

MINUTES of the **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held at the COPACC Meeting Rooms on 28 October 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. As well as acknowledging the number of births by including health centre reports each month why does Council not also acknowledge the deaths in total in this municipality each month? At least with both statistics people would be made aware if births were enough to replace death or we have to rely on new people moving in to stop the population falling faster over time.

Response:

There is a legal requirement for birthing centres that the details of a birth, including the contact details of the mother, are forwarded to the Maternal and Child Health Service in which the mother resides. This needs to be done straight away to ensure that the local maternal and child health nurse is able to make arrangements with the mother to conduct a home visit soon after the mother returns home. This mandatory requirement makes reporting to Council on the births each month both timely and complete, and indicates to Council the level of services that will need to be provided.

Deaths are reported to Council on a monthly basis so that each person's name can be deleted from Council's records, such as those for voting purposes. Deaths do not require a subsequent Council service to be provided. There are no plans to report these statistics.

Births and deaths notifications only provide a small piece of statistical population information. Other impacts on the Shire's population include people moving in and out of the Shire. The most accurate source of population information is the routine census which provides a vast range of data that Council can use to plan for future needs.

2. Once Council has authorised the subdivision of open land is there any requirements on minimum services that must be available to a site prior to advertising STCA (Subject to Council Approval) prior to any works having been carried out? Any change in ownership of an area could cause a problem for Council in enforcing all its requirements on land a subdivision is granted on.

Response:

A subdivision cannot be finalised with the issue of a Statement of Compliance under the Subdivision Act until all services such as power, stormwater drainage, water, sewerage and telecommunications have been satisfactorily installed. Land can be advertised for sale prior to a subdivision being completed, but the titles for individual lots created by the subdivision cannot change hands until the services are installed and all other relevant subdivision requirements have been met.

3. Did Colac Otway Shire Senior Officers make sure that Councillors were advised board positions were vacant on two water boards covering portion of this shire?

- (1) Barwon Water
- (2) Wannon Water

And seek advice if any member was interested and submit any names prior to government scrutiny of those available. An undertaking was given that Council would consider this matter as soon as a vacancy existed.

Response:

Recruitment for external board opportunities is not a Colac Otway Shire responsibility however Council is aware that Barwon Water and Wannon Water advertised the board opportunities widely. Councillors were not notified by the organisation.

4. When will Council make sure memorial Square is made safe from the frequent danger of falling elm tree branches that have persisted for year? The danger is there in all types of weather from calm, windy, dry or wet.

Response:

In line with best practise, Council regularly engages and consults with an independent arborist to conduct inspections of the elm trees within the Memorial Square. The independent arborist has inspected the trees this month and has prepared a report which outlines the key actions that Council must take to ensure that the trees are safely maintained. This report is expected very soon and will directly impact Councils tree management plan for Memorial Square which includes taking action to address any identified high risks and working through remaining actions on a priority basis. Council is continually reviewing our processes to ensure we are achieving best practice. One example of this is Council's alignment to the MAV's risk management recommendations which include tree health and tree management systems.

Peter Fillmore – Otway Forum

1. When will the Apollo Bay harbour reference group be reconvened?
2. Has the search for a joint venture partner for the Apollo Bay harbour redevelopment commenced?
3. What form shall this search take?
4. Who is involved in this search?
5. When will a business plan be produced for a joint venture agreement for the redevelopment of the harbour?
6. Can the Apollo Bay residents and ratepayers be informed on the current progress on the harbour redevelopment via a newsletter ASAP?
7. Can the newsletter include a simple survey to gauge community views and priorities on redevelopment options, before the comprehensive development plan is completed? (as has been done in the past)

Response:

Council is currently scoping the nature of work to be undertaken in progressing the creation of a new Development Plan for the harbour. The scoping currently is looking at a process that would involve Council and community discussions to help develop key elements of development at the harbour reflecting the approved Special Use Zone that could be tested with the market via an Expression of Interest process. Community involvement in this process will be important. The public interest in this project is acknowledged, and Council will aim to communicate its intentions concerning progressing the Apollo Bay Harbour via a Council meeting before the end of the year. Once a clear process has been agreed then consultation and commination with the community can occur via various agreed means some of which could relate to the suggestions in the questions.

8. When will the new dredging permits be in place? (12 months have passed since this issue was identified)

Response:

Application for State Government consent under the Coastal Management Act has been made. The application included two disposal locations, one being off the lee wall and the other at Mother's beach. The application is made to Department of Environment, Land, Water and Planning (DELWP), who have 28 days to make determination on the application (due end of November 2015).

Council is completing investigations to confirm whether Commonwealth approvals are required under the Sea Dumping Act. It is expected the investigations will be finalised by 6 November 2015.

Graeme Easton- Colac Otway Ratepayers and Residents Assoc

1. With early drying of roadside vegetation can council give an update on its progress of roadside slashing?

Response:

Council has commenced our roadside slashing program approximately 4 weeks earlier this year due to the dryer conditions. We are currently utilising two tractors for roadside slashing, with the initial focus on the townships of Colac and Elliminyt (including laneways, Colac Showgrounds area and the Lakeside open space area) and the Colac East entrances. Operations will move on to the rural roadsides to the South West heading towards Swan Marsh. The shire aims to maximise its roadside slashing at the optimum time of year to reduce repeated expenditure by multiple passes over vegetation and use of equipment.

2. How many council fire officers does council employ and what qualifications and experience do they have?

Response:

Council has one Municipal Fire Prevention Officer (MFPO), as well three assistant fire officers. The MFPO has over 29 years experience with State Government related to fire prevention and suppression. This officer has operated on fire grounds and in aeronautical environs during major fire campaigns. Further to this, they hold a formal MFPO qualification, which is assessed by the Country Fire Authority (CFA).

Questions Received Verbally at the Meeting

Tony Webber – Otway Forum

1. The Apollo Bay Harbour groin area has filled up with sand, I think the Council needs to get an extraction licence and remove the sand and maybe put it in sandbags to stop the erosion of the Ocean Road, so would like to ask the Council if they would be prepared to apply for an extraction licence.

General Manager Infrastructure & Leisure Services advised that Council is presently looking at some options to remove the sand, and although perhaps not in the method Mr Webber suggested, investigation of possible user groups are being contacted in more of a partnership approach.

2. When do the fire restrictions come in?

The General Manager Development & Community Services advised the CFA have nominated that the declared fire season will start on 2 November 2015 for Colac Otway Shire.

Alan Billing – Larpent

1. Last year I asked for a copy of the annual report at a cost of \$20.00. This year I asked for a copy and was told it would cost \$85.00.

Chief Executive Officer took the question on notice.

2. On page 50 of the annual report's financial report it indicates that there is an increase in salaries to senior officers of \$439,000 and an increase in staff in that category from 6 to 10 – what changes have taken place in Colac Otway Shire to make those amounts necessary?

The General Manager Corporate Services advised that the reporting requirement of senior officers has a limit each year and that limit this year is \$136,000 and that varies each year. I can clarify that there have been no new staff, it is simply a movement of salaries that were required to be reported this year that weren't required to be reported last year. There are a number of managers who were already employed by Council whose salaries increased because of EBA increases that have increased by only a few thousand dollars that now require reporting. If you compare that number to the previous year \$1.6m and this year it is \$1.407m so there has actually been a reduction in the amount of wages for that period.

3. Page 4 of the performance statement under the economic development area, I am not too sure how the figure of 0.43% is supposed to be interpreted as a measure of performance.
4. Page 2 of the performance report under the area of disadvantage. Colac Otway Shire has fairly aggressively opposed rate capping with 2 submissions to the ESC – how do you relate your desire to drag more funds out of the community when Colac Otway Shire has been identified as a shire which is rated as being a municipality with high socio economic disadvantage.

The Mayor requested that questions which required such a level of detail be sent in writing prior to the meeting which would enable officers to provide answers without having to locate the information during the meeting.

The CEO apologised for the delay in locating the information. The percentage is a change in the number of businesses, these numbers come from the state government service performance indicators. It is a mandatory report that we have to provide and the state government and they provide the data set. I note your comment and don't particularly disagree that it isn't helpful as a measure of the output of the unit.

5. In relation to Bluewater, is it true that user groups have been required to sign a user agreement that removes their opportunity to make negative comments to the public.

General Manager Infrastructure & Leisure Services denied the existence of any agreements and asked if there was any written proof.

Alan Smith – Colac

1. Why has Council allowed a situation to develop where ratepayers are exposed to possible multi million dollar litigation damages?

General Manager Infrastructure & Leisure Services advised we work independently with other arborists internally and externally. We have done an overall review of the plan that we have for Memorial Square and have looked at various recommendations from the report and from MAV's tree risk management recommendations. We have some good robust information and have started to act upon the recommendations in the report. We are already addressing the high risk areas and are confident we are not exposing Council, we are not exposing ratepayers, tourists or traders to any potential danger or any potential litigation. We are acutely aware of the age and condition of the trees and proactively taking action.

2. One of the limbs in W2 has a fault within 1 metre of the branches, the tree has been exposed to easterly winds and has put at very high risk the taxi stand, the toilets and the bus stop.

General Manager Infrastructure & Leisure Services advised W2 is our prime target and as a result of the report you will see a dramatic response.

Alex McKenzie

1. Has Council consulted with the state government over the Heytesbury Road and the extra traffic going through Swan Marsh on Council roads?

The CEO advised Council has been consulting with VicRoads about the state of the maintenance of their roads and the on flow impact it is having on our local roads, particularly in that part of the shire where there is a lot of dairy traffic and also a lot of tourist buses so we are concerned about that. The CEO has met with the VicRoads Regional Director on two occasions and discussed this at length and talked to them about whether we can provide support to the Barwon South West VicRoads office to try to improve their success in attracting funding for the upgrade of their roads. The Colac Timboon is an example of that being in a terrible state. No-one from VicRoads disagrees but they need to work very hard within the State Government to attract funding and in the meantime it is having an impact. We are also working with Corangamite and Surf Coast collectively as a group to highlight this as an issue with the state because VicRoads response seems to be to reduce the speed limits on VicRoads roads rather than repair them which we don't think is appropriate.

2. In relation to Bluewater, have you thought of the loss of business to Colac with the basketball stadium not being able to be used?

General Manager Infrastructure & Leisure Services advised we have had discussions with user groups and they have been very pro-active in sharing with us potential issues that they are facing so we have definitely taken that feedback on board.

Yvonne Francis – Apollo Bay

1. How long will Council entertain the mooring of three rapacious trawlers in the harbour of Apollo Bay?

General Manager Infrastructure & Leisure Services advised she would take the question on notice.

2. How long will Council entertain the disgusting practice of the dredge pumping detritus from the harbour across the surf beach fronting the Apollo Bay township?

General Manager Infrastructure & Leisure Services advised Council has had a lot of exchanges with state government in relation to where the disposal points can be located. We have been advised in writing by the state government that they will be granting 2 permits, one for the current site as a backup and one for the preferred site of the lea wall. I don't believe we will require a federal government permit.

Question time concluded at 4.37pm.

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.

Tanya Burnett

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

Response:

A range of technical reports and other information was required of the proponent of the quarry by Council when the planning permit application was lodged, to enable a thorough assessment of the proposal. It was not considered necessary for a separate economic impact assessment report to be supplied as the broad economic issues were understood and these needed to be balanced against other issues including amenity impacts. No Environmental Effects Statement was required for the proposal.

Len Matthews

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:

The Planning Permit fees are set by the State Government. Building Permit fees vary. Private building surveyors can quote you or Council.

As advised at the meeting, it is possible that the discrepancy in fees quoted by Council and the private building inspector referred to arises from the competitive (market based) nature of the Building Permit market. Council, along with appropriately qualified private building surveyors can issue building permits, with each surveyor being able to set their own fees.

Simon Arundell - Bungador

1. 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 total cost of the upgrade of the Pirron Yallock Recreation Reserve clubrooms was \$351,223. Council is presently working with the Committee of Management for the Reserve to decide the future of the former clubrooms with a view to demolishing them.

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

Response:

Inspections of the subfloor within the Bluewater Fitness Centre stadium were undertaken during the design phase of this project. These inspections were confined to areas of the subfloor which was readily accessible. These inspections did not indicate that the existing stumps were in poor condition. Additionally, the long term performance of the former stadium sports floor did not indicate that there were major issues with the integrity of the concrete stumps. Further assessment would have required destructive testing which would have caused unreasonable inconvenience to stadium users.

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:

At the time of construction of the new dredge, advice was received from State Government outlining the requirements in relation to satisfying the relevant State and Commonwealth government permit criteria. Although currently holding State Coastal Consent, Council was advised that a review of future disposal points was needed with the necessary applications / exemptions submitted. The current sand slurry discharge site is approved by State Government.

7. DECLARATION OF INTEREST

Cr Smith:	OM152810-1 CEO's Progress Report
Nature of Disclosure:	Direct Interest
Type of Indirect Interest:	77B
Nature of Interest:	Colac Otway Business Awards discussion - President of Colac & District Chamber of Commerce

Cr Hart	OM152810-1 CEO's Progress Report
Nature of Disclosure:	Direct Interest
Type of Indirect Interest:	77B
Nature of Interest:	Wastewater Management Plan discussion – property owned which may be affected.

Cr Smith:	OM152810-1 CEO's Progress Report
Nature of Disclosure:	Direct Interest
Type of Indirect Interest:	77B
Nature of Interest:	Wastewater Management Plan discussion – property owned which may be affected.

Cr Delahunty:	OM152810-1 CEO's Progress Report
Nature of Disclosure:	Direct Interest
Type of Indirect Interest:	77B
Nature of Interest:	Wastewater Management Plan discussion – property owned which may be affected.

Cr Russell	OM152810-2 Contract 1531 – Supply of Crushed Rock
Nature of Disclosure:	Direct Interest
Type of Indirect Interest:	77B
Nature of Interest:	Brother-in-law owns and operates a quarry in Colac Otway Shire

Cr Russell	OM152810-10 Road Discontinuance – Consideration of Submissions – Bromfield Street
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Owner of shares in Wesfarmers

Cr Hart	OM152810-10 Road Discontinuance – Consideration of Submissions – Bromfield Street
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Owner of shares in West Farmers

Cr Woodcroft	OM152810-13 Revised Colac Otway Fire Management Plan
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Primary employer is represented by me on the relevant committee.

Cr Russell	OM152810-16 Contract 1531 – Supply of Crushed Rock
Nature of Disclosure:	Direct Interest
Type of Indirect Interest:	77B
Nature of Interest:	Brother-in-law owns and operates a quarry in Colac Otway Shire

8. CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on the 23/09/15.

MOVED Cr Lyn Russell seconded Cr Stephen Hart that Council confirm the above minutes.

CARRIED 7 : 0

OM152810-1 CEO'S PROGRESS REPORT

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

Cr Smith:	OM152810-1 CEO's Progress Report
Nature of Disclosure:	Direct Interest
Type of Indirect Interest:	77B
Nature of Interest:	Colac Otway Business Awards discussion - President of Colac & District Chamber of Commerce

Cr Hart	OM152810-1 CEO's Progress Report
Nature of Disclosure:	Direct Interest
Type of Indirect Interest:	77B
Nature of Interest:	Wastewater Management Plan discussion – property owned which may be affected.

Cr Delahunty:	OM152810-1 CEO's Progress Report
Nature of Disclosure:	Direct Interest
Type of Indirect Interest:	77B
Nature of Interest:	Wastewater Management Plan discussion – property owned which may be affected.

Cr Smith:	OM152810-1 CEO's Progress Report
Nature of Disclosure:	Direct Interest
Type of Indirect Interest:	77B
Nature of Interest:	Wastewater Management Plan discussion – property owned which may be affected.

Having declared a conflict of interest in discussions relating to the Colac Otway Business Awards, Cr Chris Smith left Council Chambers at 4:40 PM

Cr Chris Smith returned to Council Chambers at 4:41 PM

Having declared a conflict of interest in discussions relating to the Colac Otway Business Awards, Cr Chris Smith left Council Chambers at 4:44 PM

Cr Chris Smith returned to Council Chambers at 4:45 PM

Having declared a conflict of interest in discussions relating to the Domestic Wastewater Management Plan, Cr Chris Smith, Cr Michael Delahunty and Cr Stephen Hart left Council Chambers at 4:52 PM

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

CARRIED 4 : 0

Cr Chris Smith, Cr Stephen Hart and Cr Michael Delahunty returned to Council Chambers at 5:57 PM

OM152810-2 CONTRACT 1531 - SUPPLY OF CRUSHED ROCK

AUTHOR:	Andrew Kavanagh	ENDORSED:	Mark Lyons
DEPARTMENT:	Corporate Services	FILE REF:	F15/8404

Cr Russell	OM152810-2 Contract 1531 – Supply of Crushed Rock
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78
Nature of Interest:	Brother-in-law owns and operates a quarry in Colac Otway Shire

Having declared a conflict of interest Cr Lyn Russell left Council Chambers at 5.58 PM

MOVED Cr Terry Woodcroft seconded Cr Stephen Hart

That Council:

- 1. Awards Contract 1531 - Supply Of Crushed Rock to the following tenderers at their listed schedule of rates:**
 - **David Eldridge Pty Ltd (t/as DE Quarry Solutions)**
 - **Gala Gravel Pty Ltd**
 - **Geelong Quarries Pty Ltd**
 - **Holcim (Australia) Pty Ltd**
 - **RAK Davis & Sons Pty Ltd****for a contract term from 1 November 2015 to 30 June 2016.**
- 2. Delegates to the General Manager, Corporate Services authority to sign the Contract documents following the award of Contract No. 1531.**

CARRIED 6 : 0

Cr Lyn Russell returned to Council Chambers at 5:59 PM

OM152810-3 CONTRACT 1534 - BITUMINOUS SEALING WORKS

AUTHOR:	Andrew Kavanagh	ENDORSED:	Mark Lyons
DEPARTMENT:	Corporate Services	FILE REF:	F15/8783

MOVED Cr Brian Crook seconded Cr Stephen Hart

That Council:

- 1. Awards Contract 1534 for Bituminous Sealing Works to Inroads Pty Ltd at the lump sum prices of \$975,509.76 (excluding GST) for reseals and final seals (Part A) and \$162,600.00 (excluding GST) for primer seals (Part B).***
- 2. Authorises the Chief Executive Officer to sign the contract documents following award of Contract 1534.***

CARRIED 7 : 0

OM152810-4 FIRST QUARTER FINANCIAL PERFORMANCE REPORT 2015-2016

AUTHOR:	Ashley Roberts	ENDORSED:	Mark Lyons
DEPARTMENT:	Corporate Services	FILE REF:	CLF11/42

Original Recommendation

That Council receives and notes the forecast results and budget allocations contained in the first quarter financial performance report for 2015-2016.

ALTERNATIVE MOTION - MOVED Cr Michael Delahunty seconded Cr Chris Smith:

That Council receives and notes the forecast results including a projected underlying deficit of \$5.68m and budget allocations contained in the first quarter financial performance report for 2015-2016.

AMENDMENT MOVED Cr Stephen Hart seconded Cr Brian Crook

Add point 2:

Notes that this has been affected by \$4m of carry over projects which has caused the previous year's surplus to increase and will cause the current year's result to decrease by a corresponding amount. That Council notes the \$4m is sitting in Council's bank account available to be spent and that Council also notes the \$3m of grants paid in advance caused the surplus the previous year to be higher and will have a corresponding negative effect this year.

CARRIED 5 : 2

DIVISION called by Cr Stephen Hart

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

Against the Motion: Cr Chris Smith, Cr Michael Delahunty

AMENDED ALTERNATIVE MOTION - MOVED Cr Michael Delahunty seconded Cr Chris Smith

That Council:

- 1. That Council receives and notes the forecast results including a projected underlying deficit of \$5.68m and budget allocations contained in the first quarter financial performance report for 2015-2016.***

2. ***Notes that this has been affected by \$4m of carry over projects which has caused the previous year's surplus to increase and will cause the current year's result to decrease by a corresponding amount. That Council notes the \$4m is sitting in Council's bank account available to be spent and that Council also notes the \$3m of grants paid in advance caused the surplus the previous year to be higher and will have a corresponding negative effect this year.***

CARRIED 5 : 2

DIVISION called by Cr Stephen Hart

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

Against the Motion: Cr Chris Smith, Cr Michael Delahunty

OM152810-5 ANNUAL FINANCIAL PERFORMANCE REPORT 2014-2015

AUTHOR:	Ashley Roberts	ENDORSED:	Mark Lyons
DEPARTMENT:	Corporate Services	FILE REF:	CLF11/42

MOVED Cr Terry Woodcroft seconded Cr Brian Crook

That Council notes the Annual Financial Performance Report 2014-2015.

CARRIED 5 : 2

DIVISION called by Cr Chris Smith

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

Against the Motion: Cr Chris Smith, Cr Michael Delahunty

**OM152810-6 OPERATIONAL PLAN FIRST QUARTER PERFORMANCE REPORT JULY
- SEPTEMBER 2015**

AUTHOR:	Margaret Giudice	ENDORSED:	Mark Lyons
DEPARTMENT:	Corporate Services	FILE REF:	11/95679

MOVED Cr Terry Woodcroft seconded Cr Lyn Russell

That Council receives and notes the 2015/2016 Operational Plan First Quarter Performance Report for the three months ending 30 September 2015.

CARRIED 5 : 2

DIVISION called by Cr Chris Smith

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

Against the Motion: Cr Chris Smith, Cr Michael Delahunty

OM152810-7 2014/2015 ANNUAL REPORT

AUTHOR:	Margaret Giudice	ENDORSED:	Mark Lyons
DEPARTMENT:	Corporate Services	FILE REF:	11/95771

Original Recommendation(s)

That Council:

- 1. Notes the completion of the 2014/2015 Annual Report document and process.***
- 2. Notes the Auditor's unqualified reports on the Financial Statements, and Performance Statement.***
- 3. Notes the Annual Report was submitted to the Minister for Local Government by 30 September 2015 as required.***
- 4. Considers and receives the 2014/2015 Annual Report as presented to this meeting in accordance with Sections 131 and 134 of the Local Government Act 1989 and Part 4 of the Local Government (Planning and Reporting) Regulations 2014.***

ALTERNATIVE MOTION - MOVED Cr Chris Smith seconded Cr Michael Delahunty that:

That Council:

- 1. Notes the completion of the 2014/2015 Annual Report document and process.***
- 2. Notes the Auditor's unqualified reports on the Financial Statements, and Performance Statement.***
- 3. Notes the Annual Report was submitted to the Minister for Local Government by 30 September 2015 as required.***
- 4. Considers and receives the 2014/2015 Annual Report as presented to this meeting in accordance with Sections 131 and 134 of the Local Government Act 1989 and Part 4 of the Local Government (Planning and Reporting) Regulations 2014.***
- 5. Notes the following;***
 - i. That employee costs have increased \$670,000 over budget***
 - ii. That material and services costs have increased \$513,000 over budget***
 - iii. That other expenses are \$213,000 over budget***
 - iv. That Rates and charges have increased from \$25.055m to \$26.629m an increase of 1.574m***
 - v. Failure to complete the Bluewater project on time and within budget***
 - vi. The poor community satisfaction ratings***
 - vii. The increase in the CEO remuneration.***

LOST 2 : 5

DIVISION called by Cr Chris Smith

For the Motion: Cr Chris Smith, Cr Michael Delahunty

Against the Motion: Cr Stephen Hart, 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 completion of the 2014/2015 Annual Report document and process.***
- 2. Notes the Auditor's unqualified reports on the Financial Statements, and Performance Statement.***
- 3. Notes the Annual Report was submitted to the Minister for Local Government by 30 September 2015 as required.***
- 4. Considers and receives the 2014/2015 Annual Report as presented to this meeting in accordance with Sections 131 and 134 of the Local Government Act 1989 and Part 4 of the Local Government (Planning and Reporting) Regulations 2014.***
- 5. That the CEO implements a process where hard copies of the Annual Report be made available for not more than \$20 and CD versions be available at no cost.***

CARRIED 7 : 0

DIVISION called by Cr Chris Smith

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

Against the Motion:

MEETING ADJOURNED AT 6:50 PM

MEETING RESUMED AT 6:57 PM

OM152810-8 MURRAY STREET, COLAC - LANDSCAPE WORKS

AUTHOR:	Paula Gardiner	ENDORSED:	Ingrid Bishop
DEPARTMENT:	Infrastructure & Leisure Services	FILE REF:	F15/11006

Original Recommendation(s)

That Council notes this report for information.

ALTERNATIVE MOTION - MOVED Cr Chris Smith:

That Council notes this report for information but notes it is not in-keeping what was explicitly moved at the July 2015 meeting.

Motion lapsed due to lack of a seconder.

MOTION - MOVED Cr Terry Woodcroft seconded Cr Brian Crook:

That Council notes this report for information.

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

OM152810-9 ROAD DISCONTINUANCE - 720 SUNNYSIDE ROAD WONGARRA

AUTHOR:	Clive Brooker	ENDORSED:	Ingrid Bishop
DEPARTMENT:	Infrastructure & Leisure Services	FILE REF:	F15/6023

Original Recommendation**That Council:**

1. **Approves commencement of the statutory procedures to discontinue the unused road described as the Government Road within Lot 2, on plan of subdivision LP129917, Parish of Wongarra pursuant to section 12 of the Road Management Act 1989.**
2. **Determines that Council will consider and if requested in writing, hear any submissions received in relation to the proposed discontinuation in accordance with the Local Government Act.**
3. **Notes the written submissions will be accepted for a six week period closing at 4.00pm 18 December 2015.**
4. **Considers the recommendation to discontinue the road described above at the February Council Meeting after consideration of any submissions received by Council.**
5. **Notes that in the event that no submissions are received, authorises the Chief Executive Officer, or her delegate, to do all things required to discontinue the unused road described as the Government Road within Lot 2, on plan of subdivision LP129917, Parish of Wongarra.**

ALTERNATIVE MOTION - MOVED Cr Michael Delahunty seconded Cr Lyn Russell:**That Council:**

1. **Approves commencement of the statutory procedures to discontinue the unused road described as the Government Road within Lot 2, on plan of subdivision LP129917, Parish of Wongarra pursuant to section 12 of the Road Management Act 1989.**
2. **Determines that Council will consider and if requested in writing, hear any submissions received under point 3 in relation to the proposed discontinuation in accordance with the Local Government Act.**
3. **Notes the written submissions will be accepted for a six week period closing at 4.00pm 18 December 2015.**

- 4. *Considers the recommendation to discontinue the road described above at the February Council Meeting after consideration of any submissions received by Council.***
- 5. *Notes that in the event that no submissions are received under point 3, authorises the Chief Executive Officer, or her delegate, to do all things required to discontinue the unused road described as the Government Road within Lot 2, on plan of subdivision LP129917, Parish of Wongarra.***

CARRIED 7 : 0

OM152810-10 DISCONTINUANCE - CONSIDERATION OF SUBMISSIONS - BROMFIELD STREET

AUTHOR:	Clive Brooker	ENDORSED:	Ingrid Bishop
DEPARTMENT:	Infrastructure & Leisure Services	FILE REF:	F15/6023

Cr Russell	OM152810-10 Road Discontinuance – Consideration of Submissions – Bromfield Street
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Owner of shares in West Farmers

Cr Hart	OM152810-10 Road Discontinuance – Consideration of Submissions – Bromfield Street
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Owner of shares in West Farmers

Having declared a conflict of interest Cr Lyn Russell and Cr Stephen Hart left Council Chambers at 7:17 PM

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

1. ***Resolves to discontinue the portion of road shown in the plan of discontinuance and described as the Government road abutting the land at 140–150 Bromfield Street, Colac (Certificate of Title Volume 9655 Folio 071 (land in Consolidation Plan 161552L) and Volume 9654 Folio 974 (Lot B on Plan of Subdivision 202154M) on the following conditions;***
 - ***That the proponent provides to Council a copy of the properly executed contract of sale for the property at 140 – 150 Bromfield Street Colac.***
 - ***That the proponent enters into an agreement with Barwon Water to relocate the underground services identified by them in their submission.***
 - ***That the planning approval, currently being sought by the proponent for the development of the above site under planning permit PP247/2013, is granted.***
 - ***That the proponent enter into an agreement with Council and the Department of Environment, Land, Water, and Planning that the land being discontinued continue to be used and managed as a public road in the period up until construction of the approved development.***

- *That the proponent enter into an agreement with Council that in the event the development approved under permit PP247/2013 does not commence within four years of the date of the permit being issued, the proponent will transfer/sell the land back into public ownership at no cost to Council or the State Government, for continued use as a public road.*
2. *Upon receipt of satisfactory evidence that the above conditions have been met, Council places a notice in the Victorian Government Gazette giving notice of the discontinuation in accordance with Schedule 10 clause 3 of the Local Government Act 1989.*

ALTERNATIVE MOTION - MOVED Cr Michael Delahunty seconded Cr Brian Crook:

That Council;

1. *Resolves to discontinue the portion of road shown in the plan of discontinuance and described as the Government road abutting the land at 140–150 Bromfield Street, Colac (Certificate of Title Volume 9655 Folio 071 (land in Consolidation Plan 161552L) and Volume 9654 Folio 974 (Lot B on Plan of Subdivision 202154M) on the following conditions;*
- *That the proponent provides to Council a copy of the properly executed contract of sale for the property at 140 – 150 Bromfield Street Colac.*
 - *That the proponent enters into an agreement with Barwon Water to relocate the underground services identified by them in their submission.*
 - *That the planning approval, currently being sought by the proponent for the development of the above site under planning permit PP247/2013, is granted.*
 - *That the proponent enter into an agreement with Council and the Department of Environment, Land, Water, and Planning that the land being discontinued continue to be used and managed as a public road in the period up until construction of the approved development commences.*
 - *That the proponent enter into an agreement with Council that in the event the development approved under permit PP247/2013 does not commence within four years of the date of the permit being issued, the proponent will transfer/sell the land back into public ownership at no cost to Council or the State Government, for continued use as a public road.*
2. *Upon receipt of satisfactory evidence that the above conditions have been met, Council places a notice in the Victorian Government Gazette giving notice of the discontinuation in accordance with Schedule 10 clause 3 of the Local Government Act 1989.*

CARRIED 4 : 1

DIVISION called by Cr Chris Smith

For the Motion: Cr Brian Crook, Cr Terry Woodcroft, Cr Michael Delahunty, Cr Frank Buchanan

Against the Motion: Cr Chris Smith

Cr Stephen Hart and Cr Lyn Russell returned to Council Chambers at 7:27 PM

OM152810-11 PETITION - APOLLO BAY COMMUNITY RADIO LICENCE

AUTHOR:	Paula Gardiner	ENDORSED:	Ingrid Bishop
DEPARTMENT:	Infrastructure & Leisure Services	FILE REF:	F15/5845

MOVED Cr Lyn Russell seconded Cr Brian Crook

That Council requests that the Chief Executive Officer write to the petition organiser acknowledging receipt of the submission and inform them of the action Council has taken in support of the Apollo Bay Radio Inc. being granted a broadcasting licence.

CARRIED 7 : 0

**OM152810-12 BLUEWATER FITNESSSS CENTRE REDEVELOPMENT PROJECT -
PROGRESS REPORT**

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

Original Recommendation***That Council;*****1. Notes;**

- a. *the monthly status report for the Bluewater Fitness Centre Redevelopment Project covering the period to 1 September 2015 to 30 September 2015; and*
- b. *that budget reallocation to address project expenditure and funding for the post-project review will occur as part of the six monthly annual budget review process.*

2. Endorses the scope of the external post-project review of the Bluewater Redevelopment project which will be undertaken by an independent service provider by 30 June 2016 and include the following elements:

- *Economic*
- *Compliance*
- *procurement delivery and process*
- *asset performance*
- *technical*
- *budget*
- *project/contract management and project design.*

ALTERNATIVE MOTION - MOVED Cr Michael Delahunty seconded Cr Chris Smith:***That Council;*****1. Notes;**

- a. *the monthly status report for the Bluewater Fitness Centre Redevelopment Project covering the period to 1 September 2015 to 30 September 2015*
- b. *that budget reallocation to address project expenditure and funding for the post-project review will occur as part of the six monthly annual budget review process; and*
- c. *the monthly reports be ongoing.*

3. Endorses the scope of the external post-project review of the Bluewater Redevelopment project which will be undertaken by an independent service provider by 30 June 2016 and include the following elements:

- **Economic**
- **Compliance**
- **procurement delivery and process**
- **asset performance**
- **technical**
- **budget**
- **project/contract management and project design.**

LOST 2 : 5

DIVISION called by Cr Michael Delahunty

For the Motion: Cr Chris Smith, Cr Michael Delahunty

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

ALTERNATIVE MOTION - MOVED Cr Chris Smith seconded Cr Michael Delahunty:

That Council;

1. Notes;

- a. with concern the monthly status report for the Bluewater Fitness Centre Redevelopment Project covering the period to 1 September 2015 to 30 September 2015; and**
- b. that budget reallocation to address project expenditure and funding for the post-project review will occur as part of the six monthly annual budget review process.**

2. Endorses the scope of the external post-project review of the Bluewater Redevelopment project which will be undertaken by an independent service provider by 30 June 2016 and include the following elements:

- **Economic**
- **Compliance**
- **procurement delivery and process**
- **asset performance**
- **technical**
- **budget**
- **project/contract management and project design.**

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

MOTION - MOVED Cr Brian Crook seconded Cr Lyn Russell:

That Council;

1. Notes;

- a. the monthly status report for the Bluewater Fitness Centre Redevelopment Project covering the period to 1 September 2015 to 30 September 2015; and**
- b. that budget reallocation to address project expenditure and funding for the post-project review will occur as part of the six monthly annual budget review process.**

2. Endorses the scope of the external post-project review of the Bluewater Redevelopment project which will be undertaken by an independent service provider by 30 June 2016 and include the following elements:

- Economic**
- Compliance**
- procurement delivery and process**
- asset performance**
- technical**
- budget**
- project/contract management and project design.**

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

OM152810-13 REVISED COLAC OTWAY FIRE MANAGEMENT PLAN

AUTHOR:	Travis Riches	ENDORSED:	Brydon King
DEPARTMENT:	Development & Community Services	FILE REF:	F11/4337

Cr Woodcroft	OM152810-13 Revised Colac Otway Fire Management Plan
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Primary employer is represented by me on the relevant committee.

Having declared a conflict of interest Cr Terry Woodcroft left Council Chambers at 8:09 PM

MOVED Cr Michael Delahunty seconded Cr Lyn Russell

That Council adopts the revised Colac Otway Fire Management Plan.

CARRIED 5 : 1

DIVISION called by Cr Chris Smith

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

Against the Motion: Cr Chris Smith

Cr Terry Woodcroft returned to Council Chambers at 8:18 PM

OM152810-14 ASSEMBLY OF COUNCILLORS

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

MOVED Cr Lyn Russell seconded Cr Stephen Hart

That Council notes the Assembly of Councillors reports for:

- **Councillor Briefing Session** **16 September 2015**
- **Councillor Briefing Session** **23 September 2015**
- **Councillor Briefing Session** **14 October 2015**

CARRIED 7 : 0

OM152810-15 CHINA FREE TRADE AGREEMENT (Cr Michael Delahunty)

Original Recommendation

That Council considers the contents of this Notice of Motion.

ALTERNATIVE MOTION - MOVED Cr Michael Delahunty seconded Cr Lyn Russell:

That Council on behalf of regional businesses expresses our support for the proposed Australia China Free Trade Agreement.

AMENDMENT - MOVED Cr Chris Smith seconded Cr Stephen Hart:

To add the words "where deemed appropriate" to read "That Council on behalf of regional businesses expresses, where deemed appropriate, our support for the proposed Australia China Free Trade Agreement".

LOST 2 : 5

DIVISION called by Cr Chris Smith

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

ORIGINAL ALTERNATIVE MOTION - MOVED Cr Michael Delahunty seconded Cr Lyn Russell:

That Council on behalf of regional businesses expresses our support for the proposed Australia China Free Trade Agreement.

CARRIED 6 : 1

DIVISION called by Cr Chris Smith

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

Against the Motion: Cr Stephen Hart

IN COMMITTEE

MOVED Cr Stephen Hart 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 at 8.39PM and Council move "In-Committee" in order to deal with:

SUBJECT	REASON	SECTION OF ACT
Minutes of In-Committee Council Meeting held on 23 September 2015	this matter deals with contractual matters; AND this matter may prejudice the Council or any person.	Section 89 (2) (d) & (h)
Contract 1531 - Supply of Crushed Rock	this matter deals with contractual matters	Section 89 (2) (d)
Contract 1534 - Bituminous Sealing Works	this matter deals with contractual matters	Section 89 (2) (d)
Confidential Contract	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)

CARRIED 7 : 0

OUT OF COMMITTEE

Cr Chris Smith left Council Chambers at 8:56 PM

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

CARRIED 6 : 0

The Meeting Was Declared Closed at 8.57pm

CONFIRMED AND SIGNED at the meeting held on 25 NOVEMBER 2015


.....**MAYOR**