



ORDINARY COUNCIL MEETING

MINUTES

WEDNESDAY 25 OCTOBER 2017

AT 4PM

COPACC

Next Council Meeting: 22 November 2017

COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

25 OCTOBER 2017

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COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at
COPACC on 25 October 2017 at 4pm

1. I DECLARE THIS MEETING OPEN

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 Kate Hanson
Cr Stephen Hart
Cr Joe McCracken
Cr Chris Potter (Mayor)
Cr Jason Schram
Cr Terry Woodcroft

Robert Dobrzynski, Acting Chief Executive Officer
Errol Lawrence, General Manager, Corporate Services
Tony McGann, General Manager, Infrastructure & Leisure Services
Gareth Smith, General Manager, Development & Community Services
Sarah McKew, Acting Manager, Governance & Customer Service
Lyndal McLean, Acting Governance Officer
Tamzin McLennan, Communications Coordinator
Doug McNeill, Manager, Planning, Building & Health
Margaret Giudice, Corporate Development Officer
Trevor Olsson, Manager, People Performance & Culture
Michael Swanson, Economic Development Coordinator
Sean O'Keeffe, Strategic Planner
Daniel Fogarty, Manager, Financial Services
Nicole Frampton, Acting Manager Arts & Leisure
Gary Warrener, Manager, Economic Development & Events
Clare Wright, Executive Officer to CEO, Mayor & Councillors

3. ABSENT

Cr Chris Smith

4. APOLOGIES

Nil

5. WELCOME & ACKNOWLEDGEMENT OF COUNTRY

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

I would also like to advise that all Council meetings are audio recorded, with the exception of confidential matters. This includes the public participation sections of 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.

BEHAVIOUR

Before we move on to Public Question Time, I would like to remind all Councillors of our obligations under the Councillor Code of Conduct and Local Law 4 which regulates the proceedings at Council Meetings.

As I have said previously, I have high expectations of Councillors and expect us to work together and with the organization for our community.

Towards this, it is my expectation that all Councillors exhibit exemplary conduct at all times during tonight's meeting. This means that you will behave in a professional manner throughout and that you will treat each other with courtesy and respect, even if there is disagreement.

I want to be clear that I will not tolerate any form of personal acrimony or insult, grandstanding, unnecessary interruptions or unreasonable or impolite language.

Nor will I tolerate any behaviour or comments that are disrespectful towards our professional officers.

6. QUESTION TIME

A maximum of 30 minutes is allowed for question time. 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. Once everyone has had an opportunity to ask their initial questions, and if time permits, the Mayor will invite further questions.

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. Question time is not a forum for public debate or statements.

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

Mr James Judd

1. Is Council going to issue a public apology for making a false claim in writing in a Council agenda? Councils claim that by removing names from submissions on the Colac 2050 Growth Plan was to protect a person's identity. The truth is much other details are required to be provided. These details would identify the origin of the submission and how to contact a submitter.

Response from General Manager, Development & Community Services

Names were removed from submissions in accordance with relevant privacy legislation and procedures.

2. With the very quick extension to the use of solar panels by the Colac Otway Shire Council for production of electrical power, has Council yet looked into what is to be done with the solar panels once their usable life is over?

Response from General Manager, Development & Community Services

Solar panels typically come with 20-25 year warranties that guarantee that the panels will produce at least 80% of the rated power after 20 years of use. The general rule of thumb is that panels will degrade by about 0.5 - 1% each year which means that the panels will still generate at least 80% of their original capacity when 20 years old (2035), 70-75% when 30 years old (2045), 60-65% when 40 years old (2055) and so on.

There are continual advancements in solar panel technology with the development of low cost, environmentally friendly production methods and new materials. A large proportion of solar PV panel materials can already be recycled through reputable and qualified electronic waste recycling service providers. Once the panels reach their useful life contemporaneous recycling and reuse methods will be investigated to ensure the most environmentally responsible disposal method will be selected.

3. Council needs to explain Council's claim to protect a person's identity. You were willing to remove person's names from submissions, yet you demanded for people to participate full details about their names, addresses and other contact details, were supplied to an unknown outside organisation. There is no protecting privacy about an identity in this requirement by Council as

other details also on submissions they would be able to check if anyone contacting them had lodged a submission.

Response from General Manager, Development & Community Services

Assuming you are referring to the Colac 2050 Growth Plan project, people registered interest to be part of the citizen jury through an independent organisation in order to ensure the jury was independent of Council and its employees. In order for this to occur, they were requested to provide relevant contact details to: be contactable; to ensure that they were either a resident or rate payer of the Shire; and to enable a jury to be selected which reflects the diverse characteristics of our citizens.

4. **Why does the Colac Otway Shire Council not require the elected members to consider and implement in total how Council's time and funds are used, not pass on responsibility to advise it to unelected people, who are unable to be judged if any decisions are not acceptable or unable to be put into use?**

Response from General Manager, Development & Community Services

Assuming you are referring to the Colac 2050 Growth Plan project, Council will remain the statutory decision maker in relation to the Colac 2050 Growth Plan. The citizen jury is part of a broader community engagement process, and will be making recommendations to Council for their consideration.

5. **Does the Colac Otway Shire yet know what portion of the \$225,000 funds allocated to develop tourism in the Great Ocean Road region will be made available for expenditure in this shire, since Cape Otway is mentioned among other to benefit?**

Response from General Manager, Development & Community Services

Great Ocean Road Regional Tourism has been awarded a State Government grant to develop a project called the "Aboriginal Tourism Product Development Planning Project". The project will bring together Traditional Owners, the six local governments along the Great Ocean Road, Regional Development Victoria and Parks Victoria to identify opportunities to enhance existing Aboriginal tourism experiences and create new ways to engage tourists in Aboriginal history. The grant has been awarded by the Minister for Regional Development, Jaala Pulford. Minister Pulford announced on 13 October that consultants, First Australians Capital, have been commissioned to undertake the project. Council has not been advised of any specific amounts being allocated to the areas mentioned in the media release which include Cape Otway, Moyjil, Tower Hill, Budj Bim and the You Yangs.

6. **When Council has any work done that calls for speed restriction to be put on roads, when will it make sure they always state the same facts, not the ridiculous confusion in Murray Street, Colac over the CBD upgrade? When the first sign in the West states 40 only for 7.00am to 5.00pm, when others state 40 with no indication, not 24 hours a day. So no one who between 5.00pm and 7.00am should never be charged for excessive speed if not over 50km/hour in the CBD zones.**

Response from General Manager, Infrastructure & Leisure Services

Motorists must obey the signed speed limit at all times. In the case of the Colac CBD project the 40 limit applies 24 hours per day.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Yvonne Francis, Apollo Bay

Is the Colac Otway Shire allowing the Otway Forum to take the lead on the \$70 million Barham Development Plan in Apollo Bay? The Forum is not qualified to handle such a huge project, nor has it the resources required to ensure that the whole Shire, or the community of Apollo Bay, is fully cognisant of the consequences of this development.

Response from General Manager, Development & Community Services

No, we are not expecting or proposing that the Otway Forum lead the consultation process. Council has recently exhibited, for a four week period, the proposal that is being considered before Council in the next few months.

Dieter Wessner, Colac

Can Council tell us when they are ready to give us a definite plan for the new Memorial Square please?

Response from General Manager, Infrastructure & Leisure Services

Council has adopted a masterplan for the Memorial Square, which includes a number of distinct projects to improve the area there. For instance, one of those is the restoration of the memorial itself, for which a contract either has recently, or soon is to be entered into. I would be happy to meet with the gentleman offline and work through some of the details of the masterplan.

Margaret Saddler, Colac

Could a bus shelter be erected outside the Barongarook Motel? The bus stop is there; it is opposite the Barongarook Retirement Village and also services residents from the units next to Baronga Motel, running up toward the Barongarook Creek. The transit bus is regularly used. I can't believe that a bus stop was put outside a retirement village without a shelter of some sort. I have had a request and I was just wondering, is there anything happening?

Response from General Manager, Infrastructure & Leisure Services

I will take that question on notice. I'll chase up the stage that the request is at and will respond to you.

Geoff Cole, Colac

Some time ago I was asking about the investigation of a purpose-built leaf machine for the Shire that would pick up all the leaves. I was wondering if there has been any more investigation into the simpler one that I put forward?

Response from General Manager, Infrastructure & Leisure Services

I will take that question on notice. I do remember Mr Cole, the discussion we had around that. I'm just not 100 per cent sure where we are at in terms of doing some investigation on that, but I will contact and update you.

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

Nil

8. PETITIONS/JOINT LETTERS

Nil

9. DECLARATIONS OF INTEREST

Cr McCracken	OM172510-5
Nature of Disclosure:	Indirect Interest
Type of Interest:	Section 78B
Nature of Interest:	My employer has a financial interest in this matter; this triggers a conflicting duty under 78B.

Cr Woodcroft	OM172510-5
Nature of Disclosure:	Direct Interest
Type of Interest:	Section 77B(1)
Nature of Interest:	I stand to benefit or lose depending on the decision taken by Council. I own property within the scope of the Special Charge Scheme.

10. CONFIRMATION OF MINUTES

- **Ordinary Council Meeting held on 27 September 2017.**

RESOLUTION

MOVED Cr Kate Hanson seconded Cr Jason Schram

That Council confirm the above minutes.

CARRIED 6 : 0

ORDINARY COUNCIL MEETING
**ADOPTION OF THE 2016/2017 ANNUAL
REPORT**
OM172510-1

LOCATION / ADDRESS	Not applicable	GENERAL MANAGER	Errol Lawrence
OFFICER	Margaret Giudice	DEPARTMENT	Corporate Services
TRIM FILE	F17/8199	CONFIDENTIAL	No
ATTACHMENTS	1. Colac Otway Shire 2016-2017 Annual Report 20170929		
PURPOSE	To consider and adopt the 2016/2017 Annual Report		

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council:

- 1. Notes the Annual Report was submitted to the Minister for Local Government by 30 September 2017 as required.*
- 2. Considers and receives the 2016/17 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.*
- 3. Notes the Auditor's unqualified reports on the Financial Statements, and Performance Statement.*

CARRIED 6 : 0

ORDINARY COUNCIL MEETING
QUARTERLY PERFORMANCE REPORT
2017-2018
OM172510-2

LOCATION / ADDRESS	Not applicable	GENERAL MANAGER	Errol Lawrence
OFFICER	Margaret Giudice	DEPARTMENT	Corporate Services
TRIM FILE	11/95682	CONFIDENTIAL	No
ATTACHMENTS	1. Quarterly Performance Report 2017-2018 - 20171019		
PURPOSE	To endorse the Quarterly Performance Report 2017/2018 for the period 1 July to 30 September 2017		

RESOLUTION

MOVED Cr Terry Woodcroft seconded Cr Joe McCracken

That Council:

- 1. Endorses the Quarterly Performance Report 2017/2018 for the period 1 July to 30 September 2017.*

CARRIED 6 : 0

Daniel Fogarty left the meeting at 4.36pm.

ORDINARY COUNCIL MEETING
RV FRIENDLY TOWN
OM172510-3

LOCATION / ADDRESS	Colac	GENERAL MANAGER	Gareth Smith
OFFICER	Gary Warrener	DEPARTMENT	Development & Community Services
TRIM FILE	F17/7550	CONFIDENTIAL	No
ATTACHMENTS	1. RV Friendly survey		
PURPOSE	To inform Council of the community feedback from the consultation process conducted on the RV Friendly Town opportunity and seek Council decision regarding the potential to apply for Colac to be an RV Friendly Town.		

ORIGINAL RECOMMENDATION

That Council endorses to:

- 1. Undertake minor works to parking spaces at the Colac VIC to ensure they are the correct sizes required for parking RV vehicles and caravans.*
- 2. Apply for Colac to be recognised as an "RV Friendly Town" with Campervan and Motorhome Club of Australia (CMCA).*
- 3. Discontinue the RV Friendly accreditation should the operators of the Colac Central Caravan Park decide to cease providing low cost RV sites and free waste disposal facilities.*

ALTERNATIVE MOTION

MOVED Cr Joe McCracken seconded Cr Terry Woodcroft

That Council endorses to:

- 1. Undertake minor works to parking spaces at the Colac VIC to ensure they are the correct sizes required for parking RV vehicles and caravans.*
- 2. Apply for Colac to be recognised as an "RV Friendly Town" with Campervan and Motorhome Club of Australia (CMCA).*
- 3. After all other reasonable options have been pursued, discontinue the RV Friendly*

accreditation should the operators of the Colac Central Caravan Park decide to cease providing low cost RV sites and free waste disposal facilities.

EQUAL 3 : 3

The Mayor determined his casting vote against the motion.

LOST 3 : 4

ALTERNATIVE MOTION

MOVED Cr Jason Schram seconded Cr Stephen Hart

That Council endorses to:

Undertake minor works to parking spaces at the Colac VIC to ensure they are the correct sizes required for parking RV vehicles and caravans.

CARRIED 4 : 2

ORDINARY COUNCIL MEETING
**IRREWARRA CRICKET CLUB - CLUBROOMS
DEVELOPMENT PROJECT**

OM172510-4

LOCATION / ADDRESS	Hearn Street, Colac	GENERAL MANAGER	Tony McGann
OFFICER	Ian Seuren	DEPARTMENT	Infrastructure & Leisure Services
TRIM FILE	F16/5142	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	To provide Council with the estimated project costs for the Irrewarra Cricket Club Clubroom Development Project.		

RESOLUTION

MOVED Cr Jason Schram seconded Cr Terry Woodcroft

That Council notes the information relating to estimated project costs for the Irrewarra Cricket Club Clubrooms Development Project.

CARRIED 6 : 0

Nicole Frampton left the meeting at 4.58pm.

ORDINARY COUNCIL MEETING

DECLARE SPECIAL CHARGE SCHEME - HEARN AND ARMSTRONG STREETS, COLAC - DRAINAGE

OM172510-5

LOCATION / ADDRESS	Armstrong and Hearn Streets Colac	GENERAL MANAGER	Tony McGann
OFFICER	Stephen Wright	DEPARTMENT	Infrastructure & Leisure Services
TRIM FILE	F17/8260	CONFIDENTIAL	No
ATTACHMENTS	<ol style="list-style-type: none"> 1. Drainage Works Layout 2. Special Charge Scheme Drainage Works Estimation Worksheet 		
PURPOSE	<p>To declare a Special Charge Scheme for the purpose of drainage construction following the consideration of submissions received. The project is a drainage line from the corner of Hearn Street and Armstrong Street to the north boundary of 142 Armstrong Street to the north west corner of the Trinity College property.</p>		

Cr Joe McCracken and Cr Terry Woodcroft adjourned from the meeting at 4.58pm and did not take part in debate nor vote on the matter.

Cr McCracken	OM172510-5
Nature of Disclosure:	Indirect Interest
Type of Interest:	Section 78B
Nature of Interest:	My employer has a financial interest in this matter; this triggers a conflicting duty under 78B.

Cr Woodcroft	OM172510-5
Nature of Disclosure:	Direct Interest
Type of Interest:	Section 77B(1)
Nature of Interest:	I stand to benefit or lose depending on the decision taken by Council. I own property within the scope of the Special Charge Scheme.

RESOLUTION

MOVED Cr Jason Schram seconded Cr Kate Hanson

That Council, having considered submissions received and determined that the apportionment and the special benefit applied to all proposed contributors to the scheme have been done fairly and reasonably:

- 1. Resolves to Declare a Special Charge Scheme for the construction of a common drainage line along the easement on the north boundary of 142 Armstrong Street and associated works in Armstrong Street and in the Trinity College such that:*
 - a. The construction of a common underground drainage pipe and associated works will be of special benefit to properties described in paragraph (5) and shown on the attached plan by way of:*
 - Controlled stormwater discharge*
 - b. The stormwater system is constructed using the lowest cost construction method through the easement of 142 Armstrong Street.*
 - c. A special charge is declared for the period commencing on 25 October 2017 and concluding on 25 October 2022.*
 - d. A Special Charge Scheme is declared for defraying any expenses in relation to the installation of an underground stormwater pipe system comprising of a 250mm stormwater pipe in the easement along the northern boundary of 142 Armstrong Street, Colac.*
- 2. The following be described as the area for which the special charge is declared:*
 - The partial area within Trinity College that can directly connect to the underground drainage line located in the easement along the northern boundary of 142 Armstrong Street, Colac and the areas north and west of this area located in Hearn Street and Armstrong Creek which will be protected by this drainage line and applying to properties described in paragraph 3.*
- 3. The following be declared as the land in relation to which the special charge is so declared:*

<i>• 119-243 Hart Street, Colac</i>	<i>Lot 14 LP 58025</i>
<i>• 206 Hearn Street, Colac</i>	<i>Lot 5 LP 58025</i>
<i>• 208 Hearn Street, Colac</i>	<i>Lot 6 LP 58025</i>
<i>• 210 Hearn Street, Colac</i>	<i>Lot 7 LP 58025</i>
<i>• 212 Hearn Street, Colac</i>	<i>Lot 8 LP 58025</i>
<i>• 214 Hearn Street, Colac</i>	<i>Lot 9 LP 58025</i>
<i>• 216 Hearn Street, Colac</i>	<i>Lot 10 LP 58025</i>
<i>• 142 Armstrong Creek, Colac</i>	<i>Lot 11 LP 58025</i>
<i>• 144 Armstrong Creek, Colac</i>	<i>Lot 12 LP 58025</i>
<i>• 146 Armstrong Creek, Colac</i>	<i>Lot 13 LP 58025</i>
- 4. The following be specified as the criteria which forms the basis of the special charge so declared:*
 - Ownership of the land described in paragraph 3 of the recommendation.*

5. *The following be specified as the manner in which the special charge so declared be assessed and levied;*

- *The unit of assessment is via a property area system where the special charge to each property is directly proportional to the total property area and is calculated as follows:*

<i>119-243 Hart ST</i>	<i>LOT 14 LP58025</i>	<i>10,000.00 m²</i>	<i>\$ 12,912.23</i>
<i>206 Hearn ST</i>	<i>LOT 5 LP58025</i>	<i>659.10 m²</i>	<i>\$ 851.05</i>
<i>208 Hearn ST</i>	<i>LOT 6 LP58025</i>	<i>644.70 m²</i>	<i>\$ 832.45</i>
<i>210 Hearn ST</i>	<i>LOT 7 LP58025</i>	<i>644.70 m²</i>	<i>\$ 832.45</i>
<i>212 Hearn ST</i>	<i>LOT 8 LP58025</i>	<i>644.70 m²</i>	<i>\$ 832.45</i>
<i>214 Hearn ST</i>	<i>LOT 9 LP58025</i>	<i>644.70 m²</i>	<i>\$ 832.45</i>
<i>216 Hearn ST</i>	<i>LOT 10 LP58025</i>	<i>640.70 m²</i>	<i>\$ 827.29</i>
<i>142 Armstrong ST</i>	<i>LOT 11 LP58025</i>	<i>627.60 m²</i>	<i>\$ 810.37</i>
<i>144 Armstrong ST</i>	<i>LOT 12 LP58025</i>	<i>627.60 m²</i>	<i>\$ 810.37</i>
<i>146 Armstrong ST</i>	<i>LOT 13 LP58025</i>	<i>628.00 m²</i>	<i>\$ 810.89</i>

6. *Having regard to the preceding paragraphs but subject to Section 166(1)(b) of the Local Government Act 1989:*

- a. it can be confirmed that the owner of each rateable land described in paragraph 3 above will therefore be liable for the respective amounts set out in paragraph 5 above; and*
- b. be recorded that each owner may, subject to Section 167(4) of the Local Government Act 1989 and any further Resolution of Council pay the special charge in the following manner;*
 - i. payment of quarterly instalments (commencing within one calendar month of the issue of the notice requesting payment) over 4 years with interest paid on the remaining principal at the Council overdraft rate and that a penalty interest rate be applied to late instalment repayments only; or*
 - ii. Payment by lump sum to be paid within one calendar month of the issue of notice requesting payment.*

7. *The Chief Executive Officer is authorised to give public notice of Council's declaration of a special charge scheme in accordance with Section 163(1) of the Local Government Act 1989, and notify persons in writing who have made submissions of Councils decision and the reasons for that decision.*

CARRIED 4 : 0

Cr Joe McCracken and Cr Terry Woodcroft returned to the meeting at 5.04pm.

Trevor Olsson left the meeting at 5.04pm.

ORDINARY COUNCIL MEETING
**AMENDMENT C90 - UPDATE TO FLOOD
CONTROLS IN THE TOWNSHIP OF COLAC**
OM172510-6

LOCATION / ADDRESS	Colac township and surrounds	GENERAL MANAGER	Gareth Smith
OFFICER	Sean O'Keeffe	DEPARTMENT	Development & Community Services
TRIM FILE	F16/1104	CONFIDENTIAL	No
ATTACHMENTS	1. Amendment C90 - Planning Scheme Changes 2. Amendment C90 - Mapping Changes		
PURPOSE	To consider Amendment C90 which seeks to revise flood controls in Colac		

ORIGINAL RECOMMENDATION

That Council:

- 1. Pursuant to section 8A of the Planning and Environment Act 1987, requests the Minister for Planning to authorise the preparation and exhibition of Amendment C90 to the Colac Otway Planning Scheme*
- 2. Pursuant to section 19 of the Planning and Environment Act 1987, place Amendment C90 on public exhibition for a period of 6 weeks and notify the owners and occupiers of the land forming part of the amendment*
- 3. Authorises officers to make any necessary minor formatting and administrative corrections to Amendment C90 documents prior to sending to the Minister for Planning for authorisation.*

ALTERNATIVE MOTION

MOVED Cr Kate Hanson seconded Cr Terry Woodcroft

That Council:

- 1. Pursuant to section 8A of the Planning and Environment Act 1987, requests the Minister for Planning to authorise the preparation and exhibition of Amendment C90 to the Colac Otway Planning Scheme*

- 2. Pursuant to section 19 of the Planning and Environment Act 1987, place Amendment C90 on public exhibition for a period of 6 weeks excluding the Christmas and New Year period, and notify the owners and occupiers of the land forming part of the amendment*
- 3. Authorises officers to make any necessary minor formatting and administrative corrections to Amendment C90 documents prior to sending to the Minister for Planning for authorisation.*
- 4. Undertake detailed community engagement to include as a minimum:*
 - Direct correspondence to affected landowners*
 - Two public exhibition and information sessions.*

CARRIED 5 : 1

Margaret Giudice left the meeting at 5.21pm.
Sean O'Keeffe left the meeting at 5.21pm.

ORDINARY COUNCIL MEETING
**AUTHORISATION OF OFFICERS UNDER
THE PLANNING AND ENVIRONMENT ACT**
OM172510-7

LOCATION / ADDRESS	2-6 Rae Street	GENERAL MANAGER	Errol Lawrence
OFFICER	Sarah McKew	DEPARTMENT	Corporate Services
TRIM FILE	F17/9071	CONFIDENTIAL	No
ATTACHMENTS	<ol style="list-style-type: none">1. Delegation to compliance officer under the Planning and Environment Act 19872. Delegation to statutory planning officer under the Planning and Environment Act 1987		
PURPOSE	To appoint a new officers under the Planning and Environment Act 1987.		

RESOLUTION

MOVED Cr Terry Woodcroft seconded Cr Kate Hanson

That Council:

- 1. Appoints Sandra Dalton Compliance Officer and Peter Dreimanis Statutory Planner as authorised officers pursuant to section 147(4) of the Planning and Environment Act 1987.*
- 2. Notes that the Instrument of Appointment and Authorisation comes into force immediately the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it.*
- 3. Delegates to the Chief Executive Officer authority to sign and place under Council Seal the Instrument of Appointment and Authorisation.*

CARRIED 6 : 0

ORDINARY COUNCIL MEETING
**INSTRUMENTS OF DELEGATION -
COMMITTEES**

OM172510-8

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Errol Lawrence
OFFICER	Sarah McKew	DEPARTMENT	Corporate Services
TRIM FILE	F17/6554	CONFIDENTIAL	No
ATTACHMENTS	1. S86 Committee Instrument of Delegation Template - revised October 2017		
PURPOSE	To endorse the Instruments of Delegation for various committees		

ORIGINAL RECOMMENDATION

That Council:

1. *Signs and seals Instruments of Delegation for the following Committees:*

- *Alvie Recreation Reserve*
- *Barongarook Public Hall and Tennis Reserve*
- *Barwon Downs Hall*
- *Beech Forest Hall*
- *Beech Forest Recreation Reserve*
- *Birregurra Public Hall*
- *Carlisle River Recreation Reserve*
- *Chapple Vale Public Hall*
- *Colac Municipal Aerodrome*
- *Cororooke Hall*
- *Cressy Hall*
- *Eurack Hall*
- *Irrewillipe Hall and Reserve*
- *Kennett River Tennis Reserve*
- *Larpent Hall*
- *Lavers Hill Hall*
- *Lavers Hill Waterhole Reserve*
- *Pennyroyal Hall*
- *Pirron Yallock Recreation Reserve*
- *Stoneyford Hall*

- *Swan Marsh Hall and Tennis Reserve*
- *Warncoort Tennis Reserve*
- *Warrion Hall*
- *Yeo Recreation Reserve*
- *Old Beechy Rail Trail*
- *Road Naming Projects Advisory Committee*
- *Tirrengower Drainage System*

2. *In accordance with section 81(2A) of the Local Government Act 1989, resolves to exempt members of the committees from being required to submit a Primary or Ordinary Return "Register of Interest" Return.*

ALTERNATIVE MOTION

MOVED Cr Terry Woodcroft seconded Cr Kate Hanson

1. *That following advice received from Council's Auditors, and subsequent advice from Council's legal advisors, the Council determines to exclude the following provisions from the Terms of Reference of all Council committees established under Section 86 of the Local Government Act 1989:*

(4) A Council cannot delegate to a committee the following powers –

...

(b) to declare a rate or charge;

2. *AND, the Council substitutes the following wording in the Terms of Reference of the abovementioned committees:*

c) impose and collect hiring fees and charges of use of the facility in accordance with the facility's last published rates, until otherwise fixed by Council from time to time;

3. *In accordance with section 81(2A) of the Local Government Act 1989, resolves to exempt members of the committees from being required to submit a Primary or Ordinary Return "Register of Interest" Return.*

CARRIED 6 : 0

The meeting was adjourned for a short break at 5.33pm

The meeting resumed at 5.38pm

ORDINARY COUNCIL MEETING
AUDIT COMMITTEE MINUTES - 14 JUNE 2017
OM172510-9

LOCATION / ADDRESS	Not applicable	GENERAL MANAGER	Errol Lawrence
OFFICER	Sarah McKew	DEPARTMENT	Corporate Services
TRIM FILE	F17/6554	CONFIDENTIAL	No
ATTACHMENTS	1. Audit Committee Meeting Minutes - Signed - 14 June 2017		
PURPOSE	To note the Audit Committee minutes from 14 June 2017		

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Jason Schram

That Council notes the Audit Committee minutes from 14 June 2017.

CARRIED 6 : 0

ORDINARY COUNCIL MEETING
NOTICE OF MOTION - HARD WASTE COLLECTION
OM172510-10

OFFICER	Joe McCracken
ATTACHMENTS	1. NOTICE OF MOTION No. 264 - Cr Joe McCracken - Signed - Hard Waste Collection

ORIGINAL RECOMMENDATION

MOVED Cr Joe McCracken seconded Cr Jason Schram

That Council Officers provide a report to Council Briefing investigating the costs and processes required to institute an annual hard waste collection service for residences within the defined waste collection districts established by the Colac Otway Shire.

AMENDMENT

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

To add the following words to the end of the Original Recommendation:

...and rural townships in the municipality.

*Amendment was put to the vote:
and defeated the motion 6 : 0*

AMENDED MOTION

That Council Officers provide a report to Council Briefing investigating the costs and processes required to institute an annual hard waste collection service for residences within the defined waste collection districts established by the Colac Otway Shire and rural townships in the municipality.

*Amendment became the motion:
was put as the motion and was CARRIED 6 : 0*

ORDINARY COUNCIL MEETING
**NOTICE OF MOTION -
BARWON REGIONAL PARTNERSHIP**
OM172510-11

OFFICER	Joe McCracken
ATTACHMENTS	1. NOTICE OF MOTION No. 265 - Cr Joe McCracken - Signed - Barwon Regional Partnership

ORIGINAL RECOMMENDATION

MOVED Cr Joe McCracken seconded Cr Jason Schram

That Council formally withdraw from and cease to be a member of the 'Barwon Region Partnership' of Rural Development Victoria.

LOST 1 : 5

ALTERNATIVE MOTION

MOVED Cr Stephen Hart seconded Cr Kate Hanson

That Council confirms its commitment to Barwon Regional Partnerships network and seeks regular briefings from the Chair on progress with strategic priorities.

CARRIED 4 :2

ORDINARY COUNCIL MEETING
ASSEMBLY OF COUNCILLORS
OM172510-12

LOCATION / ADDRESS	Whole of municipality	GENERAL MANAGER	Errol Lawrence
OFFICER	Sarah McKew	DEPARTMENT	Corporate Services
TRIM FILE	F17/6554	CONFIDENTIAL	No
ATTACHMENTS	<ol style="list-style-type: none">1. Assembly of Councillors - Councillor Briefing - 13 September 20172. Assembly of Councillors - Councillor Briefing - 20 September 20173. Assembly of Councillors - Councillor Briefing - 27 September 20174. Assembly of Councillors - Councillor Briefing - 11 October 20175. Assembly of Councillors - Friends of the Colac Botanic Gardens - 12 October 2017		
PURPOSE	To report the Assemblies of Councillors.		

REPORTING

1. *The Assemblies of Councillors are reported herewith.*
2. *The Local Government Act 1989 does not require a Council decision.*

DETAILS

The following Assemblies of Councillors have been held and noted:

- Councillor Briefing 13 September 2017
- Councillor Briefing 20 September 2017
- Councillor Briefing 27 September 2017
- Councillor Briefing 11 October 2017
- Friends of the Colac Botanic Gardens 12 October 2017

CLOSED SESSION

RESOLUTION

MOVED Cr Terry Woodcroft seconded Cr Jason Schram

That pursuant to the provisions of Section 89 (2) of the Local Government Act, the meeting be closed to the public at 6.20pm and Council move into "Closed Session" in order to deal with:


SUBJECT	REASON	SECTION OF ACT
Minutes of the In Committee Council Meeting held on 23 August 2017	this item deals with contractual matters; AND this matter may prejudice the Council or any person.	Section 89 (2) (d) & (h)
2018 Australia Day Awards	this item may prejudice the Council or any person	Section 89 (2) (h)
Tender Process Contract 1720 Geotechnical Services	this item deals with contractual matters	Section 89 (2) (d)

CARRIED 6 : 0

The meeting was re-opened to the public at 6.52pm.

The Meeting Was Declared Closed at 6.52pm

CONFIRMED AND SIGNED at the meeting held on 22 NOVEMBER 2017


.....MAYOR