



Colac Otway
SHIRE

ORDINARY COUNCIL MEETING

MINUTES

Wednesday 24 July 2019

at 4:00 pm

Birregurra Hall

42-44 Main St, Birregurra

Next Council Meeting: 28 August 2019



COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

Wednesday 24 July 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 Birregurra
Hall on Wednesday 24 July 2019 at 4:00 pm.

MINUTES

1 DECLARATION OF OPENING OF MEETING

OPENING PRAYER

*Almighty God, we seek your
blessing and guidance in our
deliberations on behalf of the
people of the Colac Otway Shire.
Enable this Council's decisions to be
those that contribute to the true
welfare and betterment of our community.*

AMEN

2 PRESENT

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

Peter Brown, Chief Executive
Errol Lawrence, General Manager, Corporate Services
Tony McGann, General Manager, Infrastructure & Leisure Services
Ian Seuren, General Manager, Development & Community Services
Sarah McKew, Manager, Governance & Communications
Lyndal McLean, Governance Coordinator
Alison Martin, Coordinator, Communications
Tamzin McLennan, Acting Manager, People Performance & Culture
Frank Castles, Manager, Service & Operations
Madeleine Bisits, Manager, Arts & Leisure
Gary Warrener, Manager, Economic Development & Events
Mark McLennan, Acting Strategic Asset Coordinator
Vicki Jeffrey, Events Officer

3 APOLOGIES AND LEAVES OF ABSENCE

Nil

4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

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

All Council and Committee meetings are audio recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings.

Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy.

In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

Council will not use or disclose the recordings for any other purpose. It is an offence to make an unauthorised recording of the meeting.

5 QUESTION TIME

A maximum of 30 minutes is allowed for question time. To ensure that each member of the gallery has the opportunity to ask questions, it may be necessary to allow a maximum of two questions from each person in the first instance. You must ask a question; if you do not ask a question you will be asked to sit down and the next person will be invited to ask a question. Question time is not a forum for public debate or statements.

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

Ian Smales, President of the Birregurra Community Group (BCG)

1. I note that Council voted in June not to grant planning permission to Telstra to erect a telecommunications tower in Jenner Street Birregurra (behind the post office) and that Telstra was not prepared to consider any alternative location for a tower within Birregurra. On behalf of Birregurra Community Group, I note that the provision of improved mobile phone coverage remains an urgent priority for the town. I would appreciate an update about any further investigations Council may have made in pursuit of improved phone coverage since the June meeting and whether there is an on-going Council process to work with relevant agencies to improve it.

Having declared a conflict of interest, Cr Hart adjourned from the meeting at 4:05pm.

Cr Stephen Hart	Question time – Question about proposed Telstra tower in Birregurra
Nature of Disclosure	Indirect Interest
Type of interest	Section 78A
Nature of interest	Indirect financial interest. Own Telstra shares. Council may have to make a future decision on the Telstra Tower planned for Birregurra.

Having declared a conflict of interest, Cr Hanson adjourned from the meeting at 4:05pm.

Cr Kate Hanson	Question time - Written question from Ian Smales re Birregurra Telstra tower
Nature of Disclosure	Indirect Interest
Type of interest	Section 78A
Nature of interest	Section 78A – Indirect financial interest. I own shares in Telstra.

Response from General Manager, Development and Community Services

Council has had a number of positive discussions with both the Department of Communications and the Arts as well as Telstra. Both parties are agreeable to investigating an alternative site for a telecommunications facility in Birregurra. The Department has advised that there are provisions within their contract with Telstra that allows them to put forward a replacement site that covers the same general location and achieves similar coverage outcomes as reasonably determined by the Commonwealth. Council understands that Telstra is working with the Department to progress an alternative site and we are currently waiting on a further update from both Telstra and the Department.

Cr Hart returned to the meeting at 4:06pm.

Cr Hanson returned to the meeting at 4:06pm.

2. I note item 10.13 Notice of Motion - Allocation of funds on the agenda of today's meeting. The Birregurra Community Group is very appreciative of \$5,000 to the upcoming Birregurra Festival and Art Show from the 2019/20 Community Grants program in support of running of the event. We are equally grateful for similar support provided by Council in previous years. Birregurra Festival will be celebrating its twentieth anniversary in 2019. The Festival is run entirely by volunteers and is estimated to have attracted in excess of 12,000 attendees in 2018, with a flow-on of significant value to the town and wider Shire of gross regional product by \$1.1 million and an overall economic contribution of \$1.8 million, in addition to fund-raising opportunities to local community organisations including the primary school, kindergarten, Recreation Reserve, Football, Tennis and Cricket Clubs, Historical Society, Lions Club and Health Centre Auxiliary that would not otherwise be feasible. My request is that the Shire allocates funding that can be provided for all such events across the Shire on merit and equitably through an open grants process rather than through allocations of one-off funds to specific events.

Response from General Manager, Development & Community Services

Council acknowledges the significance of the Birregurra Festival and Art Show and the economic and social benefits it provides to the region. Typically, Council allocates funds to events through its Community Grants program which is a competitive process with applications assessed against an agreed set of criteria. As this is the subject of a Notion of Motion for today's meeting, I can't provide any further comment.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Simon Arundell, Bungador

Believe it or not I love local government; it's the closest government to the people. But I have so many friends that, after years of working in industry, have worked for the government and they can't get over the waste and the people not doing anything. So I ask my questions trying to help the Shire, not hinder it. I challenge this Shire to be the first one in Victoria to put on the internet their costings as they arise throughout the year so that the general public can see where the money is being spent, etcetera. So I make that challenge. Unfortunately I can't bring my accountant to look at the books, which I was offered last time, because the accountant is in Georgia, Russia. That is my challenge: open your books. People throughout Victoria are sick of local government and the waste. Let us, perhaps, lead the way and show how local government should be conducted.

Response from the Chief Executive

It is a difficult issue for us to respond to because we do follow the *Local Government Act*, the *Local Government Regulations*, the best practice reporting guides, the best practice budget processes that are produced by the State Government. I'm not exactly sure what Mr Arundell is seeking, so perhaps we meet with Mr Arundell, if he's willing to do that, and we sort through what he's really seeking. I have met with Mr Arundell before and found him to have some very good ideas, so I'm happy to work through that but I am unclear as to exactly what is expected of us and how we can improve this reporting for the community but happy to try to work through that.

I don't know enough about the game to make our meeting worthwhile but I do believe if you follow the guidelines, every figure possible should be put up so that the public can see it. I see Colac has a problem. If you look at, say, Murray Street: no dreams. I ran into an engineer the other day. He started with the Country Roads Board; he's now retired. All his working life, they talked about a dual highway for Colac and how we're going to get through Colac. He said he and all the men he worked with couldn't get over the fact that Colac never said 'boo'. Now, are you starting to think about this? Because you're running out of time. We need to start thinking and planning. Have you got a plan yet?

Response from the Chief Executive

I think this Council had a really red hot go - I think four or five years ago - at trying to solve the bypass issue, or the traffic issue in Murray Street and it couldn't get to a resolution that was satisfactory to the people of Colac or the Council, to VicRoads, to anyone. We are starting to think about how we might approach this. I think there is a resolution on Council's books that goes back and talks about doing a cost benefit analysis and trying to work out what a route may be. We've talked to Minister Pulford (the Minister for Roads) but there is considered to be little value in the very first year of this government to do that. They've got to get through their first budget and start to enact that and I think in the second half of the year we can have those conversations with the state government about funding some sort of further look at the potential for a bypass and that cost benefit analysis has been referred to by Council.

I hear what you say. It's been 60 years since the Maltby Bypass was built - the writing was on the wall then. Nothing said. You should have a dream now. What's the point of meeting in a year? You've got to come up with the dream. They want to hear from you. Well, I'll tell you

now, it'll be the little China men who determine Colac's future; someone who hasn't even been in the country for a couple of months. So I ask you to start to plan. I was on that last committee - it was a truck route. It was the most ridiculous truck route you could ever pick. So many corners where the trucks would have rolled over; the bridge on Wilson Street is on the wrong angle and would have had to have been all built; trucks crossing the railway line would have tipped over; trucks coming in at Armstrong Street at "Holts" would have tipped over. I was the only one who bothered to go for a drive but I think there were 130 houses that would never be allowed to park in front of their houses again and then you had all the industries along the route too. It really wasn't much of an inquiry.

Yvonne Francis, Apollo Bay

1. Is the Colac Otway Shire seriously considering the ridiculous idea of pumping fresh Otways water gathered (thanks to nature probably more than anything) and in various dams between Apollo Bay, Geelong and Colac back to Lake Colac after Barwon Water has dealt with making the water 'potable' - which means adding chlorine so we can drink it - in spite of the fact that today the *Colac Herald* could not find a person in Colac who approved of the idea?

Response from the Mayor

The answer to the question is no. It's recycled waste water.

Sorry - in that case, the cost of it published last Monday in the *Colac Herald* was enormous.

Response from the Mayor

We've got that item to discuss tonight so I can't go into great detail with it. There are, I think, as outlined in the report, a number of other benefits not just for filling Lake Colac but we'll just have to see what happens tonight and if we pursue it, there will certainly be more information after the vote this evening.

And you'll discuss the users of that water?

Yes absolutely, that would be the plan.

2. Why has our recent federal representative Sarah Henderson declared that the pot-holes between Apollo Bay - Forrest - Colac Roads were all fixed when in fact the road is in a terrible condition and all she may have done was paint the white lines? I believe the public needs to know the truth and we should not be told that a road has been repaired by our federal member when the pot-holes are absolutely astounding all over the Shire. Some of my family have made videos of the pot-holes they have to put up with every day driving to their homes. I'm talking about general, ordinary old pot-hole repair and partly on state roads which you should advise the Victorian Government how to fix, and secondly, roads you are directly responsible for, for example the road to Marriner's Falls and Paradise.

Response from General Manager, Infrastructure & Leisure Services

We had a meeting this morning of our Community Roads Advisory Committee and one of the aspects of that Committee was that community members were asked to offer-up problem roads around the Shire and the vast majority of those that we took note of today were in fact VicRoads

roads. So we will be taking up advocacy on those with VicRoads. I do appreciate Ms Francis letting us know about those particular roads that are our roads and we'll certainly have a look at those in the next couple of days with a view to getting them fixed.

My family drives up and down the road I mentioned every day and the pot-holes are just so numerous and so close together it is impossible to avoid them.

Response from the Mayor

I'm happy if you want to catch up for those specific roads that the Shire manage too, Tony.

Simon Arundell, Bungador

Lake Colac: Australia's greatest jewel! And all we've done is defile it. My great-grandfather walked off the Water Board the year they put the sewerage in the Lake. Of course there was Rossmoyne butter factory, Cororooke butter factory, the old Colac Dairying Company, the rubbish tip and finally the sewerage works – wow, what a lake we love! It's your greatest jewel and we do nothing with it. With this water - I read \$160,000 to \$200,000 to do a bit of a feasibility study, is that right? I suggest you save the ratepayers' money or the state payers' money by simply getting on the ruddy phone and making a few phone calls. Ask Barwon Water: what does it cost to send water, say, 100 kilometres? They must have some figures. If they don't, then Melbourne Water should have the figures. What would it roughly cost to build a pipeline and then you've got to ask yourself the question: how many years will it be before Geelong and Melbourne want to drink the stuff and nothing gets to Colac? I think there are a lot of simple questions to look at before you go and splurge \$160,000 to \$200,000 on a feasibility study. What will it cost? Will it ever get to Colac? If they're going to grow vegetables down that end, will only a drip come to Colac? What is the evaporation rate of Lake Colac? What is evaporation due to wind? What is the seepage of the Lake? And you might find that you've got to put in such a large volume, it'll do nothing. I hope it does, for the sake of Lake Colac. If Colac really had a brain, they'd build a road around Lake Colac like Lake Wendouree and you would have thousands of people there every Christmas and Easter. I'd like you take those thoughts when you look at the costing of it all. I wish it would work but I don't know.

Response from the Mayor

We'll certainly take those thoughts on board.

Yvonne Francis, Apollo Bay

I think it might be nice, Mr Mayor, if the questions you didn't pay attention to because the authors weren't present here - who submitted written questions – could be read out for the sake of the people who bothered to come to the public gallery?

Response from the Chief Executive

I wasn't here when the rules framing Question Time were developed but my experience in other Councils in requesting that people be present when the question is asked ensures that people

have asked genuine questions and so that's the purpose for that. We do write back to people and give them a response to their question.

My issue was just for the general interest of the rest of the ratepayers. It's a very important matter for such questions to be thrown about a little bit by officers, if relevant, and our elected representatives who sit here before us today, Mr Brown.

Response from the Chief Executive

The Councillors do have the questions and they have our proposed responses to them. The Mayor may wish to quickly summarise the nature of the questions that were asked.

Response from the Mayor

We don't normally do it Ms Francis but I'll read out the questions so you've got the gist without going through the answers, if that's okay?

That's very good, thank you.

Response from the Mayor

Questions from James Judd:

1. **When will the Colac Otway Shire Council require presentation of all Special Council and Special Committee Meetings be presented to Council for authorisation prior to matters the reason for the special meetings being voted on? We have had situations when minutes not presented for about 12 months when this is over 11 months after matters voted on, introduced and people charged. We have a situation coming up in 2021 when it would be possible no sitting Councillor present at a Special Meeting would still be on Council when minutes are presented for authorisation.**
2. **When will Colac Otway Shire Council acknowledge legitimate postal addresses on pension cards to qualify for pension concession on rates, not require non-postal addresses if to qualify for a concession? The Council requirement is forcing other authorities to send mail to false addresses with the risk mail will never be received. Plus cards cannot be used as evidence of an address when the address not the same.**
3. **Under the new proposed schedule for staging the annual Australia Day celebrations by the Colac Otway Shire, will the Council make available funds to assist small settlements meet most costs incurred in staging these activities, or will these lapse if no one shows interest in staging them?**

Question from Anne Newell:

Why is there a rule for burning off that applies only to designated townships? It does not seem legally reasonable that the many residents living out of the boundaries of townships are forced to be impacted by smoke at any time and cannot plan according to the Friday/Saturday rule?

Question from Kris Wilson:

I respectfully request that you attend (in person) a site visit to see the standard of the Park Avenue Reserve at 17A Park Avenue, Apollo Bay to listen to our concerns with the current investment Colac Otway Shire is making at Park Avenue Reserve at 17A Park Avenue, Apollo Bay to ensure the residents on the 'fringe areas' of Apollo Bay are not excluded from quality open space outcomes.

Question from Nassar Kotb:

The "Roadmap for a Carbon Neutral Plan" produced and endorsed by the Council in 2013 has the following timed recommendations:

1. *Investigate approved CFI methodologies related to local offset projects*
Whether or not Council wish to register a project under Australia's CFI, the CFI methodologies provide a best practice guide for projects.
Council may decide to register as an offset entity.
2. *Quantify the amount of land required to achieve carbon neutrality for the Council by 2020*
Arup recommend the use of the Department of Climate Change and Energy Efficiency's Full Carbon Accounting Model (FullCAM) to analyse the land requirements to quantify offsets from land.
The analysis should account for the necessary time taken for any land used for offsetting to reach a state where sufficient carbon is sequestered by 2020 in order for Council to meet its carbon neutral target.
3. *Identify appropriate areas of land suitable for local offsets*
This may include Council land, Crown land or private land. Where non-Council land is being investigated, initial conversations with the land's stakeholders and/or owners should begin.
4. *Develop a business plan for establishing local offsets*
The business plan should contain the following information:
 - The relevant stakeholders of the land.
 - The Council (or community or outsourced) personnel required to manage the land.
 - A business case with capital and operational costs until 2020 and beyond.
 - A governance structure to the local offsets regarding ownership of land and ownership of its offsets.
 - A detailed investigation to the appropriate type of offset (type of vegetation, length of time of maturity, re-calculation of estimated carbon).

Would the Council provide a timeline of actions taken to fulfil the 2013 recommendations?

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

Dorothy Warrender, Elliminyt

I have a stormwater drain going through the back of my place and it is leaking; it is bubbling up out of the ground. Who is responsible for the drain? I have been to [the] water [authority] because I thought they might be responsible. They said "no", it belongs to the Shire. I've been to the Shire and they say it's not their responsibility. I would like to know who is responsible.

Response from General Manager, Infrastructure & Leisure Services

The Service and Operations team attended the address in Pound Road to investigate the cause of the drainage problem. A broken storm water pipe was identified and ultimately repaired. The final fix was completed on 4 July 2019.

Damien Byrne, Apollo Bay

I am the President of the Apollo Bay Men's Shed. There appears to be an inconsistency in the planning requirements for developments relating to the Men's Shed. We've been required, as part of our planning permit, to construct a stormwater detention system which leads into the barrel drain along Moore Street. There is a development immediately across the road. We're located at 7 Fisk Street. There is a development at 10 Fisk Street - immediately across the road from where the Men's Shed is. There are three houses going on that block. The area of that block with the three houses going on it is the equivalent to the area that's allocated for the Men's Shed. There is no requirement for a stormwater detention system for that development of the three houses and yet we have to build a fairly expensive one as designed by a member of the Shire. Why do we have to do it and they don't? Can I just qualify that in that, their drainage goes into the same barrel drain as the one from the Men's Shed.

Response from General Manager, Development & Community Services

The development across the road at 44 Nelson Street did not require a detention system as the permit was issued in April 2018 before the planning scheme amendment in October 2018 which now requires two or three lot subdivisions to have detention systems. Therefore, if 44 Nelson Street had been applied for after October 2018, a detention system would have been required.

In regards to the Apollo Men's Shed, we will look further into their requirements and their proposed solution for the stormwater detention system (as their solution had previously been rejected). The condition requiring detention on the planning permit had been decided by a previous development engineer likely due to the large increase in imperviousness area due to the shed/car parking.

Yvonne Francis, Apollo Bay

1. It's disturbing the way cats and kittens continue to be dumped in Apollo Bay. Would the Colac Otway Shire consider devising an appropriate ten-year cat plan to encourage owners to confine their pets and fine people who actually abandon animals in Apollo Bay?

Response from General Manager, Development & Community Services

Council officers have made contact with you in relation to your question to Council regarding cats and a ten year plan to control the number of cats. As you know, the feral cat problem is a national challenge that is very difficult to fix but Council is committed to trying to help reduce the problem at the local level.

It was explained to you that Council's current Domestic Animal Management Plan (DAMP) identifies the actions Council will do to try to manage problem cats. The DAMP Plan is updated every four years and the community is invited to make comment during the public consultation process in regards to cats. The current plan can be viewed on Council's website at the following address:

<https://www.colacotway.vic.gov.au/Council-the-shire/Reports-strategies-plans/Strategies-plans#section-1>

Council officers will continue to work with you in accordance with the actions in the DAMP to try and manage cat problems in Apollo Bay. This includes reminding cat owners of their responsibilities and providing impacted residents with traps for hire to try and catch cats that are causing problems. Council has recently been working with the community in the Murray Square area of Apollo Bay to try to reduce the problem and will also continue to work with you to try to manage this difficult problem in a humane and responsible manner. If you wish to discuss this matter further or wish to hire a cat trap, please contact Council's Compliance Unit on 5232 9400.

2. **Would the Colac Otway Shire please produce a thorough inventory of the state of the drains, footpaths and road surfaces in Skenes Creek? I had an accident there last October riding a Moped and it involved the ambulance system and the TAC and I believe the accident was specifically because of the condition of the road surface. I think it was the corner of Vista and Point Avenue. It is simply rubble, like marble connies or balls of rock and it's most unsuitable for two-wheeled vehicles and I'm terrified to go driving there ever again even though I quite happily ride around the streets of Melbourne and on our farm on the Barham River Road. This, I think, is not worthy of our community to have streets in such bad condition.**

Response from General Manager, Infrastructure & Leisure Services

Team Leader Brian Edwards and Supervisor Wayne Roberts have spoken to Ms Francis in person to better understand her concerns.

They have also visited the site of the reported incident. While the road was not seen to be in very bad condition they did apply repairs. The repairs included applying more material and rolling the surface with a multi wheel roller. The surface is now much improved and will reduce the risk of a similar incident. Ms Francis did indicate her preference for the area to be sealed with asphalt.

David Melrose, Kennett River

We have a property in Kennett River about 100 metres from what I would call the very centre of Kennett River. We face Grey River Road alongside of our property boundary. That is the area where many thousands of tourists come for a koala fix and a quick feed-the-birds encounter and we've noticed over the last five years that the roadway has quietly been broadening and becoming a massive dust area. The traffic has increased and while I appreciate some of the great ideas of the Kennett River plan in diverting the tourists to the river area, I

believe the quick-fix may still exist and I believe Grey River Road is probably one of the most heavily trafficked gravel roads that you'll come across in your Shire. I noticed that the plan does not address the dust issue in Grey River Road and yet it is a very close road to the centre of Kennett River. I believe there may be some issues as to who is responsible for the road but I'm hoping that the Council can overcome that and revisit the idea of sealing part of that road, at least within the confines of the Kennett River settlement. Can this be looked at, please?

Response from General Manager, Infrastructure & Leisure Services

Council officers have been in discussions with the Kennett River Community about sealing the first 50 – 100 metres of Grey River Road for the purpose of delineating the roadway to address safety concerns with the congregation of tourists near the intersection with Hawdon Avenue. We are continuing to consider whether this safety work can be incorporated into our budget. This will have an added benefit of relieving Mr Melrose's concerns about dust from the road.

Simon Arundell, Bungador

Earlier this year you decided to paint the fronts of some of the shops. Not your job. How many shops took up this option of - I think it was \$3,000 of frontage – and how many of those shops belong to people in the Shire? How many belong to people in Melbourne? How much money was overall spent, not just on the \$3,000 per shop but the cost of the officers administering this 'gift' which you should not be involved in? Can anyone answer those questions?

Response from General Manager, Development & Community Services

The Building Façade Improvement Program category of the Council's Grant Program provides business operators with the opportunity to obtain a grant of up to \$2,000 (with matching dollar for dollar funding from the applicant) to improve their shop façade. In 2018/19 a total of ten grants were provided with seven businesses owned by people in the Shire. None of the businesses are owned by Melbourne people. The three businesses which are owned by people not from the Shire or Melbourne are currently employing local people. A total of \$18,864 out of the allocated budget of \$20,000 was provided in grants. The total cost of administering this one category of the overall Council Grants Program, which has four categories, is difficult to determine as no data is taken on how long the officer who manages the overall grant program spent specifically on the Building Façade Improvement Program category. The Façade category is the smallest category of the four categories in the overall Grant Program.

The Building Façade Improvement Program will be made available for the 2019/2020 financial year, again with a program budget of \$20,000.

7 PETITIONS / JOINT LETTERS

Nil

8 DECLARATIONS OF INTEREST

Cr Stephen Hart	5.1
Nature of Disclosure	Indirect Interest
Type of interest	Section 78A
Nature of interest	Question time - Question about proposed Telstra tower in Birregurra.

Cr Kate Hanson	5.1
Nature of Disclosure	Indirect Interest
Type of interest	Section 78A
Nature of interest	Question time - Written question from Ian Smales re Birregurra Telstra tower.

Cr Jason Schram	10.7
Nature of Disclosure	Direct Interest
Type of interest	Section 77B
Nature of interest	Asked by contractor Lang to provide quote to works.

9 CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on 26 June 2019.

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Kate Hanson

That Council confirm the minutes of the Ordinary Council Meeting held on 26 June 2019.

CARRIED 7 : 0

Item: 10.1

Australia Day 2020 Award Categories and Location

OFFICER	Vicki Jeffrey
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	1. 2020 Australia Day Award Guidelines [10.1.1 - 2 pages] 2. Australia Day 2020 Award Nomination Form [10.1.2 - 2 pages]
PURPOSE	Australia Day 2020

RECOMMENDATION

That Council:

1. Approves the 2020 Australia Day event and citizenship ceremony to be held in Beeac.
2. Recommends beyond the 2020 Australia Day event, Council recommences a four-year location rotation with the event being held in Colac, Small Town, Apollo Bay, Small Town, with small towns being selected using an Expression of Interest process.
3. Approves the following award categories for the Australia Day Awards 2020:
 - i. Citizen of the Year
 - ii. Young Citizen of the Year
 - iii. Community Service of the Year
4. Instructs officers to update the Colac Otway Shire Australia Day Award Guidelines to reflect the new award categories.

MOTION

MOVED Cr Stephen Hart

That Council split Item 10.1 – Australia Day 2020 Award Categories and Location into three recommendations:

- 1. the first dealing with point 1, the location of the 2020 Australia Day event;*
- 2. the second dealing with point 2, future locations; and*
- 3. the third dealing with the matters in point 3 and 4, award categories and guidelines.*

CARRIED 7 : 0

ALTERNATIVE MOTION

MOVED Cr Chris Smith, SECONDED Cr Chris Potter

That Council approves the 2020 Australia Day event and citizenship ceremony to be held in Beac.

CARRIED 7 : 0

RECOMMENDATION 2

That Council recommends beyond the 2020 Australia Day event, Council recommences a four-year location rotation with the event being held in Colac, Small Town, Apollo Bay, Small Town, with small towns being selected using an Expression of Interest process.

ALTERNATIVE MOTION

MOVED Cr Chris Smith, SECONDED Cr Stephen Hart

That Council determines that the 2021 Australia Day event be held in Colac.

CARRIED 7 : 0

RECOMMENDATION 3

That Council:

- 1. Approves the following award categories for the Australia Day Awards 2020:*
 - i. Citizen of the Year*
 - ii. Young Citizen of the Year*
 - iii. Community Service of the Year*
- 2. Instructs officers to update the Colac Otway Shire Australia Day Award Guidelines to reflect the new award categories.*

ALTERNATIVE MOTION

MOVED Cr Chris Smith, SECONDED Cr Joe McCracken

That Council approves the following award categories for the Australia Day Awards 2020 and 2021:

- i. Citizen of the Year***
- ii. Young Citizen of the Year***
- iii. Community Service of the Year***
- iv. Sporting Service of the Year***
- v. Arts Service of the Year***

CARRIED 7 : 0

The meeting adjourned for a short break at 5.03pm.
The meeting resumed at 5.06pm.

Item: 10.2

Reclaiming water for regional economic development

OFFICER	Ian Seuren
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	Nil
PURPOSE	To discuss the proposal to undertake an Economic Feasibility and Cost Benefit Analysis for the use of recycled water to replenish Lake Colac.

RESOLUTION

MOVED Cr Chris Smith, SECONDED Cr Chris Potter

That Council:

- 1. Endorses the preparation of an Economic Feasibility and Cost Benefit Analysis to determine the feasibility of utilising water from Barwon Water's Black Rock Water Reclamation Plant for industry including agriculture and replenishing lakes including Lake Colac.*
- 2. Supports this project as a Priority Project of Council.*
- 3. Writes to Surf Coast Shire seeking its support for the project.*
- 4. Requests that the G21 Regional Alliance, through its Economic Development Pillar and Environment Pillar, considers this project as a Pillar Priority Project.*
- 5. Seeks external funding support to undertake the Economic Feasibility and Cost-Benefit Analysis.*

CARRIED 6 : 1

DIVISION

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

Against the motion: Cr Stephen Hart

Gary Warrener left the meeting at 5.28pm.

Vicki Jeffrey left the meeting at 5.28pm.

Item: 10.3

Port of Apollo Bay Management Agreement

OFFICER	Frank Castles
GENERAL MANAGER	Tony McGann
DIVISION	Infrastructure & Leisure Services
ATTACHMENTS	<ol style="list-style-type: none">1. Port of Apollo Bay port management agreement 2019 - 2022 - Do T Colac Ot... [10.3.1 - 30 pages]2. Port of Apollo Bay Service Review Report Final 2018 [10.3.2 - 34 pages]
PURPOSE	To consider whether Colac Otway Shire should continue as the manager of the Port of Apollo Bay for the next three years, through to 1 July 2022.

RESOLUTION

MOVED Cr Chris Potter, SECONDED Cr Stephen Hart

That Council authorises the Chief Executive to affix the Common Seal of Colac Otway Shire Council and to sign a three-year Management Agreement with the State Government, concluding 1 July 2022, to manage the Port of Apollo Bay site and associated functions.

CARRIED 5 : 2

DIVISION

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

Against the motion: Cr Joe McCracken, Cr Chris Smith

MOTION

MOVED Cr Chris Potter

That Council consider items:

10.6 Port of Apollo Bay Consultative Committee Membership

10.8 Review of Election Period Policy

10.9 Audit Committee Minutes – 13 March 2019

en bloc, allowing for questions for items 6, 8 and 9.

CARRIED 7 : 0

Item: 10.4

Adoption of 2019 municipal revaluation

OFFICER	Paul Carmichael
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	<ol style="list-style-type: none">1. Generally True and Correct Letter [10.4.1 - 1 page]2. Report of General Valuation - Form 2 [10.4.2 - 1 page]3. General Rates - Average movement by locality [10.4.3 - 1 page]
PURPOSE	To note the 2019 municipal revaluation for use as the basis of levying municipal rates and charges for the 2019-20 financial year.

RECOMMENDATION

MOVED Cr Brian Crook, SECONDED Cr Kate Hanson

That Council note the 2019 municipal revaluation provided by the Valuer General Victoria and proceed to use these valuations for municipal purposes for the 2019-20 financial year.

ALTERNATIVE MOTION

MOVED Cr Brian Crook, SECONDED Cr Kate Hanson

That Council:

- 1. note the 2019 municipal revaluation provided by the Valuer General Victoria and proceed to use these valuations for municipal purposes for the 2019-20 financial year.*
- 2. write to the Valuer General Victoria expressing its concerns about the wide range found in the valuations over the last 12 months.*

MOTION

MOVED Cr Stephen Hart

That the two points of the Alternative Motion be considered separately.

CARRIED 5 : 2

ALTERNATIVE MOTION

MOVED Cr Brian Crook, SECONDED Cr Kate Hanson

That Council note the 2019 municipal revaluation provided by the Valuer General Victoria and proceed to use these valuations for municipal purposes for the 2019-20 financial year.

CARRIED 6 : 1

DIVISION

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

Against the motion: Cr Chris Smith

ALTERNATIVE MOTION

MOVED Cr Chris Smith, SECONDED Cr Stephen Hart

That Council write to the Valuer General Victoria expressing its concerns about the wide range found in the valuations over the last 12 months.

CARRIED 7 : 0

Item: 10.5

2019 Community Satisfaction Survey

OFFICER	Melanie Duve
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	<ol style="list-style-type: none">1. Community Satisfaction Survey Results - Extended Question Report - 30 May 2019 [10.5.1 - 8 pages]2. Results - Community Satisfaction Survey 2019 [10.5.2 - 86 pages]
PURPOSE	To provide Council with a summary of the findings of the 2019 Community Satisfaction Survey (CSS) results.

RESOLUTION

MOVED Cr Chris Potter, SECONDED Cr Brian Crook

That Council notes the 2019 Community Satisfaction Survey Results.

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

Item: 10.6

Port of Apollo Bay Consultative Committee Membership

OFFICER	Simon McBeth
GENERAL MANAGER	Tony McGann
DIVISION	Infrastructure & Leisure Services
ATTACHMENTS	1. POABCC - Terms of Reference - Final - May 2019 [10.6.1 - 4 pages]
PURPOSE	Community Consultation

RECOMMENDATION

That Council appoint new members to the Port of Apollo Bay Consultative Committee as follows:

- 1. John Marriner, as a community representative;*
- 2. Peter Biddle, as the representative for Apollo Bay Ocean Rescue.*

MOTION

MOVED Cr Joe McCracken, SECONDED Cr Chris Potter

That Council adopt the recommendations from items:

- 10.6 Port of Apollo Bay Consultative Committee Membership*
- 10.8 Review of Election Period Policy*
- 10.9 Audit Committee Minutes – 13 March 2019*

en bloc, as detailed below.

- 1. That Council appoint new members to the Port of Apollo Bay Consultative Committee as follows:*

- 1.1 John Marriner, as community representative;*
- 1.2 Peter Biddle, as the representative for Apollo Bay Ocean Rescue.*

2. *That Council adopt the revised Election Period Policy.*
3. *That Council receives for information the Colac Otway Shire Audit Committee minutes dated 13 March 2019.*

CARRIED 7 : 0

The meeting adjourned for a short break at 6.49pm.
The meeting resumed at 6.57pm.

Item: 10.7

Contract 1951 - Western Reserve Oval Reconstruction Works

OFFICER	Dale Barrow
GENERAL MANAGER	Tony McGann
DIVISION	Infrastructure & Leisure Services
ATTACHMENTS	Nil
PURPOSE	To consider tenders received for Contract 1951 – Western Reserve Oval Reconstruction Works

Having declared a conflict of interest, Cr Jason Schram adjourned from the meeting at 6.58pm and did not take part in debate nor vote on the matter.

Cr Jason Schram	10.7
Nature of Disclosure	Direct Interest
Type of interest	Section 77B
Nature of interest	Asked by contractor Lang to provide quote to works.

Cr Joe McCracken (Deputy Chair) chaired the meeting for the remainder of this item.

RESOLUTION

MOVED Cr Brian Crook, SECONDED Cr Chris Potter

That Council:

- 1. Awards Contract No. 1951 – Western Reserve Oval Reconstruction Works to Lang PW & VE, 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 No. 1951 - Western Reserve Oval Colac Reconstruction.*
- 3. Requests 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 : 0

Cr Schram returned to the meeting at 7.07pm and resumed the chair.

Item: 10.8

Review of Election Period Policy

OFFICER	Sarah McKew
GENERAL MANAGER	Peter Brown
DIVISION	Executive
ATTACHMENTS	1. 18.4 Election Period Policy - July 2019 - For Adoption [10.8.1 - 11 pages]
PURPOSE	To review the Election Period Policy ahead of the statutory requirement for Council to adopt this policy prior to October 2019

RECOMMENDATION

That Council adopt the revised Election Period Policy.

This item was considered en bloc with items 10.6 and 10.9. Please refer to the motion under Item 10.6 for the resolution.

Item: 10.9

Audit Committee Minutes - 13 March 2019

OFFICER	Lyndal McLean
CHIEF EXECUTIVE	Peter Brown
DIVISION	Executive
ATTACHMENTS	1. Audit Committee Meeting - Minutes - Signed - 13 March 2019 [10.9.1 - 20 pages]
PURPOSE	To receive for information the Colac Otway Shire Audit Committee minutes dated 13 March 2019.

RECOMMENDATION

That Council receives for information the Colac Otway Shire Audit Committee minutes dated 13 March 2019.

This item was considered en bloc with items 10.6 and 10.8. Please refer to the motion under Item 10.6 for the resolution.

10.10

Report from Delegate - Municipal Association of Victoria (MAV) State Council Meeting on 17 May 2019

COUNCILLOR	Stephen Hart
ATTACHMENTS	<ol style="list-style-type: none">1. Email (4/05/2019) from Cr Hart to all Councillors and the Chief Executive regarding the forthcoming MAV State Council meeting and resolutions to be considered [10.10.1 - 1 page]2. Resolutions adopted at the MAV State Council meeting on 17/05/2019 [10.10.2 - 17 pages]3. MAV member services report, Colac Otway Shire [10.10.3 - 2 pages]

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Joe McCracken

That Council notes the report from Council's MAV Delegate regarding the meeting held on 17 May 2019.

CARRIED 7 : 0

10.11

Notice of Motion - Release of recordings of Council meetings

COUNCILLOR Cr Stephen Hart

ATTACHMENTS Nil

NOTICE OF MOTION

That Council:

1. *Acknowledges that the community has the right to hear the debate at Council meetings open to the public even if they are unable to attend the Council meeting in person,*
2. *Resolves that effective from the September 2019 Ordinary Council meeting, earlier if possible, that recordings of Council meetings open to the public are to be made available on the Council's website and may be circulated by other means such as email attachments or on CD, and*
3. *Authorises the necessary changes to the introductory comments read by the Mayor to alert attendees that recordings of Council meetings open to the public will be available to the public on Council's website and may be circulated by other means, such as by email attachments.*

AMENDED NOTICE OF MOTION

MOVED Cr Stephen Hart, **SECONDED** Cr Joe McCracken

That Council:

1. *Acknowledges that the community has the right to hear the debate at Council meetings open to the public even if they are unable to attend the Council meeting in person,*
2. *Resolves that effective from the December 2019 Ordinary Council meeting, earlier if possible, that recordings of Council meetings open to the public are to be made available on the Council's website and may be circulated by other means as deemed appropriate,*

3. *Authorises the necessary changes to the introductory comments read by the Mayor to alert attendees that recordings of Council meetings open to the public will be available to the public on Council's website and may be circulated by other means, such as by email attachments,*
4. *Approves the amendment of those parts of Council Policy 18.6 'Audio Recording of Council Meetings' and any other associated Council policies and documents that would otherwise prevent the release of recordings to the public and how those recordings may be used. This is to allow the actions described in points 2 and 3 to occur,*
5. *Requires that any disclosure of a recording by a Councillor must be the actual recording as released by Council, must not be altered or edited in any way and its treatment must be consistent with all relevant Council policies, and*
6. *Acknowledges that this resolution does not authorise the release of any recordings made prior to the December 2019 Ordinary Council Meeting and does not alter any existing rights.*

CARRIED 7 : 0

Tamzin McLennan attended the meeting at 7.18pm.
Mark McLennan attended the meeting at 7.28pm.

The meeting adjourned for a short break at 7.38pm.
The meeting resumed at 7.48pm.

10.12

Notice of Motion - Allocation of funds for Norfolk Pine lights

COUNCILLOR	Cr Jason Schram
ATTACHMENTS	Nil

Due to this being Cr Jason Schram's Notice of Motion, Cr Joe McCracken (Deputy Mayor) chaired this item.

RECOMMENDATION

That Council:

1. *Allocates the \$4,000 unspent from the 2018/19 budget allocation for Christmas decorations and an additional \$6,000 of unexpended funds from the 2018/19 budget towards the Norfolk Pine Lights Project in Apollo Bay subject to;*
 - a) *The Apollo Bay Chamber of Commerce and/or any other organisation or member/s of the community other than Council contributing a matching \$10,000 to the project; and*
 - b) *The Apollo Bay Chamber of Commerce submitting an application similar to Council's Community Grants program.*
2. *Resolves to make the \$10,000 available immediately when points 1 a) and 1b) are fulfilled.*
3. *Resolves that Council will not be responsible for any ongoing maintenance of the lights.*
4. *Directs Council officers to assist the Apollo Bay Chamber of Commerce in any planning or regulatory matters that may occur with the Norfolk Pine Lights Project.*

AMENDED NOTICE OF MOTION

MOVED Cr Jason Schram, SECONDED Cr Chris Smith

That Council:

1. *Allocates the \$4,000 unspent from the 2018/19 budget allocation for Christmas decorations and an additional \$6,000 of unexpended funds from the 2019/20 Community Grants fund towards the Norfolk Pine Lights Project in Apollo Bay subject to;*
 - a) *The Apollo Bay Chamber of Commerce and/or any other organisation or member/s of the community other than Council contributing a matching \$10,000 to the project; and*
 - b) *The Apollo Bay Chamber of Commerce submitting an application similar to Council's Community Grants program.*
2. *Resolves to make the \$10,000 available immediately when points 1 a) and 1b) are fulfilled.*
3. *Resolves that Council will not be responsible for any ongoing maintenance of the lights.*
4. *Directs Council officers to assist the Apollo Bay Chamber of Commerce in any planning or regulatory matters that may occur with the Norfolk Pine Lights Project.*

CARRIED 7 : 0

Cr Jason Schram resumed the chair at the conclusion of this item.

10.13

Notice of Motion - Allocation of funds

COUNCILLOR Cr Chris Potter

ATTACHMENTS Nil

NOTICE OF MOTION

That Council:

- 1. Notes the submission from the Apollo Bay Chamber of Commerce to Council's 2019/2020 budget process requesting funding for the Festive Norfolk Lights project (Lighting of the Norfolk Pine), the Winter Wild Festival and the Seafood Festival.*
- 2. Acknowledges that there is capacity to fund these projects through a possible carryover of unexpended funds from the 2018/2019 budget.*
- 3. Allocates funding of up to \$15,000 for the Festive Norfolk Lights project on the Apollo Bay foreshore, \$20,000 for the Winter Wild Festival and \$20,000 for the Seafood Festival.*
- 4. Resolves that the allocation of up to \$15,000 for the Festive Norfolk Lights project is subject to a co-contribution or sponsorship of at least 25% of the total project cost (eg: \$5,000) from the Apollo Bay Chamber of Commerce or other entity to match Council's contribution.*
- 5. Resolves that the funding allocation of \$20,000 each for the Winter Wild Festival and the Seafood Festival through this process will cancel the recent allocation of funds to these events from Council's Community Grants program.*
- 6. Resolves that these funds be sourced from the remaining funds from the 2018/2019 allocation for the operational costs of the Apollo Bay pool, estimated to be \$63,000.*

This Notice of Motion was withdrawn by Cr Chris Potter.

Item: 10.14

Assembly of Councillors

OFFICER	Lyndal McLean
CHIEF EXECUTIVE	Peter Brown
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. Assembly of Councillors - Pre Council Meeting Preparation - 26 June 2019 [10.14.1 - 1 page]2. Assembly of Councillors - Councillor Briefing - 3 July 2019 [10.14.2 - 2 pages]3. Assembly of Councillors - Councillor Briefing - 10 July 2019 [10.14.3 - 2 pages]4. Assembly of Councillors - Friends of the Colac Botanic Gardens Advisory Committee - 11 July 2019 [10.14.4 - 1 page]
PURPOSE	To report the Assemblies of Councillors

REPORTING

The Assemblies of Councillors are reported to Council herewith.

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

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

RESOLUTION

MOVED Cr Kate Hanson, SECONDED Cr Brian Crook

That pursuant to the provisions of Section 89(2) of the Local Government Act 1989, the meeting be closed to the public at 8:27pm and Council move into Closed Session in order to deal with:

SUBJECT	REASON	SECTION OF ACT
Minutes of the Closed Session Council Meeting held on 24 April 2019	This matter deals with contractual matters	Section 89 (2) (d)
Bonniemike Cinema Lease	This matter deals with contractual matters	Section 89 (2) (d)
CE Employment Matters Advisory Committee	This matter deals with personnel matters; AND this matter deals with contractual matters	Section 89 (2) (a) & (d)

CARRIED 7 : 0

The meeting was declared closed at 8.50pm

CONFIRMED AND SIGNED at the meeting held on 28 August 2019.



.....MAYOR