



Colac Otway
SHIRE

ORDINARY COUNCIL MEETING
SUMMARY MINUTES

14 DECEMBER, 2016

at 6.00PM

COPACC

COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

14 DECEMBER 2016

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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 14 December 2016 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
Ingrid Bishop, General Manager, Infrastructure & Leisure Services
Gareth Smith, General Manager, Development & Community Services
Jenny Wood, Acting General Manager, Corporate Services
Sarah McKew, Governance Officer
Daniel Fogarty, Manager, Financial Services
Sandra Wade, General Manager, Bushfire Recovery
Tamzin McLennan, Public Relations Coordinator
Ian Seuren, Manager, Recreation, Arts & Leisure
Trevor Olsson, Acting Manager, People, Performance & Culture
Nicole Frampton, Recreation & Open Space Coordinator

3. APOLOGIES

Nil

4. DECLARATION OF INTEREST

Nil

5. WELCOME & ACKNOWLEDGEMENT OF COUNTRY

I would like to start today 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 unauthorized 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.

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 today'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

James Judd

1. What portion of enquiries at VICs in this shire were for:
 - a) Enquiries only about this shire;
 - b) Enquiries inclusive of this shire and other Council areas;
 - c) Enquiries about matters outside this shire;
 - d) Does this Council charge outside bodies to promote them via Shire's VICs, as other tourism attractions outside this shire use GORVIC and Colac VIC as references to promote other regions?

Response from General Manager, Development & Community Services:

- a) The Colac and Apollo Bay VICs currently record enquiries according to the following categories which relate to the GOR Region as a whole as opposed to Colac Otway specific. A breakdown of last month's enquiries is as follows:

- ↳ Accommodation – 37%
- ↳ Apollo Bay – 14%
- ↳ Attraction – 6%
- ↳ Event – 4%
- ↳ Great Ocean Road – 27%
- ↳ Great Ocean Walk – 6%
- ↳ Great Otway National Park – 3%
- ↳ Transport – 3%

- b) Enquiries inclusive of this shire and other Council areas;
As above

- c) Enquiries about matters outside this shire;
36% of VIC enquires were for the Great Ocean Road region, the VIC's also gets a small amount of enquiries about other regions of Victoria and South Australia.

- d) Does this Council charge outside bodies to promote them via Shire's VICs, as other tourism attractions outside this shire use GORVIC and Colac VIC as references to promote other regions?

No, we don't charge outside bodies in the Great Ocean Road Region (which covers the municipalities of Glenelg, Moyne, Warrnambool, Corangamite, Colac Otway and Surf Coast) to have a brochure display or the referral service from Colac Otway Visitor Information Centres. Operators across the Great Ocean Road Region have the option to buy in to a regional tourism model; one of the services from this 'buy in' is a brochure display and referrals service from all the Visitor Information Centres across the Great Ocean Road Region. If a Colac Otway operator buy's in to this Regional Tourism Service; they receive the same service from Visitor Information Centres across the Great Ocean Road region - collectively the Great Ocean Road region is working together so we all benefit from longer stays, greater yield and visitor dispersal.

2. What were the August 2016, September 2016 and October 2016 usage of health centres including home visits and immunisation details:

- Colac urban
- Colac rural
- Any other health centres?

Response from General Manager, Development & Community Services:

Maternal and child health centres operate in Colac, Apollo Bay, Birregurra, Beeac, Cororooke, Carlisle River, Lavers Hill and Forrest. Enhanced Home Visits (ENHV) are provided for vulnerable families with particular needs.

August 2016

- 22 babies enrolled from birth notices
- 49 Enhanced Home Visits
- 20 Home Visits to new babies
- 149 Key Ages and Stages Appointments at maternal and child health centres
- 7 Opportunistic Immunisations
- 46 hours of additional consultations. (average 30 min per consult) includes ENHV clients

September 2016

- 13 babies enrolled from birth notices
- 49 Enhanced Home Visits
- 16 Home Visits to new babies
- 144 Key Ages and Stages Appointments at maternal and child health centres
- 13 Opportunistic immunisations
- 36 hours of addition consultations (average 30 minutes per consult) includes ENHV clients

October 2016

- 17 Babies enrolled from birth notices
- 43 Enhanced Home Visits
- 11 Home Visits to new babies
- 122 Key Ages and Stages Appointments at maternal and child health centres
- 21 Opportunistic immunisations
- 44 hours of additional consultations (average 30 minutes per consult) includes ENHV clients

3. For Bluewater attendances for the period 1st September 2016 to 30th November 2016 how many:

- a) Were membership holders;
- b) Non members who pay each attendance;
- c) Other classifications?

Response from General Manager, Infrastructure and Leisure Services:

a) Total 21,785 visits from an average of 878 members per month;

b)

Month	Sep	Oct	Nov
Pool	1353	1190	1360
Gym	159	188	158
Total	1512	1378	1518

Month	Sep	Oct	Nov
Multipass Visits	318	332	288

c) Council records users as members or casual only.

What was the total per month:

- a) Operating costs;
- b) Gross user payments;
- c) Usage at least once per month by membership holders?

Response from General Manager, Infrastructure and Leisure Services:

a) Operating costs:

- a) Sept - \$121,243
- b) Oct - \$121,257
- c) Nov - \$160,543

b) Gross user payments:

- a) Sept - \$90,354
- b) Oct - \$96,540
- c) Nov - \$86,501

c) Usage at least once per month by membership holders:

- a) Sept – 805 individual members
- b) Oct – 907 Individual Members
- c) Nov - 923 Individual Members

Does Council propose to close the facility at any time during the Christmas 2016 – New Year 2017 period?

Response from General Manager, Infrastructure & Leisure Services:

The facility will be closed on 25 and 26 December 2016.

4. How is the multi 10,000s dollar difference in both income and expenses for the same month in 2016 explained about Bluewater, when both sets of figures given out by Council is one set only direct costs relating to pool complex in Colac, the other include everything Council includes under the heading Bluewater?

- a) Pool complex, Hearn Street, Colac;
- b) Gymnasium, Colac;
- c) Pool, Apollo Bay;
- d) Other fitness classes outside Colac;
- e) Other activities charged against Bluewater including office associated costs, advertising for staff, superannuation, wages, holiday loading on accrued wages, compulsory WorkCover insurance, etc
or
- f) Include charges that came to light later but refer to month quoted.

Response from General Manager, Infrastructure & Leisure Services:

The Bluewater Leisure Centre business unit has a number of responsibilities including management of the Bluewater complex in Colac (including some off-site health programs), the Apollo Bay Leisure Centre and support to the Lavers Hill Leisure Centre. Figures provided previously relate to all services and operations.

5. What is the obligation on Council to permit questions to be submitted to Council at meetings called and be answered if legitimate:
- Normal Council meetings;
 - Special Council meetings;
 - Statutory Council meetings;
 - Any Committee meeting about items on agenda?

Response from General Manager, Corporate Services:

Council's Local Law No: 4 states that question time will occur at the commencement of both Ordinary Meetings of Council and Special Meetings of Council although for the latter questions can only relate to items included on the agenda.

6. What were the VIC operations for month of August 2016 compared with the same month of 2015?

Colac VIC

- Phone calls less overflow calls from GORVIC
- Walk in enquiries
- Email enquiries
- Total enquiries

Apollo Bay GORVIC

- Phone calls less overflow calls from GORVIC
- Walk in enquiries
- Email enquiries
- Total enquiries

Response from General Manager, Development & Community Services:

Colac VIC:

AUGUST	2015	2016	% Change to previous year
Walk – Ins	1913	1908	-0.3%
Phone Calls	29	72	-43 %
E-mail Enquiries	5	6	20%
Total	1970	1986	1%

GORVIC:

AUGUST	2015	2016	% Change to previous year
Walk – Ins	6,147	5,504	-11%
Phone Calls	585	554	-5%
E-mail Enquiries	31	33	6%
Total	6763	6091	-11%

7. Of this municipality’s income, what portion of the entire rates and charges comes from:

- a) All settlements north of Colac in this shire or areas north of Princess Highway;
- b) Colac urban area;
- c) The old Shire of Otway area in this shire
- d) All other areas in this shire?

So why does this Council ignore this to give excess priority to Apollo Bay by the excessive holding of meetings there with three (3) within an eight month period?

Response from General Manager, Corporate Services:

Rates received from the wider Apollo Bay area accounts for approximately 20-25% of total rates income for the shire. Councillors represent the entire shire and the decision on location of each Council is made by resolution in open Council. For the 2017 calendar year meetings have been set up to June 2017 with two meetings being held in Apollo Bay. The dates, times and locations for meetings to be held after June 2017 will be made in the first half of the 2017 calendar year.

Phil Lawson

My questions concern the management and leasing of the Heathfield Recreation Reserve.

- 1. Council has asked Landcare to get quotes on fence construction at the Western end of the Reserve. However the fencing plan completely fails to follow Landcare guidelines emailed by Landcare to Council’s Environment Department on September 15. This is of great concern as the river bank is collapsing. Will Council’s fencing plan given to Landcare be reviewed and a meeting organised with the adjacent landholder most affected and closest to the collapsing river bank?**

Response from General Manager, Development & Community Services:

Council has worked with the Southern Otway Landcare Network to develop a fencing plan that is in line with the guidelines where possible. It is important to note that guidelines are broad and aspirational, and that Council aims to meet these objectives where possible. In this case, the immediate objective is to ensure that stock cannot access the waterway and following the existing alignment is the most logical approach. Council is willing to meet with yourself to discuss the matter further, but will not be embarking upon formal consultation, given the fence is being constructed between Council owned land and crown land, with no direct impact on other landholders.

Any future questions relating to this matter need to be directed to Council as the land owner.

- 2. The Pony Club's application for Leasing the Heathfield Recreation Reserve is the only application that will benefit recreational activities. Horse riding because of access to grazing land, walking and fishing options will be increased. Plus environmental and capital improvements will be made to the Reserve. All for no cost to Council.**

Can Council outline any problems they see with the Pony Club application so they may be addressed?

Response from General Manager, Infrastructure and Leisure Services:

Council officers are currently assessing the applications received to lease Heathfield Estate. Officers will address any issues identified with applicants during the assessment process as required.

David Walsh

At the Ordinary Council meeting on 24 February 2016, Council awarded contract 1548 Aireys and Forest Street stage one road works to Lake and Land Pty Ltd for the amount of \$446,482, completion date 30 June 2016.

We now have a section of Aireys and Forest Streets in worse condition than before works started. A recent Council advertisement in the Colac Herald stated works including removal and replacement of all defective seal would be done between 14 November 2016 and 25 November 2016. Nothing was done.

- 1. How much of ratepayers money has been paid to Lake & Land Pty Ltd?**
- 2. Will Lake & Land be completing the contract and when?**
- 3. Will the total cost of completion cost ratepayers more than \$446,482?**

Response from General Manager, Infrastructure and Leisure Services:

1. The reconstruction works were fully funded out of the Federal Government Roads to Recovery Programme. To date, payments of \$448,645.20 ex GST have been made to the appointed contractor in line with the requirements of the Contract.
2. We have a commitment from Lake and Land to complete works by 20 December.
3. The total Contract value with Lake & Land is \$499,344.95 ex GST which includes replacement of unsuitable material (Contract Variation). The project is funded under the Federal Government's Roads to Recovery Programme.

Questions Received Verbally at the Meeting

Alan Davis, Colac

With the floor at Bluewater that had to be pulled up, what's going to happen to the materials, because they should be valuable?

Response from General Manager, Infrastructure & Leisure Services:

Yes there is value in the timber, so what we've organised is as we remove the floor, we're having that relocated and we're going to offer that to community, not-for-profit organisations. We're going through that process now. We've got a page set up on our website and we're just about to do an advertising campaign to invite Expressions of Interest.

Yvonne Swan, Colac

On the day before Cup Day, I spent two hours rattling a tin outside the Austral Hotel in Corangamite Street. It absolutely amazed me at the number of near accidents that occur at that corner. I appreciate that it's all under the control of VicRoads but I wonder if the Council can lobby to have turning arrows installed with the traffic lights? The number of large log trucks that come out of Corangamite Street and do a right-hand turn into Murray Street to travel east is phenomenal and they often have to wait and do their turn on a red light. It's just an accident waiting to happen there. The Grant Street / Hart Street intersection has turning arrows but Corangamite Street does not.

The Mayor acknowledged Ms Swan's comments and that they would be conveyed to VicRoads.

Phil Lawson, Apollo Bay

These are subsequent questions to the two I asked in writing. The first is about the fencing. I know under the Pony Club Submission for a lease, they were going to do a fair bit of repair work there and planting. I'm asking through the Mayor, the Shire officer, will the damage that's already been done to the riverbank be taken into account in the fencing design? It's not been taken into account at this stage because the fenceline is only a few metres from the vertical drop.

Response from General Manager, Development & Community Services:

As I mentioned in the previous response, we're more than happy to come down and meet on-site with the officers to have a look at it further and take a look at those fence alignments but also other works potentially to be done on the waterways in that area with Corangamite CMA or the likes, as well.

Supplementary to the second question, there were two tenderers for the lease, so the Shire shouldn't be overrun with a lot of work to determine who's best on the lease. The lease was meant to start from December 1, so my question is why is there a delay and has the Pony Club tender been seriously considered as yet?

Response from General Manager, Infrastructure & Leisure Services:

The reason why there's been a delay is simply workload; I won't go into the details there. We had some other projects that had some priorities. We are considering all of the issues raised in both the submissions and we're taking them both very seriously. I know it's generated a lot of local discussion and a lot of debate and we're not going through the process lightly, taking our time and doing the due diligence, hence why Mr Smith's involved. We'll go on-site, meet with officers and meet with locals and discuss these issues because we know they are of concern to everyone involved, both the residents and the people who have put in the submissions as well. We're going through the process and making sure we're giving it the due diligence that it requires.

Alan Smith

We had one floor at Bluewater fail. I don't know why. What guarantee do we have that the compound floor will stand up long-term and has there been tests on the longevity of said floor?

Response from General Manager, Infrastructure & Leisure Services:

The answer to the question of the longevity of the floor is decades – anywhere from 30 years onwards. Obviously the more we look after the floor, the longer the floor will last. There has been an extensive amount of research put into determining the longevity of the asset.

There were many issues relating to the failure of the floor. Some of those I'm not going to go into because we're in confidential, contractual discussions with the parties involved. It's not so much the product; the maple flooring product was fine. It was more around the process undertaken with the installation and that's all I'm prepared to discuss.

How is Council going to fix the drainage so that the same problem doesn't happen again?

Response from General Manager, Infrastructure & Leisure Services:

With the drainage issue, that was stalled once we realised there was an issue with the floor; we stopped works. Now that we have a final solution, the drainage works will be undertaken simultaneously with the installation of the new floor, and those drainage works are occurring outside of the building, not underneath.

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

Nil

8. CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on the 23 November 2016.

RESOLUTION

MOVED Cr McCracken seconded Cr Terry Woodcroft

That Council confirm the above minutes.

CARRIED 7 : 0

Tamzin McLennan left the meeting at 6.18pm.

Tamzin McLennan returned to the meeting at 6.18pm.

Sandra Wade left the meeting at 6.29pm.

**ORDINARY COUNCIL MEETING
GREAT OCEAN ROAD REGIONAL TOURISM (GORRT) BOARD MEMBERSHIP
OM161412-1**

LOCATION / ADDRESS	Great Ocean Road precinct	GENERAL MANAGER	Gareth Smith
OFFICER	Gareth Smith	DEPARTMENT	Development and Community Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	Attachment 1 - Board Charter GORRT 2014		
PURPOSE	The purpose of this report is for Council to nominate a Shire representative to the Great Ocean Road Regional Tourism Board.		

Original Recommendation

That Council endorses the Chief Executive Officer as Colac Otway Shire director representative on the Great Ocean Road Regional Tourism Board (GORRT).

ALTERNATIVE MOTION

MOVED Cr Chris Smith seconded Cr Terry Woodcroft

- 1. That Council endorses the Chief Executive Officer as Colac Otway Shire director representative on the Great Ocean Road Regional Tourism Board (GORRT).***
- 2. That this appointment concludes at the time of our current involvement.***

CARRIED 7 : 0

Nicole Frampton attended the meeting at 6.31pm.

**ORDINARY COUNCIL MEETING
SAFE AND ACCESSIBLE VICTORIAN WATERWAYS DISCUSSION PAPER -
SUBMISSION
OM161412-2**

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Gareth Smith
OFFICER	Stewart Anderson	DEPARTMENT	Development and Community Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	<ol style="list-style-type: none"> 1. Attachment 1 - Notification - Safe and Accessible Victorian Waterways Discussion Paper 2. Attachment 2 - Colac Otway Shire Council Submission – Safe and Accessible Victorian Waterways ~ 20161208 		
PURPOSE	The purpose of this report is for Council to consider the draft submission to the Safe and Accessible Victorian Waterways Discussion Paper.		

RESOLUTION

MOVED Cr Terry Woodcroft seconded Cr Joe McCracken

That Council endorses the attached draft Colac Otway Shire submission regarding the Safe and Accessible Victorian Waterways Discussion paper be submitted to the Department of Economic Development, Jobs, Transport and Resources.

CARRIED 7 : 0

**ORDINARY COUNCIL MEETING
REVISED INSTRUMENT OF DELEGATION OLD BEECHY RAIL TRAIL
OM161412-3**

LOCATION / ADDRESS	Old Beechy Rail Trail	GENERAL MANAGER	Ingrid Bishop
OFFICER	Nicole Frampton	DEPARTMENT	Infrastructure and Leisure Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	1. Instrument of Delegation - Old Beechy Rail Trail Committee		
PURPOSE	The purpose of this report is for Council to endorse the revised Instrument of Delegation for the Old Beechy Rail Trail Committee.		

RESOLUTION

MOVED Cr Jason Schram seconded Cr Joe McCracken

That Council:

- 1. Endorse the revised Instrument of Delegation for the Old Beechy Rail Trail Committee.***

CARRIED 7 : 0

**ORDINARY COUNCIL MEETING
OLD BEECHY RAIL TRAIL COMMITTEE APPOINTMENT OF COMMITTEE
MEMBERS
OM161412-4**

LOCATION / ADDRESS	Old Beechy Rail Trail	GENERAL MANAGER	Ingrid Bishop
OFFICER	Nicole Frampton	DEPARTMENT	Infrastructure and Leisure Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	No		
PURPOSE	To consider the appointment of members to the Old Beechy Rail Trail Committee of Management under Section 86 of the <i>Local Government Act 1989</i> as a Special Committee to Council and to act in accordance with the rules and conditions of appointment adopted by Council, for the purposes of managing the Old Beechy Rail Trail development.		

Original Recommendation

That Council:

- 1. Pursuant to Section 86 of the Local Government Act 1989, appoint the following nominated members Sue Thomas, Philippa Bailey, Nathan Swain, Bob Atkins, Virginia Atkins, Ronice Knight, Geoff De La Rue, Mark Mellington, Craig Clifford, Jordan Wood, Tricia Jukes, Noel Barry and Bernard Jordan to the Old Beechy Rail Trail Committee.***
- 2. In accordance with Section 81 sub-section (2) sub-section (a) of the Local Government Act 1989, Council resolve to exempt members of the Committee from being required to submit a primary or ordinary register of interest return in accordance with this section.***

ALTERNATIVE MOTION

MOVED Cr Chris Smith

That Council:

- 1. Pursuant to Section 86 of the Local Government Act 1989, appoint the following nominated members Sue Thomas, Philippa Bailey, Nathan Swain, Bob Atkins, Virginia Atkins, Ronice Knight, (or proxy Geoff De La Rue), Mark Mellington, Craig Clifford, Jordan Wood, Tricia Jukes, Noel Barry, Bernard Jordan and Cyril Marriner to the Old Beechy Rail Trail Committee.***

- 2. In accordance with Section 81 sub-section (2) sub-section (a) of the Local Government Act 1989, Council resolve to exempt members of the Committee from being required to submit a primary or ordinary register of interest return in accordance with this section.*

Motion lapsed due to no seconder

ALTERNATIVE MOTION

MOVED Cr Chris Smith seconded Cr Terry Woodcroft

That Council:

- 1. Pursuant to Section 86 of the Local Government Act 1989, appoint the following nominated members Sue Thomas, Philippa Bailey, Nathan Swain, Bob Atkins, Virginia Atkins, Ronice Knight (or proxy Geoff De La Rue), Mark Mellington, Craig Clifford, Jordan Wood, Tricia Jukes, Noel Barry and Bernard Jordan to the Old Beechy Rail Trail Committee.*
- 2. In accordance with Section 81 sub-section (2) sub-section (a) of the Local Government Act 1989, Council resolve to exempt members of the Committee from being required to submit a primary or ordinary register of interest return in accordance with this section.*

CARRIED 7 : 0

ORDINARY COUNCIL MEETING
MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE
OM161412-5

LOCATION / ADDRESS	Old Beechy Rail Trail	GENERAL MANAGER	Ingrid Bishop
OFFICER	Nicole Frampton	DEPARTMENT	Infrastructure and Leisure Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	1. Meeting Minutes - Old Beechy Rail Trail Committee - 12 September 2016 - confirmed		
PURPOSE	To note the minutes of the Old Beechy Rail Trail Committee.		

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council notes the Minutes of the Old Beechy Rail Trail Committee for the 12 September 2016.

CARRIED 7 : 0

Ian Seuren and Nicole Frampton left the meeting at 6.58pm.

ORDINARY COUNCIL MEETING
MELBOURNE CUP DAY PUBLIC HOLIDAY
OM161412-6

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Mark Lyons
OFFICER	Jenny Wood	DEPARTMENT	Corporate Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	No		
PURPOSE	For Council to consider designating Colac Show Day as a public holiday in lieu of the Melbourne Cup Day Public Holiday.		

Original Recommendation

That Council:

- 1. Nominates the Colac Show Day (Friday) to be the public holiday as a substitute for Melbourne Cup Day for the next 4 years being 2017, 2018, 2019 and 2020.***
- 2. Writes to the Minister for Innovation, Services and Small Business requesting the alternative arrangements for Melbourne Cup Day.***

ALTERNATIVE MOTION

MOVED Cr Jason Schram seconded Cr Joe McCracken

That Council:

- 1. Using various communication methods, seek feedback from the community as to what day/s they would like the Melbourne Cup Public Holiday to be for the next 4 years;***
- 2. Report back to Council at the Ordinary Meeting of Council in February 2017 with the results of the feedback.***

CARRIED 7 : 0

ORDINARY COUNCIL MEETING
AUDIT COMMITTEE INDEPENDENT MEMBER
OM161412-7

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Mark Lyons
OFFICER	Jenny Wood	DEPARTMENT	Corporate Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	No		
PURPOSE	To consider the extension of the term for Ms Linda MacRae on Council's Audit Committee.		

RESOLUTION

MOVED Cr Terry Woodcroft seconded Cr Stephen Hart

That Council extends Ms Linda MacRae's term on the Audit Committee for a further term expiring 31 December 2019.

CARRIED 7 : 0

**ORDINARY COUNCIL MEETING
RE-ELECTION S86 COMMITTEE OF MANAGEMENT
OM161412-8**

LOCATION / ADDRESS	Whole of Municipality	MANAGER	Sue Wilkinson
OFFICER	Mark Lyons	DEPARTMENT	Corporate Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	1. Revised Instrument of Delegation		
PURPOSE	To consider the appointment of newly elected committee members to the Larpent Hall committee of management.		

RESOLUTION

MOVED Cr Chris Smith seconded Cr Joe McCracken

That Council:

1. *Rename the Larpent Hall Committee to the Larpent Hall and Tennis Reserve Committee of Management and endorse the revised Instrument of Delegation.*
2. *Pursuant to section 86 of the Local Government Act 1989, resolves to appoint the following nominated members to the Larpent Hall and Tennis Reserve Committee of Management until 18 December 2019:*

<i>Larpent Hall and Tennis Reserve</i>	<i>Geoff Turner, Helen Ezard, Ken Ezard, Lachlan Sutherland, Michael Lenehan, Morris Middleton, Bruce Fraser, Philip Harris, Alistair Harris, James Boyd</i>
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3. *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.*

CARRIED 7 : 0

Tamzin McLennan left the meeting at 7.10pm.

Tamzin McLennan returned to the meeting at 7.12pm.

Trevor Olsson left the meeting at 7.13pm.

ORDINARY COUNCIL MEETING
AUTHORISATION OF PLANNING OFFICER UNDER
THE PLANNING AND ENVIRONMENT ACT 1987
OM161412-9

LOCATION / ADDRESS	Whole of Municipality	MANAGER	Sue Wilkinson
OFFICER	Mark Lyons	DEPARTMENT	Corporate Services
TRIM FILE	F16/6696	CONFIDENTIAL	No
ATTACHMENTS	1. Delegation under the Planning and Environment Act 1987		
PURPOSE	The purpose of the report is for Council to appoint Mr Gareth Smith, General Manager Development and Community Services as an authorised officer under the <i>Planning and Environment Act 1987</i> .		

RESOLUTION

MOVED *Cr Stephen Hart seconded Cr Terry Woodcroft*

That Council:

- 1. Appoints Mr Gareth Smith General Manager Development and Community Services as an authorised officer pursuant to 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 : 1

DIVISION

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

Against the motion: *Cr Chris Smith*

**ORDINARY COUNCIL MEETING
ASSEMBLY OF COUNCILLORS
OM161412-10**

LOCATION / ADDRESS	Whole of Municipality	MANAGER	Mark Lyons
OFFICER	Sarah McKew	DEPARTMENT	Corporate Services
TRIM FILE	F16/6696	CONFIDENTIAL	No
ATTACHMENTS	<ol style="list-style-type: none">1. Assembly of Councillors - Colac Regional Saleyards Advisory Committee - 18 September 20162. Assembly of Councillors - Councillor Briefing - 16 November 20163. Assembly of Councillors - Ordinary Council Meeting Preparation - 23 November 20164. Assembly of Councillors - Councillor Briefing - 30 November 2016		
PURPOSE	The purpose of this report is to provide details of the Assemblies of Councillors which have taken place.		

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Jason Schram

That Council notes the Assembly of Councillors reports for:

- | | |
|--|--------------------------|
| • Colac Regional Saleyards Advisory Committee | 18 September 2016 |
| • Councillor Briefing | 16 November 2016 |
| • Ordinary Council Meeting Preparation | 23 November 2016 |
| • Councillor Briefing | 30 November 2016 |

CARRIED 7 : 0

**ORDINARY COUNCIL MEETING
NOTICE OF MOTION - DAIRY FARMER RATE RELIEF (CR CHRIS SMITH)
OM161412-11**

LOCATION / ADDRESS	Whole of Municipality	MANAGER	Sue Wilkinson
OFFICER		DEPARTMENT	Chief Executive Officer
TRIM FILE	CLF11/24	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	Notice of Motion		

Original Recommendation

That Council consider the contents of this Notice of Motion.

MOTION

MOVED Cr Chris Smith seconded Cr Stephen Hart

- 1. That Dairy farmers within the Colac Otway Shire who pay their 2016/2017 Rate Account/s in full prior to the 20th of June 2017 will not be charged any penalty interest.***
- 2. A current Dairy Licence is required to be produced to avoid penalty interest being charged.***
- 3. This motion only applies to properties used in connection with Dairy Farming.***

CARRIED 7 : 0

IN COMMITTEE

MOTION

MOVED Cr Terry Woodcroft seconded Cr Stephen Hart

That Council move In Committee at 7.39pm to consider the remaining items on the agenda.

SUBJECT	REASON	SECTION OF ACT
Minutes of In Committee Council Meeting held on 23 November 2016	this matter deals with contractual matters; AND this matter may prejudice the Council or any person.	Section 89 (2) (d) & (h)
Notice of Motion – Reporting	this matter deals with personnel matters.	Section 89 (2) (a)
Notice of Motion – Bluewater	this matter deals with contractual matters; AND this matter deals with legal advice.	Section 89 (2) (d) (f)

CARRIED 5 : 2

DIVISION

For the motion: Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Joe McCracken, Cr Terry Woodcroft

Against the motion: Cr Jason Schram, Cr Chris Smith

In Committee commenced at 7.50pm following a short break.

The meeting was re-opened to the public at 8.47pm.

The Meeting Was Declared Closed at 8.48pm

CONFIRMED AND SIGNED at the meeting held on 25 JANUARY 2017



.....**MAYOR**