

MINUTES of the **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held at the COPACC COLAC on 27 July 2016 at 4:00pm.

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**1. I DECLARE THIS MEETING OPEN**

**2. 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**

**3. PRESENT**

Cr Brian Crook  
Cr Michael Delahunty  
Cr Stephen Hart  
Cr Lyn Russell  
Cr Chris Smith  
Cr Terry Woodcroft (Chair)

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  
Jennifer Wood, Manager Governance & Customer Service  
Raelene Munro, Coordinator Corporate Customer Assist  
Sarah McKew, Acting Governance Officer  
Stuart Driscoll, Project Delivery Officer  
Adam Lehmann, Manager, Assets & Property Services  
Andrew Kavanagh, Contract Governance Coordinator  
Doug McNeill, Manager, Bushfire Recovery  
Sandra Wade, General Manager, Bushfire Recovery  
Callum Fairnie, Manager, Information Services  
Daniel Fogarty, Manager, Financial Services  
Stewart Anderson, Manager, Environment & Community Safety  
Ian Seuren, Manager, Recreation Arts & Leisure  
Marni Young, Risk and OHS Coordinator  
Carmen Lawrence, Manager, People Performance & Culture  
Tony White, Manager, Economic Development  
Hege Eier, Events Project Officer  
Kristy Cochrane, Executive Officer, Infrastructure & Leisure Services  
Nicole Frampton, Recreation & Open Space Coordinator

**4. APOLOGIES**

Cr Frank Buchanan (Mayor)

## **5. 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.

## **6. QUESTION TIME**

### **Questions Received in Writing Prior to the Meeting**

#### **James Judd**

1. When team membership is taken out at Bluewater Fitness Centre how is income accounted for this. Is it:
  - a. Total value of membership on signing up?

Or

- b. Actual cash received for membership since you offer periodic payments over period of membership as well as lump sum payments?

***General Manager Infrastructure & Leisure Services Responded:***

***Membership revenue is accounted for as it is received, which could be either as an upfront payment or periodic payments such as fortnightly direct debits.***

2. What was the Bluewater Income and expenditure for the month of March 2016.
  - a. Total operating expenses
  - b. Total income net of any top up income received

***General Manager Infrastructure & Leisure Services Responded:***

***Total operation expenses = \$78,104***

***Total income = \$28,803***

3. What portion of those with membership uses the facilities at least once during the month of March 2016?

***General Manager Infrastructure & Leisure Services Responded:***

***Records indicated that 818 members visited the centre during March 2016.***

4. Will the works at Central Reserve have any impact on parking areas within the area from Colac Gellibrand Road, Herne Street, Queen Street and Wilson Street? This area includes a number of schools and access to other community outlets plus business operations.

***General Manager Infrastructure & Leisure Services Responded:***

***Works at Central Reserve will not have any impact on parking areas within the area from Colac Gellibrand Street, Hearn Street, Queen Street and Wilson Street, Colac.***

5. As the Councillor Code of Conduct is supposed to be uniform throughout this state, how do you explain how different Councils are able to interpret the meaning of 'by when a Councillor will be ineligible to sit on Council'? Some claim after 30 days if you do not sign the Code of Conduct, others claim after end of the current Council's term. What is the correct meaning?

***General Manager Corporate Services Responded:***

***The Local Government Act outlines the eligibility criteria for a Councillor to nominate to become, or continue to be a Councillor.***

***Section 76 (C) of the Local Government Act outlines the requirements for the Councillor Code of Conduct. S76C (6A) Outlines that within one month of amendments to a Councillor Code of Conduct being approved in accordance with this***

**section, a Councillor must make a declaration stating that they will abide by the Councillor Code of Conduct. Section 64 outlines that if a Councillor fails to make the declaration the office of Councillor becomes vacant. All Colac Otway Shire Councillors have signed the Councillor Code of Conduct within the required timeframes.**

6. In the Councillor Code of Conduct what is attendance at 80% of meetings? Is it:
- a. Combined total of all council planning committee, special, ordinary meetings, statutory, extra ordinary meetings plus workshops and briefing sessions

Or

- b. 80% of each type of gathering

Or

- c. To be available to attend 80% of scheduled meetings even if not held, as many scheduled planning committee meetings not held. Since 100% attendance at monthly meetings and sessions would mean very little attendance at other gatherings needed if only of combined total?

**General Manager Corporate Services Responded:**

**Page 9 of the Councillor Code of Conduct outlines that:**

**'Except where a prior leave of absence has been approved by the Council, a Councillor must:**

**Attend and participate in a minimum of 80% of each of the following scheduled meetings:**

- **Ordinary Meetings; and**
- **Planning Meetings; and**
- **Special Council Meetings; and**
- **Briefings and workshops'**

**Leigh Barrett**

1. On the 10 February this year the Colac Herald reported that a grant of \$30,000 had been given for a study into youth disengagement in Colac to be conducted jointly by the Colac Otway Shire and Colac Area Health.
  - 1) Has the report been completed, if so is it available to the public?
  - 2) Were any disengaged youth spoken to as part of the report?
  - 3) What practical and/or positive outcomes do you see coming from the \$30,000 of public money invested for the use by the two organisations?

**General Manager Development & Community Services Responded:**

- 1) **Council sought State funding available to local Government to increase the capacity of Colac Area Health's youth development worker. The project will be delivered by Colac Area Health and will look into the wellbeing and safety of young people as part of the project. There are a number of activities that Colac Area Health is planning for and will work on until June 2017 as part of the project. Following this work a final report will be provided to the Department of Health and Humans Services on the outcome of the project.**
- 2) **A report will not be prepared until the middle of next year. Engagement with youth will be an important element of the project.**
- 3) **A key focus of the project is to receive feedback from young people on issues around their wellbeing and safety and include them in identifying and developing ways of communicating, in various mediums about these issues and identifying better ways to support youth into the future.**

**Questions Received Verbally at the Meeting**

**Mr Wessner, Colac**

1. Who is responsible, Mr Chairman, for the layout of the newspaper here at the Colac centre now, please?

**General Manager, Infrastructure and Leisure Services responded:**

***It is the responsibility of the General Manager, Infrastructure and Leisure Services.***

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

Nil

**8. DECLARATION OF INTEREST**

Cr Russell:	OM16270-7
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78
Nature of Interest:	Brother-in-law has tendered for Contract

**9. CONFIRMATION OF MINUTES**

- **Ordinary Council Meeting held on the 22/06/16.**

***MOVED Cr Stephen Hart seconded Cr Brian Crook***

***That Council confirm the above minutes.***

**CARRIED 4 : 2**

***DIVISION called***

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

***Against the Motion: Cr Chris Smith, Cr Michael Delahunty***

Callum Fairnie left the meeting at 4.15pm.

**OM162707-1 PETITION REGARDING USE OF LAND AT 65 AIREYS STREET  
ELLIMINYT**

AUTHOR:	Stewart Anderson	ENDORSED:	Brydon King
DEPARTMENT:	Development & Community Services	FILE REF:	F16/6696

**Original Recommendation:**

**That Council:**

- 1. Notes the submission made by local land owners in relation to the use of land at 65 Aireys Street Elliminyt.**
- 2. Notes the investigations that have occurred and enforcement actions undertaken to have the issues raised in the petition addressed.**
- 3. Writes to all petitioners to explain what processes are being undertaken by Council to reach a satisfactory outcome in relation to the use of land at 65 Aireys Street Elliminyt.**

**ALTERNATIVE MOTION - MOVED Cr Michael Delahunty seconded Cr Brian Crook:**

**That Council:**

- 1. Notes the submission made by local land owners in relation to the use of land at 65 Aireys Street Elliminyt.**
- 2. Notes the investigations that have occurred and enforcement actions undertaken to have the issues raised in the petition addressed.**
- 3. Writes to all petitioners to explain what processes are being undertaken by Council to reach a satisfactory outcome in relation to the use of land at 65 Aireys Street Elliminyt.**
- 4. Refer this item to the Infringement Review Panel for consideration.**

**AMENDMENT - MOVED Cr Smith**

**Add Point 5:**

**That Council:**

- 5. If subject to the Infringement Review Panel or subject to the landowner or occupier complying with what is required that the fine be waived.**

**Amendment lapsed due to no seconder.**

***ORIGINAL ALTERNATIVE MOTION - MOVED Cr Delahunty seconded Cr Crook***

***That Council:***

- 1. Notes the submission made by local land owners in relation to the use of land at 65 Aireys Street Elliminyt.***
- 2. Notes the investigations that have occurred and enforcement actions undertaken to have the issues raised in the petition addressed.***
- 3. Writes to all petitioners to explain what processes are being undertaken by Council to reach a satisfactory outcome in relation to the use of land at 65 Aireys Street Elliminyt.***
- 4. Refer this item to the Infringement Review Panel for consideration.***

**CARRIED 6 : 0**

Stuart Driscoll left the meeting at 4.40pm.

Stewart Anderson and Daniel Fogarty left the meeting at 4.42pm.



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**OM162707-2 EXPRESSIONS OF INTEREST TO HOST 2017 AUSTRALIA DAY  
CELEBRATIONS**

AUTHOR:	Hege Eier	ENDORSED:	Brydon King
DEPARTMENT:	Development & Community Services	FILE REF:	F15/11242

**Resolution:**

***MOVED Cr Lyn Russell seconded Cr Stephen Hart***

***That Council:***

***Holds the official 2017 Colac Otway Shire Australia Day event in Apollo Bay on the 26 January 2017.***

***CARRIED 6 : 0***

Tony White and Hege Eier left the meeting at 4.45pm.

**OM162707-3 COPACC HISTORY CENTRE LEASE**

AUTHOR:	Ian Seuren	ENDORSED:	Ingrid Bishop
DEPARTMENT:	Infrastructure & Leisure Services	FILE REF:	11/96024

**Original Recommendation:**

***That Council:***

- Enter into a lease agreement with the Colac & District Historical Society and the Colac & District Family History Group for use of the 'History Centre' located at COPACC (95-97 Gellibrand Street, Colac) for the purpose of local history and genealogical research with the following terms:***

Agreement Type	Lease
Rent	\$1 per annum if requested (Group 1 tenant as per Leasing Policy)
Term	5 years
Option	Nil
Utilities	Reimbursement from lessees based on usage: <ul style="list-style-type: none"> <li>Colac &amp; District Historical Society = \$450 p.a.</li> <li>Colac &amp; District Family History Group = \$600 p.a.</li> </ul> Amounts to increase by CPI annually.
Rates & Fees	Nil
Maintenance	Landlord responsible for any reasonable repairs and maintenance. Tenant responsible for any damage caused by the tenant or its members.
Cleaning	Tenant 100% responsible for cleaning of the leased premises. Landlord 100% responsible for cleaning of toilets.
Special conditions	Development of a Management Agreement to clarify shared use of the space between COPACC, the Historical Society and the Family History Group and potential partnership opportunities i.e. COPACC to have the ability/option to utilise the space outside of public opening hours and volunteer working hours. These hours to be defined by a calendar of use/event booking system. The History Centre to utilise the COPACC open space for exhibitions and events.

- Authorise the Chief Executive Officer, or their delegate, on behalf of Council to do all things required to effect the Lease.***

**ALTERNATIVE MOTION - MOVED Cr Chris Smith seconded Cr Stephen Hart:**

**That Council:**

1. ***In accordance with sections 190(3)(b) enter into a lease with Colac & District Historical Society and the Colac & District Family History Group for the use of the 'History Centre' located at COPACC (95-97 Gellibrand Street, Colac) for the purpose of local history and genealogical research on the following terms and conditions:***

<b>Agreement Type</b>	<b>Lease</b>
<b>Rent</b>	<b>\$1 per annum if requested (Group 1 tenant as per Leasing Policy)</b>
<b>Term</b>	<b>5 years</b>
<b>Option</b>	<b>Two options of 5 years each</b>
<b>Utilities</b>	<b>Reimbursement from lessees based on usage:</b> <ul style="list-style-type: none"> <li>• <b>Colac &amp; District Historical Society = \$450 p.a.</b></li> <li>• <b>Colac &amp; District Family History Group = \$600 p.a.</b></li> </ul> <b>Amounts to increase by CPI annually.</b>
<b>Rates &amp; Fees</b>	<b>Nil</b>
<b>Maintenance</b>	<b>Landlord responsible for any reasonable repairs and maintenance.</b> <b>Tenant responsible for any damage caused by the tenant or its members.</b>
<b>Cleaning</b>	<b>Tenant 100% responsible for cleaning of the leased premises.</b> <b>Landlord 100% responsible for cleaning of toilets.</b>
<b>Special conditions</b>	<b>Development of a Management Agreement to clarify shared use of the space between COPACC, the Historical Society and the Family History Group and potential partnership opportunities i.e. COPACC to have the ability/option to utilise the space outside of public opening hours and volunteer working hours. These hours to be defined by a calendar of use/event booking system. The History Centre to utilise the COPACC open space for exhibitions and events. Prior to exercising the first 5 year option, undertake an assessment of the success of the integration of shared use of the spaces.</b>

2. ***Authorise Council officers to prepare and give public notice of the proposed lease in accordance with sections 190 and 223 of the Act for a period of four weeks;***
3. ***In accordance with section 223 of the Act;***
- 3.1 ***consider any written submissions received in relation to the proposed lease***
- 3.2 ***gives seven days' notice by placing a public notice in the local print media of its intention to consider any submissions received at a Special Council Meeting to be held on 14 September 2016. Formal advice of the time and location of the meeting will be provided to those parties wishing to be heard in support of their submission.***

- 3.3** *if written submissions are received, report back with recommendations to Council.*
- 4.** *In the event that no submissions are received, execute the proposed lease under delegation in accordance with the terms and conditions specified in paragraph 1 above.*

**CARRIED 6 : 0**

**OM162707-4 CORANGAMITE REGIONAL LIBRARY CORPORATION - LIBRARY  
SERVICE LEVEL AGREEMENT**

AUTHOR:	Ian Seuren	ENDORSED:	Ingrid Bishop
DEPARTMENT:	Infrastructure & Leisure Services	FILE REF:	F11/3242

**Resolution:**

***MOVED Cr Stephen Hart seconded Cr Lyn Russell***

***That Council:***

- 1. Endorses the Corangamite Regional Library Corporation Library Service Level Agreement (1 August 2016 – 30 June 2018) and authorises the Chief Executive Office to execute the agreement on behalf of Council.***

***CARRIED 6 : 0***

**OM162707-5 APOLLO BAY SAILING CLUB LEASE AND LICENCE RENEWAL**

AUTHOR:	Jade Thomas	ENDORSED:	Ingrid Bishop
DEPARTMENT:	Infrastructure & Leisure Services	FILE REF:	F11/3133

**Resolution:**

**MOTION MOVED Cr Stephen Hart seconded Cr Lyn Russell**

**That Council:**

- 1. In accordance with sections 190(3)(b) enter into a lease and licence agreement with the Apollo Bay Sailing Club for the land situated at 10 Breakwater Road, Apollo Bay on the following terms and conditions:**

<b>Agreement Type</b>	<b>Lease Agreement (clubrooms)</b>
<b>Rent</b>	<b>\$250 per annum (incl. GST)</b>
<b>Lease Term</b>	<b>21 years</b>
<b>Further Term</b>	<b>Nil</b>
<b>Rent Review</b>	<b>Reviewed annually plus CPI</b>
<b>Maintenance</b>	<b>100% Lessee</b>

<b>Agreement Type</b>	<b>Licence (boat storage hardstand)</b>
<b>Rent</b>	<b>\$114.40 per annum (incl. GST)</b>
<b>Lease Term</b>	<b>21 years (or when the head Lease is terminated)</b>
<b>Further Term</b>	<b>Nil</b>
<b>Rent Review</b>	<b>Nil</b>
<b>Maintenance</b>	<b>100% Licensor (Apollo Bay Sailing Club)</b>

- 2. Authorise Council officers to prepare and give public notice of the proposed lease and licence in accordance with sections 190 and 223 of the Act for a period of four weeks;**
- 3. In accordance with section 223 of the Act;**
  - 3.1 consider any written submissions received in relation to the proposed lease and licence.**
  - 3.2 gives seven days' notice by placing a public notice in the local print media of its intention to consider any submissions received at a Special Council Meeting to be held on 14 September 2016. Formal advice of the time and location of the meeting will be provided to those parties wishing to be heard in support of their submission.**
  - 3.3 if written submissions are received, report back with recommendations to Council.**

- 4. *In the event that no submissions are received, execute the proposed lease and licence under delegation in accordance with the terms and conditions specified in paragraph 1 above.***
- 5. *Request officers to update the feature plan to reflect the ablution block location which is understood to be outside the hard stand area.***

***CARRIED 6 : 0***

Kristy Cochrane left the meeting at 4.55pm.

**OM162707-6 CONTRACT 1605 - EXTERNAL PLANT HIRE**

AUTHOR:	Andrew Kavanagh	ENDORSED:	Ingrid Bishop
DEPARTMENT:	Infrastructure & Leisure Services	FILE REF:	F16/2628

**Resolution:**

**MOVED Cr Brian Crook seconded Cr Lyn Russell**

**That Council:**

**1. Awards Contract No. 1605 – External Plant Hire at the tendered schedule of rates as submitted to the following contractors:**

- **Bartletts Environmental**
- **Coates Hire Operations Pty Ltd**
- **Coragulac Quarries**
- **Colac Landscape Supplies**
- **Deja Eight Pty Ltd**
- **Diamond Earthmoving & Cartage Pty Ltd**
- **Ducks Logging & Earthmoving Co Pty Ltd**
- **Environmental Services Group**
- **Luke J Atkinson**
- **Luxton Plant Pty Ltd**
- **McNaughton Excavations Pty Ltd**
- **Melis & Sons Pty Ltd**
- **Onsite Rental Group Operations Pty Ltd**
- **Otway Civil Pty Ltd**
- **PJM Machinery Pty Ltd**
- **Porters Excavations Pty Ltd**
- **Premair Services Pty Ltd**
- **Raymond George Welsh**
- **Richardson's Transport (Vic) Pty Ltd**
- **Sharpe Bros (Aust) Pty Ltd**
- **Sherrin Rentals Pty Ltd**
- **Tutt Bryant Hire**

**for the term 1 August 2016 to 30 June 2017.**

**2. Delegate to the General Manager, Infrastructure & Leisure Services authority to sign the Contract documents following the awarding of Contract No. 1605.**

**CARRIED 6 : 0**



**OM162707-7 CONTRACT 1606 - SUPPLY OF CRUSHED ROCK, SEALING  
AGGREGATE AND PAVEMENT MATERIALS**

AUTHOR:	Andrew Kavanagh	ENDORSED:	Ingrid Bishop
DEPARTMENT:	Infrastructure & Leisure Services	FILE REF:	F16/2629

Cr Russell:	OM16270-7
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78
Nature of Interest:	Brother-in-law has tendered for Contract

Having declared a conflict of interest, Cr Russell left Council Chambers at 5:25 PM

**Resolution:**

**MOVED Cr Brian Crook seconded Cr Stephen Hart**

**That Council:**

- 1. Awards Contract No. 1606 – Supply of Crushed Rock, Sealing Aggregate & Pavement Materials to the following suppliers at their tendered schedule of rates:**

- **Boyd & Lang Pty Ltd t/as Coragulac Quarries**
- **BM & VJ Gent**
- **Clifford Excavations Pty Ltd**
- **Colac Quarry Products Pty Ltd**
- **David Eldridge Pty Ltd**
- **Frank R Russell Pty Ltd**
- **Gala Gravel Pty Ltd**
- **Geelong Quarries**
- **Holcim (Australia) Pty Ltd**
- **Local Mix Quarries Pty Ltd**
- **Melis & Sons Pty Ltd**
- **RAK Davis & Sons Pty Ltd**

**for the term 1 August 2016 to 30 June 2017**

- 2. Delegates to the General Manager, Infrastructure & Leisure Services authority to enact the Contract.**

**CARRIED 5 : 0**

**Cr Lyn Russell returned to Council Chambers at 5:26pm.**

**OM162707-8 2017-2018 COMMUNITY SPORTS INFRASTRUCTURE FUND**

AUTHOR:	Nicole Frampton	ENDORSED:	Ingrid Bishop
DEPARTMENT:	Infrastructure & Leisure Services	FILE REF:	F16/3640

**Resolution:**

***MOVED Cr Brian Crook seconded Cr Lyn Russell***

***That Council:***

***1. Endorse the following projects to be submitted to full application as invited by Sport and Recreation Victoria under the 2017-2018 Community Sport Infrastructure Fund – Minor Facilities, Female Friendly Facilities, Cricket Facilities categories:***

- Irrewarra Beeac Football Netball Club – Netball Facilities Upgrade (includes requested Council contribution of \$30,000 in the 2017/18 budget).***
- Irrewarra Cricket Club – Colac Secondary College Sports Field Pavilion (includes requested Council contribution of \$40,000 in the 2017/18 budget).***
- Gellibrand Rex Norman Park Play and Activity Space (includes Council contribution of \$60,000 in the 2016/17 budget).***

***2. Pending the outcome of the full applications, successful projects are to be submitted for Council consideration through the 2017-18 budget process.***

***CARRIED 6 : 0***

***Meeting adjourned for comfort break at 5.32pm.***

***Meeting resumed at 5.42pm.***

Nicole Frampton left the meeting at 5.32pm.

**OM162707-9 MAV - LIABILITY MUTUAL INSURANCE SCHEME RENEWAL**

AUTHOR:	Marni Young	ENDORSED:	Mark Lyons
DEPARTMENT:	Corporate Services	FILE REF:	F16/2134

**Original Recommendation:**

***That Council:***

***Authorises the Chief Executive Officer to approve payment for the renewal of the Liability Mutual Insurance Public Liability Scheme for 2016/2017.***

**ALTERNATIVE MOTION - *MOVED Cr Stephen Hart seconded Cr Lyn Russell***

***That Council:***

- 1. Authorises the Chief Executive Officer to approve payment for the renewal of the Liability Mutual Insurance Public Liability Scheme for 2016/2017.***
- 2. Calls on management to continue investigation of other insurance options as per the March 2016 resolution and calls for report back to Council as soon as possible.***

**CARRIED 4 : 2**

**DIVISION called**

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

***Against the Motion: Cr Chris Smith, Cr Michael Delahunty***

Carmen Lawrence and Marni Young left the meeting at 5.53pm.

**OM162707-10 UPDATE INSTRUMENT OF DELEGATION - COUNCIL TO COUNCIL  
STAFF**

AUTHOR:	Mark Lyons	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Corporate Services	FILE REF:	11/96474

**Resolution:**

**MOVED Cr Brian Crook seconded Cr Lyn Russell**

**That Council:**

***In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the tabled Instrument of Delegation, resolves that:***

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the tabled Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.***
- 2. The Chief Executive Officer is authorised to affix the Common Seal to the Instrument. The Instrument comes into force immediately the Common Seal of Council is affixed.***
- 3. On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.***
- 4. The duties and functions set out in the Instrument must be performed and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that may from time to time be adopted.***

**CARRIED 5 : 1**

**DIVISION called**

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

***Against the Motion: Cr Chris Smith***

**OM162707-11 AUTHORIZATION OF PLANNING OFFICERS UNDER THE PLANNING  
AND ENVIRONMENT ACT 1987**

AUTHOR:	Mark Lyons	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Corporate Services	FILE REF:	11/96474

**Resolution:**

***MOVED Cr Brian Crook seconded Cr Stephen Hart***

***That Council:***

- 1. Appoints Vige Satkunarajah and Geoffrey Alexander as authorised officers 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 5 : 1***

***DIVISION called***

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

***Against the Motion: Cr Chris Smith***

**OM162707-12 RE-ELECTION OF S86 COMMITTEES OF MANAGEMENT**

AUTHOR:	Mark Lyons	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Corporate Services	FILE REF:	11/96656

**Original Recommendation:**

**That Council:**

- Pursuant to section 86 of the Local Government Act 1989, resolves to appoint the following nominated members to the Swan Marsh Hall and Tennis Reserve, Yeo Recreation Reserve, Carlisle River Recreation Reserve Committees of Management until 24 July 2019:***

<b><i>Swan Marsh Hall and Tennis</i></b>	<b><i>Mick Everett, Bret Ryan, Jeff Douma, Kevin Boyd, Fiona Castle, Tabitha Black, John Janssen, Michael Melville</i></b>
<b><i>Yeo Recreation Reserve</i></b>	<b><i>Frank Park, Greg Cahill, Chris Parker, Mandy Parker, Louise Loubey, Debbie Park, Jim Parker</i></b>
<b><i>Carlisle River Recreation Reserve</i></b>	<b><i>Patrick Shaw, Matt Reid, Owen Lucas, Shannon Notter, Paul Hodgson, Nick Lucas, Karen Lucas, Lisa Stafford</i></b>

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

**ALTERNATIVE MOTION MOVED Cr Michael Delahunty seconded Cr Brian Crook**

**That Council:**

- Pursuant to section 86 of the Local Government Act 1989, resolves to appoint the following nominated members to the Swan Marsh Hall and Tennis Reserve, Yeo Recreation Reserve, Carlisle River Recreation Reserve Committees of Management until 24 July 2019:***

<b><i>Swan Marsh Hall and Tennis</i></b>	<b><i>Mick Everett, Bret Ryan, Jeff Douma, Kevin Boyd, Fiona Castle, Tabitha Black, John Janssen, Michael Melville</i></b>
<b><i>Yeo Recreation Reserve</i></b>	<b><i>Frank Park, Greg Cahill, Chris Parker, Mandy Parker, Louise Loubey, Debbie Park, Jim Parker</i></b>
<b><i>Carlisle River Recreation Reserve</i></b>	<b><i>Patrick Shaw, Matt Reid, Owen Lucas, Shannon Notter, Paul Hodgson, Nick Lucas, Karen Lucas, Lisa Stafford</i></b>

2. ***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.***
  
3. ***Advises the Committee that a copy of minutes of meetings held be forwarded to Council for its record after each meeting and that a Treasurer's Report be provided on an annual basis.***
  
4. ***Investigate options for funding to provide financial support for hall committees with respect to fixed charges for electricity supply.***

**CARRIED 6 : 0**

**OM162707-13ASSEMBLY OF COUNCILLORS**

AUTHOR:	Sarah McKew	ENDORSED:	Mark Lyons
DEPARTMENT:	Corporate Services	FILE REF:	F16/6678

**Resolution:**

***MOVED Cr Stephen Hart seconded Cr Lyn Russell***

***That Council:***

***Notes the Assembly of Councillors reports for:***

- ***Assembly of Councillors – Friends of Botanic Gardens – 12052016***
- ***Assembly of Councillors – Pre-Ordinary Council Meeting Preparation – 22062016***
- ***Assembly of Councillors – Councillor Briefing – 23062016***
- ***Assembly of Councillors – Councillor Briefing – 29062016***
- ***Assembly of Councillors – Councillor Briefing – 06072016***
- ***Assembly of Councillors – Central Reserve Advisory Committee – 06072016***
- ***Assembly of Councillors – Colac Regional Saleyards Advisory Committee Meeting – 08072016***
- ***Assembly of Councillors – Pre-Planning Committee Meeting Preparation – 13072016***
- ***Assembly of Councillors – Councillor Briefing – 13072016***
- ***Assembly of Councillors – Friends of Botanic Gardens – 14072016***

***CARRIED 6 : 0***



***OM162707-14 AUDIT COMMITTEE SUMMARY MINUTES 20160601***

**Resolution:**

***MOVED Cr Stephen Hart seconded Cr Brian Crook***

***That Council:***

***Receives for information the Colac Otway Shire Audit Committee Minutes dated 1 June 2016.***

***CARRIED 6 : 0***

Ian Seuren left the meeting at 6.30pm.

**OM162707-15 NOTICE OF MOTION - CENTRAL RESERVE - FACILITY NAMING (Cr  
Brian Crook)**

**MOTION MOVED Cr Crook seconded Cr Hart**

**That Council supports:**

- 1. Investigating the community's interest in renaming Central Reserve to recognise our indigenous heritage in accordance with Council's 'Naming of Roads, Localities and Features Policy' and the State Government's 'Guidelines for Geographic Names'.**
- 2. Investigating the community's interest in naming new and/or existing buildings at Central Reserve in accordance with Council's 'Naming of Roads, Localities and Features Policy' and the State Government's 'Guidelines for Geographic Names'. Consideration to be given to sporting excellence and/or administrators who have contributed significantly to sport in the Colac Otway Shire.**
- 3. Requesting officers to prepare a community engagement plan to implement points 1 and 2.**

**AMENDMENT - MOVED Cr Michael Delahunty seconded Cr Chris Smith that:**

**Add the words "for council" to point 3 so it reads:**

- 3. Requesting officers to prepare for council a community engagement plan to implement points 1 and 2.**

**CARRIED 6 : 0**

**AMENDED ORIGINAL MOTION MOVED Cr Brian Crook seconded Cr Stephen Hart**

**That Council supports:**

- 1. Investigating the community's interest in renaming Central Reserve to recognise our indigenous heritage in accordance with Council's 'Naming of Roads, Localities and Features Policy' and the State Government's 'Guidelines for Geographic Names'.**
- 2. Investigating the community's interest in naming new and/or existing buildings at Central Reserve in accordance with Council's 'Naming of Roads, Localities and Features Policy' and the State Government's 'Guidelines for Geographic Names'. Consideration to be given to sporting excellence and/or administrators who have contributed significantly to sport in the Colac Otway Shire.**
- 3. Requesting officers to prepare for council a community engagement plan to implement points 1 and 2.**

***CARRIED 5 : 1***

***DIVISION called***

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

***Against the Motion: Cr Chris Smith***

## IN COMMITTEE

***MOVED Cr Stephen Hart seconded Cr Brian Crook***

***That pursuant to the provisions of Section 89(2) of the Local Government Act, the meeting be closed to the public at 6.52pm and Council move "In-Committee" in order to deal with:***

<b><i>SUBJECT</i></b>	<b><i>REASON</i></b>	<b><i>SECTION OF ACT</i></b>
<b><i>Minutes of In-Committee Council Meeting held on 22 June 2016</i></b>	<b><i>this matter deals with contractual matters; AND this matter may prejudice the Council or any person.</i></b>	<b><i>Section 89 (2) (d) &amp; (h)</i></b>
<b><i>Procurement for Wye River &amp; Separation Creek Bushfire Response</i></b>	<b><i>this matter deals with contractual matters; AND this matter may prejudice the Council or any person</i></b>	<b><i>Section 89 (2) (d) (h)</i></b>
<b><i>Contract 1605 - External Plant Hire</i></b>	<b><i>this matter deals with contractual matters</i></b>	<b><i>Section 89 (2) (d)</i></b>
<b><i>Contract 1606 - Supply of Crushed Rock, Sealing Aggregate and Pavement Materials</i></b>	<b><i>this matter deals with contractual matters</i></b>	<b><i>Section 89 (2) (d)</i></b>
<b><i>Leave of absence</i></b>	<b><i>this matter may prejudice the Council or any person</i></b>	<b><i>Section 89 (2) (h)</i></b>
<b><i>Leave of Absence</i></b>	<b><i>this matter may prejudice the Council or any person</i></b>	<b><i>Section 89 (2) (h)</i></b>

***CARRIED 4 : 2***

***DIVISION called***

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

***Against the Motion: Cr Chris Smith, Cr Michael Delahunty***

**OUT OF COMMITTEE**

***MOTION - MOVED Cr Lyn Russell seconded Cr Brian Crook***

***That Council:***

***Move "Out of Committee".***

***CARRIED 5 : 0***

*The Meeting Was Declared Closed at 7.29pm*

***CONFIRMED AND SIGNED at the meeting held on 24 AUGUST 2016***



.....MAYOR