

MINUTES of the **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held at Captain's At The Bay, Pascoe Street, Apollo Bay on Tuesday, 25 November 2008 at 3.00 pm.

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

MINUTE SILENCE

The Mayor requested that everyone stand to observe a minute silence for the passing of Cr Joe Di Cecco who served as a Councillor from November 2004.

2. PRESENT

Cr. Chris Smith (Mayor)
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
Ross Goyne, Acting General Manager, Infrastructure & Services

Althea Wright, Executive Officer

3. APOLOGIES

Nil

4. MAYORAL STATEMENT

Colac Otway Shire encourages active community input and participation in Council decisions. Council meetings provide one of these opportunities as members of the community may ask questions relating to matters being considered by Council at the current meeting. Questions not related to current agenda items can be made in writing and will be addressed if received within two days of the Council meeting. Council meetings also enable Councillors to debate matters prior to decisions being taken.

I ask that we all respect each other during this process by:

- being courteous and respectful in the way in which you speak;

- not speaking unless you have been permitted to by me as chairperson;
- respecting the local laws which govern meeting procedure (copies of these are here for your information); and
- understanding that I have a responsibility to ensure proper meeting procedure and the upholding of the local law.

Thank you, now question time. 30 minutes is allowed for question time.

1. Questions received in writing prior to the meeting
2. Questions from the floor

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982.'

5. QUESTION TIME

Questions Received in Writing Prior to the Meeting

Nil.

Questions Received Verbally at the Meeting

Ian McDougall

Raised the following concerns in regarding the cattle grids on Minchinton's Access –

- **Load Limit restrictions**
- **Ownership and responsibility of the cattle grids**
- **Infrequent use of the cattle grids, and**
- **Maintenance on roadsides**

Neil Allen, General Manager, Infrastructure & Services advised that Council had installed the cattle grids on behalf of the previous owner of the property and that the ownership was transferred to the current owner on sale of the property.

Mr Allen further advised that Council would undertake writing a policy in relation to all cattle grids in the Shire.

The Chief Executive Officer advised that attempts would be made to negotiate a solution of this issue as soon as possible.

Eric Foster

Raised the issue of ownership and on going maintenance of the cattle grids on Minchinton's Access.

6. DECLARATION OF INTEREST

Cr Riches: OM082511-9 Proposed Lease Agreement, Crows Nest Tower Tuxion Road, Apollo Bay
Nature of Disclosure: Conflict of Interest
Nature of Interest: On Air Presenter

7. CONFIRMATION OF MINUTES

- Ordinary Meeting of the Colac-Otway Shire Council held on the 28/10/08.

Resolution

MOVED Cr Riches seconded Cr Lehmann that Council confirm the above minutes.

CARRIED 6 : 0

OFFICERS' REPORTS

Chief Executive Officer

OM082511-1 CEO'S PROGRESS REPORT TO COUNCIL
OM082511-2 SYSTEMS / PROCESS IMPROVEMENTS

Corporate and Community Services

OM082511-3 COUNCIL COMMITTEES POLICY
OM082511-4 CUSTOMER SERVICE POLICY/GUIDELINES
OM082511-5 S86 COMMITTEE OF MANAGEMENT APPOINTMENTS
OM082511-6 APOLLO BAY LIBRARY AND FACILITY DEVELOPMENT PROJECT
OM082511-7 FINANCIAL PERFORMANCE REPORT

Infrastructure

OM082511-8 AMENDMENT OF UNUSED ROAD LICENCE NO. 0511057 – HINDS ROAD, BIRREGURRA
OM082511-9 PROPOSED LEASE AGREEMENT, CROWS NEST TOWER, TUXION ROAD, APOLLO BAY
OM082511-10 INFRASTRUCTURE SERVICES STAFF REVIEW
OM082511-11 MANAGEMENT OF CATTLE GRIDS ON LOCAL ROADS

Sustainable Planning and Development

OM082511-12 BARWON DOWNS PARK UPGRADE STAGE 1 LEGAL AGREEMENT
OM082511-13 AMENDMENTS TO OTWAYS TOURISM INC. STATEMENT OF PURPOSE
OM082511-14 FIRE PREVENTION BRIEFING AND UPDATE
OM082511-15 DOMESTIC ANIMAL MANAGEMENT PLAN

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>CHIEF EXECUTIVE OFFICER</u></p> <p><u>M082511-1 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>Cr Mercer Cr Riches</p>	
<p><u>OM082511-2 SYSTEMS / PROCESS IMPROVEMENTS</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council note the excellent outcomes achieved and endorse ongoing continuous improvement of organisation systems.</i></p>		

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

CARRIED 6 : 0

CONSENT CALENDAR

OFFICERS' REPORT

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W = Withdrawal

ITEM	D	W
<p><u>CORPORATE AND COMMUNITY SERVICES</u></p> <p><u>OM082511-3 COUNCIL COMMITTEES POLICY</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council adopt the Council Committees Policy.</i></p>		
<p><u>OM082511-4 CUSTOMER SERVICE POLICY/GUIDELINES</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation</u></p> <p><i>That Council adopts the Customer Service Policy/ Guidelines and Service Charter.</i></p>		
<p><u>OM082511-5 S86 COMMITTEE OF MANAGEMENT APPOINTMENTS</u></p> <p>Department: Corporate & Community Services</p> <p><u>Recommendation(s)</u></p> <p>1. <i>That pursuant to Section 86 of the Local Government Act 1989, Council resolve to appoint the following elected members -</i></p> <p style="padding-left: 40px;"><i>Birregurra Public Hall – Gary McCormack, Ian McDonald, Sue Bateson, Margaret McDonald, Brian Lawrence, Bryan Sanders, Kate Cockayne, Katrine & Mike Juleff</i></p> <p style="padding-left: 40px;"><i>Carlisle River Recreation Reserve - Pat Shaw, Gaylene Simpson, Owen Lucas, Keith Kent, Nick Lucas, Leon Smart, Matt Reid</i></p> <p>2. <i>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.</i></p>		

<p>3. <i>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.</i></p>		
<p><u>OM082511-6 APOLLO BAY LIBRARY AND FACILITY DEVELOPMENT PROJECT</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation</u></p> <p><i>That Council –</i></p> <p>1. <i>Receive the report on the Apollo Bay Library and Facility Development Project.</i></p> <p>2. <i>Note that the Apollo Bay Library and Facility Development Project be referred to the Council Planning and Community Planning processes to be considered with other projects and priorities for the Shire, Apollo Bay and surrounding areas.</i></p> <p>3. <i>Consider the funding for the proposed Apollo Bay Library and Facility Development as part of the development of a new Strategic Resource Plan based on the Council Plan process.</i></p>	<p>Cr Mercer Cr Wilmink Cr Graham</p>	
<p><u>OM082511-7 FINANCIAL PERFORMANCE REPORT</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation</u></p> <p><i>That Council receive the Financial Performance Report to the end of October 2008 be received.</i></p>		

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

CARRIED 6 : 0

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>INFRASTRUCTURE</u></p> <p><u>OM082511-8 AMENDMENT OF UNUSED ROAD LICENCE NO. 0511057 – HINDS ROAD, BIRREGURRA</u></p> <p><u>Recommendation(s):</u></p> <p><i>That Council subject to the granting of a Planning Permit for removal of native vegetation, resolve to:</i></p> <ol style="list-style-type: none"> <i>1. Amend the unused road licence (Ref No. 0511057) by the extent specified in the attached Agreement;</i> <i>2. Instruct the Department of Sustainability and Environment to amend the current licence subject to the applicant agreeing to pay for the full cost of upgrading the road to the Councils standards;</i> <i>3. Inform the Licensee, the operator, and other objectors of Council's resolution in writing; and</i> <i>4. Inform the Applicant in writing of Council's resolution including their requirement to satisfy the following:</i> <ul style="list-style-type: none"> <i>▪ That all clauses of the Agreement drafted by the Applicant and dated May 2008 are observed;</i> <i>▪ The extent of the unused road licence to be amended shall be restricted to that length stated in Clause 3 of the Agreement;</i> <i>▪ That all statutory planning approvals associated with construction of the proposed road are determined and obtained by the Applicant;</i> <i>▪ That due consideration is given to any requirements under both the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2007 to prepare a Cultural Heritage Management Plan;</i> <i>▪ That the new roads design and its subsequent construction observe the requirements of Council's Roadside Vegetation Management Plan;</i> <i>▪ Minimisation of any impacts to existing underground services which may exist within the works area;</i> <i>▪ That the design and construction of the extension of Hinds Road consider land stability issues, road side drainage and discharge, road geometry,</i> 		Cr Mercer

<p><i>alignment, location of existing underground services, environmental impacts, etc.;</i></p> <ul style="list-style-type: none"> ▪ <i>That the new section of road is designed and constructed to Council's satisfaction;</i> ▪ <i>That road design details/plans are forwarded to Council for approval;</i> ▪ <i>Consent to works being received from Colac Otway Shire prior to any works being undertaken; and</i> ▪ <i>That all costs associated with road construction and the removal, reinstatement, or fencing of any property boundaries are to be borne by the Applicant.</i> 		
<p><u>OM082511-9 PROPOSED LEASE AGREEMENT, CROWS NEST TOWER, TUXION ROAD, APOLLO BAY</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That, subject to a Planning Permit being obtained by Otway FM for the proposed works, Council sign and seal two (2) copies of the lease agreement documents between the Colac Otway Shire and Otway FM for the installation of radio broadcast equipment at the Crows Nest Communications Tower located at Tuxion Road, Apollo Bay.</i></p>		
<p><u>OM082511-10 INFRASTRUCTURE SERVICES STAFF REVIEW</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council notes the proposed Infrastructure & Services Staff Structure based on a three (3) year implementation plan at a net overall cost in the order of approximately \$255,000 per annum when fully resourced.</i></p>		

<p><u>OM082511-11 MANAGEMENT OF CATTLE GRIDS ON LOCAL ROADS</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council resolve to:</i></p> <ol style="list-style-type: none"> <i>1. Endorse the proposal to develop a Cattle Grids policy for the management of such structures on local roads;</i> <i>2. Undertake direct consultation with landowners in the vicinity of all existing cattle grids identified to determine ongoing use requirements;</i> <i>3. Receive a future report detailing the outcomes of the proposed consultation process;</i> <i>4. Defer any decision in relation to the existing cattle grids located on Minchinton Road until such time as the Cattle Grids Policy is adopted by Council; and</i> <i>5. Communicate Council's resolution to all affected parties with an interest in the operation of the Minchinton Road cattle grids.</i> 	<p>Cr Mercer Cr Wilmink</p>	
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MOVED Cr Mercer seconded Cr Riches that recommendations to items listed in the Consent Calendar, with the exception of items OM082511-8 OM082511-9, be adopted.

CARRIED 6 : 0

OM082511-8

Resolution (varies from Recommendation)

MOVED Cr Mercer seconded Cr Graham that Council subject to the granting of a Planning Permit resolve to:

- 1. Inform the Applicant in writing of Council's resolution including their requirement to satisfy the following:***
 - That all clauses of the Agreement drafted by the Applicant and dated May 2008 are observed;***
 - The extent of the unused road licence to be amended shall be restricted to that length stated in Clause 3 of the Agreement;***
 - That all statutory planning approvals associated with construction of the proposed road are determined and obtained by the Applicant;***
 - That due consideration is given to any requirements under both the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2007 to prepare a Cultural Heritage Management Plan;***

- *That the new roads design and its subsequent construction observe the requirements of Council's Roadside Vegetation Management Plan;*
 - *Minimisation of any impacts to existing underground services which may exist within the works area;*
 - *That the design and construction of the extension of Hinds Road consider land stability issues, road side drainage and discharge, road geometry, alignment, location of existing underground services, environmental impacts, etc.;*
 - *That the new section of road is designed and constructed to Council's satisfaction;*
 - *That road design details/plans are forwarded to Council for approval;*
 - *Consent to works being received from Colac Otway Shire prior to any works being undertaken; and*
 - *That all costs associated with road construction and the removal, reinstatement, or fencing of any property boundaries are to be borne by the Applicant.*
2. *Amend the unused road licence (Ref No. 0511057) by the extent specified in the attached Agreement;*
 3. *Instruct the Department of Sustainability and Environment to amend the current licence subject to the applicant agreeing to pay for the full cost of upgrading the road to the Councils standards; and*
 4. *Inform the Licensee, the operator, and other objectors of Council's resolution in writing.*

CARRIED 5 : 1

OM082511-9

Resolution (same as Recommendation)

Cr Riches declared a Conflict of Interest in item OM082511-9.

MOVED Cr Graham seconded Cr Wilmink that subject to a Planning Permit being obtained by Otway FM for the proposed works, Council sign and seal two (2) copies of the lease agreement documents between the Colac Otway Shire and Otway FM for the installation of radio broadcast equipment at the Crows Nest Communication Tower located at Tuxion Road, Apollo Bay.

Cr Riches having declared a Conflict of Interest in item OM082511-9 left the Council Chamber at 4.07 pm.

CARRIED 4 : 1

Cr Riches returned to the Council Chamber at 4.08 pm.

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></p> <p><u>OM082511-12 BARWON DOWNS PARK UPGRADE STAGE 1 LEGAL AGREEMENT</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council affix the Common Seal of the Colac Otway Shire to the two (2) funding agreements between Regional Development Victoria and the Colac Otway Shire in order to officially ratify the \$120,000 of funding received by Council for the Barwon Downs Park Upgrade Stage 1 project.</i></p>		
<p><u>OM082511-13 AMENDMENTS TO OTWAYS TOURISM INC. STATEMENT OF PURPOSE</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Note amendments and proposed amendments to the Otways Tourism Inc (OT) Statement of Purpose.</i> <i>2. Note impact of the amendments and proposed amendments.</i> <i>3. Write a letter to OT expressing agreement to the proposed amendment that transfers the responsibility for recruiting skills based representatives on the OT Board from Colac Otway Shire to OT.</i> <i>4. Include in the letter:</i> <ol style="list-style-type: none"> <i>(i) endorsement of the current skills based Board representatives appointed by Council to continue in that role until the proposed amendment is formally approved by Consumer Affairs Victoria</i> 	Cr Wilmink	

<p>(ii) endorsement of the proposed OT process for recruitment and appointment of skills based representatives.</p>		
<p><u>OM082511-14 FIRE PREVENTION BRIEFING AND UPDATE</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council acknowledges the work that has been undertaken by officers in this area and supports the current approach being taken to Fire Prevention and Fire Management.</i></p>		
<p><u>OM082511-15 DOMESTIC ANIMAL MANAGEMENT PLAN</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council formally adopt the Domestic Animal Management Plan 2008 and that it be submitted to the Secretary for the Department of Primary Industry before the end of November 2008.</i></p>		Cr Mercer

MOVED Cr Riches seconded Cr Graham that recommendations to items listed in the Consent Calendar, with the exception of items OM082511-15, be adopted.

CARRIED 6 : 0

OM082511-15

Resolution (same as Recommendation)

MOVED Cr Graham seconded Cr Wilmink that Council formally adopt the Domestic Animal Management Plan 2008 and that it be submitted to the Secretary for the Department of Primary Industry before the end of November 2008.

CARRIED 5 : 1

The Mayor thanked the Councillors and Chief Executive Officer for their service during their term of office.

IN COMMITTEE

Resolution

MOVED Cr Riches seconded Cr Graham 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>Road Management Matter</i>	<i>Matter may prejudice Council or any person</i>	<i>Section 89(2)(h)</i>
<i>Waste Management Issue</i>	<i>Contractual Matter</i>	<i>Section 89(2)(d)</i>

CARRIED 6 : 0