

MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at the COPACC Meeting Rooms on 23 September 2015 at 4.00pm.

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 Frank Buchanan (Mayor)
Cr Brian Crook
Cr Michael Delahunty
Cr Stephen Hart
Cr Lyn Russell
Cr Chris Smith
Cr Terry Woodcroft

Sue Wilkinson, Chief Executive Officer
Colin Hayman, General Manager, Corporate Services
Ingrid Bishop, General Manager, Infrastructure & Leisure Services
Brydon King, General Manager, Development & Community Services
Jennifer Wood, Manager Governance & Customer Services
Maree Redmond, Acting 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 descendants here today.

Colac Otway Shire encourages community input and participation in Council decisions. Council meetings provide an opportunity for the community to ask Council questions, either verbally at the meeting or in writing.

Please note that Council may not be able to answer some questions at the meeting. These will be answered later.

Council meetings enable Councillors to debate matters prior to decisions being made. I ask that we all behave in a courteous manner.

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

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

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

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

Thank you. Now 30 minutes is allowed for question time. Please remember, you must ask a question. If you do not ask a question you will be asked to sit down and the next person will be invited to ask a question. 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

James Judd

1. If Council found not owning a facility but hiring a facility cheaper for Council how can you use the excuse "because you had to hire a facility". You had to charge people more to attend an event than those who did not have to hire a facility because the assumption they still owned it.

Response:

Unlike some other Councils Colac Otway Shire provides a great range of activities for people with differing interests to participate in during Seniors Week. A number of activities are free whilst others, which have been subsidised, still have a cost.

The Honey B & the Stingers concert is being held at COPACC and, unlike other venues, allows access for people of all abilities; provides professional sound and lighting technicians; and is a great venue for both performers and the audience. COPACC is a business of Council and as any business requires funding to remain viable through venue hire. Council is covering additional costs such as morning tea and transport from Apollo Bay, if required.

2. Whose liability is it to control vermin hiding in road side drainage pipes or gutters? Is it
 - a. Adjoining land holders not permitted to interfere with things not on their land; or
 - b. Those responsible for the upkeep of roads; or
 - c. Does Council accept any responsibility to make sure vermin are controlled?Those responsible must take action and not turn a blind eye to the problem and pass the buck onto others.

Response:

Council is responsible for controlling roadside weeds and rabbits identified in the Roadside Weed and Rabbit Control Plan (the Plan). The development of the Plan is a requirement of the Catchment and Land Protection Act 1994 and its implementation is funded by the State Government through the Department of Economic Development, Jobs, Transport & Resources (DEDJTR). Under the Plan, Council is only required to control rabbits that are found on high conservation roads. Enquiries about weeds and vermin on roadsides outside of the Plan should be directed to the DEDJTR, who can be contacted on 138 186 or online at <http://agriculture.vic.gov.au/home>.

3. In view of Councils claims its figures are in very good order, please confirm on what basis this claim is made about the Auditor Generals report. Is it;
 - a. Surplus in funds balances or
 - b. Councils claimed underlying surplus.

If these figures vary what are they?

Response:

The Victorian Auditor General's Office (VAGO) publishes a number of financial sustainability ratios each year at the conclusion of the Annual Report audit season. VAGO rates each Council as being low risk, medium risk and high risk against all of these ratios and as an overall rating. Council has been rated Low Risk by VAGO for a number of years.

The VAGO report will be tabled to the Victorian Parliament after all of the 79 Victorian Councils have published their Annual Reports. This is likely to happen in the second or third quarter of the 2015-16 financial year. Council will provide an analysis of this report after it has been published. In the interim Council provides its own calculations based on the same methodology as used by VAGO. Any variances to the final VAGO report will be analysed when the VAGO report is published.

4. In view of the fact Council only passed on \$213.00 as a pensioner rate concession on the 2015-16 rate notice and \$208.00 on the 2014-15 rate notice. How does Council explain that this amount is far below the maximum amount allowed by State Government of \$260.00. If this maximum also includes an allowance towards garbage charges why does Council not also grant a concession at least equal to that allowed by Government if granted?

Response:

The pension rate concession for 2015/16 as published by Department of Human Services and advised to Council is set at 50% of Council rates to a maximum of \$213.00 for the year. Council has passed this amount on to all eligible claimants.

5. With less than the final instalment on 2015/16 rates and charges owing, what is the legal position of Council when it charges rates and charges forward yet demands payment of the balance on account prior to being in arrears?

Response:

Rates notices and payment requirements comply with the legal requirements prescribed by the Local Government Act 1989.

Questions Received Verbally at the Meeting

Neil Longmore

In relation to the involvement of the Earth Resources Regulator in licencing the quarry at Birregurra, given the strong stance of Council in relation to Coal Seam Gas, what action would Council take if this behaviour were to be repeated in a Coal Seam Gas scenario?

Response:

The CEO responded that it is difficult to say given that Coal Seam Gas is not a permitted activity at the moment and there is no legislative framework to regulate that. In the case of the application for the quarry, Council's position is to not support the application and will defend that rigorously. Equally Council's position is to not support Coal Seam Gas so I think there would be an expectation from Councillors that the response would be somewhat similar.

Tanya Burnett

In relation to the proposed Quarry, was there an impact statement or some sort of budgeting requested?

Response:

The General Manager Development & Community Services took the question on notice.

Yvonne Francis – Apollo Bay

What advocacy role does Colac Otway Shire take to see that low cost housing is made available in Apollo Bay to help homeless people?

Response:

The Mayor commented that Apollo Bay is well served by the private organisation the Lions Village Group who have 17 or 18 units run by the community. It is a fantastic private and community low cost housing option.

General Manager Development & Community Services advised an advocacy opportunity may present itself through the G21 group of Councils around an affordable housing taskforce and some work that might be able to touch on that issue in the coming months. And then also in a broader sense, my role taking on notice some of the other options that exist through private organisations and what other systems can influence that.

Vivien Wheeler –

If the library closes here in Gellibrand Street, how are people with disabilities without transport able to access library services because most of those people cannot get to the Queen Street library.

Response:

General Manager Corporate Services advised as part of the report we looked at issues which came from the community to ensure that the CCLLC is accessible to all groups of people. We found that most of the people who attend the annexe drive to the annexe. Improvements are suggested to the CCLLC to make it more accessible and try to cover as many things as we can in the report.

Lyn Foster

Why are a group of us bothering to spend our time on the 50 Plus Program this Council has introduced which has been introduced to address the needs of a steadily increased aged population in Colac, and they want to axe an essential service to those people?

Response:

General Manager Corporate Services advised the report clearly indicates there is a limited number of people who use the annexe exclusively. Most people who use the annexe also use the CCLLC. 5 people only use the Annexe without using the CCLLC. We have tried to address the issue by making suggested improvements to the CCLLC.

Paul David Cross

1. Why hasn't it been publicly disclosed both in the consultant's report and by the Council that what is being presented as an independent consultant had these two former roles; 1) as a former CEO of Moyne Shire Council and 2) as the consultant of the Acting CEO of the Corangamite Regional Library Corporation when the CEO position was vacant?

Response:

General Manager Corporate Services advised Council went through a proper quotation process and Graeme Shiell Consulting was the successful person and we believed he had the most expertise in terms of library experience.

2. Why hasn't there been a normal 6 week public consultation period with regard to this consultant's report? Is it because Council want to make a quick kill before people have time to think and absorb the true nature of the report including alternatives to closure which the consultant has buried deep within the report and which Council's covering report has conveniently and obviously left out by cherry picking only those parts of the report which suit the Council in order to obtain more office space for themselves which was the whole reason the JUL went ahead in the first place?

Response:

General Manager Corporate Services indicated that the consultation process during this whole thing has provided ample time for people to comment on the various aspects of the library through various means of the process. I wish to reinforce that the library closure is not to be used for office space.

The CEO added that the consultation process taken has been to engage with the community to formulate and inform. The consultation process was as extensive as any I have seen and included specific written invitations being extended to the unique annexe users of which only one person took up that opportunity. In addition there were online surveys which more than 200 people participated in. We called for written submissions and circulated information sheets. We also had information sessions and made sure there was extensive media to ensure the community was well aware of the topic. I think the presence in the chamber tonight demonstrates that the community is aware of the discussion

Dieter Wessner - Colac

1. According to the agenda you have spent 97% of your estimate on the Bluewater centre already even though it's 12 months overdue. How much more will it be costing the Council until it is finished?

Response:

General Manager Infrastructure & Leisure Services advised 97.7% of the overall project budget and as you can see in the report, the contractual part of the budget we have spent 97.3% so we are just about at the end of the project. As far as ongoing expenditure we are constantly reconciling the budget. As you are aware we have the situation of the stadium floor that is yet to be finalised. We are still going through that process to find the causes of the movement of the floor and still working with our contractor and sub-contractor to work out what the remedial action will be. So I can't

answer your question as to how much additional expenditure is going to be consumed, but I can tell you that the contractual part of the budget as per the works that have taken place.

2. Has somebody paid the wages of the workforce on the Bluewater Centre in the last 7-8 months out of pocket or is it still owing?

Response:

General Manager Infrastructure & Leisure Services advised we have paid and will continue to pay project management costs out of the budget. We have two lines of the budget. One is the construction and one other part of the budget is the project administration which includes project management wages. So yes we will continue to pay that.

Janice Redmond

In relation to the Library Annexe, how do you aim to provide for people with disabilities especially in Winter?

Response:

General Manager Corporate Services advised we are very conscious of people with disabilities using the service and we are trying to cater for all abilities.

Bradley Nelson

Could the Council please bring 3 buses from the station daily to the Queen Street library?

Response:

General Manager Corporate Services advised there are 3 services around Colac, there is a bus stop out the front and one stops nearby.

Len Matthews

In relation to being charged for 50 acres more than the property contains and offended by being referred to as "Good Morning Lenny"; Do I go back to Mr Carmichael?

Response:

General Manager Corporate Services advised he would be more than happy to take a copy of the letter and get back to Mr Matthews as soon as possible with a further response.

Simon Arundell - Bungador

Why are the public not allowed into the briefing meetings? Could Council conduct a trial period? Could Councillors vote on this issue so that the public could know which Councillors truly represent the ratepayers and have nothing to hide?

Response:

General Manager Corporate Services advised that briefings are for Councillors to discuss issues with open and frank discussion in terms of asking presenters and officers in a format that is appropriate. The public are provided with information through the agenda reports and this sort of forum.

The Mayor added that it was offputting if you have confidential issues that Councillors want to raise with officers to get some clarification, set policy. Everything else comes out in the reports. We now have Community Conversations, another great forum for people to ask questions and for people to have contact with Councillors and Council Officers. There is no time where there is exclusion by Councillors or Officers except in those briefings which need to be kept the way they are.

Tony Webber

I would like to ask for Council to support Apollo Bay having a broadcast licence for their Community Radio station.

Response:

The Mayor responded that the matter would be debated very shortly.

MOTION - MOVED Cr Chris Smith seconded Cr Stephen Hart that question time be extended for a further 15 minutes.

CARRIED 7: 0

Dieter Wessner

In the report in the agenda there is \$27,292 left to finish the Bluewater Centre. Is that why you are closing down the Annexe so you can grab the \$60,000 and add it to that? How many more years would you need to do that?

Response:

The CEO responded that the answer was no.

Vivienne Wheeler

Why would you comment so forthrightly about the fact that only 5 people use the annexe exclusively?

Response:

General Manager Corporate Services advised that the majority of people are using both and the CCLLC has a greater amount of books and a greater amount of services that can be provided to the community and we believe that the CCLLC does cater for a large amount of the community.

Simon Arundell - Bungador

How much money has been spent at Pirron Yallock Club Rooms so far, what is going to happen to the old club rooms, are they going to be repaired and at what cost will they be repaired?

Response:

The Mayor took the questions on notice.

Len Matthews

1. Quote from Council of \$950 for a permit. A building inspector came and gave a quote of \$600. Why is there such a discrepancy?

Response:

General Manager Development & Community Services advised the Planning Permit fees are set by the State Government. Building Permit fees vary. Private building surveyors can quote you or Council. The difference can be market forces, but would take the question on notice and explore further.

2. Why is Cr Smith not in the proper chair and table?

Response:

Cr Smith responded it was his choice.

Simon Arundell

1. Why wasn't the concrete cancer in the foundation for Bluewater identified long before any contracts were gone into?

Response:

The Mayor took the question on notice.

2. In relation to the dredge at Apollo Bay, why is it with all the expert knowledge around you, they didn't have a permit so they could use it properly?

Response:

General Manager Infrastructure & Leisure Services advised that prior to the purchase of the new dredge we had coastal consent from the state government to operate the dredge and dispose of the sand. With the purchase of the new dredge we were advised that we would now need to finalise that or confirm the process of sand disposal and obtain both a state and a federal permit so we are going through that process now.

3. Why didn't the learned people you are surrounded with inform you of this sort of information right back when you started to look into another dredge?

Response:

The General Manager Infrastructure & Leisure Services took the question on notice.

Janice Redmond

Why are these meetings on late afternoon or at night time regarding these library annexe consultation meetings?

Response:

General Manager Corporate Services advised in relation to the consultations for the library, one option was that any time of the day people could have spoken with the consultant. There were leaflets put in both libraries.

Vivienne Wheeler

I do read the papers and I didn't see a public consultation notice and I didn't see a leaflet in the library.

Response:

General Manager Corporate Services advised we went through a comprehensive consultation process and tried to make it available to everyone by making it possible to contact the consultant at any time of the day. We provided information to both libraries about the process, put information in the Colac Herald, on Council's website and other forums. We tried to contact as many people as we could and give them an opportunity to comment.

Serge Beani

Why did it take so long to have the report on the Saleyards brought to Council by the officers and are we going to make it known to the public that that report is now available?

Response:

General Manager Development & Community Services advised that there was some time to analyse and digest the report. I can't give specifics in why there was a delay but in terms of my first two months of being appointed in Council we have been able to bring it into Council and have it brought before the Advisory Committee and we will make the report available to the public.

Question time ended 4.50pm

6. TABLING OF RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS

These responses will not be read out but will be included in the minutes of this meeting.

Yvonne Francis – Apollo Bay

1. In relation to Binns Track - Who is logging there, are the trees protected by the Great Otway National Park and who repairs the road?

Response:

Relating specifically to Binns Track, Council can confirm that HVP Plantations undertake timber production and harvesting in this area. However, if the question relates to Binns Road, Council can advise that a number of timber production companies (e.g Midway, AKD, HVP Plantations) operate in this area.

It is Council's understanding that trees within a National Park are protected by the National Parks Act 1975 and cannot be logged. Further questions relating to this matter should be directed to Parks Victoria who are responsible for the management of national parks in Victoria.

Binns Road is owned and maintained by Council in accordance with its Road Management Plan. Binns Track is not a Council owned or managed road.

2. What action is Colac Otway Shire taking in relation to the Marriner's Falls closure by the Victorian Government?

Response:

Council made a range of representations to the State government over the last 12 months. Public access to Marriner's Falls has now been closed permanently by Parks Victoria based on a risk assessment. Council has no information that would fault this risk assessment. Nevertheless, Council has met with Parks Victoria and the Apollo Bay Chamber of Commerce with a view to seeing what areas of the original path may remain open so that other local natural features such as the glow worms may be accessed by the public. The ultimate decision will be a Parks Victoria decision as they are the relevant land manager.

Joyce Cook – Beeac

1. In reference to the Lake Beeac Walking Track on page 80, paragraph 6 makes reference to Bevan Street. Where is Bevan Street?

Response:

The August Council meeting report on the matter referred to "Bevan Street" in one section which was a typographical error and should have read "Beal Street". The name Beal Street was referred to correctly in the rest of the report.

7. DECLARATION OF INTEREST

Cr Smith:	OM152309-3 Friends Of Colac Botanic Gardens Advisory Committee
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78B
Nature of Interest:	Member of the Friends of Colac Botanic Gardens Advisory Committee

Cr Delahunty:	OM152309-8 2016-17 Community Sports Infrastructure Fund
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78
Nature of Interest:	Spouse on School Board.

Cr Woodcroft:	OM152309-10 Colac Regional Saleyards Conditions Of Entry And Operating Policy
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78B
Nature of Interest:	I believe my primary employer has a direct interest in the matter.

Cr Russell:	OM152309-15 Call-In Request For Mooleric Road Quarry
Nature of Disclosure:	Direct
Nature of Interest:	Brother-in-law owns a quarry in the Colac Otway Shire

Cr Delahunty:	OM152309-15 Call-In Request For Mooleric Road Quarry
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Produced a report on a road that could be used to access the quarry.

8. CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on the 26/08/15.

MOVED Cr Lyn Russell seconded Cr Brian Crook that Council confirm the above minutes.

CARRIED 7 : 0

MOTION - MOVED Cr Brian Crook seconded Cr Lyn Russell:

That Council change the order of proceedings as follows:

1. **OM152309-1 - CEO'S PROGRESS REPORT**
2. **OM152309-2 - COLAC LIBRARY ANNEXE SERVICE REVIEW 2015**
3. **OM152309-12 - APOLLO BAY COMMUNITY RADIO**
4. **OM152309-15 - CALL-IN REQUEST FOR MOOLERIC ROAD QUARRY**
5. **OM152309-3 - FRIENDS OF COLAC BOTANIC GARDENS ADVISORY COMMITTEE**
6. **OM152309-4 - RE-ELECTION OF S86 COMMITTEES OF MANAGEMENT**
7. **OM152309-5 - FINANCIAL ASSISTANCE GRANTS - AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION CAMPAIGN**
8. **OM152309-6 - FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT FOR 2014-2015**
9. **OM152309-7 - ASSET POLICIES**
10. **OM152309-8 - 2016-17 COMMUNITY SPORTS INFRASTRUCTURE FUND**
11. **OM152309-9 - BLUEWATER FITNESS CENTRE REDEVELOPMENT PROJECT - PROGRESS REPORT**
12. **OM152309-10 - COLAC REGIONAL SALEYARDS CONDITIONS OF ENTRY AND OPERATING POLICY**
13. **OM152309-11 - ASSEMBLY OF COUNCILLORS**
14. **OM152309-13 - REVIEW OF GRAN FONDO EVENT**
15. **OM152309-14 - AUDIT OF BLUEWATER FITNESS CENTRE REDEVELOPMENT**
16. **OM152309-16 - AUDIT COMMITTEE MINUTES**

CARRIED 7: 0

OM152309-1 CEO'S PROGRESS REPORT

AUTHOR:	Maree Redmond	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Executive	FILE REF:	F15/9436

***MOVED Cr Lyn Russell seconded Cr Brian Crook:
That Council notes the CEO's Progress Report to Council.***

CARRIED 7 : 0

OM152309-2 COLAC LIBRARY ANNEXE SERVICE REVIEW 2015

AUTHOR:	Colin Hayman	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate Services	FILE REF:	F15/951

Original Recommendation(s)

That Council:

- 1. Notes the 2015 Colac Library Annexe report.**
- 2. Discontinues the provision of the Library Annexe facility from 1 July 2016.**
- 3. Undertakes the following:**
 - (a) Recommended outlays prior to 30 June 2016:**
 - **Improved signage at the CLLC**
 - **Contribution to furnishing a reading room at the CLLC**
 - **Central Returns Chute and installation of 'smart technology' at Rae Street Offices**
 - **Bus Shelter and signage at Queen Street Stop**
 - **Placement of plaque on the exterior of the old library building.**
 - (b) Actions from 1 July 2016 (no additional cost to Council):**
 - **Relocation of computers from the Annexe to the CLLC**
 - **Relocation of the newspaper rack from the Annexe to COPACC**
 - (c) Consideration for 2016/17 Budget process:**
 - **Wi-Fi at COPACC**
- 4. Notes that any savings from the closure of the Library Annexe be captured as savings as part of the 2016-2017 Budget and not used to expand or enhance library services in other locations**
- 5. Writes to the Corangamite Regional Library Corporation, Colac Secondary College and the Joint Committee of the CLLC advising them of Council's decision to close the Colac Library Annexe from 1 July 2016 and the proposed actions with respect to enhancements.**

ALTERNATIVE MOTION - MOVED Cr Chris Smith seconded Cr Stephen Hart:

That Council continues to operate the Library Annexe in its current location until at least 30 June 2017.

LOST 2 : 5

DIVISION called by Cr Stephen Hart

For the Motion: Cr Chris Smith, Cr Stephen Hart

Against the Motion: Cr Brian Crook, Cr Lyn Russell, Cr Terry Woodcroft, Cr Michael Delahunty, Cr Frank Buchanan

ALTERNATIVE MOTION - MOVED Cr Stephen Hart seconded Cr Chris Smith:

That Council

- 1. Notes the 2015 Colac Library Annexe Report***
- 2. Put the 2015 Colac Library Annexe Report out for comment for six weeks and then a report come back to Council.***

CARRIED 4 : 3

DIVISION called by Cr Chris Smith

For the Motion: Cr Chris Smith, Cr Stephen Hart, Cr Lyn Russell, Cr Terry Woodcroft

Against the Motion: Cr Brian Crook, Cr Michael Delahunty, Cr Frank Buchanan

OM152309-12 APOLLO BAY COMMUNITY RADIO (Cr Stephen Hart)**Original Recommendation**

That Council considers the contents of this Notice of Motion.

ALTERNATIVE MOTION - MOVED Cr Stephen Hart seconded Cr Chris Smith that:

Council:

- 1. Notes that Apollo Bay Radio Inc. lodged a broadcasting application with the Australian Communications and Media Authority (ACMA) in 2013 and 2014 and that both applications were rejected,**
- 2. Notes that the ACMA appears to be under the mistaken impression that a Colac based community radio station adequately serves Apollo Bay,**
- 3. Understands that a significant number of community groups and businesses connected to Apollo Bay Radio do not currently have access to an FM radio studio but would have if an FM licence were granted and that the Apollo Bay population requires an FM signal because it does not currently have easy access to Apollo Bay Radio's internet broadcast,**
- 4. Supports Apollo Bay Radio ongoing attempts to obtain a broadcasting licence,**
- 5. Requests Council's CEO to write to the ACMA and to the Minister for Communication informing them that it is Council's view that the ACMA should grant a broadcasting licence to Apollo Bay Radio Inc. because a local community radio station offers a more appropriate, relevant and accessible service than is possible under the current Colac arrangements. A copy of the letter is to be sent to the Local Member for the Federal electorate of Corangamite together with a request that she take all reasonable steps to support Apollo Bay Radio Inc. in their attempts to obtain a broadcasting licence, and**
- 6. Notes that in raising this matter it is not a reflection on OCR FM, rather it is an acknowledgement that both Colac and Apollo Bay stations serve different geographic interests.**

LOST 3 : 4

DIVISION called by Cr Stephen Hart

For the Motion: Cr Chris Smith, Cr Stephen Hart, Cr Frank Buchanan

Against the Motion: Cr Brian Crook, Cr Lyn Russell, Cr Terry Woodcroft, Cr Michael Delahunty

ALTERNATIVE MOTION - MOVED Cr Lyn Russell seconded Cr Terry Woodcroft:**That Council:**

1. **Notes that the Apollo Bay Radio Inc. lodged an application for a Temporary Community Broadcasting Licence with the Australian Communications and Media Authority (ACMA) in 2013 and 2014 and that both applications were rejected.**
2. **Supports Apollo Bay Radio Inc's ongoing attempts to obtain a Temporary Community Broadcasting Licence.**
3. **Requests Colac Otway Shire's CEO to write to the Australian Communications and Media Authority, the Federal Minister for Communications indicating support for Apollo Bay Radio Inc being granted a Temporary Community Broadcasting Licence.**
4. **Sends a copy of the letter to the Local Member for the Federal electorate of Corangamite.**
5. **Encourage Apollo Bay Radio Inc to apply for an apparatus licence to provide a low power open narrowcasting service under the class licensing scheme in the interim.**

AMENDMENT - MOVED Cr Chris Smith seconded Cr Stephen Hart:

2. **Supports Apollo Bay Radio Inc's ongoing attempts to obtain a Community Broadcasting Licence.**
3. **Requests Colac Otway Shire's CEO to write to the Australian Communications and Media Authority, the Federal Minister for Communications indicating support for Apollo Bay Radio Inc being granted a Community Broadcasting Licence.**

CARRIED 7 : 0**MOVED Cr Lyn Russell seconded Cr Terry Woodcroft:****That Council:**

1. **Notes that the Apollo Bay Radio Inc. lodged an application for a Temporary Community Broadcasting Licence with the Australian Communications and Media Authority (ACMA) in 2013 and 2014 and that both applications were rejected.**
2. **Supports Apollo Bay Radio Inc's ongoing attempts to obtain a Community Broadcasting Licence.**

3. ***Requests Colac Otway Shire's CEO to write to the Australian Communications and Media Authority, the Federal Minister for Communications indicating support for Apollo Bay Radio Inc being granted a Community Broadcasting Licence.***
4. ***Sends a copy of the letter to the Local Member for the Federal electorate of Corangamite.***
5. ***Encourage Apollo Bay Radio Inc to apply for an apparatus licence to provide a low power open narrowcasting service under the class licensing scheme in the interim.***

CARRIED 7 : 0

OM152309-15 CALL-IN REQUEST FOR MOOLERIC ROAD QUARRY (Cr Stephen Hart)

Original Recommendation

That Council considers the contents of this Notice of Motion.

Cr Russell:	OM152309-15 Call-In Request For Mooleric Road Quarry
Nature of Disclosure:	Direct
Nature of Interest:	Brother-in-law owns a quarry in the Colac Otway Shire

Cr Delahunty:	OM152309-15 Call-In Request For Mooleric Road Quarry
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Produced a report on a road that could be used to access the quarry.

Having declared a conflict of interest, Cr Lyn Russell left Council Chambers at 6:37 PM

Having declared a conflict of interest, Cr Michael Delahunty left Council Chambers at 6:37 PM

ALTERNATIVE MOTION - MOVED Cr Stephen Hart seconded Cr Chris Smith:

That Council:

- 1. Note the letter from the Minister for Planning to Mr Neil Longmore dated 30 August 2015 related to the quarry application at 320 Mooleric Road, Birregurra.***
- 2. Notwithstanding the letter from the Minister for Planning noted in Item 1 write to the Minister for Planning and request that the Minister call in the planning application for a quarry at 320 Mooleric Road, Birregurra, currently listed for a hearing with the Victorian Civil and Administrative Tribunal 4 November 2015, based on the following:***
 - 2.1 The proceeding raises a major issue of policy in relation to the impacts of stone extraction uses on agricultural areas.***
 - 2.2 The determination of the proceeding will have an impact on planning objectives related to agricultural areas and environmental issues including an unacceptable risk to accessibility and quality of groundwater.***

3. *Noting the documents released under the Freedom of Information Act regarding the Regulator's involvement, believe there should be a thorough examination of the entire matter.*

CARRIED 5 : 0

Cr Lyn Russell returned to Council Chambers at 6:45 PM

Cr Michael Delahunty returned to Council Chambers at 6:45 PM

OM152309-3 FRIENDS OF COLAC BOTANIC GARDENS ADVISORY COMMITTEE

AUTHOR:	Colin Hayman	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate Services	FILE REF:	F12/4880

Cr Smith:	OM152309-3 Friends Of Colac Botanic Gardens Advisory Committee
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78B
Nature of Interest:	Member of the Friends of Colac Botanic Gardens Advisory Committee

Having declared a conflict of interest, Cr Chris Smith left Council Chambers at 6:46 PM

MOVED Cr Lyn Russell seconded Cr Michael Delahunty:

That Council endorses the current membership of the Friends of the Colac Botanic Gardens being:

- Helen Paatsch
- Mary Eaton
- Margot Fitzpatrick
- Chris Bell,
- Anne Mercer,
- Ros Scanlan
- Jan McMahon
- Pauline Maunsell
- John Simmonds,
- Jen Todorovic
- Gwennyth Knox
- Geoff Beilby
- Chris Smith and
- Council Delegate Cr Terry Woodcroft

CARRIED 6 : 0

Cr Chris Smith returned to Council Chambers at 6:47 PM

OM152309-4 RE-ELECTION OF S86 COMMITTEES OF MANAGEMENT

AUTHOR:	Colin Hayman	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate Services	FILE REF:	11/96654

MOVED Cr Lyn Russell seconded Cr Terry Woodcroft

That Council:

- Pursuant to section 86 of the Local Government Act 1989, resolves to appoint the following nominated members to the Stoneyford Hall, Pennyroyal Hall and Barongarook Hall and Tennis Reserve Committees of Management until 26 September 2018:**

Stoneyford Hall	Terry Riggs, Ammie Jackson, Col Hillier, Sally White, Wayne Grinham, Wayne Fisher, Shaun Daniels, Garth Wesson, Paul Wilson
Pennyroyal Hall	Sharron Swaneveld, Katrine Juleff, Jen Bush, Peter Hope, Jennette Brown, Rhiannon White, Leeza Clissold, Veronica Phillips, Victoria Hope
Barongarook Hall & Tennis	Ian Lane, Jane Bear, Jan Healey, Mick Fenton, Kathy Allan, Joy Wright, Lorretto Morshead, Vicky Fenton, Barb Alford

- In accordance with section 81 sub-section(2) sub-section(a) of the Local Government Act 1989, resolves to exempt members of the Committee from being required to submit a primary or ordinary conflict of interest return in accordance with this section.**
- Advises the Committee that a copy of minutes of meetings held be forwarded to Council for its record after each meeting and that a Treasurer's Report be provided on an annual basis.**

CARRIED 7 : 0

**OM152309-5 FINANCIAL ASSISTANCE GRANTS - AUSTRALIAN LOCAL
GOVERNMENT ASSOCIATION CAMPAIGN**

AUTHOR:	Colin Hayman	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate Services	FILE REF:	F15/5785

Original Recommendation(s)

That Council:

- 1. Acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of Council services and infrastructure.***
- 2. Acknowledges that Council will receive \$5,982,847 in 2015/2016 through the Financial Assistance Grants programs.***
- 3. Will ensure that this federal funding and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in Council publications, including the annual report.***
- 4. Supports the advocacy campaign by the Australian Local Government Association and the Municipal Association of Victoria to have the Federal Government reverse its decision to freeze the indexation of the Financial Assistance Grants Program.***
- 5. Writes to the Deputy Prime Minister and Minister for Infrastructure and Regional Development, the Hon Warren Truss MP, raising the importance of Financial Assistance Grants to Council's budget and sustainability and urging him to support the restoration of the indexation of FAGs as soon as possible.***

ALTERNATIVE MOTION - MOVED Cr Brian Crook seconded Cr Lyn Russell:

That Council:

- 1. Acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of Council services and infrastructure.***
- 2. Acknowledges that Council will receive \$5,982,847 in 2015/2016 through the Financial Assistance Grants programs.***

-
3. ***Will ensure that this federal funding and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in Council publications, including the annual report.***
 4. ***Supports the advocacy campaign by the Australian Local Government Association and the Municipal Association of Victoria to have the Federal Government reverse its decision to freeze the indexation of the Financial Assistance Grants Program.***
 5. ***Writes to the Deputy Prime Minister and Minister for Infrastructure and Regional Development, the Hon Warren Truss MP, raising the importance of Financial Assistance Grants to Council's budget and sustainability and urging him to support the restoration of the indexation of FAGs as soon as possible.***
 6. ***That copies of this letter be forwarded to the leader of the opposition, leader of the greens, shadow spokesperson for Infrastructure and Regional Development and our local member.***

CARRIED 7 : 0

OM152309-6 FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT FOR 2014-2015

AUTHOR:	Ashley Roberts	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate Services	FILE REF:	11/96311

Original Recommendation

MOVED Cr Brian Crook seconded Cr Terry Woodcroft that:

That Council:

- 1. Gives in principle approval to the Annual Financial Report and Performance Statement for the year ended 30 June 2015 pursuant to section 132(2) of the Local Government Act 1989.**
- 2. Authorises Councillors Stephen Hart and Michael Delahunty to certify the Annual Financial Report and Performance Statement for the year ended 30 June 2015 pursuant to section 132(5) of the Local Government Act 1989 in their final form after any changes recommended or agreed to, by the auditors, have been made.**

AMENDMENT - MOVED Cr Chris Smith to add points 3 and 4:

- 3. Notes with concern the blowout in wages by \$670,000 over that which was originally budgeted for.**
- 4. Notes with concern the rise in senior management costs in 2013 being \$683,000 in 2014 was \$968,000 and in 2015 was \$1,407,000.**

Motion lapsed due to lack of a seconder.

MOVED Cr Brian Crook seconded Cr Terry Woodcroft

That Council:

- 1. Gives in principle approval to the Annual Financial Report and Performance Statement for the year ended 30 June 2015 pursuant to section 132(2) of the Local Government Act 1989.**
- 2. Authorises Councillors Stephen Hart and Michael Delahunty to certify the Annual Financial Report and Performance Statement for the year ended 30 June 2015 pursuant to section 132(5) of the Local Government Act 1989 in their final form after any changes recommended or agreed to, by the auditors, have been made.**

CARRIED 6 : 1

DIVISION called by Cr Terry Woodcroft

***For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Terry Woodcroft,
Cr Michael Delahunty, Cr Frank Buchanan***

Against the Motion: Cr Chris Smith

OM152309-7 ASSET POLICIES

AUTHOR:	Ashley Roberts	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate Services	FILE REF:	11/96037

MOVED Cr Stephen Hart seconded Cr Brian Crook

That Council adopts the:

- 1. Asset Valuation and Revaluation Policy**
- 2. Asset Capitalisation Policy.**

CARRIED 7 : 0

OM152309-8 2016-17 COMMUNITY SPORTS INFRASTRUCTURE FUND

AUTHOR:	Ian Seuren	ENDORSED:	Ingrid Bishop
DEPARTMENT:	Infrastructure & Leisure Services	FILE REF:	F15/6328

Cr Delahunty:	OM152309-8 2016-17 Community Sports Infrastructure Fund
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78
Nature of Interest:	Spouse on School Board

Having declared a conflict of interest, Cr Michael Delahunty left Council Chambers at 7:30 PM

Original Recommendation(s)***That Council:***

1. ***Endorse the following projects submissions to Sport and Recreation Victoria's 2016-17 Community Sport Infrastructure Fund:***
 - a. ***Majors category***
 - ***Central Reserve Redevelopment***
 - b. ***Minors, Female Friendly Facilities, Cricket Facilities categories***
 - ***Birregurra Tennis/Netball Courts Redevelopment (includes requested Council contribution of \$80,000 in 2016/17 budget)***
 - ***Colac Secondary College Sports Field Pavilion (includes requested Council contribution of \$40,000 in 2016/17 budget)***
 - ***Western Reserve Netball/Cricket Facilities (includes requested Council contribution of \$30,000 in 2016/17 budget)***
 - c. ***Regional Planning category***
 - ***G21 Regional Netball Strategy (to be submitted by the City of Greater Geelong) (includes requested Council contribution of \$1,518 in 2016/17 budget)***
2. ***Pending the outcome of the applications, successful projects are to be submitted for Council consideration for the 2016-17 budget.***

ALTERNATIVE MOTION**MOVED Cr Brian Crook seconded Cr Lyn Russell****That Council:**

- 1. Notes the correspondence from the Department of Health & Human Services informing Council that its project proposal to Sport and Recreation Victoria's 2016-17 Community Sport Infrastructure Fund – Majors category for Central Reserve Redevelopment was not successful.**
- 2. Notes that \$2.5m has been committed from the Federal Government for the Central Reserve Redevelopment Project.**
- 3. Notes that \$150,000 has been allocated in the 2015/16 budget as Council's contribution to the Central Reserve Redevelopment Project.**
- 4. Strongly advocates to the State Government that it reconsiders its decision not to request a full funding application for the Central Reserve Redevelopment project under the Sport and Recreation Victoria's 2016-17 Community Sport Infrastructure Fund – Majors category.**
- 5. Notes given that this is the second year this application has been refused, Council seeks an urgent meeting with the Minister for Sport, Mr. John Eren.**

CARRIED 6 : 0**ADDITIONAL MOTION****MOVED Cr Brian Crook seconded Cr Terry Woodcroft:****That Council:**

- 1. Endorses the following projects submissions to Sport and Recreation Victoria's 2016-17 Community Sport Infrastructure Fund in the Minors, Female Friendly Facilities, Cricket Facilities categories:**
 - Birregurra Tennis/Netball Courts Redevelopment (includes requested Council contribution of \$80,000 in 2016/17 budget)**
 - Colac Secondary College Sports Field Pavilion (includes requested Council contribution of \$40,000 in 2016/17 budget)**
 - Western Reserve Netball/Cricket Facilities (includes requested Council contribution of \$30,000 in 2016/17 budget)**
- 2. Endorses the following project submission to Sport and Recreation Victoria 2016-17 Community Sport Infrastructure Fund in the Regional Planning category:**

- ***G21 Regional Netball Strategy (to be submitted by the City of Greater Geelong) (includes requested Council contribution of \$1,518 in 2016/17 budget)***
- 3. *Submit the successful project applications for Council consideration for the 2016-17 budget.***

CARRIED 6 : 0

Cr Michael Delahunty returned to Council Chambers at 7:50 PM

**OM152309-9 BLUEWATER FITNESS CENTRE REDEVELOPMENT PROJECT -
PROGRESS REPORT**

AUTHOR:	Adam Lehmann	ENDORSED:	Ingrid Bishop
DEPARTMENT:	Infrastructure & Leisure Services	FILE REF:	F13/7721

Original Recommendation

That Council notes the monthly status report for the Bluewater Fitness Centre Redevelopment Project covering the period to 1 August 2015 to 31 August 2015.

ALTERNATIVE MOTION - MOVED Cr Stephen Hart seconded Cr Lyn Russell:

That Council:

- 1. Notes the monthly status report for the Bluewater Fitness Centre Redevelopment Project covering the period to 1 August 2015 to 31 August 2015.***
- 2. Notes the recommendation recorded in the unconfirmed Audit Committee Minutes of 2 September 2015 that Council undertakes a post-project review of the Bluewater Fitness Centre Redevelopment project,***
- 3. Commits to undertaking such a review with an expectation that it is completed no later than 30 June 2016,***
- 4. Requests the Chief Executive Officer –***
 - a. receive for a period of two weeks comments from Councillors about what aspects should be considered for review in the post-project review,***
 - b. arrange for the preparation of draft objectives & issues to be considered in the review with the suggestions made in point 4a) given due weight,***
 - c. obtain indicative costs for the review in consultation with Council's Audit Chair and/or usual provider of Audit services or other qualified person, as appropriate, and***
- 5. Provides a report to Council in October 2015 outlining a process for a post-project review of Bluewater so that Council may determine the next steps in this process, including clarity around timelines needed to achieve the desired deadline of 30 June 2016.***

AMENDMENT - MOVED Cr Chris Smith seconded Cr Michael Delahunty:

That Council notes with concern:

LOST 3 : 4

DIVISION called by Cr Chris Smith

For the Motion: Cr Chris Smith, Cr Stephen Hart, Cr Michael Delahunty

Against the Motion: Cr Brian Crook, Cr Lyn Russell, Cr Terry Woodcroft, Cr Frank Buchanan

ALTERNATIVE MOTION - MOVED Cr Stephen Hart seconded Cr Lyn Russell

That Council:

- 1. Notes the monthly status report for the Bluewater Fitness Centre Redevelopment Project covering the period to 1 August 2015 to 31 August 2015.***
- 2. Notes the recommendation recorded in the unconfirmed Audit Committee Minutes of 2 September 2015 that Council undertakes a post-project review of the Bluewater Fitness Centre Redevelopment project,***
- 3. Commits to undertaking such a review with an expectation that it is completed no later than 30 June 2016,***
- 4. Requests the Chief Executive Officer –***
 - a. receive for a period of two weeks comments from Councillors about what aspects should be considered for review in the post-project review,***
 - b. arrange for the preparation of draft objectives & issues to be considered in the review with the suggestions made in point 4a) given due weight,***
 - c. obtain indicative costs for the review in consultation with Council's Audit Chair and/or usual provider of Audit services or other qualified person, as appropriate, and***
- 5. Provides a report to Council in October 2015 outlining a process for a post-project review of Bluewater so that Council may determine the next steps in this process, including clarity around timelines needed to achieve the desired deadline of 30 June 2016.***

CARRIED 6 : 1

DIVISION called by Cr Chris Smith

For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Terry Woodcroft, Cr Michael Delahunty, Cr Frank Buchanan

Against the Motion: Cr Chris Smith

**OM152309-10 COLAC REGIONAL SALEYARDS CONDITIONS OF ENTRY AND
OPERATING POLICY**

AUTHOR:	Tony White	ENDORSED:	Brydon King
DEPARTMENT:	Development & Community Services	FILE REF:	F15/7390

Cr Woodcroft:	OM152309-10 Colac Regional Saleyards Conditions Of Entry And Operating Policy
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78B
Nature of Interest:	I believe my primary employer has a direct interest in the matter.

Having declared a conflict of interest, Cr Terry Woodcroft left Council Chambers at 8:29 PM

**Cr Brian Crook left Council Chambers at 8:42 PM
Cr Brian Crook returned to Council Chambers at 8:44 PM**

MOVED Cr Brian Crook seconded Cr Lyn Russell

That Council endorses the Conditions of Entry and Operating Policy for the Colac Regional Saleyards.

EQUAL 3 : 3

DIVISION called by Cr Chris Smith

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

Against the Motion: Cr Chris Smith, Cr Stephen Hart, Cr Michael Delahunty

The Mayor used his casting vote to resolve the matter due to the imminent deadline for the policy.

CARRIED 4 : 3

Cr Terry Woodcroft returned to Council Chambers at 8:55 PM

MEETING WAS ADJOURNED AT 8.55 PM

MEETING RECOMMENCED AT 9.05 PM

OM152309-11 ASSEMBLY OF COUNCILLORS

AUTHOR:	Maree Redmond	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Executive	FILE REF:	F15/5960

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council notes the Assembly of Councillors reports for:

- ***Councillor Briefing*** ***19 August 2015***
- ***CEO Performance Review*** ***26 August 2015***
- ***Councillor Briefing*** ***26 August 2015***
- ***Councillor Briefing – Audit Committee*** ***2 September 2015***
- ***Councillor Briefing*** ***2 September 2015***
- ***Councillor Briefing*** ***9 September 2015***
- ***Friends of Colac Botanic Gardens*** ***10 September 2015***

CARRIED 6 : 1

DIVISION called by Cr Chris Smith

For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Terry Woodcroft, Cr Michael Delahunty, Cr Frank Buchanan

Against the Motion: Cr Chris Smith

OM152309-13 REVIEW OF GRAN FONDO EVENT (Cr Stephen Hart)

Original Recommendation

That Council considers the contents of this Notice of Motion.

MOVED Cr Stephen Hart seconded Cr Michael Delahunty

Council:

- 1. Notes that the Council had to intervene to ensure that residents were notified of road closures associated with the 2015 Gran Fondo event,**
- 2. Understands that there have been similar problems with notification of road closures in previous years for this event,**
- 3. Notes that the delay in timely notification by the event organisers may have caused inconvenience for residents and/or ratepayers affected by the road closures as well as imposing an administrative cost on Council; which is ultimately borne by ratepayers,**
- 4. Calls for a review of the Gran Fondo event in relation to Colac Otway Shire to consider all aspects considered relevant by residents and/or ratepayers, including but not limited to:**
 - a. any inconvenience caused by the road closures associated with the event,**
 - b. any inconvenience caused by the lack of sufficient notification,**
 - c. the contribution or otherwise to local businesses from the event, and**
 - d. the timeliness with which the organisers responded to the community's and Council's concerns,**
- 5. Invites the community to write to Council with their view of the event, including on the issues outlined in point 4, for a period of at least 5 weeks,**
- 6. Asks the Chief Executive Officer to ensure that a letter is sent to the event organisers to invite their comment and to inform them that as one possible outcome is that the Council doesn't support the Gran Fondo event in future; their submission may want to respond to that possibility, and**
- 7. Asks the Chief Executive Officer to bring a report on this matter, including the submissions, to the November 2015 Ordinary Council meeting so that Council may consider whether or not it is prepared to support or consider supporting future Gran Fondo events in Colac Otway Shire.**

CARRIED 7 : 0

***OM152309-14 AUDIT OF BLUEWATER FITNESS CENTRE REDEVELOPMENT (Cr
Stephen Hart)***

***This matter was dealt with under item number OM152309-9 - BLUEWATER FITNESS
CENTRE REDEVELOPMENT PROJECT - PROGRESS REPORT***

OM152309-16 AUDIT COMMITTEE MINUTES

MOVED Cr Stephen Hart seconded Cr Michael Delahunty

That Council receives for information the Colac Otway Shire Audit Committee Minutes dated 2 September 2015.

CARRIED 7 : 0

IN COMMITTEE

MOVED Cr Brian Crook seconded Cr Terry Woodcroft 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
Minutes of In-Committee Council Meeting held on 26 August 2015	this matter deals with contractual matters; AND this matter may prejudice the Council or any person.	Section 89 (2) (d) & (h)
COPACC	this matter deals with contractual matters; AND this matter deals with legal advice	Section 89 (2) (d) (f)

CARRIED 7 : 0

OUT OF COMMITTEE

Cr Chris Smith left Council Chambers at 9:46 PM

MOVED Cr Lyn Russell seconded Cr Stephen Hart: that the meeting move out of committee.

CARRIED 6 : 0

The Meeting Was Declared Closed at 9.57 pm

CONFIRMED AND SIGNED at the meeting held on 28 OCTOBER 2015



.....MAYOR

