



ORDINARY COUNCIL MEETING

MINUTES

WEDNESDAY 27 FEBRUARY 2019

AT 4PM

APOLLO BAY SENIOR CITIZENS' CENTRE

Next Council Meeting: 27 March 2019

COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

27 FEBRUARY 2019

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COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

MINUTES of the **ORDINARY COUNCIL MEETING OF THE COLAC OTWAY SHIRE** held at the Apollo Bay Senior Citizens' Centre on 27 February 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
Paul Jane, Acting Manager, Arts & Leisure
Alison Martin, Communications Coordinator
Nick Howard, Finance Coordinator
Lyndal McLean, Governance Coordinator

3. APOLOGIES AND LEAVE OF ABSENCE

Nil

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

Grace Gardiner, Apollo Bay

- 1. Will the Colac Otway Shire support and join the alliance of coastal Councils which represent over half a million Australians and strongly oppose oil exploration and drilling in the Great Australian Bight?**

Response from General Manager, Development & Community Services

A Council report has been prepared for consideration at today's meeting. The report makes a number of recommendations to Council about how we can represent our community's concerns on this matter in a formal manner. The recommendations in the report are subject to Councillor debate today so it would not be appropriate at this point in time to pre-empt the outcome of the debate.

Corrina Dichiera, Kennett River Association

- 1. The community of Kennett River requests to know how many parking infringements have been issued in Kennett River between 1 November 2018 and 19 February 2019. We request a**

breakdown of infringements issued to coaches, mini buses and cars please, as well as total revenue raised.

Response from General Manager, Development & Community Services

A total of eleven infringements have been issued in Kennett River since November 2018. Nine of those infringements had a value of \$161 each and the other two infringements had values of \$97. The total revenue raised was therefore \$1,643. Out of those infringements, seven were issued to cars and four to buses and we don't differentiate between coaches and mini buses.

It is important to highlight that Council has had officers patrol Kennett River on many days during this period and officers have noted improved compliance by bus drivers, not to say that they've been perfect. However, we are aware that people continue to park illegally and we are seeking extra resources to increase the level of parking inspections and community education along the coast in 2019/2020.

2. **Could you please outline the steps required for the community of Kennett River to request a new by-law be introduced in relation to making bird feeding illegal in Kennett River? A process chart or series of sequential steps for this process and approximate timeframes would be appreciated.**

Response from General Manager, Development & Community Services

Reviewing and changing Local Laws must follow a process prescribed by the State Government and requires a substantial amount of work. Council can provide you with a process chart of the key steps, but the timeframes for undertaking the steps depend on the complexity of the issues and the time it takes to work through them effectively. Council's current General Local Law Number 2 was last updated in 2013 and this process took nearly 18 months. Any changes to the Local Law would require a considerable amount of community engagement along with a careful examination of the existing laws (both State and Federal) to determine whether Council is the appropriate agency to introduce restrictions regarding the feeding of native birds. Council currently has no plans to review General Local Law Number 2 and wouldn't normally do so to make a single change. However in saying that, the State Government is considering making changes to the process for altering Local Laws to enable minor changes to be done in a more streamlined fashion. These changes have yet to be put in place, but if and when the new changes come into effect, Council will notify you of the steps required to undertake this new streamlined process for making changes to our Local Laws.

3. **Since the last update provided on 27 November 2018, can you please outline the work undertaken and outcomes achieved in relation to banning coaches from stopping in Kennett River? A project plan including timeframes to achieve this goal would be appreciated.**

Response from General Manager, Infrastructure & Leisure Services

Council has successfully advocated to the Federal Government for City Deal funding of \$1.9 million. This project will help protect Kennett River from the adverse impacts of rapid tourism growth. It will see improved safety at the intersection, permanent toilet facilities and improved parking for both passenger vehicles and small buses. Access for large coaches to come off the Great Ocean Road will not be possible under the plan. We are currently finalising our Project Plan and have commenced discussions with the other agencies that will partner with us to

deliver the project. We have also recently installed temporary toilet facilities close to the store and implemented a range of parking management improvements.

4. **The Surf Coast Shire successfully introduced a permit system to limit tourist buses at Bells Beach. What investigations has Colac Otway Shire undertaken in this regard for Kennett River? A statement outlining work to date would be appreciated.**

Response from General Manager, Infrastructure & Leisure Services

The engineering plan which Council developed in partnership with the community will see large coaches prevented from accessing Kennett River. This is the plan we are working to achieve through the City Deal funding and as a result a permit system would not be required.

5. **Could you please provide the following data on the temporary public toilets in Kennett River from installation date until 19 February? Volume of water used and volume of waste produced. Please include a date window for this data.**

Response from General Manager, Infrastructure & Leisure Services

This information is not immediately available. Invoices for February will not be received until early March. I have requested our supplier provide the information as a matter of some urgency and then we will pass that information on to you.

6. **Could you please indicate using shading on a map, which areas in Kennett River the Shire undertakes collection of ground litter, ie. picking up rubbish? And what days of the week does this occur?**

Response from General Manager, Infrastructure & Leisure Services

The area of Kennett River that seems to attract littering is not managed by Council, hence the Shire does not collect litter from it. In terms of the residential area of Kennett River, and every other town in Colac Otway Shire, Council does not provide the service of litter collection.

Lisa Deppeler, Marengo

1. **Is Council aware that in May 2015, they resolved to protect the farming communities and natural assets within the Shire by writing to the Victorian Government requesting a moratorium on unconventional gas extraction and that they also resolved to encouraged the Municipal Association of Victoria to lead a collaborative advocacy approach on unconventional gas extraction across the local Government sector? Council also wrote to the Federal and State Governments requesting support for development of renewable energy sources to replace fossil fuels.**

Response from General Manager, Development & Community Services

Yes, Council is aware that this issue was considered by Council at a previous Council meeting where Council resolved to write to the Victorian Government advising that Colac Otway Shire supported an extension of the moratorium on unconventional natural gas extraction until such

time that the environmental, social and economic issues raised by the community can be effectively addressed.

Council also resolved at the time to write to the Victorian and Federal Governments requesting support for the development of renewable energy sources to replace fossil fuels in the provision of heating, cooling and power.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Yvonne Francis, Apollo Bay

1. Would Council consider adopting a ten year plan to bring cats under control all across Apollo Bay; for example, keeping your cat indoors, running it on a cat lead, or building it a cat-proof run in your own garden? This idea was suggested on 3ABR by Donna O'Meara recently and I consider it to be a very sensible strategy. The Shire intends to deal with the cat problem in Murray Square for the second time. Clearly the feral cats dumped in Apollo Bay and companion animals are eating birds and they are a big problem but it is not only in Murray Square.

Response from General Manager, Development & Community Services

Yes, certainly Council would consider a more holistic approach to the issue of cats in Apollo Bay. Obviously we're looking at a management plan subject to the Council report today and we are looking at sorting out some issues that are localised to Murray Square but I think there are some things that we can do with the community about education around cats – both feral and pets.

Rev Jenny Brandon, The Otways

1. Are you fully aware of the impact the roundabout proposal is going to have on our foreshore area and have you actually spent some time with the plans onsite to consider just how much foreshore and *Neighbourhood Safe Place of Last Resort* we are going to lose if Proposal One goes ahead?

Response from General Manager, Infrastructure & Leisure Services

There is a Notice of Motion around this issue that Councillors will be considering tonight.

2. My second question is with regard to the roundabout again. Has Council suggested to Regional Roads Victoria that other less invasive and less costly options could be considered, such as line marking, clearer signage, painted arrows on the road? Because \$3.5 million seems a lot of money on one roundabout when not all options have been explored. I would like to refer Councillors to page 62 in the Colac Otway Parking Strategy which shows an excellent solution to the problem of this intersection.

Response from General Manager, Infrastructure & Leisure Services

My understanding of the status of the project at the moment with VicRoads is that they have a number of options – four, I believe. My understanding is that they haven't yet determined which particular option they are adopting.

Caroline Wren, Skenes Creek

1. Regarding the roundabout, two years ago VicRoads had a go at improving that area – the golf club end of the junction – inviting community feedback and then ignored it all, thus they did not resolve any traffic problems here, which basically are confusion and dithering from visitors. Before expending the \$3.5 million on a roundabout, taking up a large chunk of our public foreshore, car parking and also the contentious removal of the war memorial, I ask Council do they know how many of the 22 signs on that corner indicate the direction of the Twelve Apostles or Great Ocean Road?

Response from the Mayor

I think it is a bit of a rhetorical question...

It's not rhetorical, no. There are 22 signs there...

Response from the Mayor

Zero

Absolutely zero. There's not a single one in Apollo Bay.

2. The long overdue *Foreshore Masterplan* for Apollo Bay, plus your *Tourism and Parking Strategy* will determine future traffic flows in our town. Does Council agree that these two items should be fully completed – absolutely completed – before any works to that junction can possibly be considered or properly designed?

Response from General Manager, Infrastructure & Leisure Services

The consultation period on the Tourism Parking Strategy is currently underway. It closes, from memory, in the next few weeks. Once that consultation is complete, officers will be looking to bring a report on that strategy back to Council. In terms of the other strategy work that is being done which covers off on the foreshore area and other areas of Apollo Bay, that is a little bit further away. To the heart of your question as to whether those strategies should be complete before construction of the roundabout starts, that will be a matter for Councillors themselves to answer but from a common sense point of view, I would have thought that would be preferable.

Lisa Deppler, Marengo

1. Regarding Oil in the Bight, in regards to the Council supporting [the] moratorium on the fracking, is Council prepared to extend that same support and advocacy to their coastal

communities and protect the thriving fishing and tourist industries that heavily rely on our pristine and sustainable ocean environment?

Response from the Mayor

As you know, we have a recommendation before us tonight and it would be pretty hard for us to predetermine the outcome of that.

2. I get that, thanks. Equinor have said that they will not proceed with frontier drilling in the Bight if there is community resistance. Over the past twelve months, there has been plenty of community resistance. Fifteen Councils representing over half a million rate payers, Greenpeace, Sea Shepherd, indigenous leaders and groups, and many other community groups have sent a loud and clear message that they strongly oppose oil exploration in the Bight, yet Equinor released their environmental plan last week. Is there any point talking to Equinor and entrusting them with our pristine coastline, sustainable fishing industries and thriving tourist industry when they obviously say one thing and do another?

Response from General Manager, Development & Community Services

As the Mayor stated previously, the issue will be debated tonight and I wouldn't want to pre-empt the debate but you raise some very good points.

Tim Cobb, Skenes Creek (on behalf of the Skenes Creek Advancement Association)

1. I realise that Council has been lobbying very hard to get the City Deal funding signed off. Has the funding for the trail from Apollo Bay to Skenes Creek been agreed by the State and Federal governments, as yet?

Response from the Chief Executive

No, the funding has not been signed. The funding agreement needs to be signed by both State and Federal Governments for it to take effect and that has not happened as yet.

2. In the budget submissions last year, more rate payers asked Council to allocate some funding to the Apollo Bay-Skenes Creek Trail than for any other project in the whole shire. As you've just confirmed that the City Deal funding is still uncertain, will Councillors retain the money that is currently allocated in the budget to this project, as it seems very, very likely that it is going to be needed?

Response from the Chief Executive

The question you raised is one that is going to be considered by Council tonight as part of considering its mid-year review of the budget. The recommendation from officers is that this money be put back into the accumulated surplus reserve but I guess essentially held on the presumption that the City Deal will go ahead. If that is not the case then obviously that will have to come back to the Skenes Creek-Wild Dog Creek Trail. I think that we should remain very confident that the City Deal will go ahead and that the three projects that are included for the Colac Otway Shire are funded and go ahead.

I hope you are right.

Bruce Sansome, Apollo Bay

1. I live opposite the foreshore. This is a photo of the seafood weekend [pointing to photo]. You can see all the cars on the foreshore. So when the roundabout goes in, that all goes. These photos [gesturing] go back to New Years Day – heaps of cars there. I sent these photos to Bob Osmond of VicRoads and his reply was, “This is a Council issue and it should be sent to them”. So if they’re the ones building the roundabout, he said that you guys are the ones that have to answer to what’s happening with the parking. Why hasn’t the Council insisted that Regional Roads Victoria hold off their plans for the mega roundabout until the Colac Otway Parking and Tourism Strategy is completed? Wouldn’t it make sense for that to be completed so we can see if the roundabout or any less invasive option fits in the bigger picture?

Response from General Manager, Infrastructure & Leisure Services

As I stated earlier, that would make sense and I would imagine that within the next number of weeks, officers will be able to bring that strategy back to Council for consideration.

2. Is the Council happy with the level of consultation on this mega roundabout, because one two-hour session in October does not constitute community input. The most recent round of consultation, hastily organised for last week, was only due to the pressure that many locals and Councillor Joe McCracken were putting on Regional [Roads] Victoria to actually listen to the community. VicRoads posted an invitation and literature on Option 1 to the community for two meetings, five days before the meeting, some only receiving it on Thursday – the last viewing day – and could not attend. You had to attend the meeting to be able to view the other three options not previously advertised. Is the Council satisfied with the lack of community input so due process could take place?

Response from General Manager, Infrastructure & Leisure Services

These are issues that the Council will consider tonight as part of a Notice of Motion.

Brian Irving, Apollo Bay

1. I know this has been brought up already but since I’ve last put that cat petition in, we’ve had three sets of cats having babies, again. I think you’ve put in 22 cats and now I think there’s nearly 30 now. I hope that you’ve got something in mind tonight, believe you me!

Tony Webber, Apollo Bay

1. My question relates to the Youth Club: the Youth Committee in 2004 attempted to sell the Youth Club ground. It was prevented two days before it happened. Now we’re looking for a solution to stop that happening again because at the moment the Youth Club Committee could just sell the land. It’s a valuable public resource so we were thinking that maybe a Public Use Zone be created for the grounds of the Youth Club and that may prevent it being sold. Is this possible and how much would it cost?

Response from General Manager, Development & Community Services

I might need to take the specifics on notice but it's probably relevant to say that we're about to commence the Community Infrastructure Plan for Apollo Bay and obviously the Youth Club facility would be considered as part of that strategy because I understand that it is a very important community facility at present. I think that's one way we can deal with the future needs of that facility.

- 2 The second question relates to Binns Road. Now, you've got funding to seal that. There are triple axle log trucks using that road and people who know about triple axle log trucks say that in the summer, in hot weather on the sharp bends, those trucks will tear-up the asphalt. They're suggesting that the asphalt needs to be made very secure, if that's possible. An alternative is to take it along Seaview Road and onto Turtons Track so when they're climbing up the hill, they don't damage the road so much. Will you consider that as a possibility – both of those?

Response from General Manager, Infrastructure & Leisure Services

We were successful in attracting about \$500,000 in State Government funding to construct and seal the northernmost part - from memory, about 2 kilometres - of Binns Road and those works are due to start any day. In terms of whether there is alternative access for logging trucks to get out to the main road, I will take that on notice and contact you to expand on some of those ideas.

Andrew Buchanan, Skenes Creek

1. I was wondering, given the level of interest from the community, whether Item 9 (the proposed roundabout proposal) could be brought forward on the Agenda to Item 2?

Response from the Mayor

Thanks, that's something for Councillors to consider.

Bill Gross, Apollo Bay

1. Given that exploration of the Bight would provide no significant material benefit to anyone in this Shire and could very well do the exact opposite, in the context of the prayer uttered at the start of this meeting where Councillors will act for the welfare of the ratepayers, I ask how any Councillor could oppose the motion to be put which was asking the Council to unequivocally oppose exploration in the Bight?

Response from the Mayor

Thank you, Bill. We're unable to answer that prior to the motion being put.

Damian Cole, [Planet Earth]

1. With ten councils nationally and 369 councils internationally declaring a climate emergency which sees the councils adopting policies and processes which commit them to urgent action to ensure a safe and sustainable world now, and in the future, would the Colac Otway Shire be willing to listen to a presentation on the matter which would see the Council become part of a global climate emergency movement?

Response from General Manager, Development & Community Services

I'm certainly happy to receive some information that you can provide us and then we can forward that to Councillors for consideration at a Briefing.

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**

- Ordinary Council Meeting held on 30 January 2019.

RESOLUTION

MOVED Cr Joe McCracken seconded Cr Chris Potter

That Council confirm the above minutes.

CARRIED 7 : 0

MOTION

MOVED Cr Joe McCracken

That Council resolves to move Item 11 – Notice of Motion – Permanency and Reunion Rights for Refugees Living and Working in our Community to be moved to the last item considered on the agenda and to hear that motion in Closed Session, as this matter may be considered prejudicial to the Council or any other person as per Section 89 (2) (h) of the Local Government Act 1989.

CARRIED 4 : 3

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

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

MOTION

That Council moves Item 9 - Notice of Motion - Proposed Roundabout - Apollo Bay to Item 2 on the agenda.

CARRIED 7 : 0

ORDINARY COUNCIL MEETING

PETITION RESPONSE - PETITION TO PROTECT THE GREAT AUSTRALIAN BIGHT - GREAT AUSTRALIAN BIGHT ALLIANCE

OM192702-1

LOCATION / ADDRESS	Great Australian Bight	GENERAL MANAGER	Ian Seuren
OFFICER	Dora Novak	DIVISION	Development & Community Services
TRIM FILE	F18/6789	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	The purpose of the report is to provide a response to the petition received by Council requesting that Council oppose plans for oil exploration and drilling in the Great Australian Bight.		

RECOMMENDATION

That Council:

- 1. Determines that in-principle it opposes plans to drill for oil in the Great Australian Bight.*
- 2. Communicates its opposition to Equinor, the National Offshore Petroleum Safety and Environmental Management Authority, relevant state and federal ministers, local state and federal members of parliament, and Councils along the Victorian coast.*
- 3. Advises the author of the petition of this resolution.*

ALTERNATIVE MOTION

MOVED Cr Chris Potter, seconded Cr Stephen Hart

That Council:

- 1. Determines that in-principle it opposes plans to conduct both exploration and drilling for oil in the Great Australian Bight.*
- 2. Communicates its opposition to Equinor, the National Offshore Petroleum Safety and Environmental Management Authority, relevant state and federal ministers, local state*

and federal members of parliament, and Councils along the Victorian coast.

- 3. Advises the author of the petition of this resolution.*

LOST 3 : 4

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

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

RESOLUTION

MOVED Cr Stephen Hart, seconded Cr Chris Potter

That Council:

- 1. Determines that in-principle it opposes plans to drill for oil in the Great Australian Bight.*
- 2. Communicates its opposition to Equinor, the National Offshore Petroleum Safety and Environmental Management Authority, relevant state and federal ministers, local state and federal members of parliament, and Councils along the Victorian coast.*
- 3. Advises the author of the petition of this resolution.*

LOST 3 : 4

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

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

ORDINARY COUNCIL MEETING

PETITION RESPONSE - PETITION TO RESOLVE FERAL CAT PROBLEM IN MURRAY SQUARE, APOLLO BAY

OM192702-2

LOCATION / ADDRESS	Murray Square, Apollo Bay	GENERAL MANAGER	Ian Seuren
OFFICER	Stewart Anderson	DIVISION	Development & Community Services
TRIM FILE	F18/6789	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	The purpose of this report is to provide a response to the petition received by Council in relation to a feral cat problem in Murray Square, Apollo Bay.		

RESOLUTION

MOVED Cr Chris Potter, seconded Cr Brian Crook

That Council:

- 1. Supports the development of a local feral cat trapping plan for the Murray Square area of Apollo Bay.*
- 2. Advises the author of the petition of this resolution.*

CARRIED 7 : 0

The meeting adjourned for a short break at 5:35pm.
The meeting resumed at 5:45pm.

ORDINARY COUNCIL MEETING
**2018/2019 MID YEAR BUDGET REVIEW
AND \$500K RECURRENT SAVINGS
COMMITMENT UPDATE**

OM192702-3

LOCATION / ADDRESS	Whole of municipality	GENERAL MANAGER	Errol Lawrence
OFFICER	Errol Lawrence	DIVISION	Corporate Services
TRIM FILE	F18/7487	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	To detail for Council the 2018/2019 Mid Year Budget Review and the \$500k Recurrent Savings and propose reallocation of surplus funds		

RECOMMENDATION

That Council:

1. *Notes the results of the 2018/2019 mid-year budget review, being a net surplus of \$320,572.00.*
2. *Given the favourable variance of the review, being \$320,572.00 surplus compared to the adopted budget, authorise this amount to be used towards funding the projects listed in Table 2 of this report, in the 2018/19 financial year. Table 2 totals \$510,728.00.*
3. *Acknowledge the recurrent saving realised year to date of \$381,500.00 towards the \$500,000.00 recurrent savings commitment, detailed in Table 3 of this report.*
4. *Authorise \$190,156.00 of the recurrent savings realised to fund the balance of the projects listed in Table 2.*
5. *Acknowledge that the \$200,000.00 allocated from the Unallocated Surplus Reserve towards the Apollo Bay to Skenes Creek Trail project in the 2018/2019 budget may no longer be required, and authorise that the \$200,000.00 remain in the Reserve for future consideration once City Deal outcomes are better known.*

ALTERNATIVE MOTION

MOVED Cr Stephen Hart, seconded Cr Chris Potter

That Council:

1. *Notes the results of the 2018/2019 mid-year budget review, being a net surplus of \$320,572.00.*
2. *Given the favourable variance of the review, being \$320,572.00 surplus compared to the adopted budget, authorise this amount to be used towards funding the projects listed in Table 2 of this report, in the 2018/19 financial year. Table 2 totals \$510,728.00.*
3. *Acknowledge the recurrent saving realised year to date of \$381,500.00 towards the \$500,000.00 recurrent savings commitment, detailed in Table 3 of this report.*
4. *Authorise \$190,156.00 of the recurrent savings realised to fund the balance of the projects listed in Table 2.*
5. *Acknowledge that the \$200,000.00 allocated from the Unallocated Surplus Reserve towards the Apollo Bay to Skenes Creek Trail project in the 2018/2019 budget may no longer be required, and authorise that the \$200,000.00 remain in the Reserve for future consideration once City Deal outcomes are better known.*
6. *Notes that Council may spend the funds allocated for the Skenes Creek Discovery Trail on that project and/or on preparatory works for that project but that any decision to spend the funds on another project will require an explicit Council resolution to that effect before such funds are spent.*
7. *Resolves that a further \$100,000.00 be allocated from the recurrent savings realised year to date towards a Main Road Street Lighting Upgrade Project and, should this project not be completed in the 2018/2019 financial year, the \$100,000.00, or the balance thereof, be carried over into the 2019/2020 financial year.*

CARRIED 4 : 3

DIVISION

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

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

ORDINARY COUNCIL MEETING

CENTRAL RESERVE RENAMING CONSULTATION

OM192702-4

LOCATION / ADDRESS	Gravesend Street, Colac	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 Memorial and Plaques Policy2. Draft Temporary Naming of Sporting Reserves Policy3. Draft Operational Policy - Recreation Reserve Advertising signage guideline4. Central Reserve Naming 2018 - 2019		
PURPOSE	To provide Council the results of a recent community engagement surrounding the naming of Central Reserve Colac and its associated infrastructure and recommend policies that enable feedback themes.		

RESOLUTION

MOVED Cr Chris Potter, seconded Cr Joe McCracken

That Council:

1. *Thank the community for their submissions surrounding Central Reserve and associated infrastructure naming.*
2. *Seek public feedback for a period of six weeks in line with Council's Community Engagement Policy on the proposed and attached:*
 - 2.1 *Temporary Naming of Sporting Reserves Policy;*
 - 2.2 *Memorial and Plaques Policy;*
 - 2.3 *Recreation Reserve Advertising Signage Guideline.*

CARRIED 7 : 0

The meeting adjourned for a short break at 6:40pm.
The meeting resumed at 6:49pm.

ORDINARY COUNCIL MEETING
**REVIEW OF COUNCIL POLICY 16.5 –
DEBTOR MANAGEMENT AND DEBT RECOVERY**
OM192702-5

LOCATION / ADDRESS	Whole of municipality	GENERAL MANAGER	Errol Lawrence
OFFICER	Jason Clissold	DIVISION	Corporate Services
TRIM FILE	F18/6814	CONFIDENTIAL	No
ATTACHMENTS	1. Proposed Council Policy 16.5 Debtor Management and Debt Recovery - February 2019		
PURPOSE	To present Council Policy 16.5 - Debtor Management and Debt Recovery to Council for review and adoption.		

RECOMMENDATION

That Council adopt the proposed amendments to Council Policy 16.5 – Debtor Management and Debt Recovery

ALTERNATIVE MOTION

MOVED Cr Stephen Hart, seconded Cr Chris Smith

That Council sends this policy back again so that Councillors can have answers to questions that have been discussed today and have a policy that is more acceptable to Councillors.

CARRIED 5 : 2

DIVISION

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

Against the motion: Cr Jason Schram, Cr Chris Potter

MOTION

MOVED Cr Brian Crook

That Item 12 - Notice Of Motion - Library Annexe be the next item heard.

CARRIED 7 : 0

ORDINARY COUNCIL MEETING

REVIEW OF COUNCIL POLICY 16.3 - INVESTMENT

OM192702-6

LOCATION / ADDRESS	Whole of municipality	GENERAL MANAGER	Errol Lawrence
OFFICER	Jason Clissold	DIVISION	Corporate Services
TRIM FILE	F18/6814	CONFIDENTIAL	No
ATTACHMENTS	1. 16.3 Investment Policy - Review February 2019		
PURPOSE	To present the amended Investment Policy to Council for review and adoption.		

This item was heard immediately following Item 12 - OM192702-12 Notice of Motion - Library Annex

RESOLUTION

MOVED Cr Stephen Hart, seconded Cr Chris Potter

That Council adopt the amended Council Policy 16.3 – Investment, as presented.

CARRIED 7 : 0

Jason Clissold left the meeting at 8:24pm and did not return.
Nick Howard left the meeting at 8:24pm and did not return.

ORDINARY COUNCIL MEETING

CONTRACT 1928 – SHEEHAN’S RD / KENNY’S LANE INTERSECTION

OM192702-7

LOCATION / ADDRESS	Sheehan's Rd / Kenny's Lane Intersection	GENERAL MANAGER	Tony McGann
OFFICER	Dale Barrow	DIVISION	Infrastructure & Leisure Services
TRIM FILE	F18/7487	CONFIDENTIAL	No
ATTACHMENTS	<ol style="list-style-type: none">1. Con1928 Sheehans Rd and Kennys lane Layout and traffic sign arrangement2. Rossmoyne Rd-Sheehans Rd-Kennys Lane Int - RSA		
PURPOSE	Council approval is required to award Contract 1928 – Sheehan’s Road and Kenny’s Lane Intersection Upgrade.		

RESOLUTION

MOVED Cr Chris Potter, seconded Cr Brian Crook

That Council:

1. *Awards Contract 1928, Sheehan’s Road and Kenny’s Lane Intersection Upgrade Works to Bitu-Mill (Civil) Pty Ltd, at the lump sum price referred to in the confidentially distributed document pertaining to this contract*
2. *Authorises the Chief Executive to sign the contracts following award of Contract 1928.*
3. *Request that the Chief Executive ensures the contract price is listed on Council’s website once steps listed in point 2 have been completed.*

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

Paul Jane returned to the meeting at 8:27pm.

ORDINARY COUNCIL MEETING
**NOTICE OF MOTION –
COUNCILLOR CODE OF CONDUCT MATTER**
OM192702-8

COUNCILLOR

Stephen Hart

ATTACHMENTS

1. Notice of Motion No 291 - Cr Stephen Hart - Councillor Code of Conduct Matter - signed
2. Extract from Ordinary Council Meeting Minutes, 28 November 2018
3. Extract, page 13, from the Councillor Code of Conduct adopted on 28 November 2018
4. Letter dated 21 December 2018 from the Victorian Local Governance Association (VLGA)
5. Letter dated 6 February 2019 from the Municipal Association of Victoria (MAV)

MOTION

MOVED Cr Stephen Hart, seconded Cr Chris Potter

That Council:

1. *Notes that letters have been received from both the Victorian Local Governance Association (VLGA), dated 21 December 2018, and the Municipal Association of Victoria (MAV), dated 6 February 2019, in relation to Colac Otway Shire Council's Councillor Code of Conduct which was adopted on 28 November 2018;*
2. *Notes that the letters relate to the requirement in page 13 of the Councillor Code of Conduct that the Mayor 'must take into account any opinion' expressed by the MAV or VLGA when the Mayor decides whether a complaint is 'trivial' or lacks 'substantial' evidence;*
3. *Notes that there is no commitment in the Councillor Code of Conduct that the Council will provide all relevant documents to the MAV and/or VLGA to assist with the formation of their opinion;*
4. *Notes that there is no commitment in the Councillor Code of Conduct to uphold the principles of 'natural justice' to the applicant or respondent when this process is implemented and the Mayor makes his/her decision;*
5. *Acknowledges that the particular clause on page 13 is problematic as it requires the Mayor to pre-judge a complaint by deciding whether it lacks evidence or is trivial without a clear process on how the MAV or VLGA will be consulted;*

6. *Notes that the VLGA has said it will not participate in this process and has asked for all references to it to be removed from the document;*
7. *Resolves to remove from the Councillor Code of Conduct words (which are currently in section 5.1.3 Phase 3 – Internal Independent Mediation on page 13), as follows:*

Second dot point ‘• there is substantial evidence of a contravention; and’

Third dot point ‘• the contravention, if proven, would not be a contravention of a trivial nature.’

and

‘The Mayor (or if the Mayor is the subject of the allegation then the Deputy Mayor) must take into account any opinion expressed by the Municipal Association of Victoria or Victorian Local Governance Association and Council’s Solicitors before deciding that there is no substantial evidence or that a contravention of the Councillor Code of Conduct, if proven, would be a contravention of a trivial nature.’,

So that after dot point ‘. relates to an alleged contravention of the Councillor Code of Conduct’ there will be no further words until the heading 5.1.4; and

8. *Requests that the Chief Executive write to the VLGA and MAV to inform them of the change and to send them a copy of the revised Councillor Code of Conduct.*

CARRIED 4 : 3

DIVISION

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

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

ORDINARY COUNCIL MEETING

NOTICE OF MOTION - PROPOSED ROUNDABOUT - APOLLO BAY

OM192702-9

COUNCILLOR

Joe McCracken

ATTACHMENTS

1. Notice of Motion No 292 - Cr Joe McCracken - Proposed Roundabout, Apollo Bay - signed

MOTION

MOVED Cr Joe McCracken, seconded Cr Chris Smith

That Council:

1. *Expresses an absence of support until determined otherwise for the current VicRoads plan of a roundabout (known as Option 1), which is proposed to be situated on the intersection of Nelson St & Great Ocean Rd, Apollo Bay;*
2. *Expresses concern relating to the following matters regarding the proposed roundabout, Option 1, for the following reasons:*
 - 2.1. *A lack of community consultation, in particular with adjacent property owners, but also more broadly with the wider Apollo Bay community.*
 - 2.2. *Concern over the significant amount of Foreshore the proposed roundabout would take up.*
 - 2.3. *The possibility of negative amenity impacts on the streetscape and adjacent property owners.*
 - 2.4. *Problems relating to accessibility for adjacent property owners.*
 - 2.5. *The significant cost of the project, when less costly alternatives haven't been fully explored.*
 - 2.6. *The lack of opportunity for community members to provide alternatives.*
 - 2.7. *Concerns over the potential impact of parking and traffic flow.*
3. *Will consider its position on the matter in the future, but the official position will be an 'absence of support' until determined otherwise.*
4. *Requests the following matters are attended to in order to come to a future position on the proposal:*
 - 4.1. *Councillors have been fully briefed by VicRoads, at a briefing session of Councillors.*

- 4.2 *All four drafted options produced by VicRoads have been presented at community consultation sessions and to Councillors.*
- 4.3 *A program of community consultations have been established by VicRoads which are accessible to community members.*
- 4.4 *Community consultation must allow members of the community to provide alternative solutions to the intersection, rather than just comment on existing plans.*
- 4.5 *Once these above mentioned matters have been resolved, a report will be presented to a councillor briefing session for consideration.*
- 5. *Authorises the Chief Executive to send this motion, with an accompanying letter, to:*
 - 5.1 *VicRoads regional director.*
 - 5.2 *The Minister for Roads, The Minister for Regional Development, The Minister for Public Transport, The Minister for Environment and Heritage and the equivalent shadow ministers in the State Parliament;*
 - 5.3 *The State Member for Polwarth, all state members for Western Victoria Region, and the Federal Members for Corangamite and Wannon.*
- 6. *Notes that some community consultation has been undertaken with some key stakeholders, namely Apollo Bay RSL.*

CARRIED 4 : 3

DIVISION

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

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

ORDINARY COUNCIL MEETING
**NOTICE OF MOTION –
COUNCIL'S MEMBERSHIP OF CORANGAMITE
REGIONAL LIBRARY SERVICE**

OM192702-10

COUNCILLOR	Stephen Hart
ATTACHMENTS	<ol style="list-style-type: none">1. Notice of Motion No 293 - Cr Stephen Hart - Council's membership of Corangamite Regional Library Corporation - signed2. Extract from Corangamite Regional Library Corporation's first annual report3. Page 19, Revised Council Plan, 2017-20214. Page 27, Creative Colac Otway Arts and Culture Strategy 2018-2022

MOTION

MOVED Cr Stephen Hart, seconded Cr Brian Crook

That Council:

1. *Notes that a review of the provision of library services is identified in Council Plan 2017 – 2021 and the Creative Colac Otway Arts and Culture strategy 2018 – 2022,*
2. *Notes that initial enquires have been made by Council about the possibility of Council changing its membership from Corangamite Regional Library Corporation to Geelong Regional Library Corporation,*
3. *Notes that Geelong Regional Library Corporation has indicated that it is prepared to enter into a discussion as to whether Colac Otway Shire Council could become a member of Geelong Regional Library Corporation,*
4. *Endorse the commencement of a more detailed investigation of the financial, governance, human resource and legal and service implications of such an arrangement.*
5. *Requests that the Chief Executive brief Council on the outcome of the investigation*
6. *Requests that the Chief Executive prepare a consultation plan giving consideration to the outcomes of 4 and 5.*
7. *Requests that the Chief Executive brief Council on the outcome of all activities including negotiations with Geelong Regional Library Corporation and consultation with the community, with recommendations for next steps.*

CARRIED 7 : 0

ORDINARY COUNCIL MEETING

**NOTICE OF MOTION –
PERMANENCY AND REUNION RIGHTS FOR
REFUGEES LIVING AND WORKING IN OUR
COMMUNITY**

OM192702-11

COUNCILLOR

Brian Crook

ATTACHMENTS

1. Notice of Motion No 294 - Cr Brian Crook - Permanency and Reunion Rights for Refugees Living and Working in our Community - signed
2. Notice of Motion - Cr Crook - Khadim Hussain - Support Letter from ALC - Attachment

This item was heard during Closed Session.

ORDINARY COUNCIL MEETING
**NOTICE OF MOTION –
LIBRARY ANNEXE**

OM192702-12

COUNCILLOR

Brian Crook

ATTACHMENTS

1. Notice of Motion No 295 - Cr Brian Crook - Library Annexe - signed

This item was heard immediately after Item 5 - OM192702-5 Review of Council Policy 16.5 - Debtor Management and Debt Recovery.

MOTION

That Council:

1. *Rescind the 23rd May Notice of Motion.*
2. *Continue with the refurbishment of the former Library Annexe.*
3. *Enter into an agreement with Creative Colac Otways Inc for the exclusive use of the former Library Annexe for a trial period of 12 months.*
4. *Apply a rental charge that is consistent with Council's leasing policy for community service groups.*
5. *Create in partnership with Creative Colac Otways Inc a plan that captures community usage of the space and a record of activities with numbers of people attending.*
6. *Register any other interest in the space during the trial period.*
7. *Receive a report 2 months prior to the agreement conclusion outlining the group's initiatives and an evaluation of the trial period.*
8. *Contact Creative Colac Otways Inc within a week of this NOM to make arrangements for the commencement of the 12 months trial.*

AMENDED MOTION

MOVED Cr Brian Crook, seconded Cr Stephen Hart

That Council:

- 1. Amends the resolution adopted on 23 May 2018 regarding the former Library Annexe space to the extent necessary to allow the action described in points 2 to 8 to occur.*
- 2. Continue with the refurbishment of the former Library Annexe.*
- 3. Enter into an agreement with Creative Otways Inc for the use of the former Library Annexe for a trial period of 12 months.*
- 4. Apply a rental charge that is consistent with Council's leasing policy for community service groups.*
- 5. Create in partnership with Creative Otways Inc a plan that captures community usage of the space and a record of activities with numbers of people attending.*
- 6. Register any other interest in the space during the trial period.*
- 7. Receive a report 2 months prior to the agreement conclusion outlining the group's initiatives and an evaluation of the trial period.*
- 8. Contact Creative Otways Inc within a week of this Notice of Motion to make arrangements for the commencement of the 12 month trial.*
- 9. Confirms that, if the offer of accommodation is not accepted or if the Library Annexe is subsequently vacated, that the provisions contained in the resolution of 23 May 2018 are to be followed in relation to the former Library Annexe.*

LOST 3 : 4

DIVISION

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

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

ALTERNATIVE MOTION

MOVED Cr Kate Hanson, seconded Cr Joe McCracken

That Council:

- 1. Invite Creative Otways Inc to a Council Briefing on 13 March 2019.*
- 2. Officers report on progress to date, future actions and timelines to complete the refurbishment of the former Library Annexe on the 13 March 2019.*
- 3. That Council seeks potential other user groups to use the facility, especially other arts groups.*

4. *Request that the Chief Executive bring back a report on this matter to Council no later than the April 2019 meeting.*

CARRIED 7 : 0

The meeting adjourned for a short break at 8:09pm.
The meeting resumed at 8:16pm.

Paul Jane left the meeting at 8:09pm.

The next item heard was Item 6 - OM192702-6 - Review of Council Policy 16.3 - Investment

ORDINARY COUNCIL MEETING

OLD BEECHY RAIL TRAIL MINUTES AND ASSEMBLY OF COUNCILLORS NOTES

OM192702-13

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. Assembly of Councillors - Councillor Briefing - 21 January 2019 2. Assembly of Councillors - Colac Regional Saleyards Advisory Committee Meeting - 20190125 3. Assembly of Councillors - Lake Colac Advisory Committee - 29 January 2019 4. Assembly of Councillors - Councillor Briefing - 30 January 2019 5. Assembly of Councillors - Ordinary Council Meeting Preparation - 30 January 2019 6. Assembly of Councillors Record - Central Reserve Advisory Committee 20190206 7. Assembly of Councillors - Councillor Briefing - 6 February 2019 8. Assembly of Councillors - Councillor Briefing - 13 February 2019 9. Meeting Minutes - Old Beechy Rail Trail Committee - 4 December 2018 - Confirmed 		
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 4 December 2018 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.

CLOSED SESSION

RESOLUTION

MOVED Cr Joe McCracken, seconded Cr Chris Smith

That pursuant to the provisions of Section 89 (2) of the Local Government Act, the meeting be closed to the public at 8:57pm and Council move into Closed Session in order to deal with:

SUBJECT	REASON	SECTION OF ACT
<i>Notice of Motion - Permanency and reunion rights for refugees living and working in our community</i>	This matter may prejudice the Council or any person	Section 89 (2) (h)

CARRIED 4 : 3

DIVISION

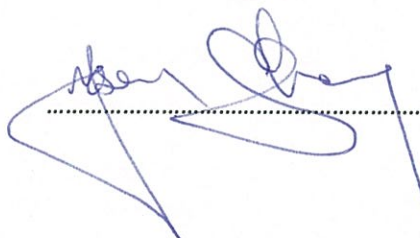
For the motion: Cr Kate Hanson, Cr Jason Schram, Cr Chris Smith, Cr Joe McCracken

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

Paul Jane left the meeting at 8:57pm and did not return.

The meeting was declared closed at 9:23pm

CONFIRMED AND SIGNED at the meeting held on 27 MARCH 2019


.....MAYOR