

MINUTES of the **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held in the COPACC Meeting Room, Rae Street, Colac on 24 June 2008 at 3.00 pm.

1. OPENING PRAYER

2. PRESENT

Cr. Chris Smith (Mayor)
Cr. Joe Di Cecco
Cr Tony Graham
Cr Fran Lehmann
Cr. Peter Mercer
Cr. Warren Riches
Cr. Carol Wilmink

Tracey Slatter, Chief Executive Officer

Colin Hayman, General Manager, Corporate & Community Services
Jack Green, General Manager, Sustainable Planning & Development
Scott Cavenagh, Acting General Manager, Infrastructure and Services

Althea Wright, Executive Officer
Suzanne White, Executive Assistant

3. APOLOGIES

Gary Dolan, General Manager, Infrastructure and Services

4. QUESTION TIME

Questions Received in Writing Prior to the Meeting

Nil

Questions Received Verbally at the Meeting

Mr Westner, Queen Street, Colac

Has the Council received any working drawings on the new library, and if so are they available to the public and at what cost?

Colin Hayman, General Manager Corporate and Community Services, advised that at this stage we only have design drawings, however when working drawings become available they will be made available to the public.

Michael Delahunty

Mr Delahunty advised that he had left a voice message for Cr Graham and to date had not received a reply.

Cr Tony Graham, advised that he did not receive this voice mail message and advised that if Mr Delahunty could contact him again he would address his enquiry.

Mr Delahunty raised concerns regarding the Erosion Management Overlay, Geotechnical Report's liability and responsibilities.

Tracey Slatter, Chief Executive Officer advised that a meeting would be set up with Council Officers to discuss the issue.

5. PRESENTATION OF MAYORAL AWARDS

The Mayor announced Mr Coke Newcombe as the Mayoral Volunteer Award Recipient for the month of June 2008.

The Mayor announced Mr Scott Kenyon as the Mayoral Youth Award Recipient for the month of June 2008.

6. DECLARATION OF INTEREST

Cr Smith: OM082406-5 2008-2009 Festival and Event Support Scheme Endorsement of Applications
Nature of Disclosure: Interest
Nature of Interest: President of Kana Committee

Cr Di Cecco: OM082406-5 2008-2009 Festival and Event Support Scheme Endorsement of Applications
Nature of Disclosure: Interest
Nature of Interest: Member of Great Ocean Road Marathon Committee

7. CONFIRMATION OF MINUTES

- Ordinary Meeting of the Colac-Otway Shire Council held on the 27/05/08.

Resolution

MOVED Cr Di Cecco seconded Cr Riches that Council confirm the above minutes.

CARRIED 7 : 0

- Special Meeting of the Colac-Otway Shire Council held on the 10/06/08.

Resolution

MOVED Cr Wilmink seconded Cr Graham that Council confirm the above minutes.

CARRIED 7 : 0

OFFICERS' REPORTS

Chief Executive Officer

- OM082406-1 CEO'S PROGRESS REPORT TO COUNCIL
- OM082406-2 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

Corporate and Community Services

- OM082406-3 ELECTORAL SERVICES TENDER
- OM082406-4 2008-2009 COMMUNITY FUNDING PROGRAM
- OM082406-5 2008-2009 FESTIVAL AND EVENT SUPPORT SCHEME
ENDORSEMENT OF APPLICATIONS
- OM082406-6 APPOINTMENT OF S86 COMMITTEES OF MANAGEMENT
- OM082406-7 FINANCIAL PERFORMANCE REPORT

Infrastructure

- OM082406-8 OPERATIONAL REVIEW - LIGHT FLEET VEHICLE POLICY
- OM082406-9 BEST VALUE SERVICES REVIEW REPORT: PORT OF APOLLO BAY –
HARBOUR SERVICES & FEES & CHARGES FOR BERTHING,
MOORING & SLIPWAY

Sustainable Planning and Development

- OM082406-10 2008/2009 SMALL TOWN IMPROVEMENT PROGRAM ALLOCATIONS
- OM082406-11 REVIEWED SWAN MARSH TOWNSHIP MASTER PLAN PRIORITIES
- OM082406-12 COLAC OTWAY PLANNING SCHEME AMENDMENT C49
(DEPARTMENT OF EDUCATION SCHOOL SITES)
- OM082406-13 COLAC OTWAY SHIRE SUBMISSION ON THE GREEN PAPER - LAND
AND BIODIVERSITY AT A TIME OF CLIMATE CHANGE

GENERAL BUSINESS

OM082406-14 General Business

- OM082406-14.1 ITEM FOR SIGNING AND SEALING - INSTRUMENT OF AGREEMENT
CONTRACT 0802 - PROPERTY VALUATION SERVICES
- OM082406-14.2 ITEM FOR SIGNING AND SEALING - SECTION 173 AGREEMENT, 750
COLAC LORNE ROAD, BIRREGURRA
- OM082406-14.3 ITEM FOR SIGNING AND SEALING - SECTION 173 AGREEMENT, 735
WARROWIE ROAD IRREWARRA
- OM082406-14.4 ITEM FOR SIGNING & SEALING SECTION 173 AGREEMENT, 120
BUNGADOR SCHOOL ROAD BUNGADOR

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>CHIEF EXECUTIVE OFFICER</u></p> <p><u>M082406-1 CEO'S PROGRESS REPORT TO COUNCIL</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council receive the CEO's Progress Report to Council for information.</i></p>		
<p><u>OM082406-2 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council appoint Colin Hayman as Acting Chief Executive Officer for the period 30 June 2008 to 4 July 2008 inclusive under Section 94 of the Local Government Act.</i></p>		

MOVED Cr Mercer seconded Cr Di Cecco that recommendations to items listed in the Consent Calendar be adopted.

CARRIED 7 : 0

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>CORPORATE AND COMMUNITY SERVICES</u></p> <p><u>OM082406-3 ELECTORAL SERVICES TENDER</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation</u></p> <p><i>That Council resolve to:</i></p> <ol style="list-style-type: none"> 1. <i>Award Contract No 0805, Electoral Services to the Victorian Electoral Commission (VEC) noting that:</i> <ol style="list-style-type: none"> (a) <i>The indicative price being \$114,998 (excl. GST).</i> (b) <i>That the indicative price may vary (up or down) in accordance with the information provided by the Victorian Electoral Commission in the</i> <i>'Variations to Tender Price' document.</i> 2. <i>Authorise the Chief Executive Officer or delegate to negotiate price variations with the Victorian Electoral Commission in accordance with the Victorian Electoral Commission's Variations to Tender Price document.</i> 3. <i>Sign and Seal the Electoral Services Agreement between the Colac Otway Shire and the Victorian Electoral Commission.</i> 		
<p><u>OM082406-4 2008-2009 COMMUNITY FUNDING PROGRAM</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation</u></p> <p><i>That Council approves the recommendations from the Grants Assessment Advisory Committee for Council grants from the 2008/2009 Community Funding Program, total expenditure under each of the funding categories as follows:</i></p> <p><i>(a) Recreation Facilities \$69,968</i></p>		

Apollo Bay CDFL Netball Club Inc.	\$2,254		
Apollo Bay Pony Club Inc.	\$2,922		
Apollo Bay Youth Club	\$700		
Barongarook Tennis Club	\$1,012		
Barwon Downs Community Hall	\$2,910		
Beeac Community Centre Inc.	\$450		
Beeac Golf Club Inc.	\$1,300		
Beech Forest Recreation Reserve	\$3,475		
Birregurra Bowling Club	\$476		
Birregurra Cricket Club	\$2,301		
Colac & District Football Netball Association Inc.	\$421		
Colac & District Football Umpires Association Inc.	\$3,700		
Colac Cycling Club	\$3,000		
Colac Football Netball Club Inc.	\$1,819		
Colac Gun Club Inc.	\$4,697		
Colac Lawn Tennis Club	\$3,500		
Colac Pony Club Inc.	\$5,000		
Colac Pony Club Inc. Junior Committee	\$3,883		
Cressy Recreation Reserve	\$3,000		
Elliminyt Public Hall Inc.	\$2,114		
Forrest Community Group – Forrest Tiger Rail Trail	\$1,550		
Forrest Tennis Club	\$250		
Gellibrand Football Netball Club	\$5,000		
Gellibrand Public Hall Committee	\$4,800		
Irrewillipe Sports & Entertainment Complex	\$1,750		
Stoneyford Cricket Club	\$1,064		
Swan Marsh Tennis Club	\$620		
Wye River Surf Life Saving Club	\$6,000		
(b) Community Projects \$40,000			
Apollo Bay Tuesday Art Group	\$3,000		
Colac & District Family History Group Inc.	\$699		
Colac & District Football Umpires Association Inc.	\$210		
Colac & District Gem Club	\$96		
Colac & District Historical Society Inc.	\$2,650		
Colac & District Pipes & Drums Inc.	\$150		
Colac Camera Club Inc.	\$750		
Colac Toy Library	\$2,000		
Colac Woodturners & Woodcrafters Guild Inc.	\$1,415		
Cressy & District History Group	\$945		
Old Beechy Rail Trail Committee	\$300		
Otway TOWN Club	\$498		
Otways & Coast Permaculture Group	\$2,000		
Our Local Parish Community Playgroup - Coragulac	\$1,580		
The Colac Chorale	\$1,650		
The Rotary Club of Colac West	\$1,297		

<p><i>Townies for Landcare</i> \$4,000 <i>Women Evolving Bereavement (WEB)</i> \$4,000 <i>Yeo Recreation Reserve and Hall Committee</i> \$1,000 <i>2nd Colac Sea Scout Group</i> \$750 <i>Colac Tenpin Bowling Association Inc.</i> \$850 <i>Events Committee Christ Church Birregurra</i> \$2,870 <i>Apollo Bay Arts Inc.</i> \$800 <i>Colac Comeback Country Inc. Music Club</i> \$5,000 <i>Colac Quilters</i> \$1,490</p> <p>(c) COPACC Assistance \$7,500</p> <p><i>Colac City Band</i> \$750 <i>Colac Disability Network</i> \$266.75 <i>Colac Music Teachers Association</i> \$558.25 <i>Colac Sudanese Association</i> \$500 <i>Colac West Primary School</i> \$626.50 <i>Meriba Service Club of Colac Inc.</i> \$459 <i>Otways & Cast Permaculture Group</i> \$268.65 <i>South West Local Learning & Employment Network</i> \$500 <i>St Marys Catholic Primary School, Colac</i> \$644.50 <i>The Colac Players</i> \$1,926.35 <i>The Meeting Place</i> \$1,000</p>		
<p><u>OM082406-5 2008-2009 FESTIVAL AND EVENT SUPPORT SCHEME ENDORSEMENT OF APPLICATIONS</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation</u></p> <p>1. <i>That Council adopts the recommendations made by the Festival and Event Support Scheme Advisory Committee for categories of the various events and funding allocations to events under the Colac Otway Festival and Events Support Scheme 2008-09.</i></p> <p><i>Spirit of Christmas - \$7,500 - Platinum (Community)</i> <i>Apollo Bay Music Festival - \$7,500 - Platinum (Community)</i> <i>Otway Odyssey - \$5,000 - Gold (Commercial)</i> <i>GOR Marathon - \$7,500 - Platinum (Commercial)</i> <i>Kana - \$5,000 - Gold (Community)</i> <i>Great Ocean Sports Festival - \$5,000 - Gold (Community)</i> <i>Otway Soup Festival - \$2,500 - Silver (Community)</i></p>		

<p>Otway Idol - \$2,500 - Silver (Community) Birregurra Weekend Festival - \$7,500 - Platinum (Community) Colac Six Day Race - \$5,000 - Gold (Commercial) (inc. the Cliff Young Festival of Sport)</p> <p>Totals (inclusive of In-Kind Contribution) \$55,000</p> <p>2. That Council notes that the Committee has recommended to Council that event funding allocations will strictly adhere to funding categories and stipulated amounts and that this information should be strongly communicated to the event applicant when funding is administered.</p>		
<p><u>OM082406-6 APPOINTMENT OF S86 COMMITTEES OF MANAGEMENT</u></p> <p>Department: Corporate & Community Services</p> <p><u>Recommendation</u></p> <p>1. That pursuant to Section 86 of the Local Government Act 1989, Council resolve to appoint the following elected members -</p> <ul style="list-style-type: none"> • Beech Forest Recreation Reserve - Simon Brown, Rory Harrington, Jacqueline Langley, Steve Trotter • Eurack Hall and Tennis Reserve - Alan Carew, Chris Sheedy, Dan Wood, Barbara Paine, Sandra Sheedy, John Carew, Kaylene Wood, Barry McDougall • Pennyroyal Hall - Jim Gannon, Kevin, Pam, Shavaun & Cameron White, Katrina Juleff, Thea Barry, Neville Bennett, Lorraine Cosgriff, Annette Mooney, Chris & Claire Chapman, Paul Simonsen <p>2. That in accordance with Section 81 sub-section(2) sub-section(a) of the Local Government Act 1989, Council resolve to exempt members of the Committees from being required to submit a primary or ordinary pecuniary interest return in accordance with this section.</p> <p>3. That the Committees be advised that a copy of minutes of committee meetings held be forwarded to Council for its record after each meeting and that a Treasurer's Report be provided annually.</p>		<p>Cr Mercer</p>

OM082406-7 FINANCIAL PERFORMANCE REPORT

Department: Corporate and Community Services

Recommendation

That the Financial Performance Report to the end of May 2008 be received.

The Mayor and Cr Di Cecco declared an Interest in item OM082406-5.

MOVED Cr Graham seconded Cr Di Cecco that recommendations to items listed in the Consent Calendar, with the exception of items OM082406-6, be adopted.

CARRIED 7 : 0

OM082406-6

MOVED Cr Mercer seconded Cr Riches

- 1. That pursuant to Section 86 of the Local Government Act 1989, Council resolve to appoint the following elected members -***
 - Beech Forest Recreation Reserve - Simon Brown, Rory Harrington, Jacqueline Langley, Steve Trotter***
 - Eurack Hall and Tennis Reserve - Alan Carew, Chris Sheedy, Dan Wood, Barbara Paine, Sandra Sheedy, John Carew, Kaylene Wood, Barry McDougall***
 - Pennyroyal Hall - Jim Gannon, Kevin, Pam, Shavaun & Cameron White, Katrina Juleff, Thea Barry, Neville Bennett, Lorraine Cosgriff, Annette Mooney, Chris & Claire Chapman, Paul Simonsen, Dale Robbins and Sharron Swanveld.***
- 2. That in accordance with Section 81 sub-section(2) sub-section(a) of the Local Government Act 1989, Council resolve to exempt members of the Committees from being required to submit a primary or ordinary pecuniary interest return in accordance with this section.***
- 3. That the Committees be advised that a copy of minutes of committee meetings held be forwarded to Council for its record after each meeting and that a Treasurer's Report be provided annually.***

CARRIED 7 : 0

CONSENT CALENDAR**OFFICERS' REPORT**

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ITEM	D	W
<p><u>INFRASTRUCTURE</u></p> <p><u>OM082406-8 OPERATIONAL REVIEW - LIGHT FLEET VEHICLE POLICY</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council receive this report for information noting the improvements in environmental and financial responsibility of the revised Colac Otway Shire Operational Policy AS01, Light Fleet Vehicles Policy.</i></p>	Cr Mercer	
<p><u>OM082406-9 BEST VALUE SERVICES REVIEW REPORT: PORT OF APOLLO BAY – HARBOUR SERVICES & FEES & CHARGES FOR BERTHING, MOORING & SLIPWAY</u></p> <p>Department: Infrastructure and Services</p> <p><u>Recommendation(s)</u></p> <p><i>That :</i></p> <ol style="list-style-type: none"> <i>1. Council note and endorse the findings of the attached report titled 'Best Value Service Review Report – Apollo Bay Harbour Services Unit.</i> <i>2. Council approves the implementation of the Continuous Improvement Plan attached at Appendix 1 of the report.</i> <i>3. Council approves the recommended increase in Fees & Charges for the Harbour Services that will bring them in line with CPI increases applicable since the last adopted rates.</i> <i>4. The overall Fees & Charges methodology be reviewed, following the proposed State wide Port review by Department of Sustainability & Environment, with the view to establishing a consistent approach to the setting of Fees & Charges.</i> 		

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| <p>5. Council endorses the ongoing provision of Apollo Bay Harbour Services by Council under the Agreement with DSE and that a further review be undertaken prior to the expiry of the agreement at the end of June 2010.</p> | | |
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MOVED Cr Mercer seconded Cr Wilmink that recommendations to items listed in the Consent Calendar be adopted.

CARRIED 7 : 0

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></p> <p><u>OM082406-10 2008/2009 SMALL TOWN IMPROVEMENT PROGRAM ALLOCATIONS</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council approve the following 2008/2009 Small Town Improvement Program allocations recommended by the Small Town Improvement Program committee subject to the adoption of the 2008/2009 Council budget:</i></p> <ul style="list-style-type: none"> • <i>Barwon Downs Community Group - Old School Grounds Upgrade</i> • <i>Beeac & District Progress Association - Heritage Windmill Park Upgrade</i> • <i>Forrest & District Community Group - Seating and shelter at Hennigan Crescent</i> • <i>Cressy & District Action Group - Street Tree Planting</i> • <i>Beech Forest Progress Association - Playground redevelopment</i> • <i>Locality signage - to replace existing Council signage depicting small localities throughout the Shire</i> 		
<p><u>OM082406-11 REVIEWED SWAN MARSH TOWNSHIP MASTER PLAN PRIORITIES</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <p>1. <i>Adopts the Reviewed Swan Marsh Township Master Plan Priorities in principle as a project initiated by the Swan Marsh community to develop a strategic plan for the future development of public land infrastructure in their township.</i></p>		

<p>2. Notes that significant community consultation has occurred in the development of the Reviewed Swan Marsh Township Master Plan Priorities including two public community meetings and the opportunity for community comment.</p> <p>3. Considers future funding applications to complete priorities identified in the Reviewed Swan Marsh Township Master Plan Priorities via STIP applications, Capital Works budget bids and through ongoing consultation with the Swan Marsh community.</p>		
<p><u>OM082406-12 COLAC OTWAY PLANNING SCHEME AMENDMENT C49 (DEPARTMENT OF EDUCATION SCHOOL SITES)</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council adopts Amendment C49 to the Colac Otway Planning Scheme</i></p>		
<p><u>OM082406-13 COLAC OTWAY SHIRE SUBMISSION ON THE GREEN PAPER - LAND AND BIODIVERSITY AT A TIME OF CLIMATE CHANGE</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council endorse the submission on the Victorian State Government's Green Paper for Land and Biodiversity at a time of Climate Change.</i></p>		Cr Riches

MOVED Cr Mercer seconded Cr Riches that recommendations to items listed in the Consent Calendar, with the exception of items OM082406-13 be adopted.

CARRIED 7 : 0

OM082406-13

MOVED Cr Riches seconded Cr Mercer that Council endorse the submission on the Victorian State Government's Green Paper for Land and Biodiversity at a time of Climate Change with the omission of Paragraph 2 under Section 6.10.

CARRIED 7 : 0

CONSENT CALENDAR**OFFICERS' REPORT**

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ITEM	D	W
<p><u>GENERAL BUSINESS</u></p> <p><u>OM082406-14.1</u> <u>Item for Signing and Sealing - Instrument of Agreement Contract 0802 - Property Valuation Services</u></p> <p><u>Recommendation</u></p> <p><i>That Council sign and seal the Instrument of Agreement between the Colac Otway Shire and Southern Cross Property Services.</i></p>		
<p><u>OM082406-14.2</u> <u>Item for Signing and Sealing - Section 173 Agreement, 750 Colac Lorne Road, Birregurra</u></p> <p><u>Recommendation</u></p> <p><i>That Council sign and seal the Section 173 Agreement between Colac Otway Shire and D F Phillips covenantee Certificate of Title Volume 7902 Folio 160 that no further subdivision of either lot hereby approved will occur so as to create any additional lots and that no dwelling shall be constructed on lot 2.</i></p>		
<p><u>OM082406-14.3</u> <u>Item for Signing and Sealing - Section 173 Agreement, 735 Warrowie Road Irrewarra</u></p> <p><u>Recommendation</u></p> <p><i>That Council sign and seal the Section 173 Agreement between Colac Otway Shire and Devrome & Martin covenantee Certificate of Titles - Volume 8901 Folio 595; Volume 9287 Folio 978; Volume 9500 Folio 741 and Volume 9795 Folio 345 that the land may not be further subdivided so as to increase the number of lots.</i></p>		

**OM082406-14.4 Item for Signing & Sealing Section
173 Agreement, 120 Bungador School Road
Bungador**

Recommendation

That Council sign and seal the Section 173 Agreement between Colac Otway Shire and Great Southern Property Managers Limited covenanting Certificate of Title Volume 3703 Folio 531 that no further subdivision of either lot hereby approved.

MOVED Cr Di Cecco seconded Cr Graham that recommendations to items listed in the Consent Calendar be adopted.

CARRIED 7 : 0

The Mayor advised the Council that Cr Di Cecco intends to take a leave of absence due to ill health and wished him well.

IN COMMITTEE

Resolution

MOVED Cr Dicecco seconded Cr Riches 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" in order to deal with:

SUBJECT	REASON	SECTION OF ACT
<i>Licencing Issue</i>	<i>Matter may prejudice Council or any person</i>	<i>Section 89(2)(h)</i>
<i>Road Management Issue</i>	<i>Matter may prejudice Council or any person Legal Advice Personnel Matter</i>	<i>Section 89(2)(h) Section 89(2)(f) Section 89(2)(a)</i>

CARRIED 7 : 0