



Colac Otway
SHIRE

ORDINARY COUNCIL MEETING

MINUTES

Wednesday 26 February 2020

at 4:00 pm

COPACC

95 - 97 Gellibrand Street, Colac Victoria

Next Council Meeting: 25 March 2020



COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

Wednesday 26 February 2020

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COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at COPACC on
Wednesday 26 February 2020 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)

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
Lyndal Redford, Governance Officer
Doug McNeill, Manager, Planning, Building & Health
Simon Clarke, Strategic Planning & Major Projects Coordinator
Vicki Jeffrey, Events Officer
Maree East, Coordinator Corporate Customer Assist
Nick Howard, Finance Coordinator
James Myatt, Economic Development Coordinator
Frank Castles, Manager, Services & Operations
Lee Castles, Senior Procurement and Contracts Officer
Mark McLennan, Strategic Property Coordinator
Simon Russell, Facilities Officer
Katrina Kehoe, Economic Development Officer
Buddhima Edi, Asset Management Coordinator

Tamzin McLennan, Acting Manager, Economic Development & Events
Melanie Duve, Corporate Planning & Reporting Officer
Tim Brain, Development Engineer
Helen Evans, Senior Statutory Planner

3 APOLOGIES AND LEAVES OF ABSENCE

Nil

4 ABSENT

Cr Chris Smith

5 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.

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

By participating in open Council meetings, individuals consent to the use and disclosure of the information they share at the meeting (including any personal and/or sensitive information).

Audio recordings of meetings will be available to the public on Council's website as soon as practicable following the meeting and may be circulated by other means also. Audio recordings are also taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy. Original audio recordings will be retained by Council for a period of four years.

As stated in Local Law 4, other than an official Council recording, no video or audio recording of proceedings of Council Meetings will be permitted without specific approval by resolution of the relevant Council Meeting.

6 QUESTION TIME

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

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

James Judd, Colac

1. Since community complaints are being made about the usability of the Bluewater swimming pool, other than usage of the 24/7 gymnasium, is the membership and usage by non-concession people of other activities conducted by Bluewater steady, increasing or reducing?

Response from General Manager, Infrastructure & Leisure Services

Council officers are uncertain about the reference to community complaints about “usability of the Bluewater swimming pool” however we can report that memberships and casual visits outside of 24/7 gym members at Bluewater have remained steady, with slight increases recorded over the last two years in areas such as swim school and aquatics (such as pool and aquatic classes).

2. Does the Colac Otway Shire Council propose to hold Australia Day celebrations in each year if a code red fire danger day has not been declared, or, only in years when a body has shown interest in staging the celebrations as long as no code red declaration is made?

Response from General Manager, Development & Community Services

At this point in time, Council intends to hold Australia Day celebrations annually.

3. Will the Colac Otway Shire Council consider a battery network to store excess power when produced by the Council’s solar panel network so in times of low production you will have a source of stored electric power to draw on before you purchase from the grid?

Since a state government officer now claims that those with solar panels will be required to purchase from the grid in times of low power production so they will have a uniform and steady supply of electric power since purchases from the grid are at much higher prices to those received for excess power now sold into the grid under contracts into or amended in the past few years.

Response from General Manager, Development & Community Services

All of Council’s Solar Panel systems are ‘behind-the-metre’ systems, which means that the electricity generated by the solar panels is first used by the facility that they are attached to, before any excess electricity is fed into the grid. The systems were sized to match the electricity demand patterns of each facility to ensure that export to the grid is minimised and kept below 5% of total annual generation. This eliminates the need for battery storage as solar batteries are expensive when considering purchase price, installation costs, ongoing maintenance, replacement and disposal costs. Colac Otway Shire is therefore not intending to install batteries as part of the existing solar panel systems at this time, but will continue to follow the development and deployment of this technology and assess its suitability for Council operations in terms of energy efficiency improvements, electricity cost reduction and electricity supply security in the future.

4. Does the Colac Otway Shire Council ever check-up to make certain grass is cut and fire hazards removed from a property before the declared fire danger period starts, then run checks to make certain fire hazards are not again allowed to build up in the declared fire danger period?

It is a disgrace when growth just cut and allowed to remain on top of the ground to dry off and become a far worse fire hazard. Plus nothing further attended to during the fire danger period when other growth has come up and died off.

When Council has already given an undertaking this site would be required to be maintained in a proper condition throughout the declared fire danger period, plus extra fire hazards are being added to these vacant sites. The very poor attention to the build-up of fire hazards on these lots have been reported to Council many times over many years.

Response from General Manager, Development & Community Services

Prior to the commencement of the Fire Danger Period, Council does not issue Fire Prevention Notices. However, Council does check properties that have previously been issued with notices in the past, before the Fire Danger Period is declared and issue them notices if required as soon as the season is declared by the CFA. Council then continues to monitor properties throughout the Fire Danger Period to ensure they continue to meet the required standards.

5. How much money is required by the Colac Otway Shire Council to pay for purchases of power from the grid in the first six months of the 2019-2020 financial year to make up the difference in total Council requirements above production from the solar panels put in at Council sites?

Response from General Manager, Corporate Services

A total of \$256,878.63 excluding GST has been spent for the first six months at all Council sites. During the same period of six months, Council's solar panel systems saved Council approximately \$29,870 in avoided electricity costs.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Helen Paatsch, Colac

I live in the area down near the Joseph Paatsch Reserve, which is the nature walk between Fulton Street and Forest Street.

1. My question is – and I think there are three parts to this really – who is or who are the management authorities for various aspects of that area? I refer, first of all, to the Joseph Paatsch Reserve which is on the southern side of the creek. It was managed by one of the Rotary clubs and I understand that since then it has been handed back to the Council and I'm wondering whether the Council has a regular maintenance program planned for it because I notice that the grass/weeds are getting rather long.
2. The second part of my question is in relation to the northern side of the creek, which I understand is in private ownership, not the Council or any of the government agencies. There is an enormous amount of blackberry infestation there and of course it blows into all of our gardens along there.
3. The third part is the waterway of the creek itself, where the cumbungi – and I understand it's a protected species – has just taken over and you wouldn't really know, in a lot of that area, that there is a creek there.

Response from General Manager, Infrastructure & Leisure Services

Council is the managing authority for that area. We do have a maintenance regime on that but I will have to take on notice the questions around the frequency and so forth. I'll also take on notice, and we might do some site inspections, the comments around blackberry growth and other plant material effectively blocking the creek.

Tony Webber, Otway Forum, Apollo Bay

I'd like to know why the petition that is being presented today at the Council Meeting is not being discussed, as normal, at the next meeting in March?

Response from Chief Executive

As the CEO of this organisation I have an obligation under law to provide a safe working environment for both staff and Councillors. Following the meeting where the issues around the Great Ocean Bight were considered, several Councillors expressed to me concern about their personal safety. As a consequence of that, I've given some thought to how we can best ensure people are not only safe but feel safe in their workplace and it's an obligation that I have across the whole organisation all the time. This Council, traditionally, hasn't had a great reputation for occupational health and safety and one of the things that I am very concerned about is that we address that issue, which we have been doing in my time here, and that we provide a safe workplace for all people that come here. I think that, in my opinion, is the major issue here and for me that's the predominant issue: no other issues have influenced my recommendation to Council on this. I do believe that the petition is very important. I believe the staff and the Councillors believe it's important and it deserves due consideration and we will do that - we can do that adequately - at the April meeting here in Colac.

Phillipa Bailey, Kwararren

I was actually going to ask the same question but I suppose I'd just like to re-frame that. Why, after all our work and the due process that we know in hearing petitions, it's not being heard today? I hear Mr Brown and his response but I would just like to be able to say, do you consider anyone that tries to raise some initiative and get support from your local community on an issue that effects everybody would you consider them to be threat to you? Because here am I: I'm a community worker, a local, a gardener, all sorts of things and I feel a slur that I'm being somehow identified as possibly being a trouble maker and that's not what it's about at all. So could you answer that please?

Response from Chief Executive

I do hear what you have to say and that is certainly not the way that I've approached it. I've approached it purely from a duty to protect Councillors and staff and I do take that very seriously and I'm prepared to wear criticism by doing that. There are other things here where I've done the same thing. But I can assure you that, while I don't necessarily expect you to believe me. I can assure you that is my motive and my only motive.

Yvonne Francis, Apollo Bay

1. I'd like to ask a series of questions about meetings that you have in Apollo Bay:
 - a. How many do you have per year?
 - b. How are they advertised to the rate payers?
 - c. Has the number of meetings in Apollo Bay over the last two years changed?
 - d. Has the ratepayers response improved since the office moved onto the foreshore in Apollo Bay?
 - e. What plans does the Colac Otway Shire have for the largely vacant offices abandoned by the Shire on the corner of Nelson/Gambier Streets and the Barham River Road in Apollo Bay?

Response from Manager, Governance & Communications

In the last couple of years there have been two scheduled meetings in Apollo Bay. I believe that's consistent with the previous years. The meetings are traditionally advertised in both the Colac Herald and the Apollo Bay News Sheet, although I do admit – as you brought to our attention – we did miss advertising one of those in Apollo Bay in the not so-distant-past. I might hand over to my colleague Mr Lawrence to answer some of the other questions.

Response from General Manager, Corporate Services

I'll talk about the Nelson Street offices: the move of the administration and customer assist from the Nelson Street offices down to the GORVIC centre was made primarily to give a better service to the community in Apollo Bay that they'd been asking for for some time. What you referred to as vacant offices aren't in fact vacant; there are tenants in the offices and have been for some years and the meeting rooms there are still used and can be booked through the GORVIC office. Other than that, there is no current immediate plan for the offices but I'll hand over to the CEO for that.

Response from Chief Executive

In relation to the plans for the office, I think we had, I guess, a tentative plan or perhaps an offer to the Great Ocean Road Authority's establishment to use it as an interim office if they were to take up our advocacy to establish the head office in Apollo Bay. We felt that was a good offer to make to government. The announcement was made late last week I think that the head office won't be in Apollo Bay but there will be an office of some sort and I don't think at this stage we'd be making any commitments to the office until we see what their needs are to ensure that they can be best accommodated in Apollo Bay.

2.
 - a. What is the main use of the Apollo Bay Harbour?
 - b. What regulations does the Council apply to jet-skiers at the Apollo Bay Harbour entrance to separate them from board riders, fishing boats and people?
 - c. Has the number of fishing vessels engaged in actually harvesting fish and abalone diminished to the extent that the harbour has largely become a mooring place for pleasure craft and line fishing craft?

Response from General Manager, Infrastructure & Leisure Services

I'll take the questions on notice in terms of the control of jet-skis – that's not some information that I've got readily at hand. In terms of the use of the harbour, it's very much an active fishing port with a number of commercial fishing craft working out of there. In April of this year Council

has determined to undertake dredging of the port which will return the water depth of the port back to what it was when it was first constructed some 70 years ago. We expect that once that work is done, some large fishing vessels that have located away from Port of Apollo Bay in recent years will, in fact, return to the Bay. A few years ago the state government did an economic values study of the Port of Apollo Bay and put the economic activity at \$43 million per year so it's certainly a key piece of infrastructure for the Shire.

Belinda Stewart, Muroon

I was just wondering if the Shire would provide a Shire representative to come and do a review of the safety issues of residents on Wickham's Road in Muroon? I brought this to the Shire's attention a couple of months ago and got a reply that the log trucks had a permit to use the road until 30 October last year but they continued to use the road up until 14 November and then they did some repairs to the corner with truck work and stuff on 1 and 2 December. You notified me that it was a closed road permit but I was just wondering if you can explain what that means, as in, there's no notification on the road that it is actually closed. The only notification that is put up is a 'Trucks Using Road – Channel 46'. At the moment there are six house owners living in Wickham's Road that use that road daily and there are another three farmers that actually have paddocks on that road and use that road to access for work. Most aggy [sic] people do have radios but the usual radios only go up to Channel 35. The trucks are using Channel 45 and there's only one person out of the ten or twelve that use that road that actually have a radio. The other users of the road are local people who actually bike ride up there; mountain bike riding – groups of 12 to 24 I've seen, probably, once a fortnight. I've luckily got a radio so I radio the trucks and say, "You've got bike riders coming up!". "Oh, thank you so much." So I'd just like to see if you could have a representative come to the road, have a little look and see what's happening.

Response from General Manager, Infrastructure & Leisure Services

Thank you, Ms Stewart, for raising those issues. We'd certainly be more than happy to visit the site. It sounds like there are some conflicting uses there and we'd like to find out more about it.

Neil Longmore, Gellibrand

In relation to Mr Brown's comments earlier about the reasons for, I think it's Item 7, and his recommendation on that - on how to deal with the petition - I would just like to draw Mr Brown's attention to Clause 99 of Local Law Four which seems to make it clear that when dealing with a petition there can be no... the actual wording is 'unless it's a matter of urgent business no motion other than the motion to receive the petition may be made until the next Ordinary Meeting of the Council'. So if Council is going to consider a motion to delay consideration of a petition to a further month then it has to be a matter of urgent business and if it is a matter of urgent business that's dealt with under Clause 98 which says that 'it must be a matter that has arisen since the distribution of the agenda'. So, it's actually in the agenda so it hasn't arisen since the distribution of the agenda so I would suggest if you are to have a legal basis for considering any motion on the petition today it doesn't exist in your Local Laws and it would be unlawful for you to go ahead and consider it today. So I'm sorry if that's a question but I'm asking you do you think you have a lawful basis for considering the petition today?

Response from Chief Executive

First of all, I should preface my answer by saying that I'm not a lawyer Mr Longmore, and my recommendation to Council is based on what I believe to be an important principle of Councillor and staff safety. I could have just not listed it at the next meeting but I felt an obligation to the people that want to come and the broader community that want to listen to the debate and contribute to that night that they should have fair warning that it won't be on in Apollo Bay, that it'll be on here. That's why I have listed it here and genuinely sought Council to make a determination about that. Local Law Four is a matter for interpretation by the Mayor and urgent business is a matter for interpretation by the Mayor. I'll stand guided by Council but I also stand by my principle that I believe I'm following appropriately.

Can I say Mr Brown I approve of your concern for the safety of staff and Council – that's not an issue in dispute – but I'm saying you still need to have a legal basis for any action on the petition today.

Geraldine Gartland, Warncoort

I am just wondering if this happens will the Colac Otway Shire Councillors who fear presenting or discussing an issue, a petition, at Apollo Bay, will they offer an apology to the Apollo Bay rate payers for their lack of trust in the ratepayers?

Response from Chief Executive

I'll try to phrase this in a different way: it's not about my trust or otherwise of other people, or this Council's trust or otherwise of other people. When I'm presented with concerns raised by staff or Councillors about their personal safety then I have an obligation to take it seriously and deal with the matter. As I said, if people wish to interpret it in that way, well that's fine. I can't influence that. But all I can assure you is that's the basis under which I have made this recommendation to Council and I think, well, I just believe that human safety trumps a lot of things and in this case it trumps waiting a month to hear and determine this matter.

Tim Brain attended the meeting at 4:29pm.

Helen Evans attended the meeting at 4:31pm.

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

Hannah Davis, Birregurra

Would we be able to consider using some of the open space contributions from subdivisions within the town to fund the footpath?

Response from General Manager, Development & Community Services

Generally funds received through open space contributions are to improve open space areas, so we either take a land contribution or we take cash to then improve open space. I would probably have to take that question on notice to see whether we could use it for footpaths which are considered active transport facilities in a way. I'll take that question on notice if that's okay.

Further response from General Manager, Development & Community Services

Unfortunately funds collected as open space contributions from subdivisions can't be used to develop footpaths, unless the footpath is a part of a public open space area. The Subdivision Act is quite clear that funds collected as open space contributions must be used to develop existing public open space or purchase additional land for public open space.

Ian Prigg, Traralgon

What is the definite, gazetted description of the Colac precinct post September 23 1994 when the City of Colac was abolished? I had this print-out from an office in Traralgon yesterday stating that on 23 September 1994 "The City of Colac was abolished and formed the Colac Otway Shire". But Colac can't remain just as a void. It has to continue its history so it must have a description. For instance, in Traralgon, the Traralgon City title was "the City of Traralgon was abolished; it then became the urban area of Traralgon inside the La Trobe City". I don't accept that. I accept it legally; constitutionally I don't accept it. Colac is my birth place; it's not a political interest and I'm sorry but the lady that I gave the information to to give to the Councillors – I was relying on that – to help the Councillors see where I'm coming from regarding the importance of our civic identity.

Response from Chief Executive

The Colac Otway Shire was gazetted in the mid-90s, probably 1994, and in that gazettal there's quite a lengthy description of what the boundary of Colac Otway Shire comprises and essentially it was formed out of the Otway Shire and the Colac City and Shire of Colac.

Yes, and Winchelsea.

Response from Chief Executive

Well parts of other Shires, perhaps.

And Heytesbury.

Response from Chief Executive

It's parts of those Shires but the actual gazettal describes the boundary around the Shire. It was formally gazetted by government and Council back in 1994.

Mr Brown, that's not actually my question. If I bring my visitor into Colac – it's my birthplace and I like to go around Colac – I can't say, "Oh, this is Colac" because it was gazetted as a City in 1960. It was a great occasion. It was a status. It was of importance to the people. Now, when it was abolished – abolished means destroyed – it effects our history because if you have a notable event you can give, say, a person the keys to the city. The Colac Otway Shire doesn't have the keys because it has no city.

Response from the Mayor

We might have to take that on notice to get you a correct answer for it. But if it was gazetted as a city in 1960, the changing of the shires might have nothing to do with the actual abolishing of a city, at all, but I don't know that for sure so we might have to take that on notice.

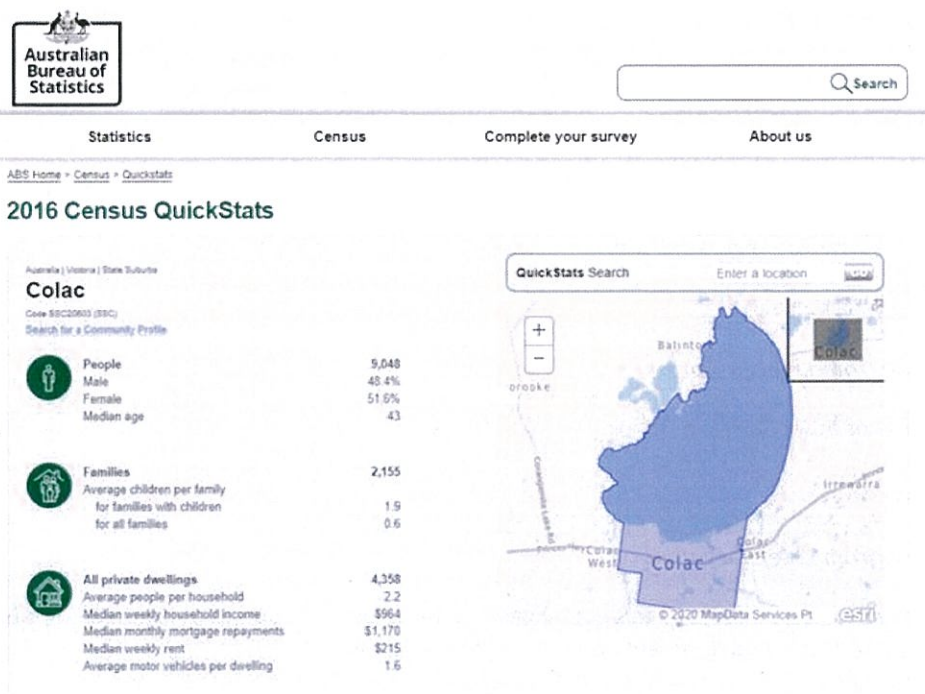
Further response from Chief Executive

The former City of Colac (which included Colac and Elliminyt) was a Local Government Area. The City of Colac, as a Local Government Area, was amalgamated with the Shire of Colac and Shire of Otway to become a new Local Government Area called Colac Otway Shire. Colac remains a city within the Colac Otway Shire.

The Australian Bureau of Statistics classifies Colac as a Statistical Area Level 2 – code 217031472 – along with other cities in Australia.

Colac is also considered a city (a population above 10,000) by the World Population Review and a range of other sources eg. Encyclopaedia Britannica
<https://www.britannica.com/place/Colac>

The Australian Bureau of Statistics could be contacted to provide further confirmation of Colac's recognition as a city. I refer you to this excerpt from the Bureau's website:



8 PETITIONS / JOINT LETTERS

A petition requesting that Colac Otway Shire Council consider three recommendations for local action on climate change has been received from a community member on behalf of petition signatories and the Climate Action Team. Council has been advised that the petition contains 3,249 signatures. A report responding to the petition will be tabled at a future Ordinary Council Meeting.

RECOMMENDATION

That Council consider its response to the Climate and Biodiversity Emergency Petition at the Ordinary Council meeting scheduled to be held in Colac on 22 April 2020.

MOTION

MOVED Cr Stephen Hart, SECONDED Cr Chris Potter

That Council receives the petition.

CARRIED 6 : 0

RESOLUTION

MOVED Cr Kate Hanson, SECONDED Cr Joe McCracken

That Council consider its response to the Climate and Biodiversity Emergency Petition at the Ordinary Council Meeting scheduled to be held in Colac on 22 April 2020.

EQUAL 3 : 3

The Mayor used his casting vote and voted for the Motion.

DIVISION

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

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

The Motion was CARRIED

9 DECLARATIONS OF INTEREST

Nil

10 CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on 29 January 2019.

RESOLUTION

MOVED Cr Joe McCracken, SECONDED Cr Kate Hanson

That Council confirm the minutes of the Ordinary Council Meeting held on 29 January 2019.

CARRIED 6 : 0

Vicki Jeffrey left the meeting at 4:35pm.

Simon Russell left the meeting at 4:35pm.

Mark McLennan attended the meeting at 4:39pm.

Frank Castles attended the meeting at 4:53pm.

Item: 11.1

**Planning Scheme Amendment - 265-281 Murray Street,
Colac - Whipper Snapper Whiskey Distillery**

OFFICER	Simon Clarke
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	<ol style="list-style-type: none">1. Permit Conditions (Ref: D20/25191) [10.1.1 - 9 pages]2. Current Plans (Ref: D19/151126) [10.1.2 - 19 pages]3. Current Signage Plans and Concepts (Ref: D19/110985) [10.1.3 - 8 pages]4. Amendment Documents [10.1.4 - 4 pages]
PURPOSE	To consider submissions received following the exhibition of Combined Planning Scheme Amendment C104cola and Planning Permit Application PP189/2019-1 for the Whipper Snapper Distillery at 265 – 281 Murray Street, Colac.

RESOLUTION

MOVED Cr Chris Potter, SECONDED Cr Brian Crook

That Council:

- 1. Note the submission received to the exhibition of Combined Amendment C104cola and Planning Permit PP189/2019-1;*
- 2. Pursuant to section 29 of the Planning and Environment Act 1987, adopt Amendment C104cola with changes;*
- 3. Pursuant to section 96G (1) of the Planning and Environment Act 1987, determine to recommend that Planning Permit PP189/2019-1 be granted with changes;*
- 4. Pursuant to section 96H (1) of the Planning and Environment Act 1987, submit Combined Amendment C104cola and Planning Permit PP189/2019-1 to the Minister for Planning for approval.*

CARRIED 6 : 0

Lee Castles attended the meeting at 4:58pm.

Item: 11.2

**Planning Scheme Amendment C103 (Anomalies)
Consideration of submissions**

OFFICER	Sean O’Keeffe
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	1. Table of Amendments - C 103 cola Anomalies Planning Scheme Amendment [10.2.1 - 8 pages]
PURPOSE	To consider submissions received during the exhibition period of Amendment C103cola, adopt the Amendment and forward it to the Minister for Planning for approval.

RESOLUTION

MOVED Cr Joe McCracken, SECONDED Cr Chris Potter

That Council:

- 1. Note the submissions received to the exhibition of Amendment C103cola;*
- 2. Pursuant to section 29 (1) of the Planning and Environment Act 1987, adopt Amendment C103cola in full;*
- 3. Pursuant to section 31 (1) of the Planning and Environment Act 1987, submit Amendment C103cola to the Minister for Planning;*
- 4. Request the Minister for Planning approve in full Amendment C103cola, pursuant to section 35 (1) of the Planning and Environment Act 1987.*

CARRIED 6 : 0

Doug McNeill left the meeting at 4:59pm.
Simon Clarke left the meeting at 4:59pm.

Item: 11.3

Forrest Caravan Park lease

OFFICER	Tamzin McLennan
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	Nil
PURPOSE	To recommend options for the Forrest Caravan Park lease

RECOMMENDATION

That Council:

- 1. Resolves to undertake an Expression of Interest process to seek submissions for the lease of the Forrest Caravan Park located at 1 Station Street, Forrest.*
- 2. Agrees that the term of the lease to be included in the Expression of Interest shall be for five (5) years, with two additional five (5) year extension options.*
- 3. Following the Expression of Interest process and subject to finding a suitable lessee, authorises Council officers to give public notice of the proposed lease in accordance with sections 190 and 223 of the Local Government Act for a period of four weeks.*
- 4. Determines 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, 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.*
- 7. Approves a holding over period with the current lessees for a period of 12 months if a lease arising from the Expression of Interest process cannot be put in place before the current lease expires.*

The meeting adjourned for a short break at 5.09pm.

The meeting resumed at 5.17pm.

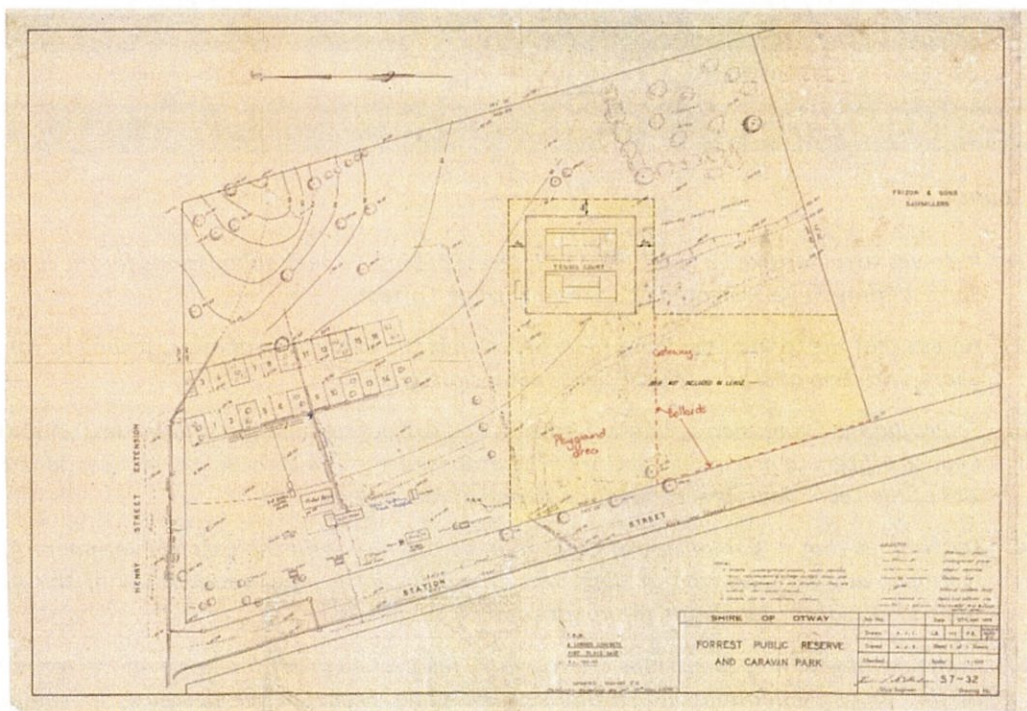
ALTERNATIVE MOTION

MOVED Cr Jason Schram, SECONDED Cr Kate Hanson

That Council:

1. Resolves to grant a new nine (9) year lease for the Forrest Caravan Park at 1 Station Street, Forrest, to the current lessees The Wonky Stables with terms as follows:
 - Term of lease nine (9) years
 - Options nil
 - Rent to be negotiated
 - Rent review CPI each year
 - Insurance Tenant to pay
 - Outgoings Tenant to pay
 - Maintenance Tenant responsible

2. That the leased area shall be as outlined in the 'Forrest Caravan Park Lease Plan' below, which does not include the dark yellow area comprising the tennis courts, playground area and common area.



3. That the area of the Forrest common currently used for camping overflow four (4) times per year shall be available to the lessees via negotiation with Council under the following terms:
 - The lessees continue to maintain the area
 - A maximum of four separate times per year will be considered
 - An application is to be submitted every 18 months, to assist with long-term park bookings
 - One (1) period of seven (7) days or less is permitted during December and January
 - Three (3) periods of four (4) days or less are permitted during February to November
 - Council may reject an application within reason

- *The Caravan Park (leased area) must be 100 per cent full before the overflow area is offered to customers*
 - *Council will respond to the application in writing within 14 days of receiving the application*
4. *Authorises Council officers to give public notice of the proposed lease in accordance with sections 190 and 223 of the Act for a period of four weeks.*
 5. *Determines 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.*
 6. *In the event that no submissions are received, 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.*
 7. *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.*

LOST 2 : 4

DIVISION

For the motion: Cr Kate Hanson, Cr Jason Schram

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

ALTERNATIVE MOTION

MOVED Cr Joe McCracken, SECONDED Cr Chris Potter

That Council:

1. *Resolves to undertake an Expression of Interest (Eoi) process to seek submissions for the lease of the Forrest Caravan Park located at 1 Station Street, Forrest.*
2. *Agrees that the term of the lease to be included in the Eoi shall be up to 20 years.*
3. *Consults with the Forrest and district community on the area of land to be included in the Eoi for lease, noting that Council is committed to retaining part of the area for public open space.*
4. *Requires that officers present the Eoi document to Council for endorsement prior to its public release.*

CARRIED 5 : 1

DIVISION

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

Against the motion: Cr Jason Schram

Lee Castles left the meeting at 5:28pm; returned at 5:29pm.

Maree East left the meeting at 5:45pm.

Frank Castles left the meeting at 5:45pm.

Lee Castles left the meeting at 5:45pm.

Item: 11.4

Colac Otway Shire Grants Program - Guidelines Review

OFFICER	Katrina Kehoe
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	1. Guidelines - Colac Otway Shire Grants Program 2020 - 2021 [10.4.1 - 17 pages]
PURPOSE	To seek endorsement for the proposed changes to the Colac Otway Shire Grants Program Guidelines.

RESOLUTION

MOVED Cr Brian Crook, SECONDED Cr Joe McCracken

That Council endorse the Colac Otway Shire Grants Program Guidelines 2020-2021.

CARRIED 6 : 0

Mark McLennan left the meeting 5:49pm.
Katrina Kehoe left the meeting at 5:51pm.

Item: 11.5

Quarterly Performance Report - October - December 2019

OFFICER	Melanie Duve
GENERAL MANAGER	Peter Brown
DIVISION	Executive
ATTACHMENTS	1. Final Quarterly Performance Report - December 2019 [10.5.1 - 81 pages]
PURPOSE	To provide Council with the Quarterly Performance Report, October - December 2019.

RECOMMENDATION

That Council notes the Quarterly Performance Report 2019-2020 for the period of 1 October to 31 December 2019.

ALTERNATIVE MOTION

MOVED Cr Stephen Hart, SECONDED Cr Brian Crook

That Council notes the Quarterly Performance Report 2019-2020 for the period of 1 October to 31 December 2019 and the associated financial report.

CARRIED 6 : 0

Tamzin McLennan left the meeting at 5:52pm.
James Myatt left the meeting at 5:52pm.
Nick Howard left the meeting at 6:09pm.
Melanie Duvé left the meeting at 6:09pm.

Item: 11.6

Contract 2013 - Design and Construct - Forest Street Bridge Replacement, Colac

OFFICER	Matthew Skewes
GENERAL MANAGER	Tony McGann
DIVISION	Infrastructure & Leisure Services
ATTACHMENTS	1. Forest Street Bridge Replacement Concept Design [10.6.1 - 2 pages]
PURPOSE	To approve and award Contract 2013 – Bridge Replacement - Forest Street Colac

RESOLUTION

MOVED Cr Chris Potter, SECONDED Cr Brian Crook

That Council:

- 1. Awards Contract 2013 – Bridge Replacement - Forest Street Colac, to Gadian Projects 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 2013 – Bridge Replacement - Forest Street Colac.*
- 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

Item: 11.7

Audit Committee Minutes - 4 December 2019

OFFICER	Lyndal McLean
CHIEF EXECUTIVE	Peter Brown
DIVISION	Executive
ATTACHMENTS	1. Audit Committee Meeting - Minutes - Signed - 4 December 2019 [10.7.1 - 24 pages]
PURPOSE	To receive for information the Colac Otway Shire Audit Committee minutes dated 4 December 2019.

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Jason Schram

That Council receives for information the Colac Otway Shire Audit Committee minutes dated 4 December 2019.

CARRIED 6 : 0

Item: 11.8

Assemblies of Councillors

OFFICER	Lyndal McLean
CHIEF EXECUTIVE	Peter Brown
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none"> 1. Assembly of Councillors - CEO Employment Matters Advisory Committee - 22 January 2020 [10.8.1 - 1 page] 2. Assembly of Councillors - Councillor Briefing - 29 January 2020 [10.8.2 - 2 pages] 3. Assembly of Councillors - Council Meeting Preparation - 29 January 2020 [10.8.3 - 1 page] 4. Assembly of Councillors - Colac Regional Saleyards Advisory Committee - 20200131 [10.8.4 - 1 page] 5. Assembly of Councillors Record - Central Reserve Advisory Committee 20200205 [10.8.5 - 1 page] 6. Assembly of Councillors - CEO Employment Matters Advisory Committee - 5 February 2020 [10.8.6 - 1 page] 7. Assembly of Councillors - Councillor Briefing - 5 February 2020 [10.8.7 - 2 pages] 8. Assembly of Councillors - Lake Colac Advisory Committee Meeting - 10 February 2020 [10.8.8 - 1 page] 9. Assembly of Councillors - Councillor Briefing - 12 February 2020 [10.8.9 - 2 pages] 10. Assembly of Councillors - Planning Meeting Preparation - 12 February 2020 [10.8.10 - 1 page] 11. Assembly of Councillors - Friends of the Colac Botanic Gardens Advisory Committee - 20200213 [10.8.11 - 1 page]
PURPOSE	To report the Assemblies of Councillors

REPORTING

The Assemblies of Councillors are reported herewith.

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

Please note that the Assembly of Councillors document below for the Councillor Briefing of 29 January 2020 replaces the Assembly of Councillors Attachment 10.8.2 as it appeared on pages 212 and 213 of the Agenda for the Ordinary Council Meeting of 26 February 2020.



Councillor Briefing
Rehearsal Room, COPACC
Wednesday 29 January 2020

11:45am

Assembly of Councillors

INVITEES: Cr Crook, Cr Hanson, Cr Hart, Cr McCracken, Cr Potter, Cr Schram, Cr Smith, Peter Brown, Errol Lawrence, Tony McGann, Ian Seuren			
ATTENDEES: Cr Crook, Cr Hanson, Cr Hart, Cr Potter, Cr Schram, Peter Brown, Errol Lawrence, Tony McGann, Ian Seuren, Jason Clissold, Nick Howard, Nick Welsh, Toni Saunders, Stephanie Rankin, Alison Martin, Sarah Osborne, Callum Fairnie, Tamzin McLennan, James Myatt, Sarah McKew			
EXTERNAL ATTENDEES: Richard Scholton (Regional Representative, Powercor), Jason Craig (Community Engagement Manager, Powercor)			
APOLOGIES: Cr McCracken			
ABSENT: Cr Smith			
Meeting commenced at 11:50am			
Declarations of Interest		Item	Reason
Cr Hart	Having declared a conflict of interest, Cr Hart left the meeting at 12.33pm; returned at 12.56pm.	Item 1.3 - T3 Digital mobile radio network managed service.	Indirect interest – Section 78A Own Bank of Queensland shares. Bank of Queensland may benefit from early repayment of lease income and/or a changed financing arrangement.
Cr Hanson	Having declared a conflict of interest, Cr Hanson left the meeting at 12.33pm; returned at 12.56pm.	Item 1.3 – T3 Digital communications upgrade project update.	Indirect Interest – Section 78A 78A – Indirect financial interest. I own shares in Bank of Queensland (BOQ).

Councillor Briefing (continued)		
Time	Item	Attendees
11:50am – 12:20pm	2020/21 Budget Assumptions – Average Rate increase	Jason Clissold Nick Howard Nick Welsh Toni Saunders
12:20pm – 12:33pm	Digital Communications Upgrade Project Update	Stephanie Rankin Alison Martin Sarah Osborne Sarah McKew
12:33pm – 12:56pm	T3 Digital Mobile Radio Network Managed Service Having declared a conflict of interest, Cr Hart left the meeting at 12.33pm; returned at 12.56pm. Having declared a conflict of interest, Cr Hanson left the meeting at 12.33pm; returned at 12.56pm.	
12:56pm – 1:34pm	Break	
1:34pm – 2:15pm	Bushfire readiness	Richard Scholton Jason Craig Callum Fairnie Tamzin McLennan
2:15pm	Meeting closed	

CLOSED SESSION

RECOMMENDATION

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

SUBJECT	REASON	SECTION OF ACT
<i>Minutes of the Closed Session Council Meeting held on 29 January 2020</i>	This matter deals with any matter which the Council or special committee considers would prejudice the Council or any person.	Section 89 (2) (h)
<i>Botanic Gardens Cafe Expression of Interest</i>	This matter deals with contractual matters; and this matter deals with any matter which the Council or special committee considers would prejudice the Council or any person.	Section 89 (2) (d) & (h)
<i>Colac Aerodrome</i>	This matter deals with contractual matters; and this matter deals with proposed developments.	Section 89 (2) (d) & (e)

REVISED OFFICER RECOMMENDATION

MOVED Cr Chris Potter, 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 6.29pm and Council move into Closed Session in order to deal with:

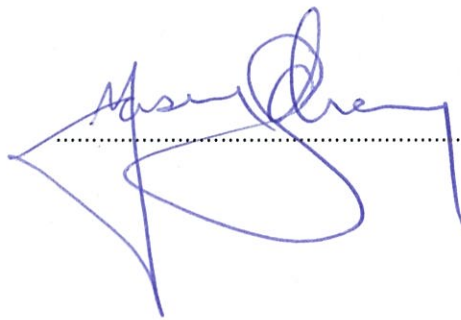
SUBJECT	REASON	SECTION OF ACT
<i>Minutes of the Closed Session Council Meeting held on 11 December 2019.</i>	This matter deals with any matter which the Council or special committee considers would prejudice the Council or any person.	Section 89 (2) (h)
<i>Botanic Gardens Cafe Expression of Interest</i>	This matter deals with contractual matters; and this matter deals with any matter which the Council or special committee considers would prejudice the Council or any person.	Section 89 (2) (d) & (h)
<i>Colac Aerodrome</i>	This matter deals with contractual matters; and this matter deals with proposed developments.	Section 89 (2) (d) & (e)

CARRIED 6: 0

The meeting was re-opened to the public at 7.08pm.

The meeting was declared closed at 7.08pm.

CONFIRMED AND SIGNED at the meeting held on 22 April 2020

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke, positioned above a dotted line.

MAYOR