

MINUTES of the **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held at the COPACC - Colac on 22 June 2016 at 4.00pm.

1. OPENING PRAYER

Almighty God, we seek your blessing and guidance in our deliberations on behalf of the people of the Colac Otway Shire. Enable this Council's decisions to be those that contribute to the true welfare and betterment of our community.

AMEN

2. PRESENT

Cr Frank Buchanan (Mayor)
Cr Brian Crook
Cr Michael Delahunty
Cr Stephen Hart
Cr Lyn Russell
Cr Chris Smith
Cr Terry Woodcroft

Sue Wilkinson, Chief Executive Officer
Mark Lyons, General Manager Corporate Services
Ingrid Bishop, General Manager Infrastructure & Leisure Services
Brydon King, General Manager Development & Community Services
Jenny Wood, Manager Governance & Customer Service
Daniel Fogarty, Manager Financial Services
Patrick Corkery, Acting Manager Capital & Major Projects
Andrew Kavanagh, Contract Governance Coordinator
Raelene Munro, Coordinator Corporate Customer Service
Alison Richardson, Governance Officer
Graeme Collins, Project Coordinator Delivery
Tamzin McLennan, Public Relations Coordinator
Margaret Giudice, Corporate Development Officer
Ian Seuren, Manager Arts & Leisure
Nicole Frampton, Recreation & Open Space Coordinator
Stewart Anderson, Manager Environment & Community Safety
Adrian Healey, Acting Manager Economic Development & Events
Adam Pullen, Manager Services & Operations
Greg Fletcher, Manager Community Services
Katrina Kehoe, Economic Development Officer
Adam Lehmann, Manager Assets & Property Services
David Testa, Financial Operations Coordinator

3. APOLOGIES

Nil

4. MAYORAL STATEMENT

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present and welcomes any descendants here today.

Colac Otway Shire encourages community input and participation in Council decisions. Council meetings provide an opportunity for the community to ask Council questions, either verbally at the meeting or in writing.

Please note that Council may not be able to answer some questions at the meeting. These will be answered later.

Council meetings enable Councillors to debate matters prior to decisions being made. I ask that we all behave in a courteous manner.

All Council and Committee meetings are audio recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings.

Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy.

In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

Council will not use or disclose the recordings for any other purpose. It is an offence to make an unauthorised recording of the meeting.

Thank you. Now 30 minutes is allowed for question time. Please remember, you must ask a question. If you do not ask a question you will be asked to sit down and the next person will be invited to ask a question. This is not a forum for public debate or statements.

1. Questions received in writing prior to the meeting (subject to attendance and time),
2. Questions from the floor.

5. QUESTION TIME

QUESTION TIME STARTED AT 4:04PM

Questions Received in Writing Prior to the Meeting

James Judd

- 1) What are the fixed terms on Council's leases over education department land at:
 - a) Bluewater fitness centre

General Manager Infrastructure & Leisure Services responded that the Bluewater Leisure Centre is located on land owned by the Department of Education and Training (DET) and governed by two agreements. There is an existing lease agreement in place for the Aquatics component of the facility which was executed in 1990 and has a term of 30 years. There is a licence agreement for the Stadium and Dry Programs component of the facility which was executed in 1997 and has a term of 30 years.

- b) CCLLC library

General Manager Infrastructure & Leisure Services responded that the Colac Community Library and Learning Centre (CCLLC) is located on land owned by the Department of Education and Training (DET). The facility is governed by a Joint Use Agreement between DET, Colac Otway Shire and the Colac Secondary College which was executed 10 December 2008. The initial term of the agreement is 30 years with a future term of 20 years.

- 2) When do these leases come up for review in relation to:
 - i) Extension of leases
 - ii) Cost of lease
 - iii) Conditions of lease held

General Manager Infrastructure & Leisure Services responded that generally agreements can be reviewed at any time. Any variations or amendments to the agreements must be approved by all parties.

Council is currently working with the DET and the Colac Secondary College on the development of one overarching Joint Use Agreement for the redeveloped Bluewater facility.

- 3) Does Council now have available any funds if we now have a disastrous flood or storm damage? For immediate relief and works to be carried out?

General Manager Corporate Services responded that if a disaster were to occur, Federal Government Natural Disaster Relief and Recovery Arrangements would be

activated and this would fund relief and recovery works, ensuring assistance to the community and delivery of required works.

4) Will the outcome of the Special Council Meeting on Monday 6th June 2016 result in:

a) Increased liability on all Colac Otway Shire ratepayers

General Manager Infrastructure & Leisure Services responded that It has been estimated that rectification of the Bluewater Fitness Centre stadium sports floor could be up to \$720,000, which is a worst case scenario for a floor replacement solution. Council has been able to identify this amount following a review of savings from the 2015/16 budget. This will ensure that adequate funding is available. Council acknowledges that ratepayers should not have to pay for the rectification works and Council will seek compensation through legal action.

b) Council making a contribution to out of pocket expenses incurred by those forced to use alternative venues and travel expenses. Due to the long delay in making available a facility by the promised time it would be finished?

General Manager Infrastructure & Leisure Services responded that Council understands the importance of the stadium to the community and our priority is to reopen the stadium as soon as possible. We are working with all user groups to ensure this delay period is managed as effectively as possible.

c) Will there be any change until when the works will be finished?

General Manager Infrastructure & Leisure Services responded that the Bluewater Stadium will remain closed until such time that the floor rectification works are completed. Council's priority is to get the community back into the facility as soon as possible which is the reason that we are now proceeding with rectification of the floor rather than waiting for a lengthy legal process to play out.

d) When will Council be able to give a definite undertaking Bluewater and the pool will operate 7 days a week for the whole year. Not often closed and out of bounds so more work can be done?

General Manager Infrastructure & Leisure Services responded that a facility of this nature will require specified shutdown periods from time to time to allow scheduled maintenance to occur. This is particularly important post the completion of the redevelopment project. Any required shutdowns or access restrictions are coordinated and scheduled accordingly to avoid any major disruptions or significant inconvenience to patrons where possible.

5) At the Special Council Meeting held on Wednesday 15-6-2016 for the Code of Conduct to be reviewed. It was claimed an opportunity would be given at the Council meeting on Wednesday 22-6-2016 for all Councillors to sign this document. Why is this not listed in the agenda for this Council meeting?

General Manager Corporate Services responded that the Councillor Code of Conduct is not a specific Agenda item for the Ordinary Council meeting. Now it has been

adopted by Council, the Code of Conduct is available for signing tonight if Councillor's wish or they are welcome to make alternative arrangements.

Questions Received Verbally at the Meeting

Tim Cobb – Skenes Creek Advancement Association

- 1) Will Council pass a resolution to make a firm commitment to deliver this project in the 2016/17 program of works?

General Manager Infrastructure & Leisure Services responded that it is being looked at from a roads and infrastructure perspective. We are looking at Skenes Creek area holistically, not as classified as a small town. We are viewing your submission through the road management infrastructure lens as opposed to a community grants lens. That takes on a whole different perspective and criteria. We are doing the evaluations, we have preliminary costings, and to enhance the submission significantly I need some good data. I will be in contact after the Council meeting to discuss the process and the criteria to assess it, looking at it separately through the footpath issue and separately through the refuge issue. Because it is different parcels of land it is governed differently. There are also different funding and advocacy strategies. We are very much supporting it from a Council perspective, it's now just about getting some good data.

Jake Finnigan

- 1) I note that on the Colac Otway Shire website that Councillors Hart and Crook have their personal email addresses listed as opposed to their Council ones. I was wondering if they would be taking steps to rectify this now, as it's in direct contravention of the Code of Conduct?

General Manager Corporate Services responded that the Code was adopted last week and implementation of that will now be finalised to ensure arrangements to the Code are implemented appropriately.

- 2) Do you have a rough timeline as to when that would be?

General Manager Corporate Services responded that this will be done within the next couple of weeks. Councillors have one month to sign the document and that will be finalised as part of the process.

Maddy Mahoney

- 1) Are meetings being advertised?

General Manager Corporate Services responded that Council sets its meeting dates in advance. Ordinary Council meetings are set approximately a year in advance and published on Council's website. Prior to each meeting a notice is placed in the newspaper confirming the dates and that is generally done about a week prior and we also have notifications on our website. Occasionally Council will call a Special Meeting and some of those require shorter timeframes for notice but certainly all of

the Ordinary and Planning Meetings are published well in advance and you can get them from the website.

Rebecca Lang

- 1) When is the infrastructure in Elliminyt going to support the amount of people that are living up there?

General Manager Development & Community Services responded that current project work around the Colac 2050 plan is looking at the broader issue of growth in the townships of Colac and Elliminyt and the opportunity through that project is to look at infrastructure planning and what gaps there might be. There are opportunities to look at those gaps and how funding of that might occur. There is also in a capital works sense some planning proposed for that immediate area in 2017-2018 financial year in terms of trying to address those more details infrastructure gaps that you have touched on.

Alan Billing - Larpent

- 1) The 2014 annual report states that the project management for the Bluewater Fitness Centre redevelopment would be undertaken by the sustainable assets unit. Project management is responsible for a success or failure of a project. Does this mean that the failure of the stadium floor to meet the required is the responsibility of Council?

General Manager Infrastructure & Leisure Services responded that Council is absolutely not responsible. Council officers did not nail one nail into that floor, we oversaw the project management of it. It is a highly complex scenario, there is not one issue or one particular aspect, it is a systemic failure of that floor. To support and ensure that we undertake good due diligence and project management, we have a post project audit so that we are constantly looking at and reviewing how we can manage Project Management better going forward. The failure of the floor is not attributed to Council's project management of it. Council supervision of the project was adequate.

- 2) On whose authority did 2 members of staff approach Councillor Delahunty in the public area of COPACC following the May Council meeting and accuse him of taping the in-committee segment of the meeting?

Having declared a conflict of interest Cr Delahunty left Council chambers at 4:23pm

The Mayor responded that this is an operational matter that is being handled.

- 3) Given that he was approached in a public area and had aspersions cast on his integrity, will he be given a public apology?

The Mayor responded that this is an operational matter.

Cr Delahunty returned to Council chambers at 4:24pm

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

Alan Billing

1. The February Ordinary Council minutes records the Mayor's response to a question regarding Council's action against Cr Smith. In part it states 'the cost to Council was nil, apart from a little bit of officer's time'. Given that the court documents provided by Council consisted of ten folders, 375 separate documents containing 3000 pages, Council records were also trawled as far back as 2013. Could Council in the goal of a more open, transparent Council, provide a more accurate assessment of the cost to the community of that action?

Response:

The time spent collating the information for the Inspectorate led investigation was not recorded.

2. Who initiated the original request?

Response:

The matter was referred to the Local Government Investigations & Compliance Inspectorate in July 2013 by the former CEO. The inspectorate then determined whether to investigate the matter. The Inspectorate made the decision to pursue prosecution.

Simon Arundell

1. Why was someone needed to be brought all the way from Geelong to talk to people about drainage issues? Why couldn't some out of our local offices have done that?

Response:

Engeny Water Management were appointed as the principal consultant to produce a Stormwater Development Strategy for Colac and its growth areas. This strategy aims to target growth areas identified in the Colac 2050 Plan in order to develop sustainable and economical drainage solutions to allow development of this land at the prescribed density. A recent community consultation session was held to seek feedback on local drainage and flood knowledge and to generate discussion to inform the development of this strategy. Some aspects of this strategy will require detailed drainage and flood analysis and specialist expertise has been procured to deliver this work. Council officers are also informing the development of this strategy.

2. What did it cost to bring the person from Geelong?

Response:

The total cost of the development of this strategy is \$67,995 (ex GST). This lump sum includes a component for all community consultation required by the project and is

not allocated specifically to one consultant due to the nature of the community consultation.

3. How many others came up?

Response:

The community consultation session was attended by Engeny's Project Manager, who was supported by a community engagement consultant.

4. How much has been spent on consultants over the drainage of Colac?

Response:

The total cost for the production of the Colac Stormwater Development Strategy is \$67,995 (ex GST). Progress payments totalling \$15,000 have been made to date to Engeny based on the milestone reached to date.

5. How much is yet to be spent on consultants?

Response:

The balance of the contract amount will be paid on successful completion of the project.

Dieter Wessner

1. Last Friday, Council locked us out of the library annexe, apparently due to maintenance to the entrance. Couldn't that have been postponed until the extra closure of the library annexe and is Council magnificent enough to give us a day in lieu?

Response:

The closure of the Library Annexe was required to allow electronic door maintenance to be carried out. These works were conducted to ensure that the electronic door continued to operate safely and effectively. As the duration of the works was unknown at the commencement of works, the decision was made by Roslyn Cousins, Corangamite Regional Library Corporation (CRLC) CEO, to close the Annexe for the full day. The CRLC managed the public advice of this closure. Once again the Shire would like to apologise for the inconvenience and will liaise with the CRLC to ensure that notification of closures is given where possible, with a brief reason for closure and when the facility will be re-opened.

QUESTION TIME ENDED AT 4:24pm

7. DECLARATION OF INTEREST

Cr Russell:	OM162206-5 Festival and Events Support Scheme 2016-17
Nature of Disclosure:	Indirect
Type of Indirect Interest:	77b
Nature of Interest:	Member of Kana Festival who has submitted application for the events support funding

Cr Smith:	OM162206-4 2016-17 Community Funding Program
Nature of Disclosure:	Not disclosed
Type of Indirect Interest:	Not disclosed
Nature of Interest:	May be a perceived interest as I am involved with some of the organisations

8. CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on the 25/05/16.
- Special Council Meeting held on the 6/06/2016
- Special Council Meeting held on the 15/06/2016 at 1:00pm
- Special Council Meeting held on the 15/06/2016 at 2:30pm

MOVED Cr Stephen Hart seconded Cr Brian Crook

That Council confirm the above minutes.

CARRIED 5 : 2

OM162206-1 ADOPTION OF THE 2016-2017 ANNUAL BUDGET

AUTHOR:	Daniel Fogarty	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Executive	FILE REF:	CLF11/8

Adam Pullen left Council Chambers at 5:16pm

ORIGINAL RECOMMENDATION

That Council:

- 1. Having considered all submissions received, adopts the 2016-2017 Budget annexed to this resolution as Attachment 1 in accordance with section 130 of the Local Government Act 1989 (the Act).**
- 2. Authorises the Chief Executive Officer to:**
 - 2.1 Give public notice of this decision to adopt the 2016-2017 Budget, in accordance with section 130(2) of the Act;**
 - 2.2 Forward a copy of the adopted Budget to the Minister for Local Government, in accordance with section 130(4) of the Act;**
 - 2.3 Make available a copy of the adopted Budget at the Rae Street Office and the Apollo Bay Customer Service Centre for public inspection in accordance with section 130(9) of the Act; and**
 - 2.4 Thank persons making submissions to the budget in writing for their submission and advise them of the outcome of the budget decision.**
- 3. Intends to raise the following amount:**
 - 3.1 An amount of \$ 28,671,101 (or such other amount as is lawfully raised as a consequence of this resolution) be declared as the amount that Council intends to raise by general rates (described later in this resolution), municipal charge and service (Waste Management) charges, which is calculated as follows:**

Category	Income
General Rates	\$23,268,063
Municipal Charge	\$ 2,589,330
Annual Service (Waste Management) Charges	\$ 2,813,708
TOTAL	\$28,671,101

4. Declares a general rate in respect of the 2016-2017 Financial Year.

4.1 It be further declared that, consistent with Council's Rating Strategy 2014-2017 and having regard to the considerations outlined in the Budget for the 2016-2017 Financial Year, the general rate be raised by the application of differential rates.

4.2 A differential rate be respectively declared for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each differential rate so declared:

4.2.1 Residential Land – Colac

Any land whether vacant or built upon, which is located in Colac, Colac East, Colac West or Elliminyt that is not zoned for commercial or industrial use and which does not have the characteristics of:

- a) Rural Farm Land;**
- b) Holiday Rental Land; or**
- c) Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt.**

4.2.2 Residential Land - Balance of Shire

Any land whether vacant or built upon which is not located in Colac, Colac East, Colac West or Elliminyt that:

does not have the characteristics of:

- a) Rural Farm Land;**
- b) Holiday Rental Land;**
- c) Commercial/Industrial Land – Balance of Shire.**

4.2.3 Rural Farm Land

Any land within Council's municipal district which constitutes "Farm Land" as defined by Section 2 of the Valuation of Land Act 1960 and is zoned to allow land to be used for rural and/or farming purposes.

4.2.4 Holiday Rental Land

Any land that contains a dwelling, cabin or house or part of a house that:

- a) is used for the provision of holiday accommodation for the purpose of generating income; or**

- b) *is made generally available for holiday accommodation and is a secondary or supplemental source of income for the owner,*

Note: Typically, the category will include absentee owned holiday houses, owner occupied "Bed and Breakfast" establishments, farm properties with accommodation cabins, holiday farms and the like.

The category will not include land used to provide tourist/holiday accommodation on an overtly commercial scale and basis where the provision of accommodation is an integral part of the use of the property. The types of properties excluded from this category would include motels, resorts, hotels with accommodation, caravan parks, centrally managed and promoted multi-unit developments and the like.

4.2.5 Commercial/Industrial Land - Colac, Colac East, Colac West or Elliminyt

Any land which is located in Colac, Colac East, Colac West or Elliminyt which:

does not have the characteristics of:

- a) *Rural Farm Land;*
- b) *Residential Land – Colac, Colac East, Colac West or Elliminyt; or*
- c) *Holiday Rental Land; and*

is used primarily for:

- d) *the sale of goods or services;*
- e) *other commercial purposes; or*
- f) *industrial purposes,*

or which is vacant but zoned for commercial or industrial use.

4.2.6 Commercial/Industrial Land - Balance of Shire

Any land which is not located in Colac, Colac East, Colac West or Elliminyt which does not have the characteristics of:

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- b) *Residential Land – Balance of Shire; or*
- c) *Holiday Rental Land; and*

is used primarily for:

- d) *the sale of goods or services;*

e) other commercial purposes; or

f) industrial purposes

or which is vacant but zoned for commercial or industrial use.

4.3 Each differential rate will be determined by multiplying the Capital Improved Value of each rateable land (categorised by the characteristics described in Clause 4.2 of this Resolution) by the relevant rate in the dollar indicated in the following table:

Rating Category	Rate in the dollar of CIV
Residential- Colac, Colac East, Colac West, Elliminyt	0.004370
Residential- Other	0.003714
Rural- Farm	0.003452
Holiday Rental	0.004370
Commercial/Industrial - Colac, Colac East, Colac West, Elliminyt	0.007210
Commercial/Industrial- Other	0.006118

4.4 It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:

4.4.1 the respective objectives of each differential rate be those specified in section 7.13 of the 2016-2017 Budget Document;

4.4.2 the respective types or classes of land which are subject to each differential rate be those defined in the Schedule to this resolution;

4.4.3 the respective uses and levels of each differential rate in relation to those respective types or classes of land be those described in the Schedule to this resolution; and

4.4.4 the relevant:

a) uses of;

b) geographical locations of; and

c) planning scheme zoning of; and

d) types of buildings on

the respective types or classes of land be those identified in Council's Rating Strategy 2014-2017.

5. **Declares a Municipal Charge for the 2016-2017 Financial Year to cover some of the administrative costs of the Council in the amount of \$182.45 per annum for each rateable property in respect of which a municipal charge can be levied.**
6. **Declares the following Annual Service (Waste Management) Charges for the 2016-2017 Financial Year:**
 - 6.1 **An annual service (waste management) charge of \$292 per annum be declared for all:**
 - 6.1.1 **land used primarily for residential or commercial purposes to which a weekly waste collection and disposal service is provided or made available; and**
 - 6.1.2 **other land to which a weekly waste collection and disposal service is provided.**
 - 6.2 **An annual service (waste management) charge of \$194 per annum be declared for all:**
 - 6.2.1 **land used primarily for residential or commercial purposes to which a fortnightly waste collection and disposal service is provided or made available; and**
 - 6.2.2 **other land in respect of which a fortnightly waste collection and disposal service is provided, for the period 1 July 2016 to 30 June 2017.**
7. **Declares a Special Charge for the Tirrengower drainage works to be calculated at \$2.50 per hectare for the 2016-2017 Financial Year in respect of all land previously declared by Council in its resolution of 24 May 2006 and listed in the Schedule attached to the 24 May 2006 resolution.**
8. **Allows the general rates, municipal charge and annual service (waste management) charges to be paid by four instalments made on or before the dates fixed under section 167 of the Act.**
9. **Requires any person to pay interest at the maximum rate calculated in accordance with section 172(2) of the Act on any amounts of rates and charges which:**
 - 9.1 **that person is liable to pay; and**
 - 9.2 **have not been paid by the date specified for their payment.**
10. **Authorises the General Manager Corporate Services, Manager Financial Services and the Revenue Co-ordinator to levy and recover the general rates, municipal charge and annual service (waste management) charges in accordance with the Act.**
11. **Adopts the User Fees and Charges Schedule 2016/17 as listed in Appendix A of the budget document**

ALTERNATIVE MOTION - MOVED Cr Stephen Hart seconded Cr Brian Crook that:

1. **Having considered all submissions received, adopts the 2016-2017 Budget annexed to this resolution as Attachment 1 in accordance with section 130 of the Local Government Act 1989 (the Act).**
2. **Authorises the Chief Executive Officer to:**
 - 2.1 **Give public notice of this decision to adopt the 2016-2017 Budget, in accordance with section 130(2) of the Act;**
 - 2.2 **Forward a copy of the adopted Budget to the Minister for Local Government, in accordance with section 130(4) of the Act;**
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TOTAL	\$28,671,101

4. **Declares a general rate in respect of the 2016-2017 Financial Year.**

- 4.1 **It be further declared that, consistent with Council's Rating Strategy 2014-2017 and having regard to the considerations outlined in the Budget for the 2016-2017 Financial Year, the general rate be raised by the application of differential rates.**
- 4.2 **A differential rate be respectively declared for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each differential rate so declared:**

4.2.1 **Residential Land – Colac**

Any land whether vacant or built upon, which is located in Colac, Colac East, Colac West or Elliminyt that is not zoned for commercial or industrial use and which does not have the characteristics of:

- a) **Rural Farm Land;**

- b) *Holiday Rental Land; or*
- c) *Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt.*

4.2.2 Residential Land - Balance of Shire

Any land whether vacant or built upon which is not located in Colac, Colac East, Colac West or Elliminyt that:

does not have the characteristics of:

- d) *Rural Farm Land;*
- e) *Holiday Rental Land;*
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- c) *is used for the provision of holiday accommodation for the purpose of generating income; or*
- d) *is made generally available for holiday accommodation and is a secondary or supplemental source of income for the owner,*

Note: Typically, the category will include absentee owned holiday houses, owner occupied "Bed and Breakfast" establishments, farm properties with accommodation cabins, holiday farms and the like.

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 - f) industrial purposes,***

or which is vacant but zoned for commercial or industrial use.

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4.4 *It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:*

4.4.1 *the respective objectives of each differential rate be those specified in section 7.13 of the 2016-2017 Budget Document;*

4.4.2 *the respective types or classes of land which are subject to each differential rate be those defined in the Schedule to this resolution;*

4.4.3 *the respective uses and levels of each differential rate in relation to those respective types or classes of land be those described in the Schedule to this resolution; and*

4.4.4 *the relevant:*

a) uses of;

b) geographical locations of; and

c) planning scheme zoning of; and

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- 7. Declares a Special Charge for the Tirrengower drainage works to be calculated at \$2.50 per hectare for the 2016-2017 Financial Year in respect of all land previously declared by Council in its resolution of 24 May 2006 and listed in the Schedule attached to the 24 May 2006 resolution.**
- 8. Allows the general rates, municipal charge and annual service (waste management) charges to be paid by four instalments, or by lump sum, made on or before the dates fixed under section 167 of the Act or by lump sum**
- 9. Requires any person to pay interest at the maximum rate calculated in accordance with section 172(2) of the Act on any amounts of rates and charges which:**
- 9.1 that person is liable to pay; and**
- 9.2 have not been paid by the date specified for their payment.**
- 10. Authorises the General Manager Corporate Services, Manager Financial Services and the Revenue Co-ordinator to levy and recover the general rates, municipal charge and annual service (waste management) charges in accordance with the Act.**
- 11. Adopts the User Fees and Charges Schedule 2016/17 as listed in Appendix A of the budget document.**
- 12. Instructs the CEO takes all reasonable steps to make the early loan repayment for the COPACC loan, (Loan #6) as per the 2016/17 budget, by no later than 29 July 2016, earlier if possible.**

AMENDMENT - MOVED Cr Michael Delahunty seconded Cr Chris Smith

That Council:

Amend point 11 to read:

- 11. Adopts the User Fees and Charges Schedule 2016/17 as listed in Appendix A of the budget document and that the fee for an event and the fee for an A frame advertising event for a registered charitable organisation is zero.**

CARRIED 7 : 0

AMENDMENT - MOVED Cr Chris Smith seconded Cr Michael Delahunty

That Council:

Add a point 13:

Council will disclose in clear terms in a timely manner where in the 2016/17 budget the \$720,000 for the Bluewater situation is located

LOST 2 : 5

DIVISION called

For the Motion: Cr Chris Smith, Cr Michael Delahunty

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

AMENDED ALTERNATIVE MOTION

- 1. Having considered all submissions received, adopts the 2016-2017 Budget annexed to this resolution as Attachment 1 in accordance with section 130 of the Local Government Act 1989 (the Act).***
- 2. Authorises the Chief Executive Officer to:***
 - 2.1 Give public notice of this decision to adopt the 2016-2017 Budget, in accordance with section 130(2) of the Act;***
 - 2.2 Forward a copy of the adopted Budget to the Minister for Local Government, in accordance with section 130(4) of the Act;***
 - 2.3 Make available a copy of the adopted Budget at the Rae Street Office and the Apollo Bay Customer Service Centre for public inspection in accordance with section 130(9) of the Act; and***
 - 2.4 Thank persons making submissions to the budget in writing for their submission and advise them of the outcome of the budget decision.***
- 3. Intends to raise the following amount:***

An amount of \$ 28,671,101 (or such other amount as is lawfully raised as a consequence of this resolution) be declared as the amount that Council intends to raise by general rates (described later in this resolution), municipal charge and service (Waste Management) charges, which is calculated as follows:

<i>Category</i>	<i>Income</i>
<i>General Rates</i>	<i>\$23,268,063</i>
<i>Municipal Charge</i>	<i>\$ 2,589,330</i>

<i>Annual Service (Waste Management) Charges</i>	\$ 2,813,708
TOTAL	\$28,671,101

4. Declares a general rate in respect of the 2016-2017 Financial Year.

4.1 It be further declared that, consistent with Council's Rating Strategy 2014-2017 and having regard to the considerations outlined in the Budget for the 2016-2017 Financial Year, the general rate be raised by the application of differential rates.

4.2 A differential rate be respectively declared for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each differential rate so declared:

4.2.1 Residential Land – Colac

Any land whether vacant or built upon, which is located in Colac, Colac East, Colac West or Elliminyt that is not zoned for commercial or industrial use and which does not have the characteristics of:

- a) Rural Farm Land;**
- b) Holiday Rental Land; or**
- c) Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt.**

4.2.2 Residential Land - Balance of Shire

Any land whether vacant or built upon which is not located in Colac, Colac East, Colac West or Elliminyt that:

does not have the characteristics of:

- d) Rural Farm Land;**
- e) Holiday Rental Land;**
- f) Commercial/Industrial Land – Balance of Shire.**

4.2.3 Rural Farm Land

Any land within Council's municipal district which constitutes "Farm Land" as defined by Section 2 of the Valuation of Land Act 1960 and is zoned to allow land to be used for rural and/or farming purposes.

4.2.4 Holiday Rental Land

Any land that contains a dwelling, cabin or house or part of a house that:

- a) *is used for the provision of holiday accommodation for the purpose of generating income; or*
- b) *is made generally available for holiday accommodation and is a secondary or supplemental source of income for the owner,*

Note: Typically, the category will include absentee owned holiday houses, owner occupied "Bed and Breakfast" establishments, farm properties with accommodation cabins, holiday farms and the like.

The category will not include land used to provide tourist/holiday accommodation on an overtly commercial scale and basis where the provision of accommodation is an integral part of the use of the property. The types of properties excluded from this category would include motels, resorts, hotels with accommodation, caravan parks, centrally managed and promoted multi-unit developments and the like.

4.2.5 Commercial/Industrial Land - Colac, Colac East, Colac West or Elliminyt

Any land which is located in Colac, Colac East, Colac West or Elliminyt which:

does not have the characteristics of:

- a) *Rural Farm Land;*
 - b) *Residential Land – Colac, Colac East, Colac West or Elliminyt; or*
 - c) *Holiday Rental Land; and*
- is used primarily for:*
- d) *the sale of goods or services;*
 - e) *other commercial purposes; or*
 - f) *industrial purposes,*

or which is vacant but zoned for commercial or industrial use.

4.2.6 Commercial/Industrial Land - Balance of Shire

Any land which is not located in Colac, Colac East, Colac West or Elliminyt which does not have the characteristics of:

- a) *Rural Farm Land;*
- b) *Residential Land – Balance of Shire; or*
- c) *Holiday Rental Land; and*

is used primarily for:

- d) *the sale of goods or services;*
- e) *4other commercial purposes; or*
- f) *industrial purposes*

or which is vacant but zoned for commercial or industrial use.

4.3 Each differential rate will be determined by multiplying the Capital Improved Value of each rateable land (categorised by the characteristics described in Clause 4.2 of this Resolution) by the relevant rate in the dollar indicated in the following table:

Rating Category	Rate in the dollar of CIV
Residential- Colac, Colac East, Colac West, Elliminyt	0.004370
Residential- Other	0.003714
Rural- Farm	0.003452
Holiday Rental	0.004370
Commercial/Industrial - Colac, Colac East, Colac West, Elliminyt	0.007210
Commercial/Industrial- Other	0.006118

4.4 It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:

- 4.4.1 the respective objectives of each differential rate be those specified in section 7.13 of the 2016-2017 Budget Document;**
- 4.4.2 the respective types or classes of land which are subject to each differential rate be those defined in the Schedule to this resolution;**
- 4.4.3 the respective uses and levels of each differential rate in relation to those respective types or classes of land be those described in the Schedule to this resolution; and**
- 4.4.4 the relevant:**
 - a) uses of;**
 - b) geographical locations of; and**
 - c) planning scheme zoning of; and**
 - d) types of buildings on**

the respective types or classes of land be those identified in Council's Rating Strategy 2014-2017.

5. *Declares a Municipal Charge for the 2016-2017 Financial Year to cover some of the administrative costs of the Council in the amount of \$182.45 per annum for each rateable property in respect of which a municipal charge can be levied.*
6. *Declares the following Annual Service (Waste Management) Charges for the 2016-2017 Financial Year:*
 - 6.1 *An annual service (waste management) charge of \$292 per annum be declared for all:*
 - 6.1.1 *land used primarily for residential or commercial purposes to which a weekly waste collection and disposal service is provided or made available; and*
 - 6.1.2 *other land to which a weekly waste collection and disposal service is provided.*
 - 6.2 *An annual service (waste management) charge of \$194 per annum be declared for all:*
 - 6.2.1 *land used primarily for residential or commercial purposes to which a fortnightly waste collection and disposal service is provided or made available; and*
 - 6.2.2 *other land in respect of which a fortnightly waste collection and disposal service is provided, for the period 1 July 2016 to 30 June 2017.*
7. *Declares a Special Charge for the Tirrengower drainage works to be calculated at \$2.50 per hectare for the 2016-2017 Financial Year in respect of all land previously declared by Council in its resolution of 24 May 2006 and listed in the Schedule attached to the 24 May 2006 resolution.*
8. *Allows the general rates, municipal charge and annual service (waste management) charges to be paid by four instalments, or by lump sum, made on or before the dates fixed under section 167 of the Act or by lump sum*
9. *Requires any person to pay interest at the maximum rate calculated in accordance with section 172(2) of the Act on any amounts of rates and charges which:*
 - 9.1 *that person is liable to pay; and*
 - 9.2 *have not been paid by the date specified for their payment.*
10. *Authorises the General Manager Corporate Services, Manager Financial Services and the Revenue Co-ordinator to levy and recover the general rates, municipal charge and annual service (waste management) charges in accordance with the Act.*

- 11. Adopts the User Fees and Charges Schedule 2016/17 as listed in Appendix A of the budget document and that the fee for an event and the fee for an A frame advertising event for a registered charitable organisation is zero.**
 - 12. Instructs the CEO takes all reasonable steps to make the early loan repayment for the COPACC loan, (Loan #6) as per the 2016/17 budget, by no later than 29 July 2016, earlier if possible**
-

CARRIED 5 : 2

DIVISION called

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

Against the Motion: Cr Chris Smith, Cr Michael Delahunty

OM162206-2 COUNCIL PLAN 2013-2017 REVIEW

AUTHOR:	Margaret Giudice	ENDORSED:	Mark Lyons
DEPARTMENT:	Executive	FILE REF:	11/95682

Original Recommendation

That Council:

Adopts the revised Council Plan 2013-2017 and Strategic Resource Plan 2016-2017 to 2019-2020.

AMENDMENT - MOVED Cr Lyn Russell seconded Cr Terry Woodcroft

That Council:

- 1. Adopts the revised Council Plan 2013-2017 and Strategic Resource Plan 2016-2017 to 2019-2020.***
- 2. That Council publishes the revised Council Plan 2013-2017 and Strategic Resource Plan 2016-2017 to 2019-2020 on the Council website.***

CARRIED 5 : 2

DIVISION called

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

Against the Motion: Cr Chris Smith, Cr Michael Delahunty

Katrina Kehoe arrived at Council chambers at 5:29pm

Margaret Giudice, Daniel Fogarty and David Testa left Council chambers at 5:29pm

OM162206-3 GELLIBRAND REX NORMAN PARK MASTER PLAN 2016

AUTHOR:	Nicole Frampton	ENDORSED:	Ingrid Bishop
DEPARTMENT:	Executive	FILE REF:	F15/8104

MOVED Cr Terry Woodcroft seconded Cr Michael Delahunty

That Council:

- 1. Adopts the Gellibrand Rex Norman Park Master Plan 2016.***
- 2. Notes that any works outlined in the Gellibrand Rex Norman Park Master Plan 2016 would be subject to consideration via future budget processes and analysis of all Council priorities.***

CARRIED 6 : 1

DIVISION called

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

Against the Motion: Cr Chris Smith

OM162206-4 2016-2017 COMMUNITY FUNDING PROGRAM

AUTHOR:	Nicole Frampton	ENDORSED:	Ingrid Bishop
DEPARTMENT:	Executive	FILE REF:	F15/10157

Cr Smith:	OM162206-4 2016-17 Community Funding Program
Nature of Disclosure:	Not disclosed
Type of Indirect Interest:	Not disclosed
Nature of Interest:	May be a perceived interest as I am involved with some of the organisations

Having declared a conflict of interest Cr Chris Smith left Council Chambers at 5:49 PM

MOTION - MOVED Cr Lyn Russell seconded Cr Terry Woodcroft:

That Council:

- 1. Subject to the adoption of the 2016/2017 Council Budget, approves the recommendations from the Grants/Community Funding Advisory Committee for grants for the 2016/2017 Community Funding Program:**

a. COPACC ASSISTANCE

<i>Colac Area Health – Battle of the Bands 2016</i>	\$1,655
<i>Colac Music Teachers Association – CMTA 2016 Eisteddfod</i>	\$843
<i>Colac Music Teachers Association – Masterclass & Recital</i>	\$217
<i>Colac West Primary School – Colac West Primary Production</i>	\$1,017
<i>Colac Specialist School – 2016 Awards Night & Musical</i>	\$1,089
<i>Elliminyt Primary School – School Biennial productions</i>	\$759
<i>Forrest Neighbourhood House – Food finale cook off</i>	\$538
<i>Rotary Club of Colac West Inc. – Melbourne Cup Luncheon 2016</i>	\$550
<i>Sacred Heart Primary School – School Production</i>	\$1,035
<i>The Colac Players – Theatre Production</i>	\$1,930

b. SMALL EQUIPMENT AND TRAINING

<i>Apollo Bay Preschool Inc.</i>	\$1,000
<i>Apollo Bay Sailing Club – Yacht Handicap Software & Equipment</i>	\$1,000
<i>Colac Basketball Association Inc.</i>	\$1,000
<i>Colac Braves Baseball Club Inc.</i>	\$550
<i>Colac Central Indoor Bowls</i>	\$660
<i>Colac & District Cricket Association Inc.</i>	\$1,000
<i>Colac Old Time Dance Club Inc.</i>	\$750
<i>Colac Otway Residents Action Group Inc.</i>	\$527
<i>Colac Swimming Club Inc.</i>	\$719
<i>Cororooke Playgroup (Auspice: St Brendan's Parents & Friends)</i>	\$217

<i>Elliminyt Public Hall Inc. – New Refrigerator</i>	\$315
<i>Irrewarra-Beeac Football Netball Club Inc. – Netball Equipment</i>	\$1,000
<i>Lions Club of Forrest & District</i>	\$972
<i>Otway Badminton Club Inc.</i>	\$300
<i>Otway Derby Dolls – First Aid Training.</i>	\$821
<i>Positive Ageing Ambassadors (Auspice: Community Hub Inc.)</i>	\$1,000
<i>South West Do Care Inc.</i>	\$371
<i>Wye River Surf Lifesaving Club</i>	\$1,000

c. RECREATION FACILITIES

<i>Alvie Football Netball Club</i>	\$4,560
<i>Apollo Bay Community Youth Club Inc.</i>	\$4,225
<i>Beeac Tennis Club Inc.</i>	\$1,025
<i>Birregurra Bowling Club</i>	\$3,200
<i>Colac Field & Game</i>	\$2,000
<i>Colac Golf Club</i>	\$5,000
<i>Colac Pony Club Inc.</i>	\$5,000
<i>Irrewarra Beeac Football Netball Club Inc. – Hot water service</i>	\$2,940
<i>Irrewarra Cricket Club</i>	\$5,000
<i>Irrewillipe Sports & Entertainment Complex</i>	\$5,000
<i>Kawarren Recreation Reserve Committee Inc.</i>	\$5,000
<i>Pirron Yallock Committee of Management</i>	\$2,988
<i>South Colac Sports Club Inc.</i>	\$2,000
<i>Warrion Cricket Club</i>	\$970
<i>Warrobie Recreation Reserve</i>	\$1,130

d. COMMUNITY PROJECTS

<i>Apollo Bay Radio Inc.</i>	\$4,960
<i>Apollo Bay Sailing Club – CRC</i>	\$2,400
<i>Barwon Child Youth & Family</i>	\$2,500
<i>Beeac Community Centre Inc. (Hall)</i>	\$5,000
<i>Birregurra Public Hall</i>	\$2,631
<i>Birregurra & District Senior Citizens Centre Inc.</i>	\$835
<i>Carlisle River Hall Committee</i>	\$5,000
<i>Colac Area Health – New Young Mums and Bubs Program</i>	\$2,000
<i>Colac Camera Club – Marketing Project & Equipment</i>	\$2,003
<i>Colac Camera Club – Photographic Exhibition, Red Rock Gallery</i>	\$661
<i>Colac Chorale Inc.</i>	\$530
<i>Colac & District Riding for the Disabled Colac</i>	\$4,500
<i>Colac & District Gem Club</i>	\$521
<i>Colac & District Historical Society Inc.</i>	\$1,010
<i>Colac & District Mens Shed</i>	\$5,000
<i>Colac Legacy Club Inc.</i>	\$1,330
<i>Friends of Colac Botanic Gardens</i>	\$480
<i>Elliminyt Public Hall Inc. – Renew Spouting</i>	\$802
<i>Larpent Hall Committee</i>	\$1,520
<i>Old Beechy Rail Trail Committee of Management</i>	\$700
<i>Otway Derby Dolls – New Skaters Safety Equipment</i>	\$1,540
<i>Otway Health</i>	\$4,450

<i>Yeodene Public Hall & Recreation Reserve</i>	\$3,059
<i>Vic SES Colac Unit</i>	\$1,000
<i>Otway Conservation Association</i>	\$1,500

- 2. Approves the recommendation of the Grants/Community Funding Advisory Committee that the remaining amount of \$367 from the COPACC Assistance category be available to other events until 30 June 2017. Other events, subject to meeting the funding criteria, may be decided upon and funding allocated by officers.**

- 3. Approves the recommendation of the Grants/Community Funding Advisory Committee that the remaining amount of \$15,828 from the remaining three categories (Recreation Facilities, Community Projects and Small Equipment and Training) be available to other projects until 30 April 2017, subject to meeting the funding criteria. Projects for funding may be decided upon and funding allocated by officers if the allocation does not exceed \$2,000. If a proposed allocation is over \$2,000, the matter is to be referred to a Council meeting for a decision by a resolution of the Council.**

CARRIED 6:0

Cr Chris Smith returned to Council Chambers at 5:56 PM

OM162206-5 FESTIVAL AND EVENTS SUPPORT SCHEME 2016 - 2017

AUTHOR:	Hege Eier	ENDORSED:	Brydon King
DEPARTMENT:	Executive	FILE REF:	F16/1035

Cr Russell:	OM162206-5 Festival and Events Support Scheme 2016-17
Nature of Disclosure:	Indirect
Type of Indirect Interest:	77b
Nature of Interest:	Member of Kana Festival who has submitted application for the events support funding

Having declared a conflict of interest Cr Lyn Russell left Council Chambers at 5:57 PM

It is noted that in relation to Item OM162206-5 Festival and Events Support Scheme 2016-2017, Cr Smith sought clarifications from officers that the report did contain any information regarding Kana Festival. Officers confirmed that there was no information regarding Kana Festival in the report for Council's consideration. Therefore Cr. Smith noted that he did not have a Conflict of Interest

Original Recommendation

That Council:

1. **Subject to the adoption of the 2016/2017 Council Budget, adopts the recommendations made by the Festival and Events Support Scheme Advisory Committee for funding allocations to events under the Colac Otway Festival and Events Support Scheme 2016/2017 as follows:**

<u>Event Variations</u>	<u>Original Funding</u>	<u>Funding Increase</u>	<u>Total</u>
<i>Annual Colac Orchid Show</i>	<i>\$500</i>	<i>\$500</i>	<i>\$1,000</i>
<i>Gellibrand Community Markets</i>	<i>\$1,000</i>	<i>\$1,000</i>	<i>\$2,000</i>
<i>Birregurra Pop Up gallery (Change of concept and delivery time)</i>	<i>\$2,000</i>	<i>\$0</i>	<i>\$2,000</i>
<u>New Events</u>			
1. <i>Centenary of the Eurack Avenue of Honour</i>			<i>\$1,500</i>
2. <i>Apollo Bay Writers Festival</i>			<i>\$2,000</i>
3. <i>Apollo Bay and Otway District Agricultural Show</i>			<i>\$2,000</i>

4.	<i>Lavers Hill Community Christmas Market</i>	\$1,000
5.	<i>Lavers Hill Community Fire Refuge Event</i>	\$1,000
6.	<i>CrossXpollination</i>	\$2,500
7.	<i>Forrest Flicks</i>	\$1,500
8.	<i>Great Vic Bikeride Street Party</i>	\$0
9.	<i>Forrest 6 Hour</i>	\$2,000
10.	<i>Otway 300</i>	\$2,000
11.	<i>Lights in Paradise</i>	\$2,000
	TOTAL	\$19,000

2. *Notes the allocation of Sponsorship and Seed funding via Council resolution of 23 March 2016 totalling \$56,000, based on Youth with a Roof and Colac Otway Wood Design Exhibition not occurring in 2016/17, which combined with the allocation in Item 1 totals \$75,000.*

3. *Notes that if the events as listed above do not occur the funding will not be paid and returned to the total allocation of \$75,000.*

ALTERNATIVE MOTION - MOVED Cr Stephen Hart seconded Cr Brian Crook

That Council:

1. *Subject to the adoption of the 2016/2017 Council Budget, adopts the recommendations made by the Festival and Events Support Scheme Advisory Committee for funding allocations to events under the Colac Otway Festival and Events Support Scheme 2016/2017 as follows:*

<u>Event Variations</u>	<u>Original Funding</u>	<u>Funding Increase</u>	<u>Total</u>
<i>Annual Colac Orchid Show</i>	\$500	\$500	\$1,000
<i>Gellibrand Community Markets</i>	\$1,000	\$1,000	\$2,000
<i>Birregurra Pop Up gallery (Change of concept and delivery time)</i>	\$2,000	\$0	\$2,000
<u>New Events</u>			
1. <i>Centenary of the Eurack Avenue of Honour</i>			\$1,500
2. <i>Apollo Bay Writers Festival</i>			\$2,000
3. <i>Apollo Bay and Otway District Agricultural Show</i>			\$2,000
4. <i>Lavers Hill Community Christmas Market</i>			\$1,000
5. <i>Lavers Hill Community Fire Refuge Event</i>			\$1,000
6. <i>CrossXpollination</i>			\$2,500
7. <i>Forrest Flicks</i>			\$1,500
8. <i>Great Vic Bikeride Street Party</i>			\$0
9. <i>Forrest 6 Hour</i>			\$2,000
10. <i>Otway 300</i>			\$2,000
11. <i>Lights in Paradise</i>			\$2,000

TOTAL

\$19,000

2. ***Notes the allocation of Sponsorship and Seed funding via Council resolution of 23 March 2016 totalling \$56,000, based on Youth with a Roof and Colac Otway Wood Design Exhibition not occurring in 2016/17, which combined with the allocation in Item 1 totals \$75,000.***
3. ***Notes that if the events as listed above do not occur the funding will not be paid and returned to the total allocation of \$75,000.***
4. ***Support a review of the Festival & Events Support Scheme to be undertaken in 2016/2017, with the intention that the program continue to be funded, at least at the current level.***

CARRIED 6:0

Cr Lyn Russell returned to Council Chambers at 6:09pm

Council adjourned for a comfort break at 6:10pm

Council resumed at 6:13pm

**OM162206-6 SMALL TOWN IMPROVEMENT PROGRAM (STIP) 2016 - 2017
ALLOCATION OF FUNDS**

AUTHOR:	Katrina Kehoe	ENDORSED:	Brydon King
DEPARTMENT:	Executive	FILE REF:	F16/1858

Original Recommendation

That Council:

1. Approves the allocation of funding to specific projects as follows:
 - Apollo Bay foreshore drinking fountains \$15,000
 - Barwon Downs Hall kitchen upgrade (including contingency) \$20,000
 - Birregurra Playground Shade Sail \$25,000
 - Forrest Information Board redevelopment \$15,000
 - Gellibrand Picnic Shelter \$20,000
2. Approves the remaining \$5,000 of unallocated funds in 2016/2017 to be used for project contingency if required, otherwise funds are to be available for allocation in STIP 2017/2018.
3. Supports a review of the STIP to be undertaken in 2016/2017.

ALTERNATIVE MOTION - MOVED Cr Stephen Hart seconded Cr Terry Woodcroft:

That Council:

1. Approves the allocation of funding to specific projects as follows:
 - Apollo Bay foreshore drinking fountains \$15,000
 - Barwon Downs Hall kitchen upgrade (including contingency) \$20,000
 - Birregurra Playground Shade Sail \$25,000
 - Forrest Information Board redevelopment \$15,000
 - Gellibrand Picnic Shelter \$20,000
2. Approves the remaining \$5,000 of unallocated funds in 2016/2017 to be used for project contingency if required, otherwise funds are to be available for allocation in STIP 2017/2018.
3. Supports a review of the STIP to be undertaken in 2016/2017, with the intention that the program continue to be funded, at least at the current level.

AMENDED MOTION - MOVED Cr Chris Smith seconded Cr Michael Delahunty

Amend Point 2 so that it reads:

Approves the remaining \$5,000 of unallocated funds in 2016/2017 to be allocated to the Beeac Project on the condition that they are able to source the additional funding required.

CARRIED 6:1

AMENDED ALTERNATIVE MOTION moved Cr Stephen Hart seconded Cr Terry Woodcroft:

That Council:

1. Approves the allocation of funding to specific projects as follows:

- | | |
|---|----------|
| • Apollo Bay foreshore drinking fountains | \$15,000 |
| • Barwon Downs Hall kitchen upgrade (including contingency) | \$20,000 |
| • Birregurra Playground Shade Sail | \$25,000 |
| • Forrest Information Board redevelopment | \$15,000 |
| • Gellibrand Picnic Shelter | \$20,000 |

2. Approves the remaining \$5,000 of unallocated funds in 2016/2017 to be allocated to the Beeac Project on the condition that they are able to source the additional funding required.

3. Supports a review of the STIP to be undertaken in 2016/2017, with the intention that the program continue to be funded, at least at the current level.

CARRIED 7:0

Katrina Kehoe left Council Chambers a 6:25pm

Adrian Healey left Council chambers at 6:25pm

OM162206-7 LAKE COLAC FORESHORE MASTER PLAN

AUTHOR:	Stewart Anderson	ENDORSED:	Brydon King
DEPARTMENT:	Executive	FILE REF:	F15/6480

Original Recommendation

That Council:

1. ***Adopts the Lake Colac Foreshore Master Plan (2016-2026).***

ALTERNATIVE - MOVED Cr Terry Woodcroft seconded Cr Lyn Russell

That Council:

1. ***Adopts the Lake Colac Foreshore Master Plan (2016-2026).***
2. ***And that Council writes to all submitters and participating schools to thank them for their feedback***

CARRIED 6 : 1

DIVISION called

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

Against the Motion: Cr Michael Delahunty

Stewart Anderson left Council Chambers at 6:52pm

OM162206-8 CONTRACT 1604 - COLAC CENTRAL RESERVE REDEVELOPMENT

AUTHOR:	Andrew Kavanagh	ENDORSED:	Ingrid Bishop
DEPARTMENT:	Executive	FILE REF:	F16/3071

Original Recommendation

That Council:

- 1. Awards Contract 1604 for Colac Central Reserve Redevelopment to Spence Construction & Joinery Pty Ltd t/as Spence Construction at the tender price of \$2,472,052.00 (excluding GST).**
- 2. Notes that the available project funding is sufficient to meet all project costs and no requirement will arise for further funding.**
- 3. Authorises the Chief Executive Officer to place under Council Seal the contract documents following award of Contract 1604.**
- 4. Authorises the Chief Executive Officer to perform all functions and exercise all powers of the Principal under the Contract in accordance with the terms of the Contract.**

ALTERNATIVE MOTION - MOVED Cr Brian Crook seconded Cr Terry Woodcroft

- 1. Awards Contract 1604 for Colac Central Reserve Redevelopment to Spence Construction & Joinery Pty Ltd t/as Spence Construction at the tender price of \$2,472,052.00 (excluding GST).**
- 2. Notes that the available project funding is sufficient to meet all project costs and no requirement will arise for further funding.**
- 3. Authorises the Chief Executive Officer to place under Council Seal the contract documents following award of Contract 1604.**
- 4. Authorises the Chief Executive Officer to perform all functions and exercise all powers of the Principal under the Contract in accordance with the terms of the Contract.**
- 5. Requests officers to prepare a general construction timeline for the community that will highlight key project milestones.**

AMENDMENT - MOVED Cr Chris Smith seconded Cr Michael Delahunty:

Add a point 6:

That Council are to receive a comprehensive monthly report on the progress of the redevelopment once works commence until the project is completed and is available for the community to use.

LOST 2 : 5

DIVISION called

For the Motion: Cr Chris Smith, Cr Michael Delahunty

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

ALTERNATIVE MOTION- MOVED Cr Brian Crook seconded Cr Terry Woodcroft

That Council :

- 1. Awards Contract 1604 for Colac Central Reserve Redevelopment to Spence Construction & Joinery Pty Ltd t/as Spence Construction at the tender price of \$2,472,052.00 (excluding GST).***
- 2. Notes that the available project funding is sufficient to meet all project costs and no requirement will arise for further funding.***
- 3. Authorises the Chief Executive Officer to place under Council Seal the contract documents following award of Contract 1604.***
- 4. Authorises the Chief Executive Officer to perform all functions and exercise all powers of the Principal under the Contract in accordance with the terms of the Contract.***
- 5. Requests officers to prepare a general construction timeline for the community that will highlight key project milestones.***

CARRIED 5 : 2

DIVISION called

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

Against the Motion: Cr Chris Smith, Cr Michael Delahunty

**OM162206-9 CONTRACT 1301 - CLEANING OF BUILDINGS, PUBLIC CONVENIENCES
AND BARBECUES - OPTION TO EXTEND CONTRACT**

AUTHOR:	Andrew Kavanagh	ENDORSED:	Mark Lyons
DEPARTMENT:	Executive	FILE REF:	F13/220

MOVED Cr Lyn Russell seconded Cr Brian Crook

That Council:

- 1. Extends the contract period of Contract 1301 – Cleaning of Buildings, Public Convenience and Barbecues for a further 12 months from 1 July 2016 until 30 June 2017 in accordance with the Contract.***
- 2. Authorises the Chief Executive Officer to sign the extension to the Contract following award by Council.***

CARRIED 7 : 0

OM162206-10 MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE

AUTHOR:	Nicole Frampton	ENDORSED:	Ingrid Bishop
DEPARTMENT:	Infrastructure & Leisure Services	FILE REF:	11/96660

MOVED Cr Terry Woodcroft seconded Cr Brian Crook

That Council:

Notes the Minutes of the Old Beechy Rail Trail Committee for 4 April 2016.

CARRIED 7 : 0

OM162206-11 ASSEMBLY OF COUNCILLORS

AUTHOR:	Alison Richardson	ENDORSED:	Jenny Wood
DEPARTMENT:	Corporate Services	FILE REF:	F15/6106

MOVED Cr Stephen Hart seconded Cr Brian Crook

That Council:

Notes the Assembly of Councillors reports for:

- ***Assembly of Councillors – Friends of the Botanic Gardens Advisory Committee – 12052016***
- ***Assembly of Councillors – Councillor Briefing - 18052016***
- ***Assembly of Councillors – Small Towns Improvement Program Advisory Committee – 18052016***
- ***Assembly of Councillors – Festival and Events Support Scheme Advisory Committee - 18052016***
- ***Assembly of Councillors – Pre-Ordinary Council Meeting Preparation – 25052016***
- ***Assembly of Councillors – Councillor Briefing – 01062016***
- ***Assembly of Councillors – Pre-Special Council Meeting Preparation – 06062016***
- ***Assembly of Councillors – Pre-Planning Committee Meeting Preparation – 08062016***
- ***Assembly of Councillors – Councillor Briefing - 08062016***

CARRIED 7 : 0

IN COMMITTEE

MOVED Cr Lyn Russell seconded Cr Stephen Hart that pursuant to the provisions of Section 89(2) of the Local Government Act, the meeting be closed to the public and Council move "In-Committee" at :7:17pm in order to deal with:

SUBJECT	REASON	SECTION OF ACT
Minutes of In-Committee Council Meeting held on 25 May 2016	this matter deals with contractual matters; AND this matter deals with a proposed development AND may prejudice the Council or any person.	Section 89 (2) (d) & (e) & (h)
Minutes of In-Committee Special Council Meeting held on 6 June 2016	this matter deals with contractual matters; AND this matter deals legal advice	Section 89 (2) (d) & (f)
Contract 1301 - Cleaning of Buildings, Public Conveniences and Barbecues - Option to Extend (In-Committee)	this matter deals with contractual matters	Section 89 (2) (d)
Contract 1604 - Colac Central Reserve Redevelopment	this matter deals with contractual matters	Section 89 (2) (d)

CARRIED 7 : 0

OUT OF COMMITTEE

MOTION - MOVED Cr Stephen Hart seconded Cr Brian Crook

That Council:

Move "Out-of-Committee".

The Meeting Was Declared Closed at 7:28pm

CONFIRMED AND SIGNED at the meeting held on 27 JULY 2016



.....**MAYOR**

