



Council Meeting Minutes

Unscheduled Council Meeting

20 November 2024 at 4pm

COPACC Meeting Rooms 1 & 2

COLAC OTWAY SHIRE COUNCIL MEETING

Wednesday 20 November 2024

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COLAC OTWAY SHIRE COUNCIL MEETING

MINUTES of the **COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** held at COPACC on Wednesday 20 November 2024 at 4:00 PM.

MINUTES

1 DECLARATION OF OPENING OF MEETING

“Good afternoon. I formally declare open this meeting of the Colac Otway Shire Council of the 20 November 2024.

My name is Anne Howard, and I am the Chief Executive Officer of the Colac Otway Shire Council.

I would like to start this afternoon by acknowledging the traditional custodians and law makers of this land, their elders past and present and welcome any descendants here today.

Today Council will elect the Mayor for the Council in accordance with Sections 25-27 of the Local Government Act 2020.

Council may also elect a Deputy Mayor at this meeting in accordance with the Act.

Section 25(3)(a) of the Local Government Act 2020 requires that the election of the Mayor be conducted by the Chief Executive Officer.

Once the election of the Mayor has occurred, I will vacate the Chair and the elected Mayor will assume the role of Chair for the remainder of the meeting.

I would like to advise that all Council meetings are recorded and live streamed, with the exception of confidential matters. This includes the public participation sections of meetings. The live stream recording of this afternoon’s meeting will be available on the website as soon as practicable.”

2 ACKNOWLEDGEMENT OF COUNTRY

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past, present and emerging.

RECORDING AND PUBLICATION OF MEETINGS

Please note: All Council meetings are live streamed and recorded when the meeting is held either at COPACC or online. This includes the public participation sections of the meetings. When meetings are held in other locations, Council will endeavour to make an audio recording of the meeting for community access. Matters identified as confidential items in the Agenda will not be live streamed or recorded regardless of venue or mode.

By participating in open Council meetings, individuals consent to the use and disclosure of the information they share at the meeting (including any personal and/or sensitive information).

As soon as practicable following each open Council meeting, the live stream recording will be accessible on Council's website. Audio recordings are also taken to facilitate the preparation of the minutes of open Council meetings and to ensure their accuracy. Recordings will be retained by Council for a period of four years.

This meeting was livestreamed to the public via Council's YouTube channel (search Colac Otway Shire Council at www.youtube.com).

3 MEETING ADMINISTRATION

3.1 Present

Cr Chris Potter
Cr Jason Schram
Cr Zoe Hudgell
Cr Phil Howard
Cr Charlie Buchanan
Cr Mick McCrickard
Cr Chrissy De Deugd

Anne Howard, Chief Executive Officer

Andrew Tenni, General Manager Corporate Services

Ian Seuren, General Manager Community and Economy

Steven O'Dowd, Manager Governance, Customer and Communications

Matilda Hardy-Smith, Coordinator Council Business

Christine Ferguson, State Government Appointed Monitor

3.2 Apologies and Leaves of Absence

Doug McNeill, General Manager Infrastructure and Operations

3.3 Declarations of Interest

For the benefit of the gallery and online audience, I can confirm that the Local Government (Governance and Integrity) Regulations provide specific exemptions relating to both the nomination and election of Councillors to the role of Mayor or Deputy Mayor, that enable all Councillors to participate in this meeting without a conflict of interest under legislation.

4 QUESTION TIME

A maximum of 15 minutes is allowed for question time at Unscheduled Council Meetings. To ensure that each member of the gallery has the opportunity to ask questions, it may be necessary to allow a maximum of two questions from each person in the first instance. Question time is not a forum for public debate or statements.

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

James Judd

D24/190267

1. As question time must be granted at unscheduled Council meetings to ask question on agenda items. I submit the following question for the unscheduled Council meeting on Wednesday 16 October 2024.

If the Colac Otway Shire Council does not drastically increase its annual spend on infrastructure renewal will any people now living in this municipality have to be very long dead before Council managed footpaths in the Shire are renewed more than once if ever.

Now that it has been claimed by a Council source the spend in the 2024 – 2025 financial year will renew a tiny fraction of one percent of this Councils total footpaths in this Shire. In a few years this Councils spend on footpath renewal has gone backward from about once in 300 years to this year's projection of over one thousand years for a once only renewal.

Response from General Manager Infrastructure and Environment

Council has management plans for different assets including footpaths that guides the expenditure required annually to be allocated for renewal, and asset condition assessments undertaken each year provide direction on priorities for footpath repair. Council allocated \$155,000 in the 2024/25 budget for renewal of footpaths. In addition, Council responds to emerging needs for footpath repairs as required.

D24/213004

2. Does the Colac Otway Shire have an exemption from making staff and decision makers work in continuing with no protection from loud outside noise: i.e. the Council meeting chambers at COPACC in Colac with no soundproofing between the ceiling and roof above these rooms.

This Council has been aware of the fact for many years, and it has been admitted by Council Officers long ago that they have no intention fixing this unless you are compelled to change the meeting rooms.

Response from General Manager Infrastructure and Environment

Whilst noise from heavy rain is a nuisance during meetings in COPACC from time to time, this is not assessed as an occupational health and safety risk to users of the facility. It is not considered necessary to undertake physical changes to these meeting rooms in the short term.

D24/213005

3. Does the Colac Otway Shire Council now have to pay the state levy "The Fire Services Levy" on any of the sites Council operates from? Due to the valuation portion of this charge by the state 2024 – 2025 going up very much faster than the Councils garbage collection fees as a percentage. How long before this is a major outlay by Council each year?

On a very small unit in Colac with revaluation the valuation charge went up over 140% year on year with no changes to upgrade the dwelling or site. If this state charge keeps exceeding Councils revenue, we risk Councillors being forced to work as honour members of society and not in receipt of any remuneration as that once was.

Response from General Manager Corporate Services

Councils in Victoria are required to pay the Fire Services Property Levy. Whilst the payment of this levy does have an impact on Council's financial situation and it is a consideration, the impact is minimal at the moment.

D24/213007

4. With the spend indicated in the Council budget for 2024 – 2025 on footpaths in this Shire, will any work be done other than improving the footpath network that this Council claimed it did in prior years but did nothing. Now it has marked a section of footpath in Queen Street Colac to be upgraded by 30 June 2025, when Council has claimed multiple times, it has already done so but has renewed nothing for very many years if not decades before formation of this Shire outside a Council operation a baby health centre at 49 Queen Street Colac.

Reports have been well known in the region for many years that the Council does not bother to make sure footpaths are in a fit condition to be used. Machines do not make a proper inspection of a footpaths condition only a proper visual inspection of footpaths will pick up defects before they are a major hazard.

Response from General Manager Infrastructure and Environment

As noted in an earlier response, Council undertakes renewal of footpaths within the Shire each year, based on condition assessments that are undertaken periodically. As advised in responses at prior Council meetings, Council has undertaken footpath repair in front of the maternal child health centre at 49 Queen Street. The works scheduled to occur this financial year will address a further identified repair need.

D24/213009

5. If the Colac Otway Shire Council does not throw out the Councils long term intention to extend the centre strip on Murray Street Colac from Corangamite Street all the way down to Armstrong Street does any chance exist that "The Colac 2050 Growth Plan" can ever be introduced on time since very long before the centre strip can be extended Council will have to spend big sums to provide for parking in the area or Colac will just die as a business centre. Do not forget the businesses in this section of the Colac employ many people and make a major contribution to the Colac income and Councils rates income.

Response from General Manager Infrastructure and Environment

The construction of streetscape improvement works in Murray Street west of Corangamite Street, including a central median with street tree planting, remains a priority of Council. The project however requires a significant financial commitment from other levels of government, which has not been received at this stage. The streetscape works would not result in increased car parking and a lack of progress in delivery of these works does not impact on the capacity of Colac to increase its population in accordance with the Colac 2050 Growth Plan. New businesses that establish in this section of Murray Street need to provide car parking in accordance with the Planning Scheme, as they would elsewhere.

D24/213011

6. How can the Colac Otway Shire Council justify to all in this municipality why it allows its annual expenses to be inflated to include all costs incurred by Council to collect money for the Victorian State Government Treasury. The fire services levy that is added to all rate notices issued and collected by Council is of no benefit to this municipality but only inflates State Government revenue as the state is to benefit from the funds, they should pay in full all costs to collect it and not make Councils carry the costs.

Response from General Manager Corporate Services

The Fire Services Property Levy Act 2012 requires Councils in Victoria to be the collection agent of this levy. The State government pays Council an annual amount for collecting the FSPL (being \$52,785 in 2024).

Rob Favata

Background Information

I must say that its quite interesting that one of the prescribed statutory authorities that is meant to deal with issues of noise in the community has voluntarily handed over what I consider a basic responsibility to the industry impacting the community.

If the noise complaints were emanating from a neighbour's garage, I'm sure that Council would not delegate their responsibilities and recommend those impacted simply contact the neighbour in question! In my opinion, Council have disregarded your responsibility to me on this matter.

I wish to advise Council that I have utilised the business operators complained webpage on 4 occasions now to complain about the continual drone of mechanised machinery that is impacting my life.

To their credit, a representative of the business called to follow up and during the conversation, he mentioned that at this stage, there is no continual monitoring of noise & vibration which he intimated was part of the secretive Work Plan. Further, the representative advised that preliminary noise recordings some months ago indicated that sounds exceeding the 45 Db level were recorded, but given the method of recording, they could not be attributed directly to the quarry operation, but there were no immediate steps to confirm that an industrial quarry just might be the cause of exceeding noise limits.

D24/208273

1. Why is this quarry permitted to operate outside its apparent Work Plan in that no ongoing noise monitoring exists?

Response from General Manager Community and Economy

Council has worked closely with Department of Environment Energy and Climate Action (DEECA) and the Environment Protection Authority (EPA) over the past 18 months to ensure they are aware of resident concerns about amenity impacts arising from the quarry, including noise. Given the quarry is governed by a Work Authority issued by DEECA, DEECA and the EPA are best placed to enforce regulatory requirements concerning noise. Council is aware that DEECA has instructed the quarry operator to undertake changes to the quarry operations to reduce noise levels, and for there to be on-going noise monitoring at the site.

2. With recorded noise levels over the prescribed Rural Residential limit of 45 Db, why is Council not involved in immediate mitigation discussions to reduce the possibility of impact of noise levels to neighbours?

Response from General Manager Community and Economy

As Council has advised on a number of occasions, DEECA is actively responding to resident concerns about noise and has issued instructions to the quarry requiring a reduction in noise levels and for noise monitoring to occur.

3. At what point does Council believe it is their responsibility to look after my best interests as a resident and rate payer in the mess this Council created? In my opinion, this Council and its officers are not undertaking their duties to me.

Response from General Manager Community and Economy

Council has treated the amenity concerns expressed by residents seriously and has maintained regular communications with DEECA and the EPA to ensure that these are being actively responded to.

James Judd

D24/220371

7. Should the Colac Otway Shire Council decide to elect a deputy Mayor for the Council 2024 – 2025 Council year, will the extra funds required for that position be found by further reducing the already very low spend on infrastructure renewal by the Shire? When according to claims made about the Council's 2024 – 2025 budget it will take over one thousand years to just renew footpaths in the Shire only once unless lifted very much.

Response from General Manager Corporate Services

Amounts for a Mayor and Deputy Mayor role are included in the 2024-25 budget.

D24/221216

8. Will the Colac Otway Shire Council ever bother to name meetings what are? The proposed meeting to elect the Mayor on 20 November 2024 is not an unscheduled

meeting as claimed on the agenda for that meeting. It is only a postponed meeting that was authorised prior to the end of 2023.

All councils are required to hold elections to nominate a leader promptly after end of a leaders term of office. That was required before Councils were established on Victoria long prior to Australian Federation in 1901. The Council needs to give very serious consideration if the Mayoral election this year will be for a two year term since we now risk both a Victorian state and National elections in 2025. On a prior occasion a person was only willing to accept hat office for the Colac Otway shire Council if no Mayoral election was held the same year as a government election.

Response from Manager Governance, Customer and Communications

This meeting is correctly advertised and named as an *Unscheduled Meeting of Council* because it was called through resolution of Council for a specific purpose, as opposed to scheduled as part of the overall annual calendar of meetings.

The purpose of *Unscheduled meetings* is included in the notice to the public so that everyone is aware of the agenda.

Mr Judd has asked two questions regarding the office of Deputy Mayor which will be answered in one response.

D24/221212

9. To have a Deputy Mayor while the extra cost in the allowances may only be about \$15,000 per year to have a Deputy Mayor the true cost to Council is well over \$16,500 per year as you have to pay the superannuation levy on the extra payment plus other sundry expenses on the increased payroll that equals to an extra \$315 + dollars every week.

This does not agree with the claim it will have no financial implication while you are objecting to find an extra dollar for other expenses with many of these many years post when they should be done.

AND

D24/221221

10. Item 5.2 Establishment of office of Deputy Mayor – under financial management CS106 *Local Government Act 2020*

The claim is made there are no financial implications arising from this recommendation. I question the accuracy of this statement because the holder will be paid some thousands of dollars per year over a general Councillors allowance that equals in excess of one thousand dollars extra each month as the Victorian State Government has set that a Deputy Mayor must receive half a Mayor's allowances.

Response from General Manager Corporate Services

Provision for Councillor expenses, including a Deputy Mayor has been included in the 2024-25 Budget.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

As several written questions were received, this took up the available time for question time at this Unscheduled Meeting. Therefore, no questions from the floor could be accepted.

MOTION

Moved Cr Potter, Seconded Cr McCrickard

That Council determines to elect a Mayor for a period of 1 year.

CARRIED 7 : 0

Item: 5.1 Election of the Mayor

OFFICER	Steven O'Dowd
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

ELECTION

RESOLUTION

The Chief Executive Officer called for nominations for Mayor for the next year of the Council Term.

NOMINATION 1

Cr Schram was nominated by Cr Buchanan

Seconded Cr Howard

NOMINATION 2

Cr Potter was nominated by Cr McCrickard

Seconded by Cr De Deugd

No further nominations were received.

The Chief Executive Officer called for a vote by show of hands in order of nomination.

Votes for Cr Schram – 4 Votes. (Cr Schram, Cr Buchanan, Cr Hudgell and Cr Howard)

With an absolute majority of votes, Cr Schram was declared elected Mayor of Colac Otway Shire Council for the next year of the Council term.

The Mayor assumed the chair for the remainder of the meeting.

Item: 5.2
Establishing the Office of the Deputy Mayor

OFFICER	Steven O'Dowd
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

RESOLUTION

Moved Cr Potter, Seconded Cr Buchanan

That Council establishes the office of Deputy Mayor for a period of 1 year.

CARRIED 7 : 0

Item: 5.3 Election of Deputy Mayor

OFFICER	Steven O'Dowd
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

ELECTION

RESOLUTION

The Mayor called for nominations for Deputy Mayor for the next year of the Council Term.

NOMINATION 1

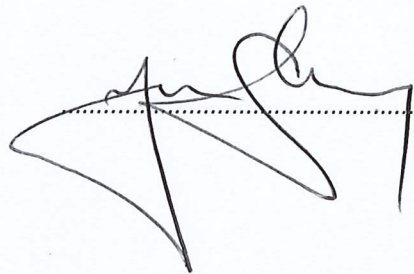
Cr Howard was nominated by Cr Schram

Seconded Cr Howard

No further nominations were received, therefore Cr Howard was elected as Deputy Mayor of Colac Otway Shire Council for the next year of the Council term.

The meeting was declared closed at 4.26pm

CONFIRMED AND SIGNED at the meeting held on 11 December 2024.

.....MAYOR

