



ORDINARY COUNCIL MEETING

MINUTES

WEDNESDAY 26 APRIL 2017

AT 6PM

COPACC COLAC

Next Council Meeting: 24 May 2017
COPACC COLAC

COLAC OTWAY SHIRE COUNCIL ORDINARY COUNCIL MEETING

26 APRIL 2017

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COLAC OTWAY SHIRE COUNCIL ORDINARY COUNCIL MEETING

MINUTES of the **ORDINARY COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL**

held at COPACC Colac on 26 April 2017 at 6pm.

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 Chris Smith
Cr Terry Woodcroft

Sue Wilkinson, Chief Executive Officer
Mark Lyons, General Manager, Corporate Services
Tony McGann, General Manager, Infrastructure & Leisure Services
Gareth Smith, General Manager, Development & Community Services
Jenny Wood, Manager, Governance & Customer Service
Sarah McKew, Governance Officer
Tamzin McLennan, Public Relations Coordinator
David Testa, Coordinator, Financial Accounting
Nicholas Welsh, Management Accountant
Heather Johnson, Strategic Corporate Planner
Vige Satkunarajah, Acting Manager, Planning, Building & Health
Daniel Fogarty, Manager, Financial Services
Greg Fletcher, Manager, Community Services
Trevor Olsson, Acting Manager, People, Performance & Culture
Jeremy Rudd, Manager, Capital & Major Projects
Ian Seuren, Manager, Arts & Leisure
Stewart Anderson, Manager, Environment & Community Safety
Unal Chand, Health Protection Officer
Jonathan Brett, Environmental Health Coordinator

3. APOLOGIES

Nil

4. 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.

5. 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

James Judd

1. Is Council's planning for a pathway around Lake Colac going to be for a connected path the full way around the lake or unconnected sections only going around short sections of the lake but not connected?

Response from General Manager, Infrastructure & Leisure Services:

Council has recently received a joint letter indicating support for a shared pathway from Colac to Cororooke and this will be formally considered by Council at its May meeting. The Lake Colac Foreshore Master Plan identifies that Council will advocate for a pathway around the lake. However, given that Council does not own or manage the majority of this land Council is not currently undertaking any planning for such a pathway (connected or unconnected). Council has been contacted by the community in Cororooke about a pathway concept linking Colac to Cororooke that would go along a section of the lake's boundary. Council has advised the community that a feasibility study would be required. Council currently does not have funding to do such a study on the proposed pathway.

2. The new signs on Great Ocean Road in Mandarin to warn Chinese motorists - since these will be extra signs on the road how will these be paid for:

- a) From extra funds supplied to VicRoads; or
- b) By reducing other funds available for essential road works; or
- c) Other committed funds for works to be done; or
- d) Will these extra signs be a traffic hazard with excess signs to take attention away from safe driving since some will be flashing lights in foreign symbols;
- e) Will these signs operate 12 months of the year or only at special times such as leading up to and around Chinese New Year?

Response from General Manager, Infrastructure & Leisure Services:

The Great Ocean Road is a VicRoads managed road and Council is unable to comment on the funding used for the installation of this signage. Mr Judd is encouraged to contact VicRoads directly.

3. Is the Colac Otway Shire Council going to reinstate the regular Roads Committee meetings?

Response from General Manager, Infrastructure & Leisure Services:

Council has no plans at this time to reinstate the Roads Committee.

4. Will Council reconsider its refusal to carry out a hard waste collection in the Colac urban region in the 2017-2018 year plus reinstate it on a regular basis?

Response from General Manager, Corporate Services:

The draft budget does not include the establishment of a hard waste collection service. It is noted that there are private operators in the Shire that provide this service.

5. **Has the Colac Otway Shire yet done anything to make sure its roadside slashing and associated works fall into line with adjoining municipalities incorporated into the new fire management plan?**

Response from General Manager, Development & Community Services:

The new Otway District Strategic Fire Management Plan applies across three municipalities (i.e. Corangamite, Colac Otway and Surf Coast Shire). The plan provides the basis for enhancing the integration and coordination of such activities across the adjoining municipalities. The new plan states that each of the three Municipal Fire Management Planning Committees will develop annual work plans that will state specific actions that will be undertaken to achieve the plans objectives. As part of developing the annual works plans Council and other road managers will review how roadside slashing is undertaken in order to minimise the associated fire risks. The works plans are currently under development.

6. 1. **What is the position in relation to "Colac Entrance Project"?**
- a) **Has any work yet been done;**
 - b) **What is the timeline to do this work by?**

Response from General Manager, Infrastructure & Leisure Services:

Tenders have been received and as they exceeded budget, the scope is being reviewed with the view that the works will be re-tendered shortly. It is anticipated that the works will be carried out later this year.

2. **Has any firm planning yet been done in relation to extending the centre median strip from Corangamite Street to Armstrong Street?**

Response from General Manager, Infrastructure & Leisure Services:

The work to occur on the CBD Revitalisation project this year includes the installation of exposed aggregate concrete in the existing section of median strip just west of Corangamite Street. The centre median strip from Corangamite Street to Armstrong Street was identified in the Colac CBD Masterplan, however the works funded in the CBD Revitalisation project do not extend to this section of Murray Street.

3. **Has Council yet started planning for 2050 Planning Scheme?**

Response from General Manager, Development & Community Services:

The Colac 2050 Growth Plan project has commenced, which aims to provide strategic directions for the future land use and development of the Township of Colac.

A number of background reports have been developed to inform the Plan and the draft background report is expected to be available for public comments later this year.

7. What was the usage of Visitor Information Centres for the months of January, February and March 2017 compared with same months of 2016?

Apollo Bay Great Ocean Road Visitor Information Centre

Gross phone calls

- a) Direct answered phone calls plus overflow calls to Colac Visitor Information Centre
- b) Walk in enquiries
- c) Email enquiries.

Colac Visitor Information Centre

- a) Net calls free of overflow calls from Great Ocean Road Visitor Information Centre
- b) Walk in enquiries
- c) Email enquiries.

Response from General Manager, Development & Community Services:

COLAC VISITOR INFORMATION CENTRE

	2016	2017
Walk In Enquiries	10,184	9,394
Phone Enquiries (minus overflow calls from GORVIC)	257	325
E-mail Enquiries	49	31

GREAT OCEAN ROAD VISITOR INFORMATION CENTRE – APOLLO BAY

	2016	2017
Walk In Enquiries	43,467	41,747
Phone Enquiries (incl overflow calls)	4,972	4,750
E-mail Enquiries	66	92

8. What was the pool usage for November 2016 to March 2017 throughout the entire shire including Lavers Hill, Apollo Bay and Colac?

Response from General Manager, Infrastructure & Leisure Services:

The pool usage for Council operated facilities from 1 November 2016 to 31 March 2017 was:

- Bluewater – 18,535
- Apollo Bay – 1,040. Note that these figures are only for the period for which Council operated the facility and doesn't include usage by the Apollo Bay P-12 College.

Council does not directly manage the Lavers Hill pool and therefore does not have visitation data for this facility.

9. What is the position in relation to Central Reserve, Colac – when will football, netball and other facilities be able to be used?

Response from General Manager, Infrastructure & Leisure Services:

Following the completion of the redevelopment, the Central Reserve will be opened to the public this Saturday, 29 April which will allow the resumption of home games at this site.

10. What was the street grading throughout the shire for months of February and March 2017, plus grass cutting for months of February and March 2017?

Response from General Manager, Infrastructure & Leisure Services:

We estimate that we have conducted 300 kilometres of grading and 750 kilometres of grass cutting during February and March 2017.

11. 1. a) Bluewater Fitness Centre usage for period by members in actual numbers
 b) Usage for period by non-member in actual numbers
 c) Months January 2017, February 2017 and March 2017?
2. What income per month received from:
 a) Lump sum renewal of membership
 b) Regular payments off membership
 c) Pay each time usage?
3. What expenses per month for:
 a) wages and associated costs of staff
 b) general other operating expenses
 c) depreciation charged against costs of Bluewater?

Response from General Manager, Infrastructure & Leisure Services:

- (1) a) 24,460 member visitations
 b) 14,710 casual visitations
 c)

	Jan 17	Feb 17	Mar 17
Member Visits	7,383	8,647	8,430
Non-Member Visits	4,910	5,168	4,632

2 and 3

2. What income per month received from:	Jan	Feb	March
a & b) Membership	\$ 49,681.00	\$ 50,315.00	\$ 51,709.00
c) Pay each time usage?	\$ 28,045.00	\$ 22,779.00	\$ 31,568.00
3. What expenses per month for:			
a) wages and associated costs of staff	\$ 39,444.00	\$ 64,710.00	\$ 91,866.00
b) general other operating expenses	\$ 1,940.00	\$ 4,885.00	\$ 8,729.00
c) depreciation charged against costs of Bluewater?	\$ 31,508.00	\$ 31,508.00	\$ 31,508.00

12. Has any definite undertaking yet been received by Council as to when street lights will be installed at the corner of Armstrong Street and Murray Street in Colac?

Response from General Manager, Infrastructure & Leisure Services:

There are currently street lights installed on all four corners of this intersection.

13. The Council claim that it will only increase average rates and charges by 0.63% for 2017-2018 yet you claim that garbage collection charges to go up by 2%. So what is the fact about actual rate increases only for 2017-2018 rate year for each classification:

- a) Urban residential
- b) Other residential
- c) Holiday residential
- d) Farm properties
- e) Industrial: Colac-Elliminyt region
- f) Industrial: Balance of shire

If farm properties cover 20% of rateable land by value or one-fifth increase in discount 2% on standard rate over 2016-2017 rate, that means the average increase on all other ratepayers must go up not 0.63% but over 0.756% without the garbage collection charge considered.

Response from General Manager, Corporate Services:

The percentage increase of 0.63% is the statutory measure used consistently by the ESC and all Councils across Victoria to measure the movement in the average rate across all rating categories. When kerbside collection services are included this results in an increase in the average rate of 0.77%.

14. In the 2017-18 budget, how much has Council allowed to cover the annual deficit in operating Bluewater Fitness Centre and all other Council operated sporting venues?

Response from General Manager, Corporate Services:

The draft budget, in section 2.3 indicates that the net cost of the Bluewater fitness centre would be \$521,000 and other Recreation would be \$335,000.

15. If Council is capped at 2% increase in rates and charges for 2017-18 year, how does it explain increasing garbage rates at a faster rate?

Response from General Manager, Corporate Services:

Garbage rates are not capped as part of the rate capping legislation, although the proposed increase for the 2017/18 financial year is not increasing a greater rate than the cap. The draft budget proposes a 2% increase in kerbside collection charges which reflects cost increases as part of the contract.

16. Has Council yet any indication of what the "Fire Services Levy" will be on the 2017-18 rate notices?

Response from General Manager, Corporate Services:

At this point in time there has not been any indication of what the Fire Services Levy will be for the 2017/18 financial year from the State Government.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Alan Billing, Larpent

Does Council believe that the reduction in the rural farm rate from 79% to 77% of the general rate is an adequate response to the unfair rates burden placed on farm businesses and to its obligations under *The Local Government Act* to ensure the equitable imposition of rates and charges?

Response from the Mayor:

We are yet to sign off on the budget. We've proposed to exhibit a draft budget. As part of that process there was consideration given to a submission made by the Victorian Farmers Federation.

So the draft budget at this particular point has no relevance? There's a draft out for comment and my question is, is that an adequate response to the issues that are being posed in the rural industries? Yes or no? It's a simple question.

Response from the Mayor:

The budget that will be exhibited for public comment and perusal will be subject to a vote later on this evening. Submissions have been considered.

The reduction in the farm rate from 79% to 77% equates to \$98 for the average farm business which means the average farm business will pay rates of \$8,974 in 2017-2018, as opposed to \$9,072 in 2016-2017. The average business in Murray Street, together with the principal place of residence, will pay \$4,400 – about half the rate burden of a farm business and with a vastly better level of Council services. Does Council believe this is fair and equitable?

Response from the Mayor:

I would encourage you to look at the budget process and make another submission on behalf of farmers if you wish to.

Phil Lawson, Apollo Bay

Regarding the Heathfield Estate Lease, I was disappointed in the document not only because the lease is recommended to go to Nathan Telford rather than the pony club. At the access point to the Heathfield Estate, cattle go down to their knees in mud where they're accessing the property and where the tractor's been through, they go down to their stomachs and some of the very young cattle and the old cattle have been very distressed. I wanted this to be addressed in the lease agreement and it isn't addressed. Are you willing to put this vote aside for a month to have

these mistakes reviewed? This document is so inaccurate that even the street names are incorrect. Council documents shouldn't be this inaccurate.

Response from the Mayor:

Councillors have listened to what you have said and this matter will be considered later on this evening.

Andrew Beale, Cororooke

Regarding the shared path submission, is Council aware of the large number of community support that was sought and got in putting this proposal forward to Council? Is the Council aware that the shared path proposal was in response to a call from Council for community submissions into the overall 2050 Growth Masterplan and is the shared path included in the 2050 Growth Masterplan?

Response from General Manager, Corporate Services:

Tonight as part of the Council agenda, the joint letter that's been received from about 126 signatories is tabled for Council tonight, so that will be received. Next month at the May meeting, there'll be a formal report considered by Council about how to respond to that letter, so then you would receive an official response around what Council's proposing to do in an official capacity.

Response from General Manager, Development & Community Services:

The 2050 Project which we mentioned earlier in question time is at the early phase; we're doing background reports. Certainly as part of that background research work that consider the likes of the Lake Colac Masterplan and any other strategies, particularly looking at recreation and infrastructure, but a plan itself wouldn't be released until next year. The next phase of consultation for 2050 will be released as a background report. That will provide you with an opportunity Mr Beale as well to see that we've adequately catered in recognising that shared path proposal.

Helen Paatsch

Why is it when we have half an hour allocated for question time that over twenty minutes was allocated for questions on notice?

My question is in relation to the meeting before last that was held here, to do with the rezoning of the area at James Barry's Road and Woodrowvale Road. That, as I understand it, was a rezoning application and yet, minute detail was suggested by some of the Councillors as to how that land could be used, eg. tree planting etc. Is it now appropriate or is it part of that what happens in local government that minutia can be included at a rezoning?

Response from the Mayor:

That matter's before a Planning Committee hearing which is being conducted here in Colac at the moment. In relation to the first part of your question, I think Councillors may discuss the point you raise at some stage.

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

Nil

7. PETITIONS/JOINT LETTERS

A joint letter, containing 126 names, has been received from a community member, indicating community support for a shared pathway from Colac to Cororooke.

A report responding to the joint letter will be tabled at the Ordinary Meeting of Council to be held on 24 May 2017.

8. DECLARATION OF INTEREST

Cr Hart:	Item OM172604-6
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Telstra is the applicant and I own Telstra shares

Cr Hanson:	Item OM172604-6
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Telstra is the applicant and I own Telstra shares

9. CONFIRMATION OF MINUTES

- **Ordinary Council Meeting held on 22 March 2017.**

RESOLUTION

MOVED Cr Joe McCracken seconded Cr Stephen Hart

That Council confirm the above minutes.

CARRIED 6 : 0

The Mayor abstained from voting.

ORDINARY COUNCIL MEETING
PUBLIC EXHIBITION –
DRAFT COUNCIL PLAN 2017-2021
 OM172604-1

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Mark Lyons
OFFICER	Heather Johnson	DEPARTMENT	Corporate Services
TRIM FILE	F16/6696	CONFIDENTIAL	No
ATTACHMENTS	1. Draft Council Plan 2017-2021 incl SRP 20170413		
PURPOSE	To consider endorsement of the Draft Council Plan and release for public exhibition to seek community feedback		

ORIGINAL RECOMMENDATION

That Council:

1. *Endorses the Draft Council Plan 2017-2021 including the Draft Strategic Resource Plan 2017-2018 to 2020-2021 (Attachment 1) for the purposes of sections 125 and 126 of the Local Government Act 1989.*
2. *Authorises the Chief Executive Officer to give public notice, in accordance with section 223 of the Local Government Act 1989, that Council has prepared a Draft Council Plan 2017-2021 and Draft Strategic Resource Plan 2017-2018 to 2020-2021.*
3. *Appoints a Committee comprising of all Councillors and chaired by the Mayor in accordance with section 223(1)(b)(i) of the Act, to meet on Wednesday 14 June, 2017 at 5pm, and hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submission.*
4. *Authorises the Chief Executive Officer to undertake any and all administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act.*
5. *Notes that written submissions will be accepted for a 5 week period closing 5:00pm Friday 2 June 2017.*
6. *Considers for adoption the Council Plan 2017-2021 and Strategic Resource Plan 2017-2018 to 2020-2021 at the Ordinary Council meeting on Wednesday 28 June 2016 at 6.00 pm at Apollo Bay Senior Citizens Centre, after consideration of any submissions received by the Council at its Special Committee Meeting on Wednesday 14 June 2017.*

ALTERNATIVE MOTION

MOVED Cr Stephen Hart seconded Cr Joe McCracken

That Council:

- 1. Endorses the Draft Council Plan 2017-2021 including the Draft Strategic Resource Plan 2017-2018 to 2020-2021 (Attachment 1) for the purposes of sections 125 and 126 of the Local Government Act 1989.**
- 2. Authorises the Chief Executive Officer to give public notice, in accordance with section 223 of the Local Government Act 1989, that Council has prepared a Draft Council Plan 2017-2021 and Draft Strategic Resource Plan 2017-2018 to 2020-2021.**
- 3. Appoints a Committee comprising of all Councillors and chaired by the Mayor in accordance with section 223(1)(b)(i) of the Act, to meet on Wednesday 14 June, 2017 at 5pm, and hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submission.**
- 4. Authorises the Chief Executive Officer to undertake any and all administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act.**
- 5. Notes that written submissions will be accepted for a 5 week period closing 5:00pm Friday 2 June 2017.**
- 6. Considers for adoption the Council Plan 2017-2021 and Strategic Resource Plan 2017-2018 to 2020-2021 at the Ordinary Council meeting on Wednesday 28 June 2016 at 6.00 pm at Apollo Bay Senior Citizens Centre, after consideration of any submissions received by the Council at its Special Committee Meeting on Wednesday 14 June 2017.**
- 7. That, once adopted, an appropriate notation be added to the Council Plan 2017-2021 that the Plan should be read in conjunction with the adopted Municipal Public Health and Wellbeing Plan 2017-2021.**
- 8. That page 4 of the Plan "About the Shire" the sixth dot point be amended to 'The large majority of Colac Otway residents have Australian or British ancestry along with a small indigenous population. Only 7.5% of the Shire's residents were born overseas in 2011, this is lower than the rest of regional Victoria (10.6%).'**
- 9. That page 4 of the Plan "About the Shire" the seventh dot point amended to 'The formal qualifications of the Colac Otway resident population are, on average, lower than Victoria's population as a whole'.**

CARRIED 6 : 1

DIVISION

For the Motion: Cr Stephen Hart, Cr Terry Woodcroft, Cr Kate Hanson, Cr Joe McCracken, Cr Chris Potter, Cr Jason Schram

Against the Motion: Cr Chris Smith

ORDINARY COUNCIL MEETING

PUBLIC EXHIBITION - DRAFT MUNICIPAL PUBLIC HEALTH AND WELLBEING PLAN 2017-2021

OM172604-2

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Gareth Smith
OFFICER	Greg Fletcher	DEPARTMENT	Development & Community Services
TRIM FILE	F16/2131	CONFIDENTIAL	No
ATTACHMENTS	1. Municipal Public Health and Wellbeing Plan 2017 - 2021		
PURPOSE	To consider the endorsement of the draft Municipal Public Health and Wellbeing Plan 2017-2021 and release for public exhibition to seek community feedback.		

ORIGINAL RECOMMENDATION

That Council:

- 1. Endorses the draft Colac Otway Shire Municipal Public Health and Wellbeing Plan for the purpose of Section 26 of the Public Health and Wellbeing Act 2008.*
- 2. Authorises the Chief Executive Officer to give public notice that Council has prepared a draft Colac Otway Shire Municipal Public Health and Wellbeing Plan.*
- 3. Appoints a Committee comprising of all Councillors and chaired by the Mayor to meet on Wednesday 14 June, 2017 at 5pm, and hear any persons who in their written submissions have requested that they be heard in support of their submission.*
- 4. Authorises the Chief Executive Officer to undertake any and all administrative procedures necessary to enable Council to carry out its functions.*
- 5. Notes that written submissions will be accepted for a 5 week period closing 5:00pm Friday 2 June 2017.*
- 6. Considers for adoption the Colac Otway Shire Municipal Public Health and Wellbeing Plan at the Ordinary Council meeting on Wednesday 28 June 2017 at 6.00 pm at Apollo Bay Senior Citizens Centre, after consideration of any submissions received by the Council at its Special Committee Meeting on Wednesday 14 June 2017.*

ALTERNATIVE MOTION

MOVED Cr Joe McCracken seconded Cr Stephen Hart

That Council defer the consideration of the Public Exhibition of the Draft Municipal Health and Wellbeing Plan 2017-2021 until the Ordinary Council meeting in May 2017.

CARRIED 7 : 0

Stewart Anderson attended the meeting at 6.30pm

Jeremy Rudd left the meeting at 6.30pm

Unal Chand attended the meeting at 6.49pm

Jonathan Brett attended the meeting at 6.49pm

ORDINARY COUNCIL MEETING
**PUBLIC EXHIBITION –
 DRAFT BUDGET 2017-2018**
 OM172604-3

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Mark Lyons
OFFICER	Daniel Fogarty	DEPARTMENT	Corporate Services
TRIM FILE	F16/6696	CONFIDENTIAL	No
ATTACHMENTS	1. Draft Model Budget Document 2017/18		
PURPOSE	To consider endorsement of the Draft Budget 2017/18 and release for public exhibition to seek community feedback		

ORIGINAL RECOMMENDATION

That Council:

1. *Endorses the draft budget 2017/18 for the financial year (Attachment 1) for the purposes of Section 127 of the Local Government Act 1989.*
2. *Authorises the Chief Executive Officer to give public notice, in accordance with section 223 of the Local Government Act 1989, that Council has prepared a Draft Budget for the 2017/18 year.*
3. *Appoints a Committee comprising of all Councillors and chaired by the Mayor in accordance with section 223(1)(b)(i) of the Act, to meet on Wednesday 14 June, 2017 at 5pm, and hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submission.*
4. *Authorises the Chief Executive Officer to undertake any and all administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act.*
5. *Notes that written submissions will be accepted for a 5 week period closing 5:00pm Friday 2 June 2017.*
6. *Considers for adoption the draft budget 2017/18 at the Council Meeting on Wednesday, 28 June 2017 at 6.00 pm at Apollo Bay Senior Citizens Centre, after consideration of any submissions received by Council at its Special Committee Meeting on Wednesday, 14 June 2017.*

ALTERNATIVE MOTION

MOVED Cr Chris Smith

That Council:

1. *Endorses the draft budget 2017/18 for the financial year (Attachment 1) for the purposes of Section 127 of the Local Government Act 1989.*
2. *Authorises the Chief Executive Officer to give public notice, in accordance with section 223 of the Local Government Act 1989, that Council has prepared a Draft Budget for the 2017/18 year.*
3. *Appoints a Committee comprising of all Councillors and chaired by the Mayor in accordance with section 223(1)(b)(i) of the Act, to meet on Wednesday 14 June, 2017 at 5pm, and hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submission.*
4. *Authorises the Chief Executive Officer to undertake any and all administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act.*
5. *Notes that written submissions will be accepted for a 5 week period closing 5:00pm Friday 2 June 2017.*
6. *Considers for adoption the draft budget 2017/18 at the Council Meeting on Wednesday, 28 June 2017 at 6.00 pm at Apollo Bay Senior Citizens Centre, after consideration of any submissions received by Council at its Special Committee Meeting on Wednesday, 14 June 2017.*
7. *Will provide to the community a list of all items that have been funded for more than two years that have been cut by more than 5%.*

Motion lapsed due to no seconder

RESOLUTION

MOVED Cr Joe McCracken seconded Cr Kate Hanson

That Council:

1. *Endorses the draft budget 2017/18 for the financial year (Attachment 1) for the purposes of Section 127 of the Local Government Act 1989.*
2. *Authorises the Chief Executive Officer to give public notice, in accordance with section 223 of the Local Government Act 1989, that Council has prepared a Draft Budget for the 2017/18 year.*

3. *Appoints a Committee comprising of all Councillors and chaired by the Mayor in accordance with section 223(1)(b)(i) of the Act, to meet on Wednesday 14 June, 2017 at 5pm, and hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submission.*
4. *Authorises the Chief Executive Officer to undertake any and all administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act.*
5. *Notes that written submissions will be accepted for a 5 week period closing 5:00pm Friday 2 June 2017.*
6. *Considers for adoption the draft budget 2017/18 at the Council Meeting on Wednesday, 28 June 2017 at 6.00 pm at Apollo Bay Senior Citizens Centre, after consideration of any submissions received by Council at its Special Committee Meeting on Wednesday, 14 June 2017.*

CARRIED 6 : 1

DIVISION

For the Motion: Cr Stephen Hart, Cr Terry Woodcroft, Cr Kate Hanson, Cr Joe McCracken, Cr Chris Potter, Cr Jason Schram

Against the Motion: Cr Chris Smith

Unal Chand left the meeting at 7.04pm and returned at 7.11pm

Ian Seuren left the meeting at 7.20pm

Greg Fletcher left the meeting at 7.20pm

Jonathan Brett left the meetings at 7.20pm

Unal Chand left the meeting at 7.20pm

ORDINARY COUNCIL MEETING
THIRD QUARTER FINANCE REPORT
OM172604-4

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Mark Lyons
OFFICER	Daniel Fogarty	DEPARTMENT	Corporate Services
TRIM FILE	F16/6696	CONFIDENTIAL	No
ATTACHMENTS	1. 3rd Quarter Finance Report 2016/17		
PURPOSE	To consider the Third Quarter Finance Report		

ORIGINAL RECOMMENDATION

That Council:

Receives and notes the forecast results and budget allocations contained in the third quarter financial performance report for 2016/17.

ALTERNATIVE MOTION

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council:

Receives and notes the forecast results and budget allocations contained in the third quarter financial performance report for 2016/17 and Council notes our appreciation to the finance staff's efforts in preparing the reports.

LOST 3 : 4

DIVISION

For the Motion: Cr Stephen Hart, Cr Terry Woodcroft, Cr Chris Potter

Against the Motion: Cr Chris Smith, Cr Kate Hanson, Cr Joe McCracken, Cr Jason Schram

RESOLUTION

MOVED Cr Jason Schram seconded Cr Joe McCracken

That Council:

Receives and notes the forecast results and budget allocations contained in the third quarter financial performance report for 2016/17.

CARRIED 6 : 1

DIVISION

For the Motion: Cr Stephen Hart, Cr Terry Woodcroft, Cr Kate Hanson, Cr Joe McCracken, Cr Chris Potter, Cr Jason Schram

Against the Motion: Cr Chris Smith

David Testa left the meeting at 7.46pm

Daniel Fogarty left the meeting at 7.46pm

ORDINARY COUNCIL MEETING
**COLAC REGIONAL SALEYARDS ADVISORY
COMMITTEE - TERMS OF REFERENCE**

OM172604-5

LOCATION / ADDRESS	55 Colac-Ballarat Road, Irrewarra	GENERAL MANAGER	Gareth Smith
OFFICER	Clare Malone	DEPARTMENT	Development & Community Services
TRIM FILE	F16/6696	CONFIDENTIAL	No
ATTACHMENTS	Terms of Reference - Colac Regional Saleyards Advisory Committee - 20170328		
PURPOSE	Council endorse the Colac Regional Saleyards Advisory Committee Terms of Reference		

ORIGINAL RECOMMENDATION

That Council:

- 1. endorse the proposed amendments to the Colac Regional Saleyards Advisory Committee Terms of Reference; and*
- 2. authorises the Chief Executive Officer to administer an expression of interest process to identify up to two farmer representatives for the Colac Regional Saleyards Advisory Committee for future Council consideration.*

ALTERNATIVE MOTION

MOVED Cr Stephen Hart seconded Cr Joe McCracken

That Council:

- 1. endorse the proposed amendments to the Colac Regional Saleyards Advisory Committee Terms of Reference; and*
- 2. authorises the Chief Executive Officer to administer an expression of interest process to identify up to two farmer representatives for the Colac Regional Saleyards Advisory Committee for future Council consideration.*
- 3. is to take all reasonable steps to ensure the adopted Minutes of the Colac Regional Saleyards Advisory Committee will be available to the public on Council's website apart from confidential items.*

CARRIED 7 : 0

The meeting was adjourned for a short break at 7.55pm

ORDINARY COUNCIL MEETING
**CONSTRUCTION OF A
 TELECOMMUNICATIONS FACILITY
 (20M MONOPOLE) AT 31 WARRION HILL
 ROAD, WARRION (PP49/2017)**
 OM172604-6

LOCATION / ADDRESS	31 WARRION HILL ROAD WARRION (LOT 3 TP851647)	GENERAL MANAGER	Gareth Smith
OFFICER	Helen Evans	DEPARTMENT	Development & Community Services
TRIM FILE	F17/2394	CONFIDENTIAL	No
ATTACHMENTS	1. Elevation and Site Layout PP49/2017-1		
PURPOSE	To consider a planning application for a 20 metre high concrete monopole and associated antennas and related works.		

The meeting resumed at 8.03pm

Having declared a conflict of interest, Cr Stephen Hart left Council Chambers at 8.04pm

Having declared a conflict of interest, Cr Kate Hanson left Council Chambers at 8.04pm

Cr Hart:	Item OM172604-6
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Telstra is the applicant and I own Telstra shares

Cr Hanson:	Item OM172604-6
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Telstra is the applicant and I own Telstra shares

RESOLUTION

MOVED Cr Terry Woodcroft seconded Cr Joe McCracken

That Council resolves to issue a planning permit for the Construction of a Telecommunications Facility (20m monopole) and Associated Antennae, Equipment Cabinets and Works at 31 Warrion Hill Road Warrion (Lot 3 TP851647) subject to the following conditions:

Endorsed plans

- 1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*

Amenity

- 2. The nature and colour of building materials employed in the construction of the monopole and associated structures hereby permitted must be non-reflective, to the satisfaction of the Responsible Authority.*
- 3. The telecommunications facility and associated development hereby permitted must be maintained in good condition to the satisfaction of the Responsible Authority.*

Removal of facility

- 4. The existing 10m high Telstra telecommunications facility must be decommissioned and removed from the site within one month of the monopole hereby permitted being brought into use, unless an alternative time frame is agreed in writing by the Responsible Authority.*
- 5. In the event that the telecommunications facility hereby permitted ceases to be operational, the facility must be decommissioned and removed from the site in its entirety within 12 months of the use ceasing, and the land must be re-instated, all to the satisfaction of the Responsible Authority.*

Expiry

- 6. This permit will expire if one of the following circumstances applies:*
 - a) The development is not commenced within two years of the date of this permit.*
 - b) The development is not completed within four years of the date of this permit.*

In accordance with section 69 of the Planning and Environment Act 1987, an application may be made to the Responsible Authority to extend the periods referred to in this condition.

Note

- 1. The telecommunications facility allowed by this permit must be designed in accordance with relevant Occupational Health and Safety Guidelines, in accordance with 'A Code of Practice for Telecommunications Facilities in Victoria' (2004).*

CARRIED 5 : 0

Cr Stephen Hart and Cr Kate Hanson returned to Council Chambers at 8.11pm

ORDINARY COUNCIL MEETING
**HEATHFIELD ESTATE –
 LEASE ENDORSEMENT**
 OM172604-7

LOCATION / ADDRESS	20 Ocean Park Drive, Marengo	GENERAL MANAGER	Tony McGann
OFFICER	Jade Thomas	DEPARTMENT	Infrastructure & Leisure Services
TRIM FILE	F16/6696	CONFIDENTIAL	No
ATTACHMENTS	1. 4.2 Council Property Leasing Policy		
PURPOSE	To seek Council endorsement to enter into a Lease with the recommended applicant.		

ORIGINAL RECOMMENDATION

That Council:

- Enters into an Agreement with Nathan Telford to Lease 20 Ocean Park Drive, Marengo with the following terms;*

Agreement Type	Lease Agreement
Rent	\$3,300 per annum (incl. GST)
Lease Term	3 years
Further Term	Nil
Rent Review Type	Plus annual CPI% increase
Permitted Use	Grazing and or Fodder
Maintenance/Utilities	100% tenant

- Authorises the Chief Executive Officer or delegate to execute the Lease on behalf of Council.*

ALTERNATIVE MOTION

MOVED Cr Chris Smith seconded Cr Stephen Hart

That this item be deferred until the next meeting of Council.

CARRIED 7 : 0

ORDINARY COUNCIL MEETING
CONTRACT 1706 –
SUPPLY AND DELIVERY OF A GRADER
OM172604-8

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Mark Lyons
OFFICER	Andrew Kavanagh	DEPARTMENT	Corporate Services
TRIM FILE	F17/1206	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	Council approval is required to award a contract for the supply and delivery of a grader to Council for which tenders have been received.		

RESOLUTION

MOVED Cr Terry Woodcroft seconded Cr Stephen Hart

- 1. That Council awards Contract 1706 for Supply and Delivery of one Caterpillar 12M to William Adams Pty Ltd at the change-over price of \$368,000 (excluding GST, stamp duty and registration costs) inclusive of trade-in.*
- 2. That the General Manager, Infrastructure & Leisure Services signs the contract documents following award of Contract 1706.*

CARRIED 7 : 0

ORDINARY COUNCIL MEETING
RE-ELECTION S86
COMMITTEES OF MANAGEMENT
 OM172604-9

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Mark Lyons
OFFICER	Mark Lyons	DEPARTMENT	Corporate Services
TRIM FILE	11/96645	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	Endorse membership newly elected s86 Committees of Management		

RESOLUTION

MOVED Cr Terry Woodcroft seconded Cr Joe McCracken

That Council:

- Pursuant to section 86 of the Local Government Act 1989, resolves to appoint the following nominated members to the Chapple Vale Hall, Cressy Hall, Barwon Downs Hall and Lavers Hill Hall Committee of Management until 22 April 2020:*

<i>Chapple Vale Hall</i>	<i>Alistair MacDonald, Russell Mahoney, Sheryl Mahoney, Emma Ferrari, Jo MacDonald, Hayley Ferrari, Jenny Ferrari, Kate Bayley</i>
<i>Cressy Hall</i>	<i>Ashley Nelson, Don Potter, Jan Nelson, Ross Alexander, Rex Wellman, Brad Nelson, Paul Lamont, Ian Mowat, Alma Smart, Murray Horne, Ian Nelson</i>
<i>Barwon Downs Hall</i>	<i>Peter Mitchell, Fay Callahan, Albert Halliday, Carolie Nash, Rusty Berther, Denis Hylands, Robbie Halliday, Rhonda Dean, Sandy Batten</i>
<i>Lavers Hill Hall</i>	<i>Tracy Brauer, Kim Robertson, Virginia Atkins, Robert Atkins, Trevor Dempsey, Roz O'Loughlin, Ellen Rayner</i>

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

CARRIED 7 : 0

ORDINARY COUNCIL MEETING
ASSEMBLY OF COUNCILLORS
 OM172604-10

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Mark Lyons
OFFICER	Sarah McKew	DEPARTMENT	Corporate Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	<ol style="list-style-type: none"> 1. Assembly of Councillors - Friends of the Colac Botanic Gardens - 9 March 2017 2. Assembly of Councillors - Councillor Briefing - 15 March 2017 3. Assembly of Councillors - Councillor Briefing - 22 March 2017 4. Assembly of Councillors - Councillor Briefing - 29 March 2017 5. Assembly of Councillors - Councillor Briefing - 5 April 2017 		
PURPOSE	To note the Assemblies of Councillors		

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Joe McCracken

That Council notes the Assembly of Councillors reports for:

- *Friends of the Colac Botanic Gardens* *9 March 2017*
- *Councillor Briefing* *15 March 2017*
- *Councillor Briefing* *22 March 2017*
- *Councillor Briefing* *29 March 2017*
- *Councillor Briefing* *5 April 2017*

CARRIED 6 : 1

DIVISION

For the Motion: Cr Stephen Hart, Cr Terry Woodcroft, Cr Kate Hanson, Cr Joe McCracken, Cr Chris Potter, Cr Jason Schram

Against the Motion: Cr Chris Smith

**ORDINARY COUNCIL MEETING
AUDIT COMMITTEE MINUTES – 7 DECEMBER 2016
OM172604-11**

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Mark Lyons
OFFICER	Jenny Wood	DEPARTMENT	Corporate Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	1. Audit Committee Summary Minutes – 7 December 2016		
PURPOSE	For Council to receive for information the Colac Otway Shire Audit Committee Minutes dated 7 December 2016.		

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Jason Schram

That Council receive for information the Colac Otway Shire Audit Committee Minutes dated 7 December 2016.

CARRIED 7 : 0

IN COMMITTEE

RESOLUTION

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

SUBJECT	REASON	SECTION OF ACT
<i>Minutes of the In Committee Council Meeting held on 22 March 2017</i>	<i>this matter deals with contractual matters; AND this matter may prejudice the Council or any person.</i>	<i>Section 89 (2) (d) & (h)</i>
<i>Contract 1706 – Supply and Delivery of Grader</i>	<i>This matter deals with contractual matters.</i>	<i>Section 89 (2) (d)</i>

CARRIED 7 : 0

The meeting was re-opened to the public at 8.46pm.

The Meeting Was Declared Closed at 8.46pm

CONFIRMED AND SIGNED at the meeting held on 24 MAY 2017



.....MAYOR