

MINUTES

WEDNESDAY 30 JANUARY 2019

AT 4PM

COPACC

Next Council Meeting: 27 February 2019

COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

30 JANUARY 2019

TABLE OF CONTENTS

OPENING PRAY	ER	3
PRESENT		3
APOLOGIES AND	D LEAVE OF ABSENCE	3
WELCOME AND	ACKNOWLEDGEMENT OF COUNTRY	4
QUESTION TIME		4
TABLING OF RES	SPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS	7
PETITIONS/JOIN	IT LETTERS	7
DECLARATIONS	OF INTEREST	8
CONFIRMATION	I OF MINUTES	8
	OFFICER REPORTS	
	OFFICER REPORTS	
OM193001-1	DRAFT RATING STRATEGY 2019 - 2021	9
OM193001-2	QUARTERLY PERFORMANCE REPORT 2018-2019	11
OM193001-3	REVIEW OF COUNCIL POLICY 16.2 - FRAUD PREVENTION AND	
	CONTROL	12
OM193001-4	MAIN ROADS STREET LIGHTING UPGRADE PROJECT	13
OM193001-5	APEX PRE SCHOOL LEASE	15
OM193001-6	AUDIT COMMITTEE MINUTES - 29 AUGUST 2018	17
OM193001-7	OLD BEECHY RAIL TRAIL COMMITTEE - REVISED INSTRUMENT OF	
	DELEGATION	18
OM193001-8	OLD BEECHY RAIL TRAIL MINUTES AND ASSEMBLY OF COUNCILLORS	
	NOTES	19

2

COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at COPACC on 30 January 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
Frank Castles, Manager, Service & Operations
Jason Clissold, Manager, Financial Services
Dora Novak, Coordinator, Environment
Lyndal McLean, Coordinator, Governance
Alison Martin, Coordinator, Communications
Nick Howard, Coordinator, Finance
Kirsty Cochrane, Coordinator, Infrastructure Customer Services
Paul Carmichael, Coordinator, Revenue
Melanie Duvé, Officer, Corporate Planning & Reporting

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

James Judd, Colac

During the rain events over the period 13th to 16th December 2018 were any areas included in the Colac 2050 Growth Plan to provide eventual residential development now under 100 Year Flood Overlays saturated due to flooding or poor drainage provided? If so, how long prior to allowing land to be rezoned will a vast improvement in drainage systems be provided?

Response from General Manager, Infrastructure & Leisure Services

It's likely that those areas would have been wet during that period. The improvement in drainage systems will be funded largely by developers and will generally occur after rezoning, and as the land is being developed.

2. Will the Colac Otway Shire Council consider, from 2019 onwards, the introduction of a drop-off facility to recycle used trees/branches (used as Christmas trees) from post-Boxing Day for a three week period? This is already being done in at least one south west municipality.

Response from General Manager, Infrastructure & Leisure Services

Council has three transfer stations (or 'drop-off facilities') which accept all types of green waste. These transfer stations are located at Alvie, Apollo Bay and Birregurra.

3. When the Colac Otway Shire Council lets new Cleaning Contracts when will it make sure contracts are not let that have an adverse impact on the health of the community like lowering [the] cleaning rate of public toilets to less than previous required?

Response from General Manager, Infrastructure & Leisure Services

The frequency of cleaning public toilets has not been reduced under the current cleaning contract. The current contract, in fact, has an increased frequency of cleaning for a number of public toilets compared to the schedule for the previous contract. Council officers will continue to audit the work of the cleaning contractor and will ensure that the contractor continues to meet its contractual requirements.

4. If the solar panels on the garbage compactors put in by the Colac Otway Shire Council at the coast fail to operate as considered they would, what provision has Council in hand to make far more regular clearances of bins along the coast? This needs urgent attention in view of hail damage to solar panels in a storm in Sydney during December 2018.

Response from General Manager, Infrastructure & Leisure Services

If the solar panels on the solar compaction bins became inoperable the waste contractors would empty these bins when they empty all the other non-solar street litter bins in the area until the solar bins are able to be fixed or replaced.

5. Other than volunteer staffed Council facilities, when will the Colac Otway Shire Council require a review of operating hours of Council financed facilities operating on short hours? There are multiple facilities in Colac with very restricted hours of operation, plus not available when most needed.

Response from General Manager, Corporate Services

Due to the limited information about which particular service or services this question is referring to, it is difficult to provide a specific response. In relation to reviews, Council, at the December Ordinary Council Meeting, discussed and adopted the Three Year Service Review Plan. If the service or services that you are referring to are part of that review plan then the outcomes of those reviews will be presented to Council. Any proposed changes to a service or services including hours of operation following a review will be presented to Council for a formal decision.

6. Apex Preschool Lease: Has the ownership title been issued in name of controlling authority for this land, or, is the actual owner not mentioned in the Council agenda for Council meeting 30 January 2019? If not what consultation was had with them prior to deciding on lease terms?

Response from General Manager, Infrastructure & Leisure Services

The subject property is owned by Department of Environment, Land, Water and Planning (DELWP). We have received permission to enter into the lease on the terms contained in the agenda today subject to the terms and conditions contained in the Department's lease template. Council's Manager of Community Services is the Service Manager for this property and has approved the lease terms also.

The site at 7 Howarth Street Elliminyt is DELWP owned land (or Crown Land) with Council as the Committee of Management. Apex Pre-School Centre Inc. built the building on the site and conduct all maintenance and currently occupy the site, operating as a not-for profit pre-school community service business from the premises.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Tony Webber, Otway Forum

1. There are a number of properties around Apollo Bay and in the hills behind Apollo Bay that have got no stock on them and have got long grass and weeds. Now with dry lightning strikes this is a real concern for residents that this could start a fire, particularly close to the town. I don't know if the Council can possibly do something about this – working maybe with DELWP – and maybe send in a contractor if these people won't do anything about their long grass and weeds and cut the grass or some other enforcement method. Can the Council tell the community what their policy is on this situation?

Response from General Manager, Development & Community Services

As you would probably be aware, Council does undertake inspections of properties and we do that late in the calendar year. We issue Notices based on the state of properties and then we also do a follow-up. I can ask our Fire Prevention Officer to have a look at some of those properties around Apollo Bay. He is down there quite often so we can follow that up.

2. The second question is about the off-shore drilling in the Bight. The Colac Otway Shire was one of the first Councils to reject fracking and I'm wondering what the Council's policy is, or if you're going to develop a policy on offshore drilling in the Bight where you're drilling at 3 and 4 kilometres - quite a dangerous situation. We have a petition on the Council papers for this meeting.

Response from the Mayor

That's right, Mr Webber. We'll have a petition tabled at this meeting and then it will be dealt with at a subsequent meeting when a report will come before us.

Leigh Barrett, Colac

On 17 January, I attended a meeting between the CEO Peter Brown and Mayor Cr Schram and the Pennyroyal Hall Committee at the Pennyroyal Hall to discuss its future again. I understand that the Shire corporation regards the Hall as a risk and does not support its renovation by the Hall Committee and that it will be its recommendation to Councillors when it comes before Council that it isn't renovated. For the public record, could you clarify why the Hall renovated by the Hall Committee, at no cost to Council, represents a risk to the Shire corporation?

Response from the Chief Executive

The position as you've put it doesn't totally accurately represent my position. I think this is quite a complex matter and one that I am showing some interest in. I think that the facts of the matter are that the Hall is severely degraded and is not able to be made available for public use. What I have said is that there is a risk to Council if Council retains ownership and then has a third party undertake responsibility for maintaining the Hall. That's an inherent risk. A proposition has been put to the Hall Committee that it consider accepting ownership of the Hall and then we would, as part of that negotiation, talk about how Council might support that occurring and then the Hall Committee would take on any risks associated with restoring the Hall to use. I'm happy to work through with the Committee on those issues but I clearly haven't said that there is a risk to Council by the Hall being reopened. What I've said is that if Council maintains ownership, and the maintenance and upkeep of the Hall is maintained by an incorporated body, there is an inherent risk to Council in that. I'm happy to keep working with the Committee around this issue.

Can I get a response in writing to what you've said?

Response from the Chief Executive

I'm happy to provide a response in writing but also, at that meeting, I made a very specific request for a follow-up from the Committee to respond - to give consideration to taking on ownership of the Hall. That was a formal request that was made in November last year. It would be good to have that to be able to progress this matter.

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

Nil

7. PETITIONS/JOINT LETTERS

A petition concerning feral cats in Murray Square, Apollo Bay has been received from a community member. The petition contained 38 signatures. A report responding to the petition will be tabled at the Ordinary Council Meeting to be held on 27 February 2019.

A petition concerning oil exploration and drilling in the Great Australian Bight has been received from a community member. Council has been advised by the petitioner that the petition contained 1,436 signatures. A report responding to the petition will be tabled at the Ordinary Council Meeting to be held on 27 February 2019.

8. DECLARATIONS OF INTEREST

Nil

9. CONFIRMATION OF MINUTES

Ordinary Council Meeting held on 12 December 2018.

RESOLUTION

MOVED Cr Chris Potter seconded Cr Joe McCracken

That Council confirm the above minutes.

CARRIED 7:0

Kristy Cochrane left the meeting at 4:17pm

DRAFT RATING STRATEGY 2019 - 2021

OM193001-1

LOCATION / ADDRESS Whole of municipality GENERAL MANAGER Errol Lawrence

OFFICER Errol Lawrence

DIVISION

Corporate Services

TRIM FILE

F18/7487

CONFIDENTIAL

No

1. Draft Rating Stategy 2019-2021

ATTACHMENTS

2. "From Coastal Communities to Tourist Towns"

3. Rates Modelling Options

PURPOSE

To present the Draft Rating Strategy 2019 - 2021 for the

consideration of Council for public consultation.

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Chris Potter

That Council:

- 1. Authorises the public exhibition of the Draft Rating Strategy 2019-2021 (Attachment 1).
- 2. Authorises the Chief Executive Officer to give public notice, in accordance with section 223 of the Local Government Act 1989, that Council has prepared a Draft Rating Strategy 2019-2021.
- 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, 3 April 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 Officer 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 6 week period commencing on Monday 4 February 2019 and closing at 5:00pm Monday 18 March 2019.
- 6. Considers for adoption the draft Rating Strategy 2019-2021 at the Council Meeting on Wednesday, 24 April 2019 at 4.00pm at COPACC, after consideration of any submissions received by Council at its Special Committee Meeting on Wednesday, 3 April 2019.

CARRIED 4:3

DIVISION

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

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

Frank Castles attended the meeting at 4:34pm
Paul Jane left the meeting at 4:41pm and did not return

QUARTERLY PERFORMANCE REPORT 2018-2019

OM193001-2

LOCATION / ADDRESS

Whole of municipality

GENERAL MANAGER

Errol Lawrence

OFFICER

Melanie Duve

DIVISION

Corporate Services

TRIM FILE

F18/7513

CONFIDENTIAL

No

ATTACHMENTS

1. October - December Quarterly Performance Report -

15 January 2019

PURPOSE

To note the Quarterly Performance Report 2018/19 for the period 1

October to 31 December 2018.

RESOLUTION

MOVED Cr Brian Crook seconded Cr Chris Potter

That Council notes the Quarterly Performance Report 2018/19 for the period 1 October to 31 December 2018.

CARRIED 6:1

DIVISION

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

Hanson, Cr Jason Schram

Against the motion: Cr Chris Smith

Melanie Duvé left the meeting at 4:59pm and did not return

REVIEW OF COUNCIL POLICY 16.2 - FRAUD PREVENTION AND CONTROL

OM193001-3

LOCATION / ADDRESS

Whole of municipality

GENERAL MANAGER

Errol Lawrence

OFFICER

Jason Clissold

DIVISION

Corporate Services

TRIM FILE

F18/7487

CONFIDENTIAL

No

ATTACHMENTS

1. Proposed Council Policy 16.2 - Fraud Prevention and Control

PURPOSE

To present the proposed amendments to the Fraud Prevention and

Control Policy to Council for consideration

RESOLUTION

MOVED Cr Kate Hanson seconded Cr Joe McCracken

That Council adopt the amended Council Policy 16.2 - Fraud Prevention and Control as attached.

CARRIED 7:0

Errol Lawrence left the meeting at 5:05pm; returned at 5:07pm

MAIN ROADS STREET LIGHTING UPGRADE PROJECT

OM193001-4

LOCATION / ADDRESS Whole of municipality

GENERAL MANAGER

Ian Seuren

OFFICER

Stewart Anderson

DIVISION

Development & Community Services

TRIM FILE

F18/6814

CONFIDENTIAL

No

ATTACHMENTS

Nil

To inform Council of the issues associated with the Main Roads

PURPOSE

Street Lighting Upgrade Project and to propose an alternative

approach.

RECOMMENDATION

That Council:

- 1. Reallocate the \$100,000 approved for the Main Road Street Lighting Upgrade Project in the 2018/19 budget to co-fund energy efficiency upgrades in Council facilities as part of Sustainability Victoria's Local Government Energy Saver Program.
- Consider funding Main Road Street Light Upgrades as part of the 2019/2020 Budget process.

ALTERNATIVE MOTION

MOVED Cr Stephen Hart seconded Cr Kate Hanson

That Council:

- 1. Access \$100,000 from Council's cash representing its Long Service Leave Reserve to cofund energy efficiency upgrades in Council facilities as part of Sustainability Victoria's Local Government Energy Saver Program (matching a \$100,000 grant from that program).
- Repay \$100,000 into the cash representing Council's Long Service Leave Reserve in future budgets, the amount repaid per year to be determined following receipt of information documenting the operational energy savings likely to result from the

works being funded, but over a period no longer than 5 years.

3. Retain the \$100,000 funding for Main Road Street Light Upgrades as part of the 2018/2019 budget and carry that funding over into 2019/2020 if the Main Road Street Light Upgrades aren't completed by 30 June 2019.

LOST 3:4

DIVISION

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

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

RESOLUTION

MOVED Cr Joe McCracken seconded Cr Kate Hanson

That Council:

- 1. Reallocate the \$100,000 approved for the Main Road Street Lighting Upgrade Project in the 2018/19 budget to co-fund energy efficiency upgrades in Council facilities as part of Sustainability Victoria's Local Government Energy Saver Program.
- 2. Consider funding Main Road Street Light Upgrades as part of the 2019/2020 Budget process.

CARRIED 7:0

Nick Howard left the meeting at 5:09pm; returned at 5:13pm

Dora Novak, Nick Howard and Jason Clissold left the meeting at 5:25pm and did not return

The meeting adjourned for a short break at 5:25pm The meeting resumed at 5:36pm

APEX PRE SCHOOL LEASE

OM193001-5

LOCATION / ADDRESS

7 Howarth Street,

Elliminyt

GENERAL MANAGER

Tony McGann

OFFICER

James Myatt

DIVISION

Infrastructure & Leisure Services

TRIM FILE

F16/3329

CONFIDENTIAL

No

ATTACHMENTS

Nil

PURPOSE

To seek Council approval to enter into a Lease Agreement with Apex

Pre School Centre Inc.

RESOLUTION

MOVED Cr Brian Crook seconded Cr Joe McCracken

That Council:

1. Enter into a lease with Apex Pre School Centre Inc. with the following terms:

1.1

A lease in accordance with the lease template provided by Department

of Environment, Land, Water and Planning

1.2 Term

(15) fifteen years

1.3 Further term

Nil

1.4 Rental

\$150.00 inc. GST per year

1.5 Rent Review

Compound C.P.I. % at the fifth yearly anniversary of commencement of

the Lease and every fifth year thereafter.

1.6 Maintenance

All maintenance is to be the responsibility of Apex Pre School Centre Inc.

1.7 Outgoings

All outgoings shall be paid by the tenant

1.8 Insurance

The club to maintain all insurance

2. That Council authorise and direct the Chief Executive or delegate to complete all administrative processes necessary to execute the lease on behalf of Council.

3. Authorises Council officers to give public notice of the proposed lease in accordance with sections 190 and 223 of the Local Government Act 1989 for a period of four weeks.

- 4. Determine that a 'Committee of Council' in accordance with the Local Government Act 1989 will 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.
- 5. In the event that no submissions are received, Council resolves to grant the lease on the terms set out in this recommendation and authorises the Chief Executive or delegate to complete all administrative processes necessary to execute the lease on behalf of Council.
- 6. Authorises the Chief Executive to execute all necessary documents in order to affect any transfer or assignment of lease throughout the term of the lease.

CARRIED 7:0

AUDIT COMMITTEE MINUTES – 29 AUGUST 2018

OM193001-6

LOCATION / ADDRESS

Whole of municipality

GENERAL MANAGER

Errol Lawrence

OFFICER

Lyndal McLean

DIVISION

Corporate Services

TRIM FILE

F18/7487

CONFIDENTIAL

No

ATTACHMENTS

1. Audit Committee Minutes - Signed - 29 August 2018

PURPOSE

To receive for information the Colac Otway Shire Audit Committee

minutes dated 29 August 2018.

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Joe McCracken

That Council receives for information the Colac Otway Shire Audit Committee minutes dated 29 August 2018.

CARRIED 7:0

OLD BEECHY RAIL TRAIL COMMITTEE - REVISED INSTRUMENT OF DELEGATION

OM193001-7

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 - Revised 2019

PURPOSE

To seek Council approval for the recommended changes to the Instrument of Delegation and Charter for the Old Beechy Rail Trail Committee, and to sign and seal the revised Instrument of

Delegation for the Old Beechy Rail Trail Committee.

RESOLUTION

MOVED Cr Joe McCracken seconded Cr Chris Potter

That Council:

- Endorses the revised Instrument of Delegation and Charter for the Old Beechy Rail Trail Committee.
- 2. Authorises the Chief Executive to sign and seal the revised Instrument of Delegation and Charter for the Old Beechy Rail Trail Committee.

CARRIED 6:1

DIVISION

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

Against the motion: Cr Stephen Hart

OLD BEECHY RAIL TRAIL MINUTES AND ASSEMBLY OF COUNCILLORS NOTES

OM193001-8

LOCATION / ADDRESS Whole of municipality GENERAL MANAGER Errol Lawrence OFFICER Lyndal McLean DIVISION **Corporate Services** TRIM FILE F18/7167 CONFIDENTIAL No 1. Meeting Minutes - Old Beechy Rail Trail Committee - 9 October 2018 - Confirmed 2. Meeting Notes - Old Beechy Rail Trail Committee - 13 November 2018 - Confirmed **ATTACHMENTS** 3. Assembly of Councillors - Councillor Briefing - 5 December 4. Assembly of Councillors - Pre Council Meeting Preparation -12 December 2018 To report the minutes of the Old Beechy Rail Trail and report the **PURPOSE** Assemblies of Councillors.

REPORTING

- The Assemblies of Councillors are reported herewith.
- The minutes of the Old Beechy Rail Trail Committee for 9 October 2018 and meeting notes of the Old Beechy Rail Trail Committee for 13 November 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

That pursuant to the provisions of Section 89 (2) of the Local Government Act, the meeting be closed to the public at 5:56pm and Council move into Closed Session in order to deal with:

SUBJECT	REASON	SECTION OF ACT
Minutes of the Closed Session	this matter deals with	Section 89 (2) (d) & (h)
Council Meeting held on 28	contractual matters; AND this	- A
November 2018	matter may prejudice the	1 2
	Council or any person.	
Chief Executive Key	this matter deals with	Section 89 (2) (a) & (d)
Performance Indicators	personnel matters; AND this	100000000000000000000000000000000000000
	matter deals with contractual	
	matters	

Frank Castles and Alison Martin left the meeting at 5:56pm

The meeting was declared closed at 6:14pm

CONFIRMED AND SIGNED at the meeting held on 27 FEBRUARY 2019

MAYOR