

Colac Otway
SHIRE

MINUTES

ORDINARY COUNCIL MEETING

OF THE

COLAC-OTWAY SHIRE

COUNCIL

28 JULY 2010

at 3:00 PM

COPACC

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982.

MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at the COPACC on 28 July 2010 at 3.00 pm.

1. 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 Lyn Russell (Mayor)
Cr Frank Buchanan
Cr Brian Crook
Cr Stephen Hart
Cr Stuart Hart
Cr Geoff Higgins
Cr Chris Smith

Rob Small, Chief Executive Officer

Colin Hayman, General Manager, Corporate & Community Services
Neil Allen, General Manager, Infrastructure & Services
Jack Green, General Manager, Sustainable Planning & Development
Brett Exelby, Manager Finance & Customer Services
Rhonda Deigan, Executive Officer

3. APOLOGIES

Nil

4. MAYORAL STATEMENT

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

Colac Otway Shire encourages active community input and participation in Council decisions. Council meetings provide one of these opportunities as members of the community may ask questions to Council either verbally at the meeting or in writing.

Please note that some questions may not be able to be answered at the meeting, these questions will be taken on notice. Council meetings also enable Councillors to debate matters prior to decisions being taken.

I ask that we all show respect to each other and respect for the office of an elected representative.

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Thank you, now question time. 30 minutes is allowed for question time. I remind you that you must ask a question, if you do not have a question you will be asked to sit down and the next person will be invited to ask a question. This is not a forum for public debate or statements.

1. Questions received in writing prior to the meeting (subject to attendance and time)
2. Questions from the floor

5. QUESTION TIME

Questions Received in Writing Prior to the Meeting

Mr James Judd – Colac

1. When letters are sent out on Council letterheads: when will you require that legible signatures are always included on these if you are not going to require names are typed for identification?

Response:

Council's practice is to sign and attribute a name to that signature on all letters in accordance with common business practice.

This practice makes it clear who is responsible for the letter and who should be contacted if the need arises in relation to the matters in the letter.

The sole exception to this practice is the acknowledgement letter that Document Management services sends out inform a correspondent that the letter has been received and sent on to an officer for a response. In this case the officer who is to deal with the matter is noted on that letter from DMS. The sender of the acknowledgement letter from Document management services is not noted since it is felt that this would create confusion as to who should be contacted with reference to the matters raised by the correspondence. In this case the letter is simply signed with a signature of one of several officers in DMS and noted that the sender is DMS This practice removes any confusion about who the correspondent is to contact if they wish to follow the matter up at any time.

As far as the request to ask that signatures are legible is concerned, Signatures are unique to each individual and no-one can direct anyone else to alter them.

2. Why does the Council continue to treat the public with contempt over the new "garbage collection system"?

You advertised last Friday in "the Colac Herald" once only with no follow up. When anyone is not in receipt of that paper or missed the ad they have not received any advice.

Response:

The advertisement for the introduction of the new three bin system placed in the Colac Herald on 16 July 2010 was the first advertisement in a series of advertisements and information campaigns leading up to the rollout of the new bins. Commencing in the first week of August are a series of radio and further newspaper advertisements.

In addition, Council is undertaking specific consultation and information visits to a number of major facilities. Posters will be widely distributed throughout the Shire and include other media outlets such as Apollo Bay News Sheet for coastal residents.

3. New Collection System Garbage

Why are organics only to be collected each 2nd week since food scraps are included in this section of the split bin and are collected per week for health reasons. If green waste is also to be added to this bin it is essential throughout the late winter to mid autumn growing period for a weekly collection due to rapid growth of all gardens and lawns?

Response:

Colac Otway Shire carried out a Best Value Review in 2008. As a part of the review residents indicated they preferred the concept of a three bin system where they placed out for collection a maximum of two bins per week.

Colac Otway Shires current divided bin waste collection system allows for a collection of 120litre organic waste per week. The move to accepted State best practice three bin system sees the collection change to 240ltr of organic waste per fortnight this means there is no decrease in the amount of organic waste that will be collected.

4. Will Council authorise people to poison all invasive plants that spread from another property due to lack to maintain plants by the planters?

Response:

Individuals do not need any authorisation from Council to poison invasive plants (weeds) on their property. It is advised that all control measures with poison are undertaken in suitable weather and in accordance chemical labels.

The Department of Primary Industries (DPI) are responsible for the enforcement of the Catchment and Lands Protection Act 1987. Under this Act, some “Invasive plants”, such as Blackberries and Ragwort are defined as “noxious weeds” and must be controlled at all times and not be allowed to spread to adjoining properties. Council does not have any responsibility in the enforcement of this Act.

Damien Dureau – Colac

A number of questions have been received from Damien Dureau. Many of the questions include a preamble. I do not intend to read out the preamble to questions as it is not a privilege extended to those present who come forward to ask a question.

In other cases the questions have been summarised as many contain multiple parts.

As a general principal, any questions previously asked by any submitter will not be answered again, even when the question is resubmitted and worded differently.

- 1 In the interests of transparency and clarity to all ratepayers, would COSC please, henceforth, more appropriately refer to COSC Investment Reserves as falling into just 2 categories, as follows:-
- (i) Statutory Reserves; and
 - (ii) Non-Statutory Reserves?

Response:

It is in the interests of the community to provide as much information as possible to provide clarity around what the purpose of the cash reserves are for. To water them down to certain terms such as Non-statutory reserve does not serve to educate and inform our community about why Council maintains cash reserves.

1.2

- (a) What amount, if any, of the \$973,000 in total assets of the Committee for the Port of Apollo Bay at 30 June 2009 was Cash holdings?
- (b) In the answer provided to my Question 1 at the COSC Ordinary Meeting on 28 April 2010, was the item of “**Apollo Bay Harbour \$860,000**”, shown as comprising part of COSC’s Cash holdings at 30 June 2009, a correct figure; and if it was not a correct figure, what amount should have been shown as forming part of COSC’s Cash holdings at 30 June 2009 for Apollo Bay Harbour/Port of Apollo Bay “**Discretionary Reserve**”?

Response:

Regardless of the cash held by Council for the operations of the Apollo Bay Harbour, Colac Otway Shire is merely holding the funds entirely for the benefit of running the harbour. All cash funds and assets of the Apollo Bay Harbour are the property of the Victorian Department and must be available to be returned to the State of Victoria upon their request. This is one such reason for the differing terms for the various reserves as it is important to recognise that these funds do not belong to Colac Otway Shire and must be available to be returned, as such they are not a “Discretionary Reserve”.

2.

- 2.1 How much is the **total cost** (or approximate total cost) of the ABWTS project (ie. including Land Purchase, and before any Government Grants offsets)?

Response:

The total cost of this project is estimated as follows;

• Project Cost	\$2.15Million
• Land Purchase	<u>\$0.70 Million</u>
TOTAL	\$2.85Million

- 2.2 How much was the **final cost** of the Land Purchase component **only** of the ABWTS project site?

Response:

The land purchase was \$700,000 (Ex Gst). Final payment will occur when developer completes subdivision compliance.

- 2.3 What is the amount of the Contract for the Construction of the ABWTS on the project site?

Response:

The estimated final cost of the construction component is in the order of \$2.15 Million. The final cost will only be known at completion of the project.

2.4 What was the amount of the successful tenderer's tender for the Construction of the ABWTS on the project site?

Response:

The original Lump Sum component tendered price was \$1,826,764 (Ex GST). Additional Provisional sums were included in the contract for earthworks etc as a schedule of rates as costs were not known at the time of tender.

2.5 What are the terms under which the successful tenderer has been awarded the Contract for the Construction of the ABWTS on the project site – that is, is it for a Fixed Cost Price/Lump Sum Value, and if so, what is that fixed amount; or a Schedule of Rates?

Response:

The contract was awarded as a Lump Sum (\$1,826,764 (Ex GST)) component for the majority of the contract plus Schedule of Rates for provisional items such as earthworks where actual quantities were not known at the time of tender.

2.6 Please provide the amount (or approximate amount) from each of the **funding sources** for the **total cost** (or approximate total cost) of the ABWTS project (ie. including Land Purchase) as follows.

Response:

Loan Borrowings	\$1.5 m
Apollo Bay Transfer Station Reserve	\$225,000
Government Grant – Sustainability Victoria	\$200,000
Balance of project from General Revenue	

3.

3.1 How many of each of the following will be provided for the community of the Colac Otway Shire at the centrally located Colac Public Library Sub-Branch in Gellibrand Street:-

- (a) Distinct dedicated “Online **Public** Access Catalogue (OPAC) PCs”?
- (b) Distinct dedicated “**Public** Internet Access PCs”?
- (c) Distinct dedicated “**Public** Computer Printers”?
- (d) Distinct dedicated “**Public** Self-Service Photocopiers”?

Response: Yet to be determined but information gathered from the consultation process will assist in this.

3.2 Please advise if the full range of national, metropolitan, regional, local & rural newspapers/News Sheets currently provided (not for loan) in the Colac Public Library will be provided for the community of the Colac Otway Shire at the centrally located Colac Public Library Sub-Branch in Gellibrand Street:-

Response: Yet to be determined but information gathered from the consultation process will assist in this.

4. I refer to the answer provided to my Question 1(a) at the COSC Ordinary Meeting on 23 June 2010 in relation to the 9 Committees associated with

Library Services in Colac Otway Shire, that the “Enhanced Delivery of Library Services in Colac” project’s un-named specific purpose Project Working Group Committee is the **only** one of those 9 committees that “is no longer operational”.

Is this to be interpreted as an indication of COSC’s lack of commitment to the success of the Colac Public Library Sub-Branch; and if COSC is committed to the success of the Colac Public Library Sub-Branch, what actions is it taking to demonstrate this commitment?

Response:

The sole purpose of the Enhanced Library Committee that was formed was to oversee the preparation of the report into Enhanced Library Services.

Other processes are in place to implement the Council’s decision regarding the Annex/Sub-branch.

Questions Received Verbally at the Meeting

Lyn Foster - Colac

I have been a volunteer at the Salvation Army for a number of years and increasingly we are having television sets dumped at our door, and when analogue changes to digital it is going to get much worse. I would like to see the Council provide some area for people to put these televisions because they won’t buy set top boxes, they will buy new televisions. At the moment we have a compactor truck come once a week at a cost of \$100 to crush and dispose of the sets, which are full of chemicals, into landfill. Could Council look at this changeover to digital process and consider a hard rubbish collection?

Response

The Chief Executive Officer noted that Council is aware of the rising amount of e-waste in our community and that last year Council conducted a special e-waste campaign and was surprised at the level of waste that came forward, somewhere in the region of three times what was expected. While no definitive answer could be given today, Barwon Regional Waste Management Group is certainly interested in this issue as well and Council will certainly consider that upcoming proposition and see what responses can be provided.

Paul David Cross - FOCL Publicity Officer

Given that this Council stole the public library and will use the public library building for Council offices, how much money has been set aside for the refurbishment of the public library building?

Response

The General Manager for Corporate & Community Services advised that an amount of \$250,000 for office refurbishment had been set aside in the budget document.

What is the fit out cost for the joint use library at this time?

Response

The General Manager for Corporate & Community Services advised this was yet to be determined and that while a lot of furniture has been ordered we are working within a total budget of \$1.3 million.

How many telecommunication towers will this Council allow to be erected within the Otways?

Response

The Mayor advised that this is unknown and it would depend on telecommunication companies and their applications to the Shire.

Has the Council ever considered erecting its own towers on its own land and gaining a huge benefit to the community by renting them out to the telecommunication companies?

Response

The Chief Executive Officer that Council has requested telecommunication towers for the Otways and the issues there are not just about public safety which is a critical issue, but also about people being able to have an expectation that they are connected globally via the internet and by telephone. Council does not have a fixed figure on that, and it has not ever considered erecting telecommunication towers as it does not believe that this is our core business and we are keener to see the shared facilities between the telecommunication operators than to do it ourselves.

It is interesting to note that within the Otways at the moment there are various telecommunication towers being erected by Optus and Telstra and by the way it is looking in the next five to ten years, there could soon be 20 odd towers if all telecommunication companies erect their own separate towers.

Response

The Mayor advised that Council has no power to compel telecommunication companies, as private companies, to co-use towers.

Councillor Statement:

Cr Stephen Hart made the following statement:

“I would like to acknowledge the passing of a prominent local resident, Mr Geoff Brauer of Lavers Hill. Geoff Brauer and his wife Olive, lived and worked on their farm at Lavers Hill where they raised a family. More recently they have lived at Colac. Geoff showed an extraordinary commitment to the community over many years. He was involved in the local CFA, the Lavers Hill Hall Committee, the Lavers Hill Progress Association, the Lavers Hill Tennis Club, the football club, the School Council, the Ragwort Reference Group, the Community Emergency Response Team which was also known as CERT, the Otway Light, a local community newsletter based in Lavers Hill and in fact for many years he wrote a column in the Otway Light called ‘District Drive!’ which was about the local football results. In recognition of Geoff’s valuable contribution over many years he was awarded the ‘Australia Day Citizen of the Year’ in 2002.

Geoff Brauer passed away earlier this week and so I would like to offer our condolences to Geoff’s wife, Olive, and his family.”

Presentation:

The Mayor provided details of a scholarship that had been awarded to Paula Gardiner, Manager of Capital Works. Paula earlier this year was awarded one of four study scholarships from the Municipal Engineering Foundation Victoria (MEFV). The study scholarship allocated up to \$10,000 to each awardee to undertake a study tour of overseas Councils. This year’s study tour will visit the United States of America, Canada and the United Kingdom, with the tour leaving on 8 August 2010, for three weeks.

The Mayor offered Ms Gardiner congratulations on behalf of the Colac Otway Shire and displayed a plaque that had been received from the MEFV. The plaque was given to the Shire in appreciation of the assistance provided to Paula Gardiner.

6. DECLARATION OF INTEREST

Nil

7. CONFIRMATION OF MINUTES

- **Ordinary Council Meeting held on the 23/06/10.**

MOVED Cr Stephen Hart seconded Cr Geoff Higgins that Council confirm the above minutes.

CARRIED 6 : 1

DIVISION called by Cr Stephen Hart

For the Motion: Cr Brian Crook, Cr Geoff Higgins, Cr Frank Buchanan, Cr Stephen Hart, Cr Stuart Hart, Cr Lyn Russell

Against the Motion: Cr Chris Smith

OFFICERS' REPORTS

Chief Executive Officer

- OM102807-1 CEO'S PROGRESS REPORT TO COUNCIL
- OM102807-2 GREAT SOUTH COAST REGIONAL STRATEGIC PLAN
- OM102807-3 VICTORIAN LOCAL GOVERNMENT WOMEN'S CHARTER
- OM102807-4 LAVERS HILL RESERVE

Corporate and Community Services

- OM102807-5 BLUEWATER FITNESS CENTRE STADIUM FEASIBILITY STUDY
- OM102807-6 ADOPTION OF 2010 GENERAL REVALUATION
- OM102807-7 ACCESS, EQUITY AND INCLUSION PLAN
- OM102807-8 EARLY YEARS PLAN 2010
- OM102807-9 INFLUENZA PANDEMIC PLAN
- OM102807-10 AUSTRALIA DAY 2011
- OM102807-11 ADOPTION OF THE 2010-11 BUDGET
- OM102807-12 APPOINTMENT OF NEW MEMBER TO BARONGAROOK HALL & TENNIS RESERVE COMMITTEE OF MANAGEMENT

Infrastructure and Services

- OM102807-13 WARRION TOWNSHIP PETITION - SPEED ZONES
- OM102807-14 RE-ORGANISATION OF REGIONAL WASTE MANAGEMENT GROUP

Sustainable Planning and Development

- OM102807-15 REGIONAL & LOCAL COMMUNITY INFRASTRUCTURE PROGRAM
- OM102807-16 COLAC CENTRAL ACTIVITIES AREA MASTER PLAN
- OM102807-17 COLAC OTWAY SHIRE AND OTWAYS TOURISM INC. 2010/2011 SERVICE AGREEMENT

General Business

- OM102807-18 REVIEW OF LEASE FEE FOR FISHERMAN'S CO-OPERATIVE SOCIETY PTY LTD, PORT OF APOLLO BAY

Notice of Motion

- OM102807-19 AUDIT COMMITTEE FUNDING

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>CHIEF EXECUTIVE OFFICER</u> <u>OM102807-1 CEO'S PROGRESS REPORT TO COUNCIL</u> Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council notes the CEO's Progress Report to Council.</i></p>	CR STEPHEN HART CR STUART HART CR BRIAN CROOK CR CHRIS SMITH	
<p><u>OM102807-2 GREAT SOUTH COAST REGIONAL STRATEGIC PLAN</u> Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council endorse the Great South Coast Regional Strategic Plan.</i></p>	CR BRIAN CROOK	
<p><u>OM102807-3 VICTORIAN LOCAL GOVERNMENT WOMEN'S CHARTER</u> Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council endorse the Victorian Local Government Women's Charter.</i></p>		
<p><u>OM102807-4 LAVERS HILL RESERVE</u> Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Take on the management of the Lavers Hill Reserve and appoint a Section 86 Committee made up of local community members;</i> <i>2. Provide the resources for risk mitigation as budgets permit.</i> 	CR STEPHEN HART	

MOVED Cr Stephen Hart seconded Cr Stuart Hart that recommendations to items listed in the Consent Calendar be adopted.

CARRIED 7 : 0

CONSENT CALENDAROFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W								
<p><u>CORPORATE AND COMMUNITY SERVICES</u> <u>OM102807-5 BLUEWATER FITNESS CENTRE</u> <u>STADIUM FEASIBILITY STUDY</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council endorse the Bluewater Fitness Centre Stadium Feasibility Study Final Report – September 2008.</i></p>		CR CHRIS SMITH								
<p><u>OM102807-6 ADOPTION OF 2010 GENERAL</u> <u>REVALUATION</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <p><i>1. Adopt the valuations contained in the 2010 general revaluation returned by Council's contract valuers, Landlink Opteon as follows:</i></p> <table border="1" data-bbox="113 1317 946 1458"> <thead> <tr> <th></th> <th>2010 Valuations</th> </tr> </thead> <tbody> <tr> <td>Capital Improved Value</td> <td>\$5,115,031,436</td> </tr> <tr> <td>Site Value</td> <td>\$3,445,351,969</td> </tr> <tr> <td>Net Annual Value</td> <td>\$268,126,645</td> </tr> </tbody> </table> <p><i>2. Use these valuations for the purpose of levying rates for the 2010-11 and 2011 -12 financial years.</i></p>		2010 Valuations	Capital Improved Value	\$5,115,031,436	Site Value	\$3,445,351,969	Net Annual Value	\$268,126,645		
	2010 Valuations									
Capital Improved Value	\$5,115,031,436									
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Net Annual Value	\$268,126,645									
<p><u>OM102807-7 ACCESS, EQUITY AND INCLUSION</u> <u>PLAN</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council endorse the Colac Otway Shire Access, Equity and Inclusion Plan (draft) – July 2010 and the Plan be exhibited publically for at least a six week period for community input.</i></p>	CR CHRIS SMITH CR BRIAN CROOK									

<p><u>OM102807-8 EARLY YEARS PLAN 2010</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council endorse the Colac Otway Shire Early Years Plan (draft) – July 2010 and the Plan be exhibited publically for at least a six week period for community input.</i></p>	<p>CR CHRIS SMITH CR BRIAN CROOK</p>	
<p><u>OM102807-9 INFLUENZA PANDEMIC PLAN</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Endorse the draft Barwon-South Western Region Plan for Influenza Pandemic (Colac Otway Shire) and the Plan be exhibited publically for at least a six week period for community input.</i> <i>2. Notes that the draft Barwon-South Western Region Plan for Influenza Pandemic (Colac Otway Shire) would be used as an interim plan for activation if a pandemic should occur in Colac Otway Shire before Council has the opportunity to adopt the final plan at a future meeting.</i> 	<p>CR CHRIS SMITH</p>	
<p><u>OM102807-10 AUSTRALIA DAY 2011</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <ol style="list-style-type: none"> <i>1. That Council endorses the recommendation by the Australia Day Advisory Committee to hold the 2011 Colac Otway Shire Australia Day event in Colac; and</i> <i>2. That registrations of interest for holding Australia Day celebrations in 2012 be called as soon as possible in order that small towns who may be interested have time to plan for the event.</i> 	<p>CR CHRIS SMITH</p>	
<p><u>OM102807-11 ADOPTION OF THE 2010-11 BUDGET</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Having considered all submissions received, adopts the 2010-11 Budget annexed to this resolution as Attachment 1 in accordance with Section 130 of the Local Government Act 1989 (the Act).</i> 		<p>CR STEPHEN HART</p>

- 2. Authorise the Chief Executive Officer to:**
- a. Give public notice of this decision to adopt the 2010-11 Budget, in accordance with Section 130(2) of the Act.
 - b. Forward a copy of the adopted Budget to the Minister for Local Government before 31 August 2010, 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 in writing for their submission and advise of the outcome of the budget decision.
- 3. Authorise the amount intended to be raised.**
An amount of \$20,427,512 be declared as the amount that Council intends to raise by general rates, municipal charge and service (Waste Management) charges, which is calculated as follows:

Category
General Rates (including Supplementary rates)
Municipal Charge
Annual Service (Waste Management) Charges
TOTAL

- 4. Authorise a general rate be declared for the period commencing 1 July 2010 to 30 June 2011.**
- 4.1 It be declared that the general rate be raised by the application of differential rates.
 - 4.2 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:
 - 4.2.1 Residential Land – Colac, Colac East, Colac West or Elliminyt

Any land which is located in Colac, Colac East, Colac West or Elliminyt that is not zoned for commercial or industrial use and which:

 - 4.2.1.1 is vacant or used primarily for residential purposes and is less than 1.0 hectare in area; and
 - 4.2.1.2 does not have the characteristics of:
 - a) Rural Farm Land;
 - b) Holiday Rental Land; or
 - c) Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt.

4.2.2 Residential Land – Balance of Shire

Any land which is 1.0 hectare or more in area or which is not located in Colac, Colac East, Colac West or Elliminyt that:

4.2.2.1 is vacant or used primarily for residential purposes; and

4.2.2.2 does not have the characteristics of:

- a) Rural Farm Land;***
- b) Holiday Rental Land;***
- c) Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt; or***
- d) Commercial/Industrial Land – Balance of Shire.***

4.2.3 Rural Farm Land

Any land which is “Farm Land” within the meaning of Section 2 of the Valuation of Land Act 1960.

4.2.4 Holiday Rental Land

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

4.2.4.1 is used for the provision of holiday accommodation for the purpose of generating income; or

4.2.4.2 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.

4.2.5 Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt

Any land which is located in Colac, Colac East, Colac West or Elliminyt which:

4.2.5.1 *does not have the characteristics of:*

- a) *Rural Farm Land;*
- b) *Residential Land – Colac, Colac East, Colac West or Elliminyt; or*
- c) *Holiday Rental Land; and*

4.2.5.2 *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 for commercial or industrial use.*

4.2.6 Commercial/Industrial Land – Balance of Shire

Any land which is not located in Colac, Colac East, Colac West or Elliminyt which:

4.2.6.1 *does not have the characteristics of:*

- a) *Rural Farm Land;*
- b) *Residential Land – Balance of Shire; or*
- c) *Holiday Rental Land; and*

4.2.6.2 *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 for commercial or industrial use.*

4.3 *Each differential rate will be determined by multiplying the Capital Improved Value of each rateable land (categorised by the characteristics described in Clause 4.2 of this Resolution) by the relevant cents in the dollar indicated in the following table:*

Category	Cents in the dollar of the capital improved value
<i>Residential – Colac, Colac East, Colac West, Elliminyt</i>	<i>\$0.003423</i>
<i>Residential – Balance of Shire</i>	<i>\$0.002910</i>
<i>Rural – Farm</i>	<i>\$0.002704</i>
<i>Holiday Rental</i>	<i>\$0.003423</i>

Commercial/Industrial – Colac, Colac East, Colac West, Elliminyt \$0.005648

Commercial/Industrial – Balance of Shire \$0.004792

4.4 It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:

4.4.1 the respective objectives of each differential rate be those specified in Appendix B (point 8) of the 2010-11 Budget Document.

4.4.2 the respective types or classes of land which are subject to each differential rate be those defined in the Schedule to this Recommendation; and

4.4.3 the respective uses and levels of each differential rate in relation to those respective types or classes of land be those described in the Schedule to this Recommendation; and

4.4.4 the relevant:

4.4.4.1 uses of;

4.4.4.2 geographical locations of; and

4.4.4.3 planning scheme zonings of; and

4.4.4.4 types of buildings on the respective types or classes of land be those identified in Appendix B (point 8) of the 2010-11 Budget Document.

5 Authorise a Municipal Charge be declared for the period commencing 1 July 2010 to 30 June 2011 to cover some of the administrative costs of the Council.

5.1 The Municipal Charge be the sum of \$147 per annum for each rateable property in respect of which a municipal charge can be levied.

6 Authorise the following Annual Service (Waste Management) Charges

6.1 An annual service (waste management) charge of \$245.00 per annum be declared for:

6.1.1 all land used primarily for residential or commercial purposes; or

<p>6.1.2 other land in respect of which a weekly waste collection and disposal service is provided, for the period 1 July 2010 to 30 June 2011.</p> <p>6.2 An annual service (waste management) charge of \$158.00 per annum be declared for:</p> <p>6.2.1 all land used primarily for residential or commercial purposes; or</p> <p>6.2.2 other land in respect of which a fortnightly waste collection and disposal service is provided, for the period 1 July 2010 to 30 June 2011.</p> <p>7 Authorise a Special Charge of \$0.20 per hectare will be declared on those properties located within the Aire River Drainage Scheme for the period 1 July 2010 to 30 June 2011.</p> <p>8 Authorise a Special Charge for the Tirrengower drainage works previously declared by Council be fixed at \$2.50 per hectare for the period 1 July 2010 to 30 June 2011.</p> <p>9 Declare that it be recorded that Council requires any person to pay interest at the maximum rate fixed under Section 2 of the Penalty Interest Rates Act 1983 as the rate set out in accordance with Section 172(2) of the Act on any amounts of rates and charges which:</p> <p>9.1 that person is liable to pay; and</p> <p>9.2 have not been paid by the date specified for their payment.</p> <p>10 Allow a lump sum payment and 4 instalment payments for the 2010-11 year, on the dates published in the Victoria Government Gazette by the Minister and in accordance with Section 167 of the Act.</p> <p>11 Council authorises the General Manager Corporate & Community Services and the Property & Rates Co-ordinator to levy and recover the general rates, municipal charge and annual service charges in accordance with the Act.</p>		
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<p><u>OM102807-12 APPOINTMENT OF NEW MEMBER TO BARONGAROOK HALL & TENNIS RESERVE COMMITTEE OF MANAGEMENT</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council appoint Mr Denis Drew to the Barongarook Hall and Tennis Reserve Committee of Management until August 2012.</i></p>		
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MOVED Cr Stephen Hart seconded Cr Stuart Hart that recommendations to items listed in the Consent Calendar, with the exception of items OM102807-5 Bluewater Fitness Centre Stadium Feasibility Study and OM102807-11 Adoption Of The 2010-11 Budget, be adopted.

CARRIED 7 : 0

OM102807-5 BLUEWATER FITNESS CENTRE STADIUM FEASIBILITY STUDY

MOTION - MOVED Cr Chris Smith that Council:

- 1. Endorse the Bluewater Fitness Centre Stadium Feasibility Study Final Report – September 2008; and***
- 2. Notes that since the writing of this report, some aspects have been further considered as part of any future government grant applications.***

The motion lapsed due to the lack of a seconder.

MOTION - MOVED Cr Frank Buchanan seconded Cr Stephen Hart

That Council endorse the Bluewater Fitness Centre Stadium Feasibility Study Final Report – September 2008.

CARRIED 6 : 1

DIVISION called by Cr Chris Smith

For the Motion: Cr Brian Crook, Cr Geoff Higgins, Cr Frank Buchanan, Cr Stephen Hart, Cr Stuart Hart, Cr Lyn Russell
Against the Motion: Cr Chris Smith

OM102807-11 ADOPTION OF THE 2010-11 BUDGET

MOTION - MOVED Cr Stephen Hart seconded Cr Stuart Hart that:

Council notes that a re-assessment of the budget estimates by Council Officers has resulted in a reduction of approximately \$880,000 in net cash received from the budget, compared to when the budget was put out for exhibition in May. This is despite the excessive and unwarranted 8% increase in the average rates and charges per assessment.

In light of the recent deterioration in the budget estimates and the excessive 8% rate increase, Council resolves to hold a workshop to develop a budget based on the following principles:

- 1. The average increase in the rates and charges per assessment be reduced to no more than 5.9% instead of 8%;**
- 2. The new borrowings for the 2010-2011 financial year be limited to no more than \$800,000 instead of the \$1,100,000 contained in the draft budget; and**
- 3. Unnecessary consultant reports are one of the items to be excluded from a revised budget.**

LOST 3 : 4

DIVISION called by Cr Stephen Hart

For the Motion: Cr Geoff Higgins, Cr Stephen Hart, Cr Stuart Hart

Against the Motion: Cr Brian Crook, Cr Chris Smith, Cr Frank Buchanan, Cr Lyn Russell

MOTION - MOVED Cr Frank Buchanan seconded Cr Brian Crook that:

Council:

- 1. Having considered all submissions received, adopts the 2010-11 Budget annexed to this resolution as Attachment 1 in accordance with Section 130 of the Local Government Act 1989 (the Act).**
- 2. Authorise the Chief Executive Officer to:**
 - a. Give public notice of this decision to adopt the 2010-11 Budget, in accordance with Section 130(2) of the Act.**
 - b. Forward a copy of the adopted Budget to the Minister for Local Government before 31 August 2010, 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 in writing for their submission and advise of the outcome of the budget decision.**
- 3. Authorise the amount intended to be raised.**

An amount of \$20,427,512 be declared as the amount that Council intends to raise by general rates, municipal charge and service (Waste Management) charges, which is calculated as follows:

Category	Income
General Rates (including Supplementary rates)	\$16,181,777
Municipal Charge	\$1,978,032
Annual Service (Waste Management) Charges	\$2,267,703
TOTAL	\$20,427,512

4. Authorise a general rate be declared for the period commencing 1 July 2010 to 30 June 2011.

4.1 It be declared that the general rate be raised by the application of differential rates.

4.2 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:

4.2.1 Residential Land – Colac, Colac East, Colac West or Elliminyt

Any land which is located in Colac, Colac East, Colac West or Elliminyt that is not zoned for commercial or industrial use and which:

4.2.1.1 is vacant or used primarily for residential purposes and is less than 1.0 hectare in area; and

4.2.1.2 does not have the characteristics of:

- a) Rural Farm Land;**
- b) Holiday Rental Land; or**
- c) Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt.**

4.2.2 Residential Land - Balance of Shire

Any land which is 1.0 hectare or more in area or which is not located in Colac, Colac East, Colac West or Elliminyt that:

4.2.2.1 is vacant or used primarily for residential purposes; and

4.2.2.2 does not have the characteristics of:

- a) Rural Farm Land;**
- b) Holiday Rental Land;**
- c) Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt; or**
- d) Commercial/Industrial Land – Balance of Shire.**

4.2.3 Rural Farm Land

Any land which is “Farm Land” within the meaning of Section 2 of the Valuation of Land Act 1960.

4.2.4 Holiday Rental Land

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

4.2.4.1 is used for the provision of holiday accommodation for the purpose of generating income; or

4.2.4.2 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.

4.2.5 Commercial/Industrial Land - Colac, Colac East, Colac West or Elliminyt

Any land which is located in Colac, Colac East, Colac West or Elliminyt which:

4.2.5.1 does not have the characteristics of:

- a) Rural Farm Land;**
- b) Residential Land – Colac, Colac East, Colac West or Elliminyt; or**
- c) Holiday Rental Land; and**

4.2.5.2 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 for commercial or industrial use.***

4.2.6 Commercial/Industrial Land - Balance of Shire

Any land which is not located in Colac, Colac East, Colac West or Elliminyt which:

4.2.6.1 does not have the characteristics of:

- a) Rural Farm Land;**
- b) Residential Land – Balance of Shire; or**
- c) Holiday Rental Land; and**

4.2.6.2 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 for commercial or industrial use.***

4.3 Each differential rate will be determined by multiplying the Capital Improved Value of each rateable land (categorised by the characteristics described in Clause 4.2 of this Resolution) by the relevant cents in the dollar indicated in the following table:

Category	Cents in the dollar of the capital improved value
Residential – Colac, Colac East, Colac West, Elliminyt	\$0.003423
Residential – Balance of Shire	\$0.002910
Rural – Farm	\$0.002704
Holiday Rental	\$0.003423
Commercial/Industrial – Colac, Colac East, Colac West, Elliminyt	\$0.005648
Commercial/Industrial – Balance of Shire	\$0.004792

4.4 It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:

4.4.1 the respective objectives of each differential rate be those specified in Appendix B (point 8) of the 2010-11 Budget Document.

4.4.2 the respective types or classes of land which are subject to each differential rate be those defined in the Schedule to this Recommendation; and

4.4.3 the respective uses and levels of each differential rate in relation to those respective types or classes of land be those described in the Schedule to this Recommendation; and

4.4.4 the relevant:

4.4.4.1 uses of;

4.4.4.2 geographical locations of; and

4.4.4.3 planning scheme zonings of; and

4.4.4.4 types of buildings on the respective types or classes of land be those identified in Appendix B (point 8) of the 2010-11 Budget Document.

5 Authorise a Municipal Charge be declared for the period commencing 1 July 2010 to 30 June 2011 to cover some of the administrative costs of the Council.

5.1 The Municipal Charge be the sum of \$147 per annum for each rateable property in respect of which a municipal charge can be levied.

6 Authorise the following Annual Service (Waste Management) Charges

6.1 An annual service (waste management) charge of \$245.00 per annum be declared for:

6.1.1 all land used primarily for residential or commercial purposes; or

6.1.2 other land in respect of which a weekly waste collection and disposal service is provided, for the period 1 July 2010 to 30 June 2011.

6.2 An annual service (waste management) charge of \$158.00 per annum be declared for:

6.2.1 all land used primarily for residential or commercial purposes; or

6.2.2 other land in respect of which a fortnightly waste collection and disposal service is provided, for the period 1 July 2010 to 30 June 2011.

7 Authorise a Special Charge of \$0.20 per hectare will be declared on those properties located within the Aire River Drainage Scheme for the period 1 July 2010 to 30 June 2011.

8 Authorise a Special Charge for the Tirrengower drainage works previously declared by Council be fixed at \$2.50 per hectare for the period 1 July 2010 to 30 June 2011.

9 Declare that it be recorded that Council requires any person to pay interest at the maximum rate fixed under Section 2 of the Penalty Interest Rates Act 1983 as the rate set out in accordance with Section 172(2) of the Act on any amounts of rates and charges which:

- 9.1 that person is liable to pay; and**
- 9.2 have not been paid by the date specified for their payment.**
- 10 Allow a lump sum payment and 4 instalment payments for the 2010-11 year, on the dates published in the Victoria Government Gazette by the Minister and in accordance with Section 167 of the Act.**
- 11 Council authorises the General Manager Corporate & Community Services and the Property & Rates Co-ordinator to levy and recover the general rates, municipal charge and annual service charges in accordance with the Act.**

AMENDMENT - MOVED Cr Stephen Hart seconded Cr Stuart Hart that:

Council:

- 1. Having considered all submissions received, adopts the 2010-11 Budget annexed to this resolution as Attachment 1 in accordance with Section 130 of the Local Government Act 1989 (the Act). The 2010-2011 Budget annexed to this resolution as Attachment 1 is to be altered to show that the maximum approved new borrowings for the 2010-2011 financial year is \$800,000 instead of \$1,100,000.**

and items 2 to 11 as per recommendation.

LOST 3 : 4

DIVISION called by Cr Stephen Hart

For the Motion: Cr Geoff Higgins, Cr Stephen Hart, Cr Stuart Hart

Against the Motion: Cr Brian Crook, Cr Chris Smith, Cr Frank Buchanan, Cr Lyn Russell

AMENDMENT - MOVED Cr Stephen Hart seconded Cr Stuart Hart that:

Council:

- 1. Having considered all submissions received, adopts the 2010-11 Budget annexed to this resolution as Attachment 1 with the following change:**
- a. The \$50,000 allocated for a consultant report into a possible Apollo Bay Trail is instead to be allocated to improve the public access to the public Council land at the Heathfield Estate Reserve. Precisely how these funds are to be used is to be determined after the Advisory committee is set up, as per council's resolution on this issue at the August 2009 council meeting, and after appropriate community consultation in relation to the priorities for the Reserve.**

And items 2 to 11 as per recommendation.

LOST 3 : 4

DIVISION called by Cr Stephen Hart**For the Motion: Cr Geoff Higgins, Cr Stephen Hart, Cr Stuart Hart****Against the Motion: Cr Brian Crook, Cr Chris Smith, Cr Frank Buchanan, Cr Lyn Russell****MOTION - MOVED Cr Frank Buchanan seconded Cr Brian Crook that:****Council:**

1. **Having considered all submissions received, adopts the 2010-11 Budget annexed to this resolution as Attachment 1 in accordance with Section 130 of the Local Government Act 1989 (the Act).**
2. **Authorise the Chief Executive Officer to:**
 - a. **Give public notice of this decision to adopt the 2010-11 Budget, in accordance with Section 130(2) of the Act.**
 - b. **Forward a copy of the adopted Budget to the Minister for Local Government before 31 August 2010, 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 in writing for their submission and advise of the outcome of the budget decision.**
3. **Authorise the amount intended to be raised.**
An amount of \$20,427,512 be declared as the amount that Council intends to raise by general rates, municipal charge and service (Waste Management) charges, which is calculated as follows:

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 - 4.1 **It be declared that the general rate be raised by the application of differential rates.**
 - 4.2 **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:**

4.2.1 Residential Land – Colac, Colac East, Colac West or Elliminyt

Any land which is located in Colac, Colac East, Colac West or Elliminyt that is not zoned for commercial or industrial use and which:

- 4.2.1.1 **is vacant or used primarily for residential purposes and is less than 1.0 hectare in area; and**
- 4.2.1.2 **does not have the characteristics of:**
 - a) **Rural Farm Land;**
 - b) **Holiday Rental Land; or**
 - c) **Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt.**

4.2.2 Residential Land - Balance of Shire

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4.2.4.1 is used for the provision of holiday accommodation for the purpose of generating income; or

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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.

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4.2.5.2 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 for commercial or industrial use.**

4.2.6 Commercial/Industrial Land - Balance of Shire

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4.2.6.1 does not have the characteristics of:

- a) Rural Farm Land;**
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- or which is vacant but zoned for commercial or industrial use.**

- 4.3 Each differential rate will be determined by multiplying the Capital Improved Value of each rateable land (categorised by the characteristics described in Clause 4.2 of this Resolution) by the relevant cents in the dollar indicated in the following table:**

Category	Cents in the dollar of the capital improved value
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- 4.4 It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:**

- 4.4.1 the respective objectives of each differential rate be those specified in Appendix B (point 8) of the 2010-11 Budget Document.**
- 4.4.2 the respective types or classes of land which are subject to each differential rate be those defined in the Schedule to this Recommendation; and**
- 4.4.3 the respective uses and levels of each differential rate in relation to those respective types or classes of land be those described in the Schedule to this Recommendation; and**
- 4.4.4 the relevant:**
 - 4.4.4.1 uses of;**
 - 4.4.4.2 geographical locations of; and**
 - 4.4.4.3 planning scheme zonings of; and**
 - 4.4.4.4 types of buildings on the respective types or classes of land be those identified in Appendix B (point 8) of the 2010-11 Budget Document.**

- 5 Authorise a Municipal Charge be declared for the period commencing 1 July 2010 to 30 June 2011 to cover some of the administrative costs of the Council.**

- 5.1 The Municipal Charge be the sum of \$147 per annum for each rateable property in respect of which a municipal charge can be levied.**

- 6 Authorise the following Annual Service (Waste Management) Charges**

6.1 An annual service (waste management) charge of \$245.00 per annum be declared for:

6.1.1 all land used primarily for residential or commercial purposes; or

6.1.2 other land in respect of which a weekly waste collection and disposal service is provided, for the period 1 July 2010 to 30 June 2011.

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6.2.2 other land in respect of which a fortnightly waste collection and disposal service is provided, for the period 1 July 2010 to 30 June 2011.

7 Authorise a Special Charge of \$0.20 per hectare will be declared on those properties located within the Aire River Drainage Scheme for the period 1 July 2010 to 30 June 2011.

8 Authorise a Special Charge for the Tirrengower drainage works previously declared by Council be fixed at \$2.50 per hectare for the period 1 July 2010 to 30 June 2011.

9 Declare that it be recorded that Council requires any person to pay interest at the maximum rate fixed under Section 2 of the Penalty Interest Rates Act 1983 as the rate set out in accordance with Section 172(2) of the Act on any amounts of rates and charges which:

9.1 that person is liable to pay; and

9.2 have not been paid by the date specified for their payment.

10 Allow a lump sum payment and 4 instalment payments for the 2010-11 year, on the dates published in the Victoria Government Gazette by the Minister and in accordance with Section 167 of the Act.

11 Council authorises the General Manager Corporate & Community Services and the Property & Rates Co-ordinator to levy and recover the general rates, municipal charge and annual service charges in accordance with the Act.

LOST 3: 4

DIVISION called by Cr Chris Smith

For the Motion: Cr Brian Crook, Cr Chris Smith, Cr Frank Buchanan, Cr Lyn Russell

Against the Motion: Cr Geoff Higgins, Cr Stephen Hart, Cr Stuart Hart

CARRIED 4 : 3

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>INFRASTRUCTURE AND SERVICES</u></p> <p><u>OM102807-13 WARRION TOWNSHIP PETITION - SPEED ZONES</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Forward the petition, and a supporting letter to VicRoads; and</i> <i>2. Advise the coordinator of the petition that their petition and request, with support of Council, has been forwarded to VicRoads.</i> 		
<p><u>OM102807-14 RE-ORGANISATION OF REGIONAL WASTE MANAGEMENT GROUP</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council notes this report on the re-organisation of Regional Waste Management Groups (RWMG) for information.</i></p>	CR STEPHEN HART	

MOVED Cr Stephen Hart seconded Cr Brian Crook that recommendations to items listed in the Consent Calendar be adopted.

CARRIED 7 : 0

<p><u>OM102807-17 COLAC OTWAY SHIRE AND OTWAYS TOURISM INC. 2010/2011 SERVICE AGREEMENT</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council endorse the Colac Otway Shire Otways Tourism Inc (OT) Service Agreement 1 July 2010 to 30 June 2011 noting that:</i></p> <ol style="list-style-type: none"> <i>1. The Service Agreement lapses after 30 June 2011 and may be renewed or renegotiated by further agreement between the parties;</i> <i>2. Colac Otway Shire has noted its intention to continue with the agreement beyond 30 June 2011 subject to the outcomes of the Regional Tourism Action Plan's proposed restructure of Regional Tourism regions; and</i> <i>3. In the event that the Regional Tourism Action Plan and resulting restructure is not complete by 30 June 2011, Council is to continue the agreement with OT until 30 June 2012 unless there is an exceptional reason as to why this should not occur.</i> 		
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MOVED Cr Stephen Hart seconded Cr Geoff Higgins that recommendations to items listed in the Consent Calendar, with the exception of item OM102807-16 Colac Central Activities Area Master Plan, be adopted.

CARRIED 7 : 0

OM102807-16 COLAC CENTRAL ACTIVITIES AREA MASTER PLAN

MOTION - MOVED Cr Stephen Hart seconded Cr Frank Buchanan that:

That Council nominate Cr Brian Crook as its representative, and Cr Lyn Russell as the deputy representative, on the Steering Committee for the Colac Central Activities Area Master Plan.

CARRIED 7:0

CONSENT CALENDAROFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>GENERAL BUSINESS</u></p> <p><u>OM102807-18</u> <u>REVIEW OF LEASE FEE FOR FISHERMAN'S CO-OPERATIVE SOCIETY PTY LTD, PORT OF APOLLO BAY</u></p> <p>Department: General Business</p> <p><u>Recommendation</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Endorse a lease fee of \$25,298.19 (exc. GST) for the year 2010/11, for the Fisherman's Co-operative Society Pty Ltd located at Port of Apollo Bay through an exchange of letters;</i> <i>2. Increase the lease fee annually by CPI factor prior to each financial year; and</i> <i>3. Undertake the next three (3) year lease valuation review prior to 1 July 2013.</i> 		

MOVED Cr Geoff Higgins seconded Cr Frank Buchanan that recommendations to item OM102807-18 Review of Lease Fee for Fisherman's Co-Operative Society Pty Ltd, Port of Apollo Bay as listed in the Consent Calendar be adopted.

CARRIED 7 : 0

CONSENT CALENDAR**OFFICERS' REPORT****D = Discussion****W = Withdrawal**

ITEM	D	W
<p><u>NOTICE OF MOTION</u></p> <p><u>OM102807-19 AUDIT COMMITTEE FUNDING</u></p> <p>Department: Notices of Motion</p> <p><u>Recommendation</u></p> <p><i>That Council consider the contents of this Notice of Motion.</i></p>		

During discussion on this item, the Mayor determined that Cr Chris Smith had been in breach of the Councillor Code of Conduct and asked that he leave the meeting for the remainder of deliberations on this item.

Cr Chris Smith left the meeting at 5.44pm.

RECOMMENDATION

That Council consider the contents of this Notice of Motion.

MOVED Cr Stephen Hart seconded Cr Geoff Higgins that:

Council:

- 1. Notes that Council's Audit Committee has raised concerns about the underfunding of the internal Audit function by Colac Otway Shire Council; and***
- 2. Calls on the Chief Executive Officer to take steps to ensure that an additional \$15,000 is allocated to the internal audit function for the 2010/2011 financial year compared to the figure contained in the draft budget exhibited in May and June 2010.***

CARRIED 6:0

IN COMMITTEE

MOVED Cr Stephen Hart seconded Cr Brian Crook that pursuant to the provisions of Section 89(2) of the Local Government Act, the meeting be closed to the public and Council move "In-Committee" in order to deal with:

SUBJECT	REASON	SECTION OF ACT
Report From Delegate to Other Bodies - Audit Committee	this matter deals with personnel matters; AND this matter deals with contractual matters; AND this matter may prejudice the Council or any person	Section 89 (2) (a) (d) (h)
Beechy Precinct Library Joint Use Committee	this matter may prejudice the Council or any person	Section 89 (2) (h)

CARRIED 6 : 0

OUT OF COMMITTEE

MOVED Cr Stephen Hart seconded Cr Brian Crook that the meeting move out of committee.

CARRIED 6 : 0

The Meeting was declared closed at 6.08 pm

CONFIRMED AND SIGNED at the meeting held on 25 AUGUST 2010

.....**MAYOR**

