



ORDINARY COUNCIL MEETING

MINUTES

Wednesday 22 July 2020

at 4:00 pm

COPACC

95 - 97 Gellibrand Street, Colac

Next Council Meeting: 26 August 2020



COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

Wednesday 22 July 2020

TABLE OF CONTENTS

1 Declaration of Opening of Meeting	3
2 Present.....	3
3 Apologies and Leaves of Absence	4
4 Welcome and Acknowledgement of Country	4
5 Question Time	4
6 Tabling of Responses to Questions Taken On Notice at Previous Meeting	11
7 Petitions / Joint Letters.....	12
8 Declarations of Interest	12
9 Confirmation of Minutes	12
10 Officer Reports.....	13
10.1 Petition - Climate and Biodiversity Emergency.....	13
10.2 Petition - Save Indoor Sports Centre	17
10.3 Adoption of 2020/21 Budget	19
10.4 Proposed COVID-19 Business & Community Support Package	24
10.5 Building Compliance Policy	32
10.6 Review of Building Compliance Administrative Fees.....	34
10.7 Planning Committee of Council	36
10.8 2020 Community Satisfaction Survey	38
10.9 Council Expenses Policy - Local Government Act 2020	39
10.10 Draft Grants, Contributions & Sponsorship Policy.....	40
10.11 Notice of Motion - Seismic Testing.....	42
10.12 Notice of Motion - No increase in Councillor Allowances, including Mayor's Allowance, for at least two years.....	43
10.13 Assemblies of Councillors	44

COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

MINUTES of the **ORDINARY COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** held at COPACC on
Wednesday 22 July 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 (by videoconference)
Cr Joe McCracken (by videoconference)
Cr Chris Potter
Cr Jason Schram (Mayor)
Cr Chris Smith

Peter Brown, Chief Executive (by videoconference)
Errol Lawrence, General Manager, Corporate Services
Tony McGann, General Manager, Infrastructure & Leisure Services (by videoconference)
Ian Seuren, General Manager, Development & Community Services
Sarah McKew, Manager, Governance & Communications
Lyndal McLean, Governance Coordinator
Alison Martin, Coordinator, Communications (by videoconference)
Doug McNeill, Manager, Planning, Building & Health (by videoconference)
Dora Novak, Coordinator, Environment and Community Safety (by videoconference)
Frank Castles, Project Manager, City Deals Project Coordinator (by videoconference)
Tamzin McLennan, Acting Manager, Economic Development & Tourism
James Myatt, Coordinator, Economic Development
Madeleine Bisits, Manager, Assets and Project Delivery (by videoconference)
Nick Howard, Coordinator, Financial Services (by videoconference)

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.

Please note: All Council and Committee meetings will be audio recorded and live streamed, 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.

In response to the COVID-19 pandemic and in accordance with the Stay Safe and Restricted Activities Directions issued by the Chief Health Officer of Victoria that were in place at the time of the meeting, only Councillors and Council staff were permitted to attend the Ordinary Council meeting. Strict hygiene and social distancing measures were in place.

5 QUESTION TIME

On 22 April 2020 at its Ordinary Council Meeting Councillors resolved that due to Directions issued by the Chief Health Officer restricting the movement of people in response to the COVID-19 pandemic, Question Time cannot be held until the relevant Directions from the Chief Health Officer are revoked.

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

James Judd, Colac

1. Will all sitting Councillors of the Colac Otway Shire Council make a public declaration in open Council before nominations open for the 2020 Council Elections of their position on moving heavy traffic off Murray Street in Colac prior to provision of a ring road or bypass being introduced? As it is multiple elections since the last major attempt by Council to gain support of the community to detour heavy traffic through residential areas and near schools?

Response from Chief Executive

This is a matter for each sitting Councillor to determine. It is not appropriate for a Council officer to respond further to these questions.

2. How are Councillors elected to the Colac Otway Shire Council? Is it based on percentage of valid votes cast; or, based on minimum percentage of authorised voters casting a vote and obtaining a minimum percentage of valid votes cast?

Response from Chief Executive

The Victorian Electoral Commission conducts elections on behalf of Victorian local governments and information about voting can be found on its website at www.vec.vic.gov.au or by phoning 131 832.

3. How much money does the Colac Otway Shire Council outlay to promote Colac each year when it does not check to make sure all promotions are accurate? We have had inaccurate maps put up in Colac for over 10 years that are supposed to promote Colac.

Response from General Manager, Infrastructure & Leisure Services

Council officers are not completely certain as to what this question is referring to however if it is with regards to a map on a sign that was on the Memorial Square toilets, this was not owned by Council. Council officers contacted the owners of the sign and when no response was forthcoming, the sign was removed.

4. Once land is received at the High School site, has the Colac Otway Shire Council yet made any investigation about obtaining any of the multi-million dollars it will require to develop playing fields at this site from other bodies since the report to Council on this matter listed a requirement of millions of dollars would be required to develop the fields? Plus the obligation on Council to satisfy open space and playing fields to meet what would be required under the Colac Growth Plan including the provision of these fields when no other area considered if that land not be available.

Response from General Manager, Development & Community Services

Council is still negotiating with the Victorian Government on acquiring part of the former Colac High School site. Once this has been finalised, Council will then need to undertake a master planning process in partnership with the community to determine how the land would be developed. It is not until this process has been completed that Council would work on advocating for funding to develop facilities identified in the master plan.

5. Due to the COVID-19 pandemic that has been spreading around the world during the last nine months, with major outbreaks in heavily populated areas and places with poor health services, has the Colac Otway Shire considered the need for far more health services being required in Colac if the Colac Growth Plan is ever to go ahead?

Response from General Manager, Development & Community Services

The current COVID-19 outbreak and response of health authorities to manage its impact on the community has no bearing on the future health needs of the Colac community as it grows in size. Colac Area Health, as well as other allied and associated health and community health services, will continue to adjust their planning for future service and infrastructure needs to match growth as it occurs.

Yvonne Francis, Apollo Bay

1. I have heard that COS spent a grant of \$2.1m to upgrade Binns Track (or Road) for tourism access; and, is this upgrade on the Colac side of the attraction; and, is this upgrade more favourable to logging when according to traffic statistics coastal tourists would hardly benefit? And was the appropriate public consultation adequate?

Response from General Manager, Infrastructure & Leisure Services

The Binns Road upgrade project was co-funded by the State Government and Council at a total cost of around \$2.1 million. The State Government contributed just under \$1.5 million in funding.

The upgrade included sealing of a 5.8 kilometre section of Binns Road on the north / Colac side of the Redwoods attraction, from Beech Forest Rd / Mt Sabine Rd to the Redwoods carpark.

The upgrade primarily benefits tourists and locals visiting multiple attractions on this section of the route, including: The Californian Redwoods, Congram Waterfall, Beauchamp Falls campground and Hopetoun Falls or using this alternative route between Apollo Bay and Beech Forest.

The upgrade has reduced travel time between Apollo Bay and Beech Forest for people travelling in either direction. Logging trucks also use the area, however this was not the primary objective or benefit of the upgrade. Traffic data indicates that the majority of tourists and visitors visiting the area's attractions come from the north / Colac side.

Graham Costin, Apollo Bay

My question[s] relates to the availability of affordable housing for younger people who grow up in towns along the Great Ocean Road. Surf Coast Shire has reportedly said that less than 20% of residential sales within its municipality during 2019/20 were to first home buyers. This likely indicates that many of its younger people were unable to afford to buy their first home in the areas where they grew up.

1. Within Colac-Otway Shire, what were the corresponding total and disaggregated first home buyer ratios for the towns along the Great Ocean Road in financial years 2018/19 and 2019/20?

Response from General Manager, Development & Community Services

This is not information Council captures and therefore cannot provide a response to this question.

2. What is Council doing to improve local housing affordability for its younger people who grow up along the Great Ocean Road?

Response from General Manager, Development & Community Services

Council is well aware of the housing affordability issues for young people in coastal towns along the Great Ocean Road, and is actively participating in a State funded project, the Great Ocean Road Key Worker Study, to explore ways in which this issue can be addressed. The study is being undertaken in partnership with other municipalities along the coast within our region, with a particular emphasis on finding pathways to solutions for addressing shortages of housing for workers in the towns, whether this be housing for purchase or rental. The project will be completed shortly and reported to Council.

3. My [next] question relates to the impact of COVID-19 on the Colac-Otway Shire economy(s), and the coastal community's dissatisfaction with Council's targeting of COVID-19 economic stimulus funding to date. G21/GORRT reported that the Geelong region will experience between 4700 (best case) and 6330 (worst case) job losses in the visitor and tourism sector during 2020/21 due to COVID-19. What is Council's forecast for jobs losses within Colac-Otway Shire during 2020/21, and how many of those job losses are expected in Council's coastal economies?

Response from General Manager, Development & Community Services

This is not information that Council forecasts. Council does track actual changes in the number of jobs within Colac Otway Shire through weekly payroll data released by ABS Data. According to the most recently released ABS data, the South West Victorian region experienced a 9.4% decrease in the total number of jobs between 31 March and 30 May 2020. The coastal areas have experienced a greater decrease in jobs than other areas of the shire.

4. If the answers to above are known, how many jobs does Council expect its \$1.7 million proposal for Federal COVID-19 Local Roads and Community Infrastructure Program economic stimulus funding will create in 2020/21, and how many of those jobs will be created in Council's coastal economies?

Response from General Manager, Development & Community Services

Standard modelling using REMPLAN Economy estimates that a \$1.7 investment in roads and community infrastructure would create nine jobs over the life of the project including the direct, supply chain and consumption effects. Modelling does not allow Council to predict the location of the jobs. Council has attempted to spread the \$1.7m spend across the shire, with a focus on projects that will utilise local businesses and can be completed within 12 months.

5. If the answers are not known, how does Council propose to geographically target any future COVID-19 economic stimulus funding programs to best assist those who have lost their incomes and will suffer financial distress during 2020/21?

Response from General Manager, Development & Community Services

Council is considering a 'proposed COVID-19 business and community support package' at its July 2020 Ordinary Council Meeting. Proposed measures aim to stimulate local and visitor consumption. The retail trade sector and accommodation and food services sector have experienced the largest proportional revenue decrease and number of job losses within Colac Otway. Funding that stimulates consumption will directly benefit these sectors and therefore geographical locations that have been most heavily impacted.

Proposals also include a targeted marketing campaign at domestic visitation to Apollo Bay and the Otways.

Nasser Kotb, Forrest

1. Local councils around Australia are banning the use of glyphosate, and "On 1st May 2020 the Federal Court determined that the class action run by Maurice Blackburn would be heard before any other class action about Roundup". Would the Council provide the details of sprays they use that contain glyphosate?

Response from General Manager, Infrastructure & Leisure Services

We currently use glyphosate products based on this information. A glyphosate product we currently use is Weed Master Duo and Wipe Out Bio 360g/L.

2. Would the Council list the weeds that are the target of their spraying operations, as well as the sprays used to target each weed (or group of weeds)?

Response from General Manager, Infrastructure & Leisure Services

A list of weeds and the chemicals used to control them are on Council's website at the following location:

<https://www.colacotway.vic.gov.au/Works-Projects/Upcoming-Weed-Control-Works>

3. COVID-19 restrictions in Victoria have been applied since February 2020. Even Stage 4 restrictions are expected. The Council has been slow in reacting to the changing conditions. This weak leadership is of a great concern. As a consequence, the values of democracy and transparency suffered. Democracy and facilitating interaction of citizens with the decision making process should be a top priority for the Council. Would the Council explain the following:
 1. Does the Council have an Action plan instituted (since February 2020) to maintain the democratic process and facilitating interaction of citizens with decision making?
 2. Why did the Council fail to provide a digital platform to facilitate interaction of citizen with decision making process after nearly five months of restrictions?
 3. When would the Council provide the necessary digital platform to facilitate interaction of citizens with decision making process (provide exact date)?

Response from Chief Executive.

Council has been complying with the relevant Directions as issued and updated by the Chief Health Officer of Victoria, as well as acting on advice from Local Government Victoria as it is issued, with respect to the continuity of Council business via decision-making at Council meetings throughout this pandemic.

Provisions made for local governments within the COVID-19 *Omnibus (Emergency Measures) Act 2020* included temporary changes to the *Local Government Act 2020* to enable councils to meet virtually if required from 1 May to 1 November 2020. Colac Otway Shire Council has been operating within the parameters provided for in this legislation by livestreaming Council meetings and changing the way in which questions submitted for the meeting are handled, in the absence of the ability of the public to physically attend to ask questions.

While question time is not physically occurring at Council meetings at present, the measures put in place provide for questions to be answered expediently and transparently, with the publication of questions and answers on Council's website the following day. Please note that while community members aren't able to attend at this time – as provided for in the legislation mentioned above – the opportunity for community participation at meetings remains the same. An important function of these temporary operational changes at Council meetings is to limit the length of time people spend together to help prevent transmission of COVID-19.

Now that the pandemic is directly impacting the Shire, Council will continue to reassess the way in which it conducts its Council meetings.

As the provider of several essential services to the community, Council has had to manage its ever-changing pandemic response while at the same continuing to deal with necessary Council business. Considering the limited resources available and the enormous additional burden this pandemic has placed on Council, recent information technology efforts have been focussed on facilitating the ability of the majority of the workforce to work from home - the fundamental work which enables the continuation of Council business. Now that this resourcing is largely in place, the focus can, and is, shifting to the improved facilitation of virtual meetings, not just live streaming.

Testing is soon to be conducted on technological improvements aimed firstly to allow Councillors and officers to virtually attend Council meetings. Once this system is operating successfully alongside the live-streaming of meetings, it may be possible to allow some community members the opportunity to ask questions during Question Time, however the current method where all questions are pre-submitted appears to be working well, judging by the number of questions received each month. As Council becomes able to offer more interaction, Council will promote this in the print media and via its social media channels.

Noor Petersen, Forrest

1. Can Colac Otway Shire provide the obstacles/reasons as to why it cannot implement an 'urban greening' policy thereby allowing residents to plant nature strips with food and/or bee/bird friendly specimens? Many Victorian Shires already allow this, thereby reducing air and noise pollution related to mowing whilst enhancing the environment, supporting sustainability and aiding mental health/wellbeing for the owners and all who view these creations.

Response from General Manager, Infrastructure & Leisure Services

Council Policy 13.6 Street Tree Maintenance, Section 24(d) allows residents to plant vegetation in the nature strip subject to an approval process through the Local Laws team. The policy sets out the issues that Council will consider when choosing the type of street trees to be planted and how they will be maintained. The policy is due to be reviewed and presented to Council within the next 6 months.

2. Can Colac Otway Shire seriously commit to a positive 'urban greening' policy, and give a time frame as to when this can be adapted?

Response from General Manager, Infrastructure & Leisure Services

Council has not considered this issue but certainly could do so.

3. Covid-19 has been declared an emergency across the globe. Given the far reaching impact of the devastating conditions besetting the globe due to climate change, please explain why the Shire I reside in stubbornly refuses to acknowledge this far greater 'emergency'. Kindly note the following definitions of emergency:

Cambridge, Collins and Oxford: something dangerous or serious, such as an accident, that happens suddenly or unexpectedly and needs fast action in order to avoid harmful results.

Webster: an unforeseen combination of circumstances or the resulting state that calls for immediate action and an urgent need for assistance or relief.

And from Lexico: Origin mid 17th century from medieval Latin emergentia, from Latin emergere 'arise, bring to light'.

What prevents the Colac Otway Shire to 'arise and bring light' to the emergency the planet faces? And please spare me any rehashed goobledook saying that scientists have not reached a consensus!

Response General Manager, Development & Community Services

A report has been provided to Council in response to a community petition that asks for Council to acknowledge a Climate and Biodiversity Emergency. The report will be considered by Council at its July 2020 Ordinary Council Meeting and a decision should not be pre-empted, however it does makes recommendations for Council to consider.

Carol Wilmink, Apollo Bay

Re: Item: 10.1 Petition - Climate and Biodiversity Emergency

Apollo Bay relies on the Great Ocean Road for its visitors – who enable our businesses to exist, and our local people to also enjoy the facilities required to service these visitors. Some of the water and sewage lines to Skenes Creek and Marengo are on the sea-side of the Great Ocean Road.

[images provided]

Your officer's report states: "*it is evident that a significant number of people in the community are concerned about the impacts of climate change.*" By its actions and policies, I believe that Colac Otway Shire has already acknowledged that Climate Change is taking place. Please don't wait until sections of the Great Ocean Road are washed away, the road is closed and you, as our Local Government, need to take action to have the situation remedied.

1. Why can't our local government representatives: "Acknowledge that we are in a state of climate emergency' NOW, and then make representation to State and Federal Governments for PREVENTATIVE ACTION to save the Great Ocean Road?

NONE of the reports supplied for this petition mention that the Great Ocean Road may need to be closed due to it being washed away. Land-slips are very serious, but can be cleared away much quicker than a new road can be built. The Great Ocean Road is the BIGGEST earner from tourism in Australia. Colac Otway Shire may be able to influence a serious look at its maintenance, and continued existence.

Response from General Manager, Development & Community Services

A report has been provided to Council in response to a community petition that asks for Council to acknowledge a Climate and Biodiversity Emergency. The report will be considered by Council at its July 2020 Ordinary Council Meeting and a decision should not be pre-empted, however it does makes recommendations for Council to consider.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Nil. In response to the COVID-19 pandemic and in accordance with the Stay Safe and Restricted Activities Directions issued by the Chief Health Medical Officer of Victoria, only Councillors and Council staff were permitted to attend the Ordinary Council Meeting.

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

Question from Cr Chris Smith taken on notice by Tony McGann, General Manager, Infrastructure & Leisure Services, at the 24 June 2020 Ordinary Council Meeting regarding Item 10.1 - Apollo Bay Indoor Pool - Request for Additional Funds:

Cr Smith

At the point in time when Council agreed to put – to contribute – \$200,000 a year to the pool, at that point, in that agreement, how much of that money was to be spent on maintenance, or how much of the \$200,000 was assumed to be spent on running costs?

Response from General Manager, Infrastructure & Leisure Services

Under the new Funding Agreement (executed in 2019) we committed to:

- \$15,000 to be released prior to the date of Practical Completion to assist in the operational set up costs
- Once the pool opened, \$200,000 per annum towards the cost of 'operations'

'Operations' is defined in the Agreement as:

- (a) *Recurrent or continuously required day to day expenses associated with operating the Facility or providing services at the Facility; including but not limited to: utilities, staff, administration, training and overhead costs; and*
- (b) *Maintenance, which is the expenditure required to ensure the Facility is kept in good condition, including repairs.*

It also stated that the funds could not be 'used for the purposes of 'Capital Works', which are defined as:

'works that constitute:

- (a) *Renewal or replacement of an existing asset (complete or piecemeal refurbishment or replacement), which extends the functional use of an existing asset or returns the service potential or the life of the asset to that which it had originally;*
 - (b) *An upgrade that enhances an existing asset to provide a higher level of service or increases the life of the asset beyond its original life;*
 - (c) *Expenditure on an asset/item that will increase the operating and maintenance expenditure in future;*
 - (d) *Expenditure that creates a new asset, that provides a service that does not currently exist or that extends the capacity of an existing asset to provide benefits to new users at the same standard as is provided to existing beneficiaries,*
- but notwithstanding (a) – (d) above, excludes Operations.'*

Cr Smith

If I could jog someone's memory: wasn't it the case that we agreed to give \$200,000 towards running costs, and that's the original agreement that we had with the pool, right back from when they were trying to garnish funds? That we would contribute \$200,000 per year to the running costs of the pool – nothing to do with capital, nothing to do with maintenance. That was the agreement.

Response from General Manager, Infrastructure & Leisure Services

Please refer to the answer above.

7 PETITIONS / JOINT LETTERS

Nil

8 DECLARATIONS OF INTEREST

Cr Kate Hanson	Item 10.4 Proposed COVID-19 Business and Community Support Package (Recommendation 3)
Nature of Disclosure	Indirect interest
Type of Interest	Section 78A
Nature of Interest	Indirect financial interest – my place of work (Findex) is likely to be a financial beneficiary of this grant (vouchers).

9 CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on 24 June 2020

RESOLUTION

MOVED Cr Joe McCracken, SECONDED Cr Stephen Hart

That Council confirm the minutes of the Ordinary Council Meeting held on 24 June 2020.

CARRIED 7 : 0

Item: 10.1

Petition - Climate and Biodiversity Emergency

OFFICER	Stewart Anderson
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	<ol style="list-style-type: none">1. Barwon Climate Projections - DELWP & CSIRO 2019 [10.1.1 - 8 pages]2. Regional Adaptation Snapshot Barwon South West - DELWP 2018 [10.1.2 - 8 pages]3. Climate Change Risks to Local Government - Fact Sheet - DELWP 2017 [10.1.3 - 4 pages]4. CCSR Regional Report Barwon - Victorians' Perception of Climate Change 2017 [10.1.4 - 24 pages]5. Action On Climate - Citizens in Colac Otway Shire for ACTION on the Climate and Biodiversity Emergen [10.1.5 - 25 pages]6. Snapshot Climate Report - Municipal Emissions Snapshot 2017 - Colac Otway [10.1.6 - 2 pages]
PURPOSE	To consider a response to a community petition titled 'Climate and Biodiversity Emergency'.

RECOMMENDATION

RECOMMENDATION 1

That Council:

1. *Acknowledges that a significant number of people in our community are concerned about the impacts of climate change and agrees that more action is required by all levels of government to mitigate against and adapt to climate change.*
2. *Supports the formation of a multi-agency Climate Change Alliance for the Barwon South-West region.*
3. *Advocates for the establishment of a Net Zero Carbon Emissions Target for the G21 Region.*

RECOMMENDATION 2

That Council:

- 1. Continues to work towards achieving the Carbon Neutral Target (i.e. Net Zero Carbon Emissions) for all Council operations.***
- 2. Request that a report be presented to Council in early 2021 making recommendations on how the Carbon Neutral Target can be achieved through further emission reductions and carbon sequestration measures (e.g. Tree Planting).***

RECOMMENDATION 3

That Council:

- 1. Commits to supporting our community in their efforts to achieve Net Zero Carbon Emissions for the community by 2030.***
- 2. Determines to further understand the community's views on climate change and Council's commitment to a Net Zero Carbon Emissions Target for the Colac Otway Shire region through the development of the new Community Vision in 2021 and the 2021-2025 Council Plan.***

ALTERNATIVE MOTION 1

MOVED Cr Jason Schram, SECONDED Cr Kate Hanson

That Council:

- 1. Notes the environmental concerns of climate change, as presented by petitioners;***
- 2. Reaffirms Council's commitment to work towards a net zero carbon emissions target, as soon as practicable and commits to supporting the community in the effort to achieve net zero carbon emissions;***
- 3. Acknowledges Council's recent commitment to purchasing 100% carbon neutral energy;***
- 4. Notes Council's leadership on environmental matters, including the installation of low energy light bulbs, usage of solar power, participation in the Barwon Water Waste to Energy project, amongst others;***
- 5. Notes that the power to declare a state of emergency rests with the state government therefore does not declare a climate emergency;***
- 6. Notes that Council will continue to constructively work with key environmental groups and agencies, such as DELWP, Landcare, Otway Sustainability Group and others to lead by example and use best practice to lessen impacts on the environment within its operations.***

MOTION

MOVED Cr Stephen Hart

That the Alternative Motion 1 be split to remove point 5 so that it can be dealt with separately.

LOST 3 : 4

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

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

AMENDMENT

MOVED Cr Stephen Hart, SECONDED Cr Chris Potter

That point 5 be removed from the Alternative Motion 1 and that point 6 be renumbered to be point 5.

LOST 3 : 4

DIVISION

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

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

The Alternative Motion 1 was voted on and CARRIED 4 : 3

DIVISION

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

Against the motion: Cr Brian Crook

ALTERNATIVE MOTION 2

MOVED Cr Stephen Hart

That Council:

- 1. Acknowledges a climate emergency;*
- 2. Commits to supporting our community in their efforts to achieve Net Zero Carbon Emissions for the community by 2030; and*
- 3. Determines to further understand the community's views on climate change and Council's commitment to a Net Zero Carbon Emissions Target for the Colac Otway Shire region through the development of the new Community Vision in 2021 and the 2021-2025 Council Plan.*

The Mayor ruled Alternative Motion 2 to be out of order.

Madeleine Bisits attended the meeting at 4:10pm.
Julie Kiernan attended the meeting at 4:17pm.
Dora Novak left the meeting at 4:49pm.

Item: 10.2

Petition - Save Indoor Sports Centre

OFFICER	Tony McGann
GENERAL MANAGER	Tony McGann
DIVISION	Infrastructure & Leisure Services
ATTACHMENTS	Nil
PURPOSE	To consider a petition presented by the community in relation to a request to Council to purchase the Colac Indoor Sports Centre as well as a request from the owner of the Centre for Council to purchase it.

RECOMMENDATION

That Council, having considered the issues related to this petition and having met with the owners of the Colac Indoor Sports Centre:

- 1. Advise the organiser of the petition that it does not intend to purchase the property or the business.*
- 2. Advise the owner of the Colac Indoor Sports Centre that it does not intend to purchase the property or the business.*
- 3. Advise the owner of the Colac Indoor Sports Centre that it does not intend to develop the concept of constructing a Regional Tennis Facility on the land to the east of the existing Centre.*

REVISED OFFICER RECOMMENDATION

MOVED Cr Stephen Hart, SECONDED Cr Joe McCracken

That Council, having considered the issues related to this petition and having met with the owners of the Colac Indoor Sports Centre:

- 1. Acknowledges the significant community benefit which the centre currently provides.*

2. *Thanks the community for submitting the petition which asks Council to purchase the Centre.*
3. *Advises the organiser of the petition that it does not intend to purchase the property or the business.*
4. *Advises the owner of the Colac Indoor Sports Centre that it does not intend to purchase the property or the business.*
5. *Advises the owner of the Colac Indoor Sports Centre that it does not intend to develop the concept of constructing a Regional Tennis Facility on the land to the east of the existing Centre.*

CARRIED 6 : 1

DIVISION

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

Against the motion: Cr Chris Smith

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

The meeting resumed at 5:35pm.

Item: 10.3

Adoption of 2020/21 Budget

OFFICER	Jason Clissold
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	<ol style="list-style-type: none">1. 2020-21 Colac Otway Shire Council Draft Budget for adoption 22 July [10.3.1 - 49 pages]2. 2020-21 Fees & Charges - Non- Statutory (Public Exhibition) [10.3.2 - 35 pages]3. 2020-21 Fees & Charges - Statutory (Public Exhibition) [10.3.3 - 12 pages]4. Special Committee Meeting 8 July 2020 [10.3.4 - 63 pages]
PURPOSE	To present the 2020/21 Annual Budget, including Strategic Resource Plan projections, for Council's consideration and adoption.

RESOLUTION

MOVED Cr Chris Potter, **SECONDED** Cr Brian Crook

That Council:

1. *Having considered all submissions received, adopts the 2020/21 Budget, including strategic resource plan projections, annexed to this resolution as Attachment 1 in accordance with section 126 and 130 of the Local Government Act 1989 (the Act).*
2. *Notes that submissions received which are not included in the 2020/21 Budget will inform Council's budget deliberations in 2021/22.*
3. *Authorises the Chief Executive to:*
 - a. *Give public notice of this decision to adopt the 2020/21 Budget, in accordance with section 130(2) of the Act;*
 - b. *Forward a copy of the adopted Budget to the Minister for Local Government, in accordance with section 130(4) of the Act;*

- c. *Make available a copy of the adopted Budget at the Rae Street Office and the Apollo Bay Customer Service Centre for public inspection in accordance with section 130(9) of the Act;*
- d. *Thank persons making submissions to the budget for their submission and advise them of the outcome of the budget decision by writing to each person who made a submission; and*
- e. *Insert the Strategic Resource Plan projections, as contained in the Financial Statements, into the 2017-2021 Council Plan as provisionally readopted on 22 April 2020.*

4. *Intends to raise the following amount:*

An amount of \$31,486,529 (or such other amount as is lawfully raised as a consequence of this resolution) be declared as the amount that Council intends to raise by general rates (described later in this resolution), municipal charge and service (Waste Management) charges, which is calculated as follows:

<i>Category</i>	<i>Income</i>
<i>General Rates</i>	<i>\$25,535,988</i>
<i>Municipal Charge</i>	<i>\$2,823,011</i>
<i>Annual Service (Waste Management) Charges</i>	<i>\$3,127,530</i>
<i>TOTAL</i>	<i>\$31,486,529</i>

5. *Declares a general rate in respect of the 2020/21 Financial Year.*

- a. *It be further declared that, consistent with Council's current Rating Strategy and having regard to the considerations outlined in the Budget for the 2020/21 Financial Year, the general rate be raised by the application of differential rates.*
- b. *A differential rate be respectively declared for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each differential rate so declared:*

i. Residential Land – Colac, Colac East, Colac West or Elliminyt

Any land whether vacant or built upon, which is located in Colac, Colac East, Colac West or Elliminyt that is not zoned in the Colac Otway Planning Scheme for commercial or industrial use and which does not have the characteristics of:

- 1. Rural Farm Land;*
- 2. Holiday Rental Land; or*
- 3. Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt.*

ii. Residential Land - Balance of Shire

Any land whether vacant or built upon which is not located in Colac, Colac East, Colac West or Elliminyt that:

does not have the characteristics of:

- 1. Rural Farm Land;*
- 2. Holiday Rental Land;*

3. Commercial/Industrial Land – Balance of Shire

iii. Holiday Rental Land

Any land that contains a dwelling, cabin or house or part of a house that:

- 1. is used for the provision of holiday accommodation for the purpose of generating income; or*
- 2. is made generally available for holiday accommodation and is a secondary or supplemental source of income for the owner,*

Note: Typically, the category will include absentee owned holiday houses, owner occupied "Bed and Breakfast" establishments, farm properties with accommodation cabins, holiday farms and the like.

The category will not include land used to provide tourist/holiday accommodation on an overtly commercial scale and basis where the provision of accommodation is an integral part of the use of the property. The types of properties excluded from this category would include motels, resorts, hotels with accommodation, caravan parks, centrally managed and promoted multi-unit developments and the like.

iv. Rural Farm Land

Any land within Council's municipal district which constitutes "Farm Land" as defined by Section 2 of the Valuation of Land Act 1960 and is zoned to allow land to be used for rural and/or farming purposes.

v. Commercial/Industrial Land - Colac, Colac East, Colac West or Elliminyt

Any land which is located in Colac, Colac East, Colac West or Elliminyt which: does not have the characteristics of:

- 1. Rural Farm Land;*
- 2. Residential Land – Colac, Colac East, Colac West or Elliminyt; or*
- 3. Holiday Rental Land; and*
- 4. is used primarily for:*
 - a. the sale of goods or services;*
 - b. other commercial purposes; or*
 - c. industrial purposes,*

or which is vacant but zoned in the Colac Otway Planning Scheme for commercial or industrial use.

vi. Commercial/Industrial Land - Balance of Shire

Any land which is not located in Colac, Colac East, Colac West or Elliminyt which does not have the characteristics of:

- 1. Rural Farm Land;*
- 2. Residential Land – Balance of Shire; or*
- 3. Holiday Rental Land; and*
- 4. is used primarily for:*

- a. the sale of goods or services;
- b. other commercial purposes; or
- c. industrial purposes

or which is vacant but zoned in the Colac Otway Planning Scheme for commercial or industrial use.

- c. Each differential rate will be determined by multiplying the Capital Improved Value of each piece of rateable land (categorised by the characteristics described in Clause 5(b) of this Resolution) by the relevant rate in the dollar indicated in the following table:

Rating Category	Rate in the dollar of CIV
Residential - Colac, Colac East, Colac West, Elliminyt	0.003898
Residential - Balance of Shire	0.003313
Holiday Rental	0.003898
Rural Farm	0.002924
Commercial/Industrial - Colac, Colac East, Colac West, Elliminyt	0.006432
Commercial/Industrial - Balance of Shire	0.005457

- d. It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:
 - i. the respective objectives of each differential rate be those specified in section 4.1.1(n) of the 2020/21 Budget Document;
 - ii. the respective types or classes of land which are subject to each differential rate be those defined in the Schedule to this resolution;
 - iii. the respective uses and levels of each differential rate in relation to those respective types or classes of land be those described in the current Colac Otway Shire Rating Strategy; and
 - iv. the relevant:
 - 1. uses of;
 - 2. geographical locations of;
 - 3. Colac Otway Planning Scheme zoning of; and
 - 4. types of buildings on

the respective types or classes of land be those identified in Council's current Rating Strategy.

- 6. Declares a Municipal Charge for the 2020/21 Financial Year to cover some of the administrative costs of the Council in the amount of \$193 per annum for each rateable property in respect of which a municipal charge can be levied.
- 7. Declares the following Annual Service (Waste Management) Charges for the 2020/21 Financial Year:

- a. *An Annual Service (Waste Management) Charge of \$300 per annum be declared for all:*
 - i. *land used predominantly for residential or commercial purposes to which a weekly waste collection and disposal service is provided or made available; and*
 - ii. *other land to which a weekly waste collection and disposal service is provided.*
 - b. *An Annual Service (Waste Management) Charge of \$205 per annum be declared for all:*
 - i. *land used predominantly for residential or commercial purposes to which a fortnightly waste collection and disposal service is provided or made available; and*
 - ii. *other land in respect of which a fortnightly waste collection and disposal service is provided.*
8. *Allows the general rates, Municipal Charge and Annual Service (Waste Management) Charges to be paid in accordance with section 167 of the Act by four instalments due on or before:*
 - a. *30 September 2020;*
 - b. *30 November 2020;*
 - c. *28 February 2021; and*
 - d. *31 May 2021.*
9. *Requires any person to pay interest (only to be calculated from 1 January 2021) at the maximum rate calculated in accordance with section 172(2) of the Act on any amounts of rates and charges which:*
 - a. *that person is liable to pay; and*
 - b. *have not been paid by the date specified for their payment.*
10. *Authorises the General Manager Corporate Services, Manager Financial Services and the Revenue Co-ordinator to levy and recover the General Rates, Municipal Charge and Annual Service (Waste Management) Charges in accordance with the Act.*
11. *Declares a Special Charge for the Tirrenhower drainage works to be calculated at \$2.50 per hectare for the 2020/21 Financial Year in respect of all land previously declared by Council in its resolution on 24th January 2018 and listed in the Schedule attached to the 24th January 2018 resolution.*

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

Tamzin McLennan attended the meeting at 6:14pm.

James Myatt attended the meeting at 6:14pm.

Madeleine Bisits left the meeting at 6:14pm.

Frank Castles left the meeting at 6:15pm.

Item: 10.4

Proposed COVID-19 Business & Community Support Package

OFFICER	Tamzin McLennan
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	Attachment 1 COVID-19 lease relief list Attachment 2 COVID-19 Business Support Vouchers Attachment 3 COVID 19 Business Diversification Grants Guidelines Attachment 4 COVID-19 Small Arts Projects Grants Guidelines
PURPOSE	Proposed COVID-19 Business & Community Support Package.

Cr Kate Hanson	Item 10.4 Proposed COVID-19 Business and Community Support Package (Recommendation 3)
Nature of Disclosure	Indirect interest
Type of Interest	Section 78A
Nature of Interest	Indirect financial interest – my place of work (Findex) is likely to be a financial beneficiary of this grant (vouchers).

RECOMMENDATION

RECOMMENDATION 1

That Council:

1. **Endorses the rollout of a COVID-19 Business and Community Support Package as outlined in the draft budget.**
2. **That the package shall comprise up to \$426,000 that includes:**
 - a. **The waiver or reduction of rent/fees for community and sporting groups within Council-owned land/grounds and buildings, to the value of \$31,000.**

- b. The waiver of street furniture and food/health premises fees for the 2021 year to the value of \$48,000.*
- c. The waiver of fees for food and health premises for the 2021 year (including banners, A-frames, dining units and square metres of goods) to the value of \$172,000.*
- d. The provision of an interest-free grace period for late rate repayments, to the value of \$75,000.*
- e. Keeping fees and charges the same level as 2019-20 (i.e. no rise for 2020-2021) valued at \$100,000.*

RECOMMENDATION 2

That Council:

- 1. Endorses the provision of up to \$37,000 for the provision of lease and/or licence relief to commercial and community tenants of Council owned-or-managed land and/or buildings.*
- 2. Determines that in order for a lessee to qualify for lease relief, they must:*
 - a. Currently operate a business or are an incorporated community group in the Colac Otway Shire.*
 - b. Have fewer than 20 FTE employees in the case of a business lessee.*
 - c. Must have had a period during COVID restrictions where they were unable to trade/use the leased premises due to state or federal social distancing directions.*
- 3. Determines that commercial operators/businesses can only apply for lease relief for the period they were unable to trade as directed by government, up to a maximum of three months.*
- 4. Determines that premises that offer gambling shall not be eligible for Council lease relief. Government entities and corporations are also ineligible.*
- 5. Supports the waiver of an entire year of lease or licence fees for incorporated community groups leasing or licencing Council owned premises, upon receipt of application.*
- 6. Delegates authority to the Chief Executive to approve applications for lease relief after they have been assessed against the set criteria.*

REVISED OFFICER RECOMMENDATION 2

That Council:

- 1. Endorses the provision of up to \$37,000 for the provision of lease and/or licence relief to commercial and community tenants of Council owned-or-managed land and/or buildings.*
- 2. Determines that in order for a lessee to qualify for lease relief, they must:*

- a. *Currently operate a business or are an incorporated community group in the Colac Otway Shire.*
- b. *Have fewer than 20 FTE employees in the case of a business lessee.*
- c. *Must have had a period during COVID restrictions where they were unable to trade/use the leased premises due to state or federal social distancing directions.*
3. *Determines that commercial operators/businesses can only apply for lease relief for the period they were unable to trade due to COVID restrictions, up to a maximum of three months*
4. *Determines that premises that offer gambling shall not be eligible for Council lease relief. Government entities and corporations are also ineligible.*
5. *Supports the waiver of an entire year of lease or licence fees for incorporated community groups leasing or licencing Council owned premises, upon receipt of application.*
6. *Delegates authority to the Chief Executive to approve applications for lease relief after they have been assessed against the set criteria.*

RECOMMENDATION 3

That Council:

1. *Endorses the provision of up to \$10,000 for business support vouchers as part of Council's Business and Community Support Package.*
2. *Makes available business support vouchers to the value of \$200 per business applicant until 30 April 2021, or until the funding allocation is exhausted.*
3. *Supports the provision of vouchers on a first-in, first-served basis. Applications will be assessed by officers against the following eligibility criteria:*

The business applicant:

- a. *Must currently operate a business in the Colac Otway Shire.*
- b. *Must have an active ABN as at 1 March 2020.*
- c. *Must have fewer than 20 FTE employees.*
- d. *Will be asked to provide evidence of having received funding through a state or federal government COVID-19 grant/subsidy program.*
4. *Delegates authority to the Chief Executive to approve the issue of \$200 business support vouchers after they have been independently assessed against the set criteria by a Council officer.*

RECOMMENDATION 4

That Council:

- 1. Endorses the provision of up to \$60,000 for a COVID-19 Business Diversification Grants program as part of Council's Business and Community Support Package.**
- 2. Makes available grants up to a maximum of \$3000 to eligible business applicants on a \$1:\$1 basis until 30 April 2021, or until the funding allocation is exhausted.**
- 3. Supports the first round of the Business Diversification Grants program being open for four weeks starting 31 July 2020. Applications will be assessed by officers against the following eligibility criteria:**
 - a. Must currently operate a business in the Colac Otway Shire.**
 - b. Must have an active ABN as at 1 March 2020.**
 - c. Must have fewer than 20 FTE employees.**
 - d. Will be asked to provide evidence of having received funding through a state or federal government COVID-19 grant/subsidy program.**
- 4. Delegates authority to the Chief Executive to approve the issue of grants up to the value of \$3000 per applicant after they have been independently assessed against the set criteria by a panel of three (3) Council officers.**

RECOMMENDATION 5

That Council:

- 1. Endorses the provision of \$40,000 for a buy local campaign, encompassing the whole shire.**
- 2. Expenditure on the campaign shall nominally be split in the following way:**
 - a. \$15,000 for Colac**
 - b. \$15,000 for Apollo Bay**
 - c. \$10,000 for small towns.**
- 3. Directs officers to work with the Colac and Apollo Bay chambers of commerce, along with relevant small town community groups, to design a collaborative campaign that is timed and delivered to maximise the benefits to our local business community.**

RECOMMENDATION 6

That Council:

- 1. Endorses the provision of \$30,000 for a targeted marketing campaign aimed at attracting domestic visitation to Apollo Bay and the Otways, as part of Council's Business and Community Support Package.**
- 2. Directs officers to work with Great Ocean Road Regional Tourism and the Apollo Bay Chamber of Commerce to design a collaborative campaign that maximises Council's return on investment.**

RECOMMENDATION 7

That Council:

- 1. Endorses the provision of \$27,500 (ex GST) for an event audit/study to assist with our community's recovery from COVID-19, as part of Council's Business and Community Support Package.**
- 2. Directs officers to report back to a Council briefing once the event audit is complete so Councillors can gain an understanding of the audit's findings.**
- 3. Sets aside up to \$20,500 from Council's Business and Community Support Package for future event purchases, which will be subject to future Council briefings and resolutions.**

RECOMMENDATION 8

That Council:

- 1. Endorses the provision of \$12,000 for a one-off expansion of the COPACC assistance grants to enable local dance, singing and acting schools to access up to a maximum of \$2000 of funding support, as part of Council's Business and Community Support Package.**
- 2. Agrees that the guidelines, application and assessment process shall mirror Council's current annual grants program as it relates to 'COPACC Assistance', with the key difference being that eligibility criteria is expanded to enable local performing arts (eg: dancing/singing/acting) businesses to apply.**
- 3. Supports the formation of a panel of three (3) officers to assess applications against the guidelines and eligibility criteria by the same method used for Council's annual grants program. Applications will be assessed by officers against the following eligibility criteria:**
 - a. Must currently operate a performing arts business in the Colac Otway Shire.**
 - b. Must have an active ABN as at 1 March 2020.**
 - c. Must have fewer than 20 FTE employees.**

- d. Must be planning a performance in either the COPACC Auditorium or Civic Hall black box space in the 2020-2021 financial year.*
- 4. Delegates authority to the Chief Executive to approve the issue of grants up to the value of \$2000 per applicant upon receipt of a recommendation from officers.*
- 5. Makes this funding stream available up to 30 April 2021, or until the allocation is exhausted.*
- 6. Request that officers bring a report back to the April 2021 Ordinary Council Meeting if COVID-19 restrictions prevent performing arts businesses from accessing this grants scheme and performing at COPACC by April 2021. The purpose of this report would be to consider extending the program into the 2021-2022 financial year.*

RECOMMENDATION 9

That Council:

- 1. Endorses the provision of \$20,000 for Small Arts Projects to enable artists and event organisers to undertake projects, as part of Council's Business and Community Support Package.*
- 2. Makes available grants up to \$3000 to eligible business and community applicants until 30 April 2021, or until the funding allocation is exhausted.*
- 3. Supports the Small Arts Projects program being open for four weeks starting 31 July 2020, with a panel of three (3) officers to assess applications against the guidelines and eligibility criteria by the same method used for Council's annual grants program. Applications will be assessed by officers against the following eligibility criteria:*

Applicants must:

- a. Operate a business in the Colac Otway Shire and have an active ABN as at 1 March 2020, with fewer than 20 FTE employees; or*
- b. Operate a non-government, not-for-profit incorporated body (or be auspiced by such a body) located in the Colac Otway Shire at the time of application for the project duration.*
- 4. Delegates authority to the Chief Executive to approve the issue of grants up to the value of \$3000 upon receipt of a recommendation from officers.*

Having declared a conflict of interest for Recommendation 3, Cr Kate Hanson left the meeting at 6.15pm and did not take part in debate nor vote on Recommendation 3.

Nick Howard left the meeting at 6:26pm.

RECOMMENDATION 3

RESOLUTION

MOVED Cr Chris Potter, SECONDED Cr Brian Crook

That Council:

- 1. Endorses the provision of up to \$10,000 for business support vouchers as part of Council's Business and Community Support Package.***
- 2. Makes available business support vouchers to the value of \$200 per business applicant until 30 April 2021, or until the funding allocation is exhausted.***
- 3. Supports the provision of vouchers on a first-in, first-served basis. Applications will be assessed by officers against the following eligibility criteria:***

The business applicant:

- a. Must currently operate a business in the Colac Otway Shire.***
 - b. Must have an active ABN as at 1 March 2020.***
 - c. Must have fewer than 20 FTE employees.***
 - d. Will be asked to provide evidence of having received funding through a state or federal government COVID-19 grant/subsidy program.***
- 4. Delegates authority to the Chief Executive to approve the issue of \$200 business support vouchers after they have been independently assessed against the set criteria by a Council officer.***

EQUAL 3 : 3

The Mayor used his casting vote and voted against the motion. The motion was LOST.

DIVISION

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

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

Jason Clissold left the meeting at 6:41pm.

Cr Kate Hanson returned to the meeting at 6:43pm.

ALTERNATIVE MOTION

MOVED Cr Chris Smith, **SECONDED** Cr Joe McCracken

That Council does not support any of these packages as presented and continues the consultation process and consults our largest group of businesses, which is farming.

LOST 2 : 5

DIVISION

For the motion: Cr Chris Smith, Cr Joe McCracken

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

ALTERNATIVE MOTION

MOVED Cr Chris Potter, **SECONDED** Cr Brian Crook

That Council adopts en bloc Recommendations 1, 2 (Revised Officer), 4, 5, 6, 7, 8 and 9 of Item 10.4 Proposed COVID-19 Business & Community Support Package.

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 Chris Smith, Cr Joe McCracken

Tamzin McLennan left the meeting at 7:31pm.

James Myatt left the meeting at 7:31pm.

Julie Kiernan attended the meeting at 7:31pm.

Item: 10.5

Building Compliance Policy

OFFICER	Doug McNeill
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	<ol style="list-style-type: none">1. Draft Council Policy - For Exhibition - Administration & Enforcement of Building Legislation - July 2020 Counc [10.5.1 - 7 pages]2. Draft Operating Procedure - Swimming Pool & Spa Barrier Compliance [10.5.2 - 3 pages]3. Draft Operating Procedure - Essential Safety Measures Audit & Enforcement [10.5.3 - 5 pages]4. Draft Operating Procedure - Compliance Response - Non-Council Issued Building Permits [10.5.4 - 4 pages]5. Existing Council Policy - Essential Safety Measures - For Future Revocation [10.5.5 - 6 pages]6. Existing Council Policy - Swimming Pool and Spa Safety Barriers - For Future Revocation [10.5.6 - 5 pages]7. Existing Council Policy - Municipal Building Control Intervention Filter - For Future Revocation [10.5.7 - 7 pages]
PURPOSE	To present a draft Council Policy 'Administration and Enforcement of Building Legislation', which is intended to replace three existing policies.

RECOMMENDATION

That Council:

1. *note the attached draft Council Policy – 'Administration and Enforcement of Building Legislation' which is intended to replace three existing Council Policies – "Municipal Building Control Intervention Filter Criteria", "Essential Safety Measures" and "Municipal Pool and Spa Enforcement".*
2. *note that the draft policy has been amended from the version presented to Council at the June Ordinary Council meeting in response to concerns raised about the way that building compliance administration fees would be applied.*

3. *note the attached draft Operational Procedures which have been developed to support implementation of the new policy, which are not intended to be adopted by Council, but are provided for information.*
4. *resolve to place the draft 'Administration and Enforcement of Building Legislation' policy on public exhibition for six weeks to seek community feedback before it is formally considered for adoption.*

ALTERNATIVE MOTION

MOVED Cr Chris Smith

That this policy goes out for community consultation for at least six weeks.

Cr Chris Smith withdrew this alternative motion.

RESOLUTION

MOVED Cr Brian Crook, SECONDED Cr Chris Potter

That Council:

1. *note the attached draft Council Policy – 'Administration and Enforcement of Building Legislation' which is intended to replace three existing Council Policies – "Municipal Building Control Intervention Filter Criteria", "Essential Safety Measures" and "Municipal Pool and Spa Enforcement".*
2. *note that the draft policy has been amended from the version presented to Council at the June Ordinary Council meeting in response to concerns raised about the way that building compliance administration fees would be applied.*
3. *note the attached draft Operational Procedures which have been developed to support implementation of the new policy, which are not intended to be adopted by Council, but are provided for information.*
4. *resolve to place the draft 'Administration and Enforcement of Building Legislation' policy on public exhibition for six weeks to seek community feedback before it is formally considered for adoption.*

CARRIED 4 : 3

DIVISION

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

Against the motion: Cr Stephen Hart, Cr Joe McCracken, Cr Chris Smith

Item: 10.6

Review of Building Compliance Administrative Fees

OFFICER	Doug McNeill
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	Nil
PURPOSE	To recommend changes to Building Compliance Administration fees following a review requested by Council.

RECOMMENDATION

That Council:

1. *notes the review of Building Compliance Administration Fees undertaken by officers following Council's resolution at its 26 June 2019 Council meeting, which has been undertaken in tandem with preparation of a new policy relating to Building Compliance.*
2. *notes the draft proposal to apply a fee of \$800 for the 2020/21 year associated with the issue of a Building Order under that Building Act 1993, with this fee to be reviewed annually as part of Council's consideration of its fees and charges. No fee is proposed to be applied to the issue of Building Notices.*
3. *exhibits the proposed change in building compliance fees for a period of 6 weeks to seek community feedback before formal consideration of a position on the fees at a future Council meeting.*
4. *notes that any change in fees resulting from the review process would not be applied retrospectively once adopted.*

ALTERNATIVE MOTION

MOVED Cr Chris Smith, **SECONDED** Cr Stephen Hart

That Council:

1. *notes the review of Building Compliance Administration Fees undertaken by officers following Council's resolution at its 26 June 2019 Council meeting, which has been undertaken in tandem with preparation of a new policy relating to Building Compliance.*
2. *notes the draft proposal to apply a fee of \$800, but this is to remain at \$0 for the 2020/21 year associated with the issue of a Building Order under that Building Act 1993, with this fee to be reviewed annually as part of Council's consideration of its fees and charges. No fee is proposed to be applied to the issue of Building Notices.*
3. *notes that any change in fees resulting from the review process would not be applied retrospectively once adopted.*

CARRIED 4 : 3

DIVISION

For the motion: Cr Stephen Hart, Cr Joe McCracken, Cr Jason Schram, Cr Chris Smith

Against the motion: Cr Brian Crook, Cr Kate Hanson, Cr Chris Potter

Errol Lawrence left the meeting at 8:20pm.

The meeting adjourned for a short break at 8:20pm.

The meeting resumed at 8:28pm.

Errol Lawrence re-joined the meeting at 8:28pm.

Item: 10.7

Planning Committee of Council

OFFICER	Sarah McKew
CHIEF EXECUTIVE	Peter Brown
DIVISION	Executive
ATTACHMENTS	1. Maddocks - Draft Instrument of Delegation - Planning Committee of Council - July 2020 [10.7.1 - 4 pages]
PURPOSE	To reconstitute a Delegated Committee by 1 September 2020 in accordance with the requirements of the <i>Local Government Act 2020</i>

RESOLUTION

MOVED Cr Chris Potter, **SECONDED** Cr Brian Crook

That Council:

1. *effective 31 August 2020, dissolves the "Planning Committee of Council", established pursuant to section 86 of the Local Government Act 1989;*
2. *in exercise of the powers conferred by section 63 of the Local Government Act 2020 (Act) and section 188 of the Planning and Environment Act 1987:*
 - a. *from 1 September 2020, establishes the Planning Committee of Council as a Delegated Committee (Committee), to fulfil the purposes set out in the Schedule to this Resolution;*
 - b. *appoints all Councillors as the members of the Committee;*
 - c. *requires the Committee to meet with the regularity specified in the Schedule to this Resolution;*
 - d. *subject to the Act, will appoint the Chairperson of the Committee annually;*
 - e. *fixes the quorum for the Committee as the number of members that is equal to at least a majority of the members of the Committee;*

f. delegates to the members of the Committee the powers, discretions and functions set out in the attached Instrument of Delegation (Instrument); and

3. determines that the:

a. Instrument comes into force on 1 September 2020;

b. Instrument remains in force until Council resolves to vary or revoke it; and

c. powers, discretions and functions conferred on the Committee by the Instrument must be exercised in accordance with the conditions and limitations set out in the Instrument and with any guidelines or policies adopted by Council from time to time and authorises the Common Seal of Council to be affixed to the Instrument.

CARRIED 7 : 0

Doug McNeill left the meeting at 8:44pm.

Item: 10.8

2020 Community Satisfaction Survey

OFFICER	Melanie Duve
CHIEF EXECUTIVE	Peter Brown
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. Report - Community Satisfaction Survey 2020 [10.8.1 - 85 pages]2. Report - Community Satisfaction Survey 2020 - Additional Questions [10.8.2 - 8 pages]
PURPOSE	To provide Council with the 2020 Community Satisfaction Survey (CSS) results.

RESOLUTION

MOVED Cr Chris Smith, SECONDED Cr Brian Crook

That Council notes the 2020 Community Satisfaction Survey Results.

CARRIED 7 : 0

Item: 10.9

Council Expenses Policy - Local Government Act 2020

OFFICER	Sarah McKew
CHIEF EXECUTIVE	Peter Brown
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. Council Expenses Policy - July 2020 - For adoption [10.9.1 - 15 pages]2. Council Expenses Policy - July 2020 - Marked up - For adoption [10.9.2 - 12 pages]3. 18.5 Councillor Support Policy - Adopted 25 September 2019 - For revocation [10.9.3 - 11 pages]
PURPOSE	To adopt the Council Expenses Policy as required under the Local Government Act 2020 and revoke the Councillor Support Policy

RESOLUTION

MOVED Cr Chris Potter, **SECONDED** Cr Joe McCracken

That Council:

1. **revoke 18.5 Councillor Support Policy;**
2. **adopt the Council Expenses Policy developed in accordance with the provisions of the Local Government Act 2020.**

CARRIED 7 : 0

Alison Martin attended the meeting at 8:59pm.

Item: 10.10

Draft Grants, Contributions & Sponsorship Policy

OFFICER	Alison Martin
CHIEF EXECUTIVE	Peter Brown
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. 20200703 Grants, Contributions Policy For Adoption - Watermarked [10.10.1 - 3 pages]2. Donations- Miscellaneous Policy For Revocation - Watermarked [10.10.2 - 2 pages]3. Landscaping Sponsorship Policy For Revocation - Watermarked [10.10.3 - 3 pages]4. Funding Advances to Community _s For Revocation - Watermarked [10.10.4 - 4 pages]
PURPOSE	To consider the Draft Grants, Contributions & Sponsorship Policy for adoption.

RESOLUTION

That Council:

1. *thanks the community member for the feedback provided on this draft policy;*
2. *adopts the draft Grants, Contributions & Sponsorship Policy;*
3. *revokes the following policies which have been replaced by or interwoven into the Grants, Contributions & Sponsorship Policy:*
 - a. *6.1 Landscaping Sponsorship Policy*
 - b. *6.2 Funding Advances to Community Organisations*
 - c. *6.3 Donations Miscellaneous Policy.*

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

Alison Martin left the meeting at 9:06pm.

10.11

Notice of Motion - Seismic Testing

COUNCILLOR	Cr Potter
ATTACHMENTS	Nil

RESOLUTION

NOTICE OF MOTION

MOVED Cr Chris Potter, **SECONDED** Cr Brian Crook

That Council:

1. *opposes the use of seismic testing in the continuing exploration of the Otway Basin, for oil and gas;*
2. *writes to the Prime Minister and the Minister for Industry, Science and Technology and relevant local Federal and State Parliamentarians requesting that no further permits to conduct seismic testing are issued by "NOPSEMA" for the area known as the Otway Basin in order to protect marine breeding and spawning areas, particularly those of the southern rock lobster; and*
3. *requests that if such exploration permits utilising seismic testing continue to be issued, then a provision for reasonable compensation to affected commercial fishing businesses caused by such testing and exploration, be included in those issued permits.*

CARRIED 4 : 3

DIVISION

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

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

10.12

Notice of Motion - No increase in Councillor Allowances, including Mayor's Allowance, for at least two years

COUNCILLOR	Cr Stephen Hart
ATTACHMENTS	<ol style="list-style-type: none">1. Section 39 of the Local Government Act 2020 [10.12.1 - 1 page]2. Section 23 A of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standard [10.12.2 - 2 pages]3. Section 24 of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards [10.12.3 - 2 pages]

NOTICE OF MOTION

MOVED Cr Stephen Hart, **SECONDED** Cr Chris Potter

That Council:

1. *notes that, in accordance with the Local Government Act, the Victorian Independent Remuneration Tribunal will be reviewing Councillor Allowances and the Mayor Allowance payable after the October 2020 Local Government election and the process allows submissions to be made in relation to their proposed determination;*
2. *acknowledges that in the current social and economic environment there should be no increase in Councillors Allowances or the Mayor's Allowance for a considerable period, at least until 31/12/'22;*
3. *requests that the Chief Executive Officer makes a submission to the Victorian Independent Remuneration Tribunal, when submissions are invited, to inform them of Council's view as outlined in point 2; and*
4. *requests that any adjustments to the 2020/2021 Council Budget arising from this decision should be made at the time of the mid year budget review.*

LOST 3 : 4

DIVISION

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

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

Item: 10.13

Assemblies of Councillors

OFFICER	Lyndal McLean
CHIEF EXECUTIVE	Peter Brown
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. Assembly of Councillors - Councillor Briefing - 3 June 2020 - CB 20200603 [10.13.1 - 3 pages]2. Assembly of Councillors - Councillor Briefing - 10 June 2020 [10.13.2 - 2 pages]3. Assembly of Councillors - Planning Meeting Preparation - 10 June 2020 [10.13.3 - 1 page]4. Assembly of Councillors - Council Meeting Preparation - 24 June 2020 - OCM 20200624 [10.13.4 - 2 pages]5. Assembly of Councillors - Councillor Briefing - 1 July 2020 - CB 20200107 [10.13.5 - 3 pages]6. Assembly of Councillors - Councillor Briefing - 8 July 2020 - CB 20200708 [10.13.6 - 2 pages]
PURPOSE	To report the Assemblies of Councillors

REPORTING

The Assemblies of Councillors are reported herewith.

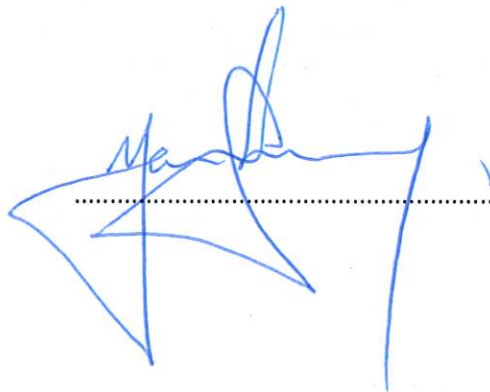
The Local Government Act 1989 does not require a Council decision.

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

A correction was made to the 3 June 2020 Councillor Briefing Assembly record with regards to Councillor attendance by videoconference. A revised version of the document is attached to these Minutes for reference.

The meeting was declared closed at 9:50pm.

CONFIRMED AND SIGNED at the meeting held on 26 August 2020



.....MAYOR

Assembly of Councillors

INVITEES:

Cr Hanson, Cr Hart, Cr Schram, Cr Potter, Cr McCracken, Cr Crook, Cr Smith, Peter Brown, Tony McGann, Errol Lawrence, Ian Seuren

ATTENDEES:

Cr Hanson, Cr Hart (by videoconference), Cr Schram, Cr Potter, Cr McCracken, Cr Crook, Peter Brown, Tony McGann, Errol Lawrence, Ian Seuren, Doug McNeill (by videoconference), Jason Clissold (by videoconference), Paul Carmichael, Ben McLaughlin, Katrina Kehoe, James Myatt (by videoconference), Madeleine Bisits (by videoconference), Jacob Cumming (by videoconference), Tamzin McLennan, Dale Barrow (by videoconference), Bláithín Butler (by videoconference), Helen Evans (by videoconference), Doug McNeill, Vikram Kumar (by videoconference)

EXTERNAL ATTENDEES:

By videoconference - Michael Scholtes (Chief Executive, Corangamite Regional Library Corporation), Cr Jill Parker (Moyne Council)

APOLOGIES:

Nil

ABSENT:

Cr Smith

Meeting commenced at 1:35pm

Declarations of Interest		Item	Reason
Cr Schram	Having declared a conflict of interest, Cr Schram left the meeting at 4:42pm; returned at 4:42pm.	Colac Otway Shire Grants Program 2020-2021 - Allocation of funds	Indirect interest – Section 78 Mother is Committee Member of Rotary Club Colac West.
Cr Crook	Having declared a conflict of interest, Cr Crook left the meeting at 4:42pm; returned at 4:42pm.	Colac Otway Shire Grants Program 2020-2021 - Allocation of funds	Indirect Interest - Section 78 My wife is President of the Rotary Club of Colac West, one of the proposed recipients of a grant.

Declarations of Interest (continued)		Item	Reason
Cr Potter	Having declared a conflict of interest, Cr Potter left the meeting at 4:43pm; returned at 4:50pm.	Colac Otway Shire Grants Program 2020-2021 - Allocation of funds	Indirect interest – Section 78B Indirect interest in that I am a board member of the Colac RSL who have applied for a grant in category 2 Community Events and Support.
Ian Seuren	Ian Seuren declared an interest but was not required to leave the meeting.	Colac Otway Shire Grants Program 2020-2021 - Allocation of funds	Indirect Interest Committee member of Colac Basketball Association. The CBA has applied for a 2020/21 Community Grant. This was discussed at the 3/6/2020 Councillor Briefing and will be presented to June 2020 OCM.

Councillor Briefing		
Time	Item	Attendees
1.35pm – 2.26pm	Library Service Review – update on consultation and officer recommendation	Michael Scholtes Cr Jill Parker
2.26pm – 2.46pm	Building Compliance Policy	Doug McNeill Jacob Cumming
2.46pm – 2.56pm	Break	
2.56pm – 3.11pm	Policy Review: 11.4 Assistance to Rates Debtors in Hardship	Jason Clissold Paul Carmichael
3.11pm – 3.15pm	Policy Review: 11.5 – Residential Properties deemed to be Not Rateable as used for Charitable purposes	Jason Clissold Paul Carmichael
3.15pm – 3.32pm	Apollo Bay Indoor Pool - Request for Additional Funds	
3.32pm – 3.49pm	Contract 2029 - Supply of Electricity and Natural Gas	Ben McLaughlin
3.49pm – 3.59pm	Break	

Councillor Briefing (continued)		
Time	Item	Attendees
3.59pm – 4.44pm	<p>Colac Otway Shire Grants Program 2020-2021 - Allocation of funds</p> <p>Cr Schram attended the meeting at 4:06pm.</p> <p>Having declared a conflict of interest, Cr Schram left the meeting at 4:42pm; returned at 4:42pm.</p> <p>Having declared a conflict of interest, Cr Crook left the meeting at 4:42pm; returned at 4:42pm.</p> <p>Having declared a conflict of interest, Cr Potter left the meeting at 4:43pm; returned at 4:44pm.</p>	<p>Katrina Kehoe</p> <p>James Myatt</p> <p>Tamzin McLennan</p>
4.44pm – 5.50pm	<p>General Business:</p> <ul style="list-style-type: none"> ▪ \$1.7M Local Road & Community Infrastructure grant ▪ Constituent property ▪ Local Government Act 2020 ▪ Bluewater roof ▪ Planning (Kennett River toilets) <p>Cr Potter left the meeting at 4.55pm; returned at 5.07pm.</p> <p>Cr Hanson left the meeting at 5.33pm and did not return.</p> <p>Cr Schram left the meeting at 5.48pm and did not return.</p>	<p>Madeleine Bisits</p> <p>Dale Barrow</p> <p>Helen Evans</p> <p>Doug McNeill</p> <p>Bláithín Butler</p> <p>Vikram Kumar</p>
5.50pm	Meeting closed	