



Colac Otway  
SHIRE

**SPECIAL COUNCIL MEETING**

# **MINUTES**

**Wednesday 13 May 2020**

**at 4:00 pm**

**COPACC**

**95 - 97 Gellibrand Street, Colac**



# COLAC OTWAY SHIRE SPECIAL COUNCIL MEETING

Wednesday 13 May 2020

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## COLAC OTWAY SHIRE SPECIAL COUNCIL MEETING

MINUTES of the **SPECIAL COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** held at COPACC on  
Wednesday 13 May 2020 at 4:00 pm.

### MINUTES

#### **1 DECLARATION OF OPENING**

##### **OPENING PRAYER**

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

AMEN

#### **2 PRESENT**

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

Peter Brown, Chief Executive  
Errol Lawrence, General Manager, Corporate Services  
Tony McGann, General Manager, Infrastructure & Leisure Services  
Ian Seuren, General Manager, Development & Community Services  
Sarah McKew, Manager, Governance & Communications  
Frank Castles, Manager, Services and Operations  
Jason Clissold, Manager, Financial Services (by teleconference)  
Lyndal McLean, Governance Coordinator  
Alison Martin, Communications Coordinator  
Nick Howard, Finance Coordinator  
Ben McLaughlin, Procurement and Tenders Coordinator

#### **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 and present 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 at Home Directions issued by the Chief Health Officer of Victoria that are in place at the time of the publication of this agenda, Council advises only Councillors and Council staff will be permitted to attend this Special Council meeting.

The sole purpose of the Special Council Meeting is to consider:

- Contract 2006 – Waste Management Services; and
- Preparation of 2020/21 Draft Budget – Endorse for Exhibition.

#### **5 QUESTION TIME**

At every Special Council Meeting, a public question time not exceeding 30 minutes is usually held to enable any member of the public to question Council but only on items directly related to the Agenda (Clause 100). Questions that are more general in nature can be submitted to Council in writing for the next Ordinary Council meeting. However, due to restrictions in place in response to the COVID-19 pandemic and in accordance with resolutions regarding question time passed at the 22 April 2020 Ordinary Council Meeting, question time was not held at this meeting.

Questions were submitted in writing for the Special Council Meeting by James Judd and Anthony Brown.

## **QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING**

**Anthony Brown, Elliminyt**

1. Can Colac Otway Shire assure shire residents with kerbside waste collection that recyclable materials are being recycled and not going directly or indirectly to landfill? And does the new waste contract ensure that recycling occurs?

### ***Response from General Manager, Infrastructure and Leisure Services***

Colac Otway Shire can assure residents that all recyclable waste collected in the shire is going to a recycle centre. Currently Colac Otway Shire recycled waste collected by Wheelie Waste is going to the VISY recycle centre.

The new waste contract does ensure that all waste types including recycled waste are deposited to the appropriate disposal centres.

**James Judd, Colac**

1. Regarding Council Budget 2020-2021, should the Victorian State Budget for 2020-2021 when brought down and passed during the session commencing in October 2020, make any alteration to state changes included on Council rate notices issued for the 2020-2021 year? Will a revised Council Budget be required to be brought down plus amended rate notices issued to bring to account any changes, or, will the issued rate notices stand firm for the 2020-2021 rating year even if changes mean an increase or decrease of total payable when one item could cause a reduction in some payable amounts when Council has persistently claimed it does not know the amounts until State budget is brought down?

### ***Response from General Manager, Corporate Services***

Anything introduced in the State budget that affects the Colac Otway Shire will be responded to in the appropriate way, within legislative requirements and as agreed by Council as necessary.

That being said, the draft 2020/2021 Council budget does provide some flexibility for Council to respond to unknown circumstances as a result of COVID-19, e.g. the delayed State budget.

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

Nil.

## **7 DECLARATIONS OF INTEREST**

Nil



**Item: 8.1**

**Contract 2006 – Waste Management Services**

<b>OFFICER</b>	Frank Castles
<b>GENERAL MANAGER</b>	Tony McGann
<b>DIVISION</b>	Infrastructure & Leisure Services
<b>ATTACHMENTS</b>	Nil
<b>PURPOSE</b>	To recommend to Council that Colac Otway Shire Contract 2006 - Waste Management Services be awarded to the preferred supplier.

Cr Hart left the meeting at 4:36pm.

Cr Hart returned to the meeting at 4.38pm.

The meeting adjourned for a short break at 4.43pm.

The meeting resumed at 4.44pm.

**RECOMMENDATION**

**RECOMMENDATION**

*That Council:*

- 1. Awards Contract 2006 – Waste Management Services, excluding Schedule E, to Wheelie Waste Pty Ltd for the term of five years with the extension option of two periods of two years each and one period of one year at the schedule of rates prices referred to in the confidentially distributed document pertaining to this contract;*
- 2. Includes in Contract 2006 – Waste Management Services, appropriate clauses to satisfy Recommendations 1 to 3 from pages 18 and 19 of 27 of the confidential attachment to this report titled “Commercial in Confidence Tender Evaluation report”;*
- 3. Undertakes planning to satisfy Recommendation 4 from page 19 of 27 of the confidential attachment to this report titled “Commercial in Confidence Tender Evaluation report”; and*
- 4. Authorises the Chief Executive to sign the contracts following award of Contract 2006 – Waste Management Services.*

## **ALTERNATIVE MOTION**

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

*That Council:*

- 1. Awards Contract 2006 – Waste Management Services, excluding Schedule E, to Wheelie Waste Pty Ltd for the term of five years with the extension option of one period of two years, by resolution of Council, at the schedule of rates prices referred to in the confidentially distributed document pertaining to this contract;*
- 2. Includes in Contract 2006 – Waste Management Services, appropriate clauses to satisfy Recommendations 1 to 3 from pages 18 and 19 of 27 of the confidential attachment to this report titled “Commercial in Confidence Tender Evaluation report”;*
- 3. Undertakes planning to satisfy Recommendation 4 from page 19 of 27 of the confidential attachment to this report titled “Commercial in Confidence Tender Evaluation report”; and*
- 4. Authorises the Chief Executive to sign the contracts following award of Contract 2006 – Waste Management Services.*

**CARRIED 4 : 3**

## **DIVISION**

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

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

## **MOTION**

**MOVED** Cr Joe McCracken

*That a report is received by the August Ordinary Council Meeting that explores the possibility of a hard waste collection and the various options available.*

*The Mayor ruled this motion out of order.*

The meeting adjourned for a short break at 5.30pm.

The meeting resumed at 5.41pm.

Item: 8.2

## Preparation of 2020/21 Draft Budget - Endorse for Exhibition

OFFICER	Jason Clissold
GENERAL MANAGER	Errol Lawrence
DIVISION	Corporate Services
ATTACHMENTS	<ol style="list-style-type: none"><li>1. 2020/21 Colac Otway Shire Council Draft Budget [8.2.1 - 49 pages]</li><li>2. 2020 21 Council Fees &amp; Charges - Draft [8.2.2 - 35 pages]</li><li>3. 2020/21 Statutory Fees &amp; Charges - Draft [8.2.3 - 12 pages]</li></ol>
PURPOSE	To present the 2020/21 draft budget, including fees and charges, to Council for review in readiness for public exhibition

## RECOMMENDATION

### RECOMMENDATION 1

*That Council defer the decision to reduce the Rural Farm differential rate from 75% to 73%, as contained in the Colac Otway Shire Rating Strategy 2019-2021, until the 2021/22 financial year.*

### RECOMMENDATION 2

*That Council:*

- 1. Endorses the Draft Budget 2020/21 for the financial year (Attachment 1) for the purposes of Section 127 of the Local Government Act 1989;*
- 2. Authorises the Chief Executive to give public notice, in accordance with section 223 of the Local Government Act 1989, that Council has prepared a Draft Budget for the 2020/21 year;*
- 3. Appoints a Committee comprising of all Councillors and chaired by the Mayor in accordance with section 223(1)(b)(i) of the Local Government Act 1989, to meet on Wednesday 8 July 2020, and hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submission;*



4. *Authorises the Chief Executive to undertake any and all administrative procedures necessary to enable Council to carry out its functions under section 223 of the Local Government Act 1989;*
5. *Notes that written submissions will be accepted for a period of no less than 28 days; and*
6. *Considers for adoption the Draft Budget 2020/21 at the Ordinary Council Meeting on Wednesday, 22 July 2020 at 4.00pm at Colac Otway Performing Arts and Cultural Centre after consideration of written submissions, and consideration of any verbal submissions received by Council at its Special Committee Meeting on Wednesday, 8 July 2020.*

#### **REVISED OFFICER RECOMMENDATION 1**

*That Council defer the decision to reduce the Rural Farm differential rate from 75% to 73%, as contained in the Colac Otway Shire Rating Strategy 2019-2021, until the 2021/22 financial year.*

#### **REVISED OFFICER RECOMMENDATION 2**

*That Council endorses the draft 2020/21 Fees and Charges Schedule for public consultation, with non-statutory fees and charges not to exceed 2019/2020 levels, to be funded from the Business and Community Support Fund.*

#### **REVISED OFFICER RECOMMENDATION 3**

*That Council:*

1. *Endorses the Draft Budget 2020/21 for the financial year (Attachment 1) for the purposes of Section 127 of the Local Government Act 1989;*
2. *Authorises the Chief Executive to give public notice, in accordance with section 223 of the Local Government Act 1989, that Council has prepared a Draft Budget for the 2020/21 year;*
3. *Appoints a Committee comprising of all Councillors and chaired by the Mayor in accordance with section 223(1)(b)(i) of the Local Government Act 1989, to meet on Wednesday 8 July 2020, and hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submission;*
4. *Authorises the Chief Executive to undertake any and all administrative procedures necessary to enable Council to carry out its functions under section 223 of the Local Government Act 1989;*
5. *Notes that written submissions will be accepted for a period of no less than 28 days;*
6. *Considers for adoption the Draft Budget 2020/21 at the Ordinary Council Meeting on Wednesday, 22 July 2020 at 4.00pm at Colac Otway Performing Arts and Cultural Centre*

*after consideration of written submissions, and consideration of any verbal submissions received by Council at its Special Committee Meeting on Wednesday, 8 July 2020; and*

- 7. Agrees that any future allocations from the Business and Community Support Fund towards a project or process will be at the sole discretion of Council and will be subject to a Council resolution. This specifically includes discretionary initiatives, commercial lease relief and recreational lease support as detailed in the officer report.*

#### **ALTERNATIVE MOTION**

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

*That the decision on the draft budget be deferred to a Special Council Meeting to be held on 10 June 2020 at COPACC to allow maximum opportunity for the community to be able to attend both the Special Council Meeting on 10 June 2020 and also the deliberation on passing the budget on 26 August 2020.*

**LOST 3 : 4**

#### **DIVISION**

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

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

#### **ALTERNATIVE MOTION**

**MOVED** Cr Chris Smith

*Subject to relevant legislative requirements being met, Council considers for adoption the Draft Budget 2020/21 at the Ordinary Council Meeting on Wednesday, 26 August 2020 at 4.00pm at Colac Otway Performing Arts and Cultural Centre after consideration of written submissions, and consideration of any verbal submissions received by Council at its Special Committee Meeting on Wednesday, 12 August 2020.*

**LAPSED** due to no seconder

#### **REVISED OFFICER RECOMMENDATION 1**

#### **RESOLUTION**

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



*That Council defer the decision to reduce the Rural Farm differential rate from 75% to 73%, as contained in the Colac Otway Shire Rating Strategy 2019-2021, until the 2021/22 financial year.*

**CARRIED 5 : 2**

**DIVISION**

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

*Against the motion: Cr Chris Smith, Cr Kate Hanson*

**REVISED OFFICER RECOMMENDATION 2**

**ALTERNATIVE MOTION**

**MOVED** Cr Stephen Hart, **SECONDED** Cr Brian Crook

*That Council endorses the draft 2020/21 Fees and Charges Schedule for public consultation, with non-statutory fees and charges not to exceed 2019/2020 levels, subject to funding from the Business and Community Support Fund being approved.*

**CARRIED 4 : 3**

**DIVISION**

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

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

**REVISED OFFICER RECOMMENDATION 3**

**ALTERNATIVE MOTION**

**MOVED** Cr Chris Smith

**That Council:**

- 1. Endorses the Draft Budget 2020/21 for the financial year (Attachment 1) for the purposes of Section 127 of the Local Government Act 1989;*
- 2. Authorises the Chief Executive to give public notice, in accordance with section 223 of the Local Government Act 1989, that Council has prepared a Draft Budget for the 2020/21 year;*
- 3. Appoints a Committee comprising of all Councillors and chaired by the Mayor in accordance with section 223(1)(b)(i) of the Local Government Act 1989, to meet on Wednesday 8 July 2020, and hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submission;*



4. *Authorises the Chief Executive to undertake any and all administrative procedures necessary to enable Council to carry out its functions under section 223 of the Local Government Act 1989;*
5. *Notes that written submissions will be accepted for a period of no less than 28 days;*
6. *Considers for adoption the Draft Budget 2020/21 at the Ordinary Council Meeting on Wednesday, 22 July 2020 at 4.00pm at Colac Otway Performing Arts and Cultural Centre after consideration of written submissions, and consideration of any verbal submissions received by Council at its Special Committee Meeting on Wednesday, 8 July 2020;*
7. *Agrees that any future allocations from the Business and Community Support Fund towards a project or process will be at the sole discretion of Council and will be subject to a Council resolution. This specifically includes discretionary initiatives, commercial lease relief and recreational lease support as detailed in the officer report; and*
8. *Alter the draft budget to reflect a 0% rate rise and that the \$430,000 that was to be raised from the proposed 1.5% rate rise be taken from the budgeted employment costs.*

*LAPSED due to no seconder*

#### **ALTERNATIVE MOTION**

*MOVED Cr Chris Potter, SECONDED Cr Brian Crook*

*That Council:*

1. *Endorses the Draft Budget 2020/21 for the financial year (Attachment 1) for the purposes of Section 127 of the Local Government Act 1989;*
2. *Authorises the Chief Executive to give public notice, in accordance with section 223 of the Local Government Act 1989, that Council has prepared a Draft Budget for the 2020/21 year;*
3. *Appoints a Committee comprising of all Councillors and chaired by the Mayor in accordance with section 223(1)(b)(i) of the Local Government Act 1989, to meet on Wednesday 8 July 2020, and hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submission;*
4. *Authorises the Chief Executive to undertake any and all administrative procedures necessary to enable Council to carry out its functions under section 223 of the Local Government Act 1989;*
5. *Notes that written submissions will be accepted for a period of no less than 42 days;*
6. *Considers for adoption the Draft Budget 2020/21 at the Ordinary Council Meeting on Wednesday, 22 July 2020 at 4.00pm at Colac Otway Performing Arts and Cultural Centre after consideration of written submissions, and consideration of any verbal submissions received by Council at its Special Committee Meeting on Wednesday, 8 July 2020; and*
7. *Agrees that any future allocations from the Business and Community Support Fund towards a project or process will be at the sole discretion of Council and will be subject to a Council*

*resolution. This specifically includes discretionary initiatives, commercial lease relief and recreational lease support as detailed in the officer report.*

**CARRIED 5 : 2**

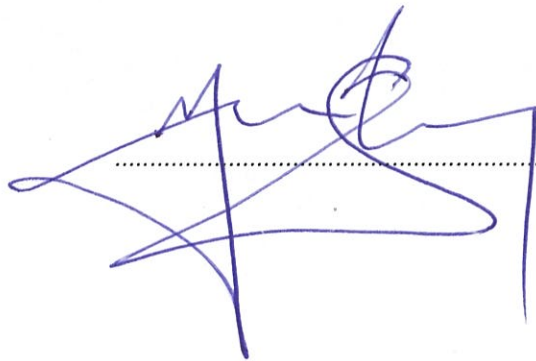
**DIVISION**

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

*Against the motion: Cr Joe McCracken, Cr Chris Smith*

*The meeting was declared closed at 7.41pm.*

**CONFIRMED AND SIGNED** at the meeting held on 27 May 2020



.....MAYOR