2017-2018 to 2020-2021.*
- 3. Appoints a Committee comprising of all Councillors and chaired by the Mayor in accordance with section 223(1)(b)(i) of the Act, to meet on Wednesday 12 June, 2019 and hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submission.*
- 4. Authorises the Chief Executive to undertake any and all administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act.*
- 5. Notes that written submissions will be accepted for a 28-day period closing 5:00pm Friday 31 May 2019.*

6. *Considers for adoption the reviewed Council Plan 2017-2021 and Strategic Resource Plan 2017-2018 to 2020-2021 at the Ordinary Council meeting on Wednesday 26 June 2019 at 4.00pm at Colac Otway Performing Arts and Cultural Centre after consideration of written submissions, and consideration of any verbal submissions received by Council at its Special Committee Meeting on Wednesday, 12 June 2019.*
7. *Once it has adopted the Council Plan 2017-2021, authorise the addition of an appropriate notation the Council Plan 2017-2021 that the Plan should be read in conjunction with the adopted Municipal Public Health and Wellbeing Plan 2017-2021.*

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 Stephen Hart, Cr Chris Smith

Melanie Duvé left the meeting at 5:00pm.

ORDINARY COUNCIL MEETING
2019-2021 RATING STRATEGY
OM192404-2

LOCATION / ADDRESS	Whole of municipality	GENERAL MANAGER	Errol Lawrence
OFFICER	Paul Carmichael	DIVISION	Corporate Services
TRIM FILE	F19/2550	CONFIDENTIAL	No
ATTACHMENTS	1. Draft Rating Strategy 2019-2021		
PURPOSE	To consider the submissions received relating to the draft 2019-2021 Rating Strategy prior to considering the Strategy for adoption		

RECOMMENDATION

That Council, having considered submissions received in relation to the draft 2019-2021 Rating Strategy, resolves that:

- 1. The draft Rating Strategy be adopted without any change to the rating structure or rate differentials.*
- 2. Submitters be advised of the responses to the issues they raised.*

ALTERNATIVE MOTION

MOVED Cr Chris Smith, seconded Cr Kate Hanson

- 1. That Council adopt the draft Rating Strategy with one change that the farm rate drops to 73% for the financial year beginning 2020/21; and*
- 2. Submitters be advised of the responses to the issues they raised.*

CARRIED 5 : 2

DIVISION

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

Against the motion: Cr Brian Crook, Cr Stephen Hart

**Gary Warrener arrived at the meeting at 5:02pm.
Frank Castles left the meeting at 5:29pm.**

**The meeting adjourned for a short break at 5.29pm.
The meeting resumed at 5.37pm.**

ORDINARY COUNCIL MEETING
**PREPARATION OF 2019/20 DRAFT
BUDGET - ENDORSE FOR EXHIBITION**
OM192404-3

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Errol Lawrence
OFFICER	Jason Clissold	DIVISION	Corporate Services
TRIM FILE	F18/7487	CONFIDENTIAL	No
ATTACHMENTS	1. 2019-20 Model Budget		
PURPOSE	To present the 2019/20 Draft Budget for Review in readiness for public submissions		

RECOMMENDATION

That Council:

- 1. Endorses the Draft Budget 2019/20 for the financial year (Attachment 1) for the purposes of Section 127 of the Local Government Act 1989 (the Act).*
- 2. Authorises the Chief Executive to give public notice, in accordance with section 223 of the Local Government Act 1989, that Council has prepared a Draft Budget for the 2019/20 year.*
- 3. Appoints a Committee comprising of all Councillors and chaired by the Mayor in accordance with section 223(1)(b)(i) of the Act, to meet on Wednesday 12 June 2019 at 5pm, and hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submission.*
- 4. Authorises the Chief Executive to undertake any and all administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act.*
- 5. Notes that written submissions will be accepted for a five-week period closing 5:00pm Friday 31 May 2019.*
- 6. Considers for adoption the Draft Budget 2019/20 at the Ordinary Council Meeting on Wednesday, 26 June 2019 at 4.00pm at Colac Otway Performing Arts and Cultural Centre after consideration of written submissions, and consideration of any verbal submissions received by Council at its Special Committee Meeting on Wednesday, 12 June 2019.*

ALTERNATIVE MOTION

MOVED Cr Chris Smith, seconded Cr Joe McCracken

That Council:

1. *Endorses the Draft Budget 2019/20 for the financial year (Attachment 1) for the purposes of Section 127 of the Local Government Act 1989 (the Act) with the one change to a 0% rate rise, but only increase wages by \$220,000 which will make a saving in the budget of \$550,000.*
2. *Authorises the Chief Executive to give public notice, in accordance with section 223 of the Local Government Act 1989, that Council has prepared a Draft Budget for the 2019/20 year.*
3. *Appoints a Committee comprising of all Councillors and chaired by the Mayor in accordance with section 223(1)(b)(i) of the Act, to meet on Wednesday 12 June 2019 at 5pm, and hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submission.*
4. *Authorises the Chief Executive to undertake any and all administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act.*
5. *Notes that written submissions will be accepted for a 28-day period closing 5:00pm Friday 31 May 2019.*
6. *Considers for adoption the Draft Budget 2019/20 at the Ordinary Council Meeting on Wednesday, 26 June 2019 at 4.00pm at Colac Otway Performing Arts and Cultural Centre after consideration of written submissions, and consideration of any verbal submissions received by Council at its Special Committee Meeting on Wednesday, 12 June 2019.*

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

RECOMMENDATION

MOVED Cr Kate Hanson, seconded Cr Joe McCracken

That Council:

1. *Endorses the Draft Budget 2019/20 for the financial year (Attachment 1) for the purposes of Section 127 of the Local Government Act 1989 (the Act).*
2. *Authorises the Chief Executive to give public notice, in accordance with section 223 of the Local Government Act 1989, that Council has prepared a Draft Budget for the 2019/20 year.*

3. *Appoints a Committee comprising of all Councillors and chaired by the Mayor in accordance with section 223(1)(b)(i) of the Act, to meet on Wednesday 12 June 2019 at 5pm, and hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submission.*
4. *Authorises the Chief Executive to undertake any and all administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act.*
5. *Notes that written submissions will be accepted for a five-week period closing 5:00pm Friday 31 May 2019.*
6. *Considers for adoption the Draft Budget 2019/20 at the Ordinary Council Meeting on Wednesday, 26 June 2019 at 4.00pm at Colac Otway Performing Arts and Cultural Centre after consideration of written submissions, and consideration of any verbal submissions received by Council at its Special Committee Meeting on Wednesday, 12 June 2019.*

LOST 3 : 4

DIVISION

For the motion: Cr Joe McCracken, Cr Kate Hanson , Cr Jason Schram

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

ALTERNATIVE MOTION

MOVED Cr Chris Smith, seconded Cr Joe McCracken

That Council:

1. *Endorses the Draft Budget 2019/20 for the financial year (Attachment 1) for the purposes of Section 127 of the Local Government Act 1989 (the Act) with the one change to a 0.5% rate rise, but only increase wages by \$320,000 which will make a saving in the budget of \$450,000.*
2. *Authorises the Chief Executive to give public notice, in accordance with section 223 of the Local Government Act 1989, that Council has prepared a Draft Budget for the 2019/20 year.*
3. *Appoints a Committee comprising of all Councillors and chaired by the Mayor in accordance with section 223(1)(b)(i) of the Act, to meet on Wednesday 12 June 2019 at 5pm, and hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submission.*
4. *Authorises the Chief Executive to undertake any and all administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act.*
5. *Notes that written submissions will be accepted for a 28-day period closing 5:00pm Friday 31 May 2019.*
6. *Considers for adoption the Draft Budget 2019/20 at the Ordinary Council Meeting on*

Wednesday, 26 June 2019 at 4.00pm at Colac Otway Performing Arts and Cultural Centre after consideration of written submissions, and consideration of any verbal submissions received by Council at its Special Committee Meeting on Wednesday, 12 June 2019.

CARRIED 4 : 3

DIVISION

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

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

Tamzin McLennan left the meeting at 6:17pm; returned at 6:19pm.

Darren Graham left the meeting at 6:41pm; returned at 6:46pm.

Tamzin McLennan left the meeting at 6:31pm.

Paul Jane left the meeting at 6:31pm; returned at 6:50pm.

Madeleine Bisits left the meeting at 6:31pm; returned at 6:50pm.

Toni Saunders left the meeting at 7:01pm.

Jason Clissold left the meeting at 7:07pm.

ORDINARY COUNCIL MEETING

COLAC LIBRARY ANNEXE

CONSULTATION RESULTS

OM192404-4

LOCATION / ADDRESS	95 -97 Gellibrand Street, Colac	GENERAL MANAGER	Tony McGann
OFFICER	Paul Jane	DIVISION	Infrastructure & Leisure Services
TRIM FILE	F18/7487	CONFIDENTIAL	No
ATTACHMENTS	1. Council Property Lease 2. 2019 Survey response EOI		
PURPOSE	To brief Council on responses received regarding community consultation surrounding the future usage of the former Library Annexe and recommend future use of the building.		

RECOMMENDATION

That Council:

1. *Thank the community for their submissions regarding the former Library Annexe.*
2. *Grant a lease to Creative Otways Inc. for the provision of the Colac Makers Space inclusive of the following terms:*

<i>Term of Licence</i>	<i>(1) One Year</i>
<i>Option of further</i>	<i>(2) by (1) One Year</i>
<i>Rent</i>	<i>Aligned with Group 1 Tenant Groups, \$150 per annum</i>
<i>Maintenance</i>	<i>Align with Group 1</i>
<i>Insurance</i>	<i>Tenant Responsibility</i>
<i>Utilities</i>	<i>Tenant Responsibility</i>

Special Conditions

- i. *That Creative Otways Inc. shall enable community access to the space for aligned community groups at a cost recovery rate. These groups would include, but not be limited to, the Colac Camera Club, Colac Wednesday Painters and Colac Community Art Mob.*
- ii. *That any profits derived from "commercial workshops" are reinvested into Makers Space Activities, and*
- iii. *That an annual report on activities and patronage is provided as a requirement of the option execution.*

3. *Authorise and direct the Chief Executive or delegate to complete all administrative processes necessary to execute the licence on behalf of Council.*
4. *Authorise the Chief Executive to execute all necessary documents in order to affect any transfer or assignment of the licence throughout the term of the licence.*

ATERNATIVE MOTION

MOVED Cr Stephen Hart, seconded Cr Brian Crook

That Council:

1. *Thank the community for their submissions regarding the former Library Annexe.*
2. *Grant a lease to Creative Otways Inc. for the provision of the Colac Makers Space inclusive of the following terms:*

<i>Term of Lease</i>	<i>(1) One Year</i>
<i>Option of further</i>	<i>(2) Two by (1) One Year</i>
<i>Rent</i>	<i>Aligned with Group 1 Tenant Groups, \$150 per annum</i>
<i>Maintenance</i>	<i>Align with Group 1</i>
<i>Insurance</i>	<i>Tenant Responsibility</i>
<i>Utilities</i>	<i>Tenant Responsibility</i>

Special Conditions

- i. *That Creative Otways Inc. shall enable community access to the space for aligned community groups at a cost recovery rate. These groups would include, but not be limited to, the Colac Camera Club, Colac Wednesday Painters and Colac Community Art Mob.*
 - ii. *That any profits derived from "commercial workshops" are re invested into Makers Space Activities; and*
 - iii. *That an annual report on activities and patronage is provided as a requirement of the option execution.*
3. *Authorise and direct the Chief Executive or delegate to complete all administrative processes necessary to execute the lease on behalf of Council.*
 4. *Authorise the Chief Executive to execute all necessary documents in order to affect any transfer or assignment of the lease throughout the term of the lease.*
 5. *Direct the Chief Executive to report to Council within two months of any event leading to the community group vacating the premises with options for its future use, noting Council's intent to ensure that the former Library Annexe is retained for community use.*

CARRIED 7 : 0

AMENDMENT

MOVED Cr Chris Smith

An additional point 2 ii to be inserted, that reads:

That this does not prohibit other community groups requesting to use the former Library Annex, provided that they do not interfere with the activities of Creative Otways Inc.

with the remaining points to be renumbered as appropriate.

LAPSED due to no seconder

Jason Clissold returned to the meeting at 7:16pm.

ORDINARY COUNCIL MEETING

COLAC OTWAY PERFORMING ARTS AND CULTURAL CENTRE CINEMA LEASE

OM192404-5

LOCATION / ADDRESS	95 -97 Gellibrand Street, Colac	GENERAL MANAGER	Tony McGann
OFFICER	Paul Jane	DIVISION	Infrastructure & Leisure Services
TRIM FILE	F18/7487	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	To recommend that Council enter into a lease for Cinema services		

RESOLUTION

MOVED Cr Kate Hanson, seconded Cr Joe McCracken

That Council:

1. *Grant a lease to Bonniemike Pty Ltd for the provision of cinema services at the Colac Performing Arts Centre inclusive of the following terms-*
 - a. *Term of Lease* (5) five Years
 - b. *Option of further* (5) five Years
 - c. *Rent* \$90,000 plus GST per annum
 - d. *Rent review* CPI each year
 - e. *insurance* Building is insured by Council
 - f. *Outgoings* Tenant to pay as detailed in lease.
 - g. *Maintenance* Building is maintained by Council. Lessee's equipment is maintained by Lessee.
2. *Authorises the Chief Executive to execute the Lease on behalf of Council in accordance with the Local Government Act 1989 - section 190.*
3. *Authorises the Chief Executive to execute the lease option subject to satisfactory performance.*

The meeting adjourned for a short break at 7:28pm.

The meeting resumed at 7:42pm.

MOTION

MOVED Cr Chris Potter

That Council consider items:

- OM192494-6 2019 – 2020 Country Football Netball Program;
- OM192404-7 Temporary Naming and Memorial and Plaques, Reserve Signage, Community Feedback;
- OM192404-8 Old Beechy Rail Trail Committee – Appointment of Committee members;
- OM192408-9 Management of the Colac Municipal Aerodrome;
- OM192404-10 Authorisation of officer under the Planning and Environment Act 1987; and,
- OM192404-12 Rural Councils Transformation Program – G21 Councils' Business Case

en bloc, allowing for questions for Items 6 to 10 during question time.

CARRIED 5 : 2

DIVISION

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

Against the motion: Cr Stephen Hart, Cr Chris Smith

MOTION

MOVED Cr Stephen Hart

That Council withdraw items 7 and 10 from the en bloc vote so that they can be considered in separate parts.

CARRIED 7 : 0

MOTION

MOVED Cr Chris Smith, seconded Cr Joe McCracken

That Council adopt the recommendations from items:

- OM192494-6 2019 – 2020 Country Football Netball Program;
- OM192404-8 Old Beechy Rail Trail Committee – Appointment of Committee members;
- OM192408-9 Management of the Colac Municipal Aerodrome; and
- OM192404-12 Rural Councils Transformation Program – G21 Councils' Business Case

en bloc, as detailed below.

1. That Council:

- 1.1** *Thank the Birregurra Football Netball Club and the Colac Football Netball Club for contacting Council concerning their projects.*
- 1.2** *Submit an application under the 2019-2020 Country Football Netball Program for Birregurra Football Netball Club for the full funding allocation of \$100,000 subject to:*
 - i.** *The Birregurra Football Netball Club formally agreeing to underwrite the project at no cost to Council, and*
 - ii.** *Satisfactory project information being provided to Council by 1 May 2019 to undertake its due diligence including construction costs, planning approvals and evidence of financial capacity.*
- 1.3** *Should the Birregurra Football Netball Club be unable fulfil the conditions by 1 May 2019, submit an application under the 2019-2020 Country Football Netball Program for the Colac Football Netball Club, subject to:*
 - i.** *The Colac Football Netball Club formally agreeing to underwrite the project at no cost to Council,*
 - ii.** *The Colac Football Netball Club accepting and maintaining the asset, and*
 - iii.** *Satisfactory project information being provided to Council to undertake its due diligence including construction costs, planning approvals and evidence of financial capacity.*
- 1.4** *Should both clubs be unable to fulfil the conditions, write to the Minister for Tourism, Sport and Major Events, the Hon Martin Pakula MP, noting that Colac Otway is unable to submit applications under this year's round as the scale of the maximum contribution does not reflect project costs and the increasing pressure on local government budgets to support projects in a rate capped environment.*

2. That Council:

- 2.1** *Pursuant to Section 86 of the Local Government Act 1989, appoint the following nominated members - Andrew Daffy, Philippa Bailey, Sue Thomas, Cyril Marriner, Craig Clifford (proxy Linda Laurie), Tricia Jukes and Noel Barry - to the Old Beechy Rail Trail Committee.*
- 2.2** *In accordance with Section 81 sub-section (2) sub-section (a) of the Local Government Act 1989, resolve to exempt members of the Committee from being required to submit a primary or ordinary register of interest return in accordance with this section.*

3. That Council:

- 3.1** *Endorses the establishment of the Colac Municipal Aerodrome Advisory Committee, consisting of the following members:*
 - a.** *3 representatives from the Colac Aero Club*
 - b.** *1 representative from the Country Fire Authority*

- c. 1 representative from Department of Environment, Land, Water and Planning
- d. 1 representative from the Air Ambulance (Ambulance Victoria)
- e. 1 representative from Victoria Police
- f. 1 representative from the community/business sector
- g. Council's Manager Economic Development and Tourism
- h. 1 Councillor (Cr Chris Smith as the current delegated Councillor to the S86 Committee of Management)

3.2 Authorises the Chief Executive to seek nominations from the groups listed in point 1 (a – e).

3.3 Authorises the Chief Executive to seek nominations from the community via an Expression of Interest process, and appoint a representative if no more than one application is received.

3.4 Endorses the Draft Colac Municipal Aerodrome Advisory Committee Terms of Reference, which are to be returned to Council for ratification if changes are recommended following consideration by the Colac Municipal Aerodrome Advisory Committee at its inception meeting.

4. That Council:

4.1 Notes that Colac Otway Shire Council is a participant in a grouping of councils making an application for funding under the Victorian Government Rural Councils Transformation Program (RCTP) for the following initiative:

- a. G21 Councils: Regional Services Collaboration, in conjunction with the Borough of Queenscliffe, Surf Coast Shire Council, Golden Plains Shire Council and the City of Greater Geelong (lead council).

4.2 Notes that for an RCTP application to be eligible for consideration, the following criteria must be met:

- a. Submission of a joint business case by 31 March 2019.
- b. Each council must pass an accompanying resolution committing to implement the business case, if approved for funding. The resolution must be lodged with Local Government Victoria by 30 April 2019.

4.3 Approves the submission of the business case by the City of Greater Geelong on behalf of Colac Otway Shire Council.

4.4 Approves implementation of the G21 Councils: Regional Services Collaboration within the submitted business case by Colac Otway Shire Council, subject to the application being approved for RCTP funding.

CARRIED 7 : 0

Gary Warrener left the meeting at 7:56pm.

ORDINARY COUNCIL MEETING
**2019-2020 COUNTRY FOOTBALL
 NETBALL PROGRAM**

OM192404-6

LOCATION / ADDRESS	Whole of municipality	GENERAL MANAGER	Tony McGann
OFFICER	Nicole Frampton	DIVISION	Infrastructure & Leisure Services
TRIM FILE	F18/7224	CONFIDENTIAL	No
ATTACHMENTS	1. Country Football and Netball Program - Guidelines - 2019-2020		
PURPOSE	To seek conditional approval for applications to be submitted under Sport and Recreation Victoria's 2019-2020 Country Football Netball Program.		

RECOMMENDATION

1. *That Council thank the Birregurra Football Netball Club and the Colac Football Netball Club for contacting Council concerning their projects.*
2. *That Council submit an application under the 2019-2020 Country Football Netball Program for Birregurra Football Netball Club for the full funding allocation of \$100,000 subject to:*
 - i. *The Birregurra Football Netball Club formally agreeing to underwrite the project at no cost to Council, and*
 - ii. *Satisfactory project information being provided to Council by 1 May 2019 to undertake its due diligence including construction costs, planning approvals and evidence of financial capacity.*
3. *That Council, should the Birregurra Football Netball Club be unable fulfil the conditions by 1 May 2019, submit an application under the 2019-2020 Country Football Netball Program for the Colac Football Netball Club, subject to:*
 - i. *The Colac Football Netball Club formally agreeing to underwrite the project at no cost to Council,*
 - ii. *The Colac Football Netball Club accepting and maintaining the asset, and*
 - iii. *Satisfactory project information being provided to Council to undertake its due diligence including construction costs, planning approvals and evidence of financial capacity.*

4. *That Council, should both clubs be unable to fulfil the conditions, write to the Minister for Tourism, Sport and Major Events, the Hon Martin Pakula MP, noting that Colac Otway is unable to submit applications under this year's round as the scale of the maximum contribution does not reflect project costs and the increasing pressure on local government budgets to support projects in a rate capped environment.*

This item was considered en bloc with Items 8, 9 (revised) and 12 on the agenda. Please refer to the Motion under Item 5 for the Resolution.

ORDINARY COUNCIL MEETING
TEMPORARY NAMING AND MEMORIAL AND PLAQUES
POLICY, RESERVE SIGNAGE, COMMUNITY FEEDBACK
OM192404-7

LOCATION / ADDRESS	Shire Wide	GENERAL MANAGER	Tony McGann
OFFICER	Paul Jane	DIVISION	Infrastructure & Leisure Services
TRIM FILE	F18/7487	CONFIDENTIAL	No
ATTACHMENTS	<ol style="list-style-type: none"> 1. Draft Operational Policy - Recreation Reserve Advertising signage guideline April 2019 Final 2. Draft Temporary Naming of Sporting Reserves Policy April 2019 Final 3. Draft Memorial and Plaques Policy April 2019 Final 		
PURPOSE	To seek Council endorsement of the Temporary Naming of Sporting Grounds Policy, Memorial and Plaques Policy and Recreation Reserve Advertising Signage Guideline		

This item was heard immediately after Item 12 - OM192404-12 Rural Councils Transformation Program.

RECOMMENDATION

That Council adopt the:

1. *Temporary Naming of Sporting Grounds Policy*
2. *Memorial and Plaques Policy, and*
3. *Recreation Reserve Advertising Signage Guideline.*

ALTERNATIVE MOTION

MOVED Cr Stephen Hart, seconded Cr Joe McCracken

That Council adopt the:

1. *Temporary Naming of Sporting Grounds Policy*
2. *Memorial and Plaques Policy.*

CARRIED 7 : 0

ALTERNATIVE MOTION

MOVED Cr Stephen Hart, seconded Cr Chris Potter

That Council refer the Recreation Reserve Advertising Signage Guideline to a Councillor Briefing with a view to considering provisions that prevent the advertising of industries on Council reserves that have been identified in Council's Health and Wellbeing Plan as being harmful to the community, such as problem gambling.

CARRIED 5 : 2

DIVISION

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

Against the motion: Cr Jason Schram, Cr Brian Crook

Frank Castles left the meeting at 8:17pm.

Danny Eaton left the meeting at 8:17pm.

Darren Graham left the meeting at 8:17pm.

ORDINARY COUNCIL MEETING

OLD BEECHY RAIL TRAIL COMMITTEE - APPOINTMENT OF COMMITTEE MEMBERS

OM192404-8

LOCATION / ADDRESS	Old Beechy Rail Trail - Colac to Ferguson	GENERAL MANAGER	Tony McGann
OFFICER	Nicole Frampton	DIVISION	Infrastructure & Leisure Services
TRIM FILE	11/96660	CONFIDENTIAL	No
ATTACHMENTS	1. Old Beechy Rail Trail Committee - Instrument of Delegation & Charter - Signed and Sealed - 30 January 2019		
PURPOSE	To consider the appointment of members to the Old Beechy Rail Trail Committee of Management under Section 86 of the Local Government Act 1989 as a Special Committee to Council and to act in accordance with the rules and conditions of appointment adopted by Council, for the purposes of managing the Old Beechy Rail Trail.		

RECOMMENDATION

That Council:

1. *Pursuant to Section 86 of the Local Government Act 1989, appoint the following nominated members Andrew Daffy, Philippa Bailey, Sue Thomas, Cyril Marriner, Craig Clifford (proxy Linda Laurie), Tricia Jukes and Noel Barry to the Old Beechy Rail Trail Committee.*
2. *In accordance with Section 81 sub-section (2) sub-section (a) of the Local Government Act 1989, Council resolve to exempt members of the Committee from being required to submit a primary or ordinary register of interest return in accordance with this section.*

This item was considered en bloc with Items 6, 9 (revised) and 12 on the agenda. Please refer to the Motion under Item 5 for the Resolution.

ORDINARY COUNCIL MEETING
**MANAGEMENT OF THE
 COLAC MUNICIPAL AERODROME**
 OM192404-9

LOCATION / ADDRESS	McKays Road, Irrewarra	GENERAL MANAGER	Ian Seuren
OFFICER	Gary Warrenner	DIVISION	Development & Community Services
TRIM FILE	F18/4677	CONFIDENTIAL	No
ATTACHMENTS	1. DRAFT Terms of Reference - Colac Municipal Aerodrome Advisory Committee.pdf		
PURPOSE	To consider management options for the Colac Municipal Aerodrome.		

RECOMMENDATION

That Council:

1. *Endorses the establishment of the Colac Municipal Aerodrome Advisory Committee, consisting of the following members:*
 - a. *3 representatives from the Colac Aero Club*
 - b. *1 representative from the Country Fire Authority*
 - c. *1 representative from Department of Environment, Land, Water and Planning*
 - d. *1 representative from the Air Ambulance (Ambulance Victoria)*
 - e. *1 representative from Victoria Police*
 - f. *1 representative from the community/business sector*
 - g. *Council's Manager Economic Development and Tourism*
 - h. *1 Councillor (Cr Chris Smith as the current delegated Councillor to the S86 Committee of Management)*
2. *Authorises the Chief Executive to seek nominations from the groups listed in point 1 (a – d).*
3. *Authorises the Chief Executive to seek nominations from the community via an Expression of Interest process, and appoint a representative if no more than one application is received.*

4. *Endorses the Draft Colac Municipal Aerodrome Advisory Committee Terms of Reference, which are to be returned to Council for ratification if changes are recommended following consideration by the Colac Municipal Aerodrome Advisory Committee at its inception meeting.*

This item was considered en bloc with Items 6, 8, and 12 on the agenda. Please refer to the Motion under Item 5 for the Resolution.

ORDINARY COUNCIL MEETING

AUTHORISATION OF OFFICER UNDER THE PLANNING AND ENVIRONMENT ACT 1987

OM192404-10

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Errol Lawrence
OFFICER	Errol Lawrence	DIVISION	Corporate Services
TRIM FILE	F18/6770	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	Authorise officer to perform duties under the Planning and Environment Act 1987.		

RESOLUTION

That Council:

- 1. Appoints Callum Fairnie as an authorised officer pursuant to the Planning and Environment Act 1987.*
- 2. Notes that the Instrument of Appointment and Authorisation comes into force immediately to vary or revoke it.*
- 3. Delegates to the Chief Executive authority to sign and place under Council Seal the Instrument of Appointment and Authorisation.*

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*

ORDINARY COUNCIL MEETING

CITY DEAL

OM192404-11

LOCATION / ADDRESS	Apollo Bay to Kennett River	GENERAL MANAGER	Tony McGann
OFFICER	Paul Jane	DIVISION	Infrastructure & Leisure Services
TRIM FILE	F18/7487	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	To brief Council on the City Deal and seek authorisation for the Chief Executive to negotiate a funding agreement with the Victorian State Government.		

This item was heard immediately after Item 7 - OM192404-7 Temporary Naming and Memorial and Plaques Policy, Reserve Signage, Community Feedback.

RESOLUTION

MOVED Cr Kate Hanson, seconded Cr Brian Crook

That Council:

- 1. Acknowledge and thank both Australian and Victorian governments for the funding of critical projects through the City Deal.*
- 2. Authorise the Chief Executive to execute necessary funding agreement conditional on there being no financial commitment from the Colac Otway Shire.*

CARRIED 6 : 1

ORDINARY COUNCIL MEETING

RURAL COUNCILS TRANSFORMATION PROGRAM - G21 COUNCILS' BUSINESS CASE

OM192404-12

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Errol Lawrence
OFFICER	Errol Lawrence	DIVISION	Corporate Services
TRIM FILE	F18/7487	CONFIDENTIAL	No
ATTACHMENTS	1. RCTP Business Case 2. RCTP Staff Presentation		
PURPOSE	The purpose of this report is to present the final business case for the G21 Councils: Regional Service Collaboration project for Council's consideration.		

RECOMMENDATION

That Council:

1. *Notes that Colac Otway Shire Council is a participant in a grouping of councils making an application for funding under the Victorian Government Rural Councils Transformation Program (RCTP) for the following initiative:*
 - a. *G21 Councils: Regional Services Collaboration, in conjunction with the Borough of Queenscliffe, Surf Coast Shire Council, Golden Plains Shire Council and the City of Greater Geelong (lead council).*
2. *Notes that for an RCTP application to be eligible for consideration, the following criteria must be met:*
 - a. *Submission of a joint business case by 31 March 2019.*
 - b. *Each council must pass an accompanying resolution committing to implement the business case, if approved for funding. The resolution must be lodged with Local Government Victoria by 30 April 2019.*
3. *Approves the submission of the business case by the City of Greater Geelong on behalf of Colac Otway Shire Council.*
4. *Approves implementation of the G21 Councils: Regional Services Collaboration within the submitted business case by Colac Otway Shire Council, subject to the application being approved for RCTP funding.*

This item was considered en bloc with Items 6, 8, and 9 (revised) on the agenda. Please refer to the Motion under Item 5 for the Resolution.

ORDINARY COUNCIL MEETING

QUARTERLY PERFORMANCE REPORT 2018-2019

OM192404-13

LOCATION / ADDRESS	Whole of municipality	GENERAL MANAGER	Errol Lawrence
OFFICER	Melanie Duve	DIVISION	Corporate Services
TRIM FILE	F18/7513	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	To note the Quarterly Performance Report 2018/19 for the period 1 January - 31 March 2019.		

RESOLUTION

MOVED Cr Stephen Hart, seconded Cr Joe McCracken

That Council notes the Quarterly Performance Report 2018/19 for the period 1 January to 31 March 2019.

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 8:31pm.

Nick Howard left the meeting at 8:31pm.

ORDINARY COUNCIL MEETING

OLD BEECHY RAIL TRAIL MINUTES AND ASSEMBLY OF COUNCILLORS NOTES

OM192404-14

LOCATION / ADDRESS	Whole of municipality	GENERAL MANAGER	Errol Lawrence
OFFICER	Lyndal McLean	DIVISION	Corporate Services
TRIM FILE	F18/7487	CONFIDENTIAL	No
ATTACHMENTS	<ol style="list-style-type: none">1. Old Beechy Rail Trail Committee Meeting Minutes 5 March 2019 - Confirmed2. Assembly of Councillors - Pre Special Council Meeting Preparation - 20 March 20193. Assembly of Councillors - Colac Regional Saleyards Advisory Committee Meeting - 27 March 20194. Assembly of Councillors - Pre Council Meeting Preparation - 27 March 20195. Assembly of Councillors - Councillor Briefing - 3 April 20196. Assembly of Councillors - Councillor Briefing - 10 April 20197. Assembly of Councillors - Planning Meeting - 10 April 2019		
PURPOSE	To report on 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 5 March 2019 are reported herewith.*

The Local Government Act 1989 does not require a Council decision.

Cr Chris Smith requested that his opposition to this item be noted.

Frank Castles returned to the meeting at 8:35pm.

Danny Eaton returned to the meeting at 8:35pm.

CLOSED SESSION


RESOLUTION

That pursuant to the provisions of Section 89 (2) of the Local Government Act, the meeting be closed to the public at 8:37pm and Council move into Closed Session in order to deal with:

<i>SUBJECT</i>	<i>REASON</i>	<i>SECTION OF ACT</i>
<i>Minutes of the Closed Session Council Meeting held on 27 March 2019.</i>	this matter deals with contractual matters	Section 89 (2) (d)
<i>Contract 1921 - Municipal Waste Disposal</i>	this matter deals with contractual matters	Section 89 (2) (d)

The meeting was declared closed at 8:43pm

CONFIRMED AND SIGNED at the meeting held on 22 MAY 2019


.....MAYOR