

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 Brian Crook (Mayor)
Cr Frank Buchanan
Cr Stephen Hart
Cr Stuart Hart
Cr Geoff Higgins
Cr Lyn Russell
Cr Chris Smith

Jack Green, Acting Chief Executive Officer

Colin Hayman, General Manager, Corporate & Community Services
Neil Allen, General Manager, Infrastructure & Services
Doug McNeill, Acting General Manager, Sustainable Planning & Development

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.

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.'

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

5. QUESTION TIME

Questions Received in Writing Prior to the Meeting

Nil

Questions Received Verbally at the Meeting

Phil Lawson, Apollo Bay

Raised the following issues in regards the land at Heathfield Estate –

- **Land Use**
- **Flood inundation**
- **Development of the land; and**
- **Effects of climate change on the land**

Jack Green, Acting Chief Executive Officer advised that he was aware that the Pony Club were interested in using the land for their purposes but that no agreement was in place. This issue would be resolved through the Amendment C29 process.

Jack Green further advised that issues of flood inundation had been considered through the Panel Process and that Council has strict conditions in relation to the development whenever the staged processes were undertaken.

Jack Green also advised that issues such as storm surge had been raised with the Panel and with the Corangamite Catchment Management Authority.

Tony Webber

In regards to the Notice of Motion No. 144-08/09 what is the dimension of the piece of land in question including what is river frontage and the meters above sea level from one of the land to the other.

The Mayor advised that Mr Webber that correspondence would be provided to Mr Webber with this information.

Rod Spence

In regards to Cr Smith's Notice of Motion, Council should consider a suitable vehicle for the Mayor and Deputy Mayor to share and that if a councillor owns a six cylinder vehicle they should not be jeopardised in relation to their reimbursement.

In regards to Cr Stephen Hart's Notice of Motion to increase rates by no more than 3%, Council should consider this request for only one year rather than three years.

The Mayor adjourned the Meeting for Afternoon Tea at 3.30 pm.

The Meeting recommenced at 3.45 pm.

6. DECLARATION OF INTEREST

Nil

7. CONFIRMATION OF MINUTES

- Ordinary Meeting of the Colac-Otway Shire Council held on the 25/11/08.

Resolution

MOVED Cr Smith seconded Cr Stephen Hart that Council confirm the above minutes.

CARRIED 7 : 0

- Statutory Meeting of the Colac-Otway Shire Council held on the 05/12/08.

Resolution

MOVED Cr Stephen Hart seconded Cr Russell that Council confirm the above minutes.

CARRIED 7 : 0

- Special Meeting of the Colac-Otway Shire Council held on 10/12/08.

Resolution

MOVED Cr Stephen Hart seconded Cr Russell that Council confirm the above minutes.

CARRIED 7 : 0

OFFICERS' REPORTS

Chief Executive Officer

- OM081612-1 CEO'S PROGRESS REPORT TO COUNCIL
- OM081612-2 COUNCIL MEETING DATES FOR 2009
- OM081612-3 OATH OF OFFICE - SWEARING IN OF NEW COUNCILLORS
- OM081612-4 COUNCILLOR REPRESENTATION ON INTERNAL AND EXTERNAL COMMITTEES

Corporate and Community Services

- OM081612-5 APPLICATION OF A WILDFIRE RISK MANAGEMENT APPROACH TO COMMUNITY EVENTS
- OM081612-6 APOLLO BAY P-12 SWIMMING POOL AND STADIUM
- OM081612-7 WINGEEL AND WARRION TENNIS COURT PROPOSED SALE OF LAND
- OM081612-8 COUNCILLOR AND MAYORAL ALLOWANCES AND RESOURCING
- OM081612-9 FINANCIAL PERFORMANCE
- OM081612-10 COUNCIL PLAN 2009-2013

Sustainable Planning and Development

- OM081612-11 FEDERAL GOVERNMENT FUNDING OPPORTUNITY
- OM081612-12 COLAC OTWAY SHIRE COMMUNITY PLAN PROPOSAL

GENERAL BUSINESS

OM081612-13 General Business

- OM081612-13.1 ITEM FOR SIGNING AND SEALING - INSTRUMENT OF AGREEMENT - CONTRACT 0801 BINNS ROAD BRIDGE DESIGN AND CONSTRUCTION.

NOTICES OF MOTION

OM081612-14 Notices of Motion

- OM081612-14.1 NOTICE OF MOTION NO. 143-08/09 FUEL REIMBURSEMENTS (CR CHRIS SMITH)
- OM081612-14.2 NOTICE OF MOTION NO. 144-08/09 HEATHFIELD ESTATE MARENGO (CR LYN RUSSELL)
- OM081612-14.3 NOTICE OF MOTION NO. 145-08/09 RATES PERCENTAGE TARGETS FOR THE NEXT FOUR (4) YEARS. (CR STEPHEN HART)

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>CHIEF EXECUTIVE OFFICER</u></p> <p><u>OM081612-1 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 for information.</i></p>		
<p><u>OM081612-2 COUNCIL MEETING DATES FOR 2009</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council confirm the meeting dates and times for the 2009 Council Meetings as:</i></p> <p><i>Wednesday 28 January 2009, at 3.00 pm at COPACC, Colac.</i></p> <p><i>Wednesday 25 February 2009, at 3.00 pm at COPACC, Colac.</i></p> <p><i>Wednesday 25 March 2009, at 3.00 pm at COPACC, Colac.</i></p> <p><i>Wednesday 22 April 2009, at 3.00 pm at the Apollo Bay Senior Citizen's Centre, Apollo Bay.</i></p> <p><i>Wednesday 27 May 2009, at 3.00 pm at COPACC, Colac.</i></p> <p><i>Wednesday 24 June 2009, at 3.00 pm at COPACC, Colac.</i></p> <p><i>Wednesday 22 July 2009, at 3.00 pm at COPACC, Colac.</i></p> <p><i>Wednesday 26 August 2009, at 3.00 pm at COPACC, Colac.</i></p> <p><i>Wednesday 23 September 2009, at 3.00 pm at COPACC, Colac.</i></p> <p><i>Wednesday 28 October 2009, at 3.00 pm at COPACC, Colac.</i></p> <p><i>Wednesday 25 November 2009, at 3.00 pm at the Apollo Bay Senior Citizen's Centre, Apollo Bay.</i></p>		Cr Stephen Hart

<p><i>Wednesday 16 December 2009, at 3.00 pm at COPACC, Colac.</i></p>		
<p><u>OM081612-3 OATH OF OFFICE - SWEARING IN OF NEW COUNCILLORS</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council note that Cr Brian Crook, Cr Chris Smith, Cr Frank Buchanan, Cr Stephen Hart, Cr Stuart Hart, Cr Lyn Russell and Cr Geoff Higgins have taken the Oath of Office signed and dated before the Acting Chief Executive Officer on 1 December 2008.</i></p>	<p>Cr Stephen Hart</p>	
<p><u>OM081612-4 COUNCILLOR REPRESENTATION ON INTERNAL AND EXTERNAL COMMITTEES</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council adopt the following revised nominations to Internal and External Committees:</i></p> <p>Internal Committee</p> <ul style="list-style-type: none"> • <i>Contracts Committee - Cr Geoff Higgins, Cr Brian Crook</i> <p>External Committees</p> <ul style="list-style-type: none"> • <i>Australian Local Government Association - Cr Lyn Russell</i> • <i>Barnard Trust Committee - Cr Brian Crook</i> • <i>Municipal Association of Victoria - Cr Stephen Hart</i> • <i>Rural Councils Network (Vic) - Cr Brian Crook</i> 		<p>Cr Smith</p>

MOVED Cr Stuart Hart seconded Cr Geoff Higgins that recommendations to items listed in the Consent Calendar, with the exception of items OM081612-2 OM081612-4, be adopted.

CARRIED 7 : 0

OM081612-2

MOVED Cr Stephen Hart seconded Cr Stuart Hart that Council

- 1. Confirm the meetings for January February and March 2009 as:
Wednesday, 28 January 2009 at 6.00 pm at COPACC Colac
Wednesday, 25 February 2009 at 6.00 pm at COPACC Colac
Wednesday, 25 March 2009 at 6.00 pm at COPACC Colac**
- 2. Consider at a Councillor Workshop the dates, times and locations for meetings for the remainder of 2009 and consider holding some meetings in rural towns.**
- 3. Is committed to holding two meetings in 2009 in Apollo Bay.**

CARRIED 7 : 0

OM081612-4

MOVED Cr Smith seconded Cr Buchanan that Council adopt the following revised nominations to Internal and External Committees:

Internal Committee

- Contracts Committee - Cr Geoff Higgins, Cr Brian Crook**

External Committees

- Australian Local Government Association - Cr Lyn Russell**
- Barnard Trust Committee - Cr Brian Crook**
- Rural Councils Network (Vic) - Cr Brian Crook**

LOST 2 : 5

DIVISION called by Cr Stuart Hart

For the Motion: Cr Smith, Cr Buchanan

Against the Motion: Cr Stephen Hart, Cr Russell, Cr Stuart Hart, Cr Higgins, Cr Crook

MOVED Cr Stephen Hart seconded Cr Higgins

That Council adopt the following revised nominations to Internal and External Committees:

Internal Committee

- Contracts Committee - Cr Geoff Higgins, Cr Brian Crook**

External Committees

- Australian Local Government Association - Cr Lyn Russell**
- Barnard Trust Committee - Cr Brian Crook**
- Municipal Association of Victoria - Cr Stephen Hart**
- Rural Councils Network (Vic) - Cr Brian Crook**

CARRIED 5 : 2

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>CORPORATE AND COMMUNITY SERVICES</u></p> <p><u>OM081612-5 APPLICATION OF A WILDFIRE RISK MANAGEMENT APPROACH TO COMMUNITY EVENTS</u></p> <p>Department: Corporate & Community Services</p> <p><u>Recommendation</u></p> <p><i>That Council acknowledges the work that has been undertaken by Officers in this area and supports the current approach being recommended by the Country Fire Authority (CFA) and the Department of Sustainability and Environment (DSE) regarding Fire Prevention and Fire Management in relation to events</i></p>		
<p><u>OM081612-6 APOLLO BAY P-12 SWIMMING POOL AND STADIUM</u></p> <p>Department: Corporate & Community Services</p> <p><u>Recommendation</u></p> <p><i>That Council receive the updated report on the Apollo Bay P-12 College Swimming Pool and Stadium and note the additional contribution required by Council to the project.</i></p>		
<p><u>OM081612-7 WINGEEL AND WARRION TENNIS COURT PROPOSED SALE OF LAND</u></p> <p>Department: Corporate & Community Services</p> <p><u>Recommendation</u></p> <p><i>That Council support the commencement of the process for the sale of the Wingeel and Warrion Tennis Reserves in accordance with Council's Sale of Council Land Policy.</i></p>		Cr Stephen Hart

<p><u>OM081612-8 COUNCILLOR AND MAYORAL ALLOWANCES AND RESOURCING</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation</u> <i>That Council undertake a review of the level of allowances in conjunction with a review of the Councillor Support Policy following a Council workshop in February 2009.</i></p>	<p>Cr Stephen Hart Cr Smith</p>	
<p><u>OM081612-9 FINANCIAL PERFORMANCE</u></p> <p>Department: Corporate & Community Services</p> <p><u>Recommendation</u> <i>That the Financial Performance Report to the end of November 2008 be received.</i></p>		
<p><u>OM081612-10 COUNCIL PLAN 2009-2013</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation</u> <i>That Council approve the proposed Council Plan 2009-2013 framework and timetable as presented.</i></p>	<p>Cr Stephen Hart</p>	

MOVED Cr Stephen Hart seconded Cr Russell that recommendations to items listed in the Consent Calendar, with the exception of items OM081612-7, be adopted.

CARRIED 7 : 0

OM081612-7

MOVED Cr Stephen Hart seconded Cr Higgins

- 1. Support the commencement of the process for the sale of the Wingeel and Warrion Tennis Reserves in accordance with Council's Sale of Council Land Policy.***
- 2. That, public consultation for the sale of the Wingeel and Warrion Tennis Reserves takes place for a period of six weeks.***

CARRIED 7 : 0

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W	
<p><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></p>			
<p><u>OM081612-11 FEDERAL GOVERNMENT FUNDING OPPORTUNITY</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <p>1. <i>Endorse the allocation of \$525,000 via the Federal Government's Regional and Local Community Infrastructure Program for the following projects:</i></p> <ul style="list-style-type: none"> • <i>Bluewater Fitness Centre Improvements</i> • <i>Colac Visitor Information Centre Upgrade</i> • <i>Apollo Bay Footpaths – 1.2kms</i> • <i>Colac Saleyards (Colac Livestock Selling Centre) secure fence and gate</i> • <i>Forrest Tiger Trail - 1.8kms</i> <p>2. <i>Endorse an application under the Federal Government's Regional and Local Community Infrastructure Program – Strategic Projects Program for the Bluewater Fitness Centre Stadium Redevelopment.</i></p>			Cr Stephen Hart
<p><u>OM081612-12 COLAC OTWAY SHIRE COMMUNITY PLAN PROPOSAL</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <p>1. <i>Receive this progress report on the development of a proposed Colac Otway Shire Community Plan that would inform the Council Plan 2009 - 2013.</i></p> <p>2. <i>Endorse the continued development of a Colac Otway Shire Community Plan as outlined in the report.</i></p>			Cr Stephen Hart

OM081612-11

MOVED Cr Stephen Hart seconded Cr Higgins that Council:

- 1. Endorse the allocation of \$525,000 via the Federal Government's Regional and Local Community Infrastructure Program for the following projects:**
 - **Bluewater Fitness Centre Improvements**
 - **Colac Visitor Information Centre Upgrade**
 - **Apollo Bay and Lavers Hill Footpaths**
 - **Colac Saleyards (Colac Livestock Selling Centre) secure fence and gate**
 - **Forrest Tiger Trail - 1.8kms**

- 2. Endorse an application under the Federal Government's Regional and Local Community Infrastructure Program – Strategic Projects Program for the Bluewater Fitness Centre Stadium Redevelopment.**

CARRIED 7 : 0

OM081612-12

MOVED Cr Stephen Hart seconded Cr Higgins that Council is committed to improve consultation with the community. This Council is committed to an inclusive process where all residents / ratepayers are welcome to participate rather than a process that gives priority to select individuals or groups. Council is mindful of the need to manage finances responsibly and that every dollar spent means that those funds are unavailable for alternative projects. Council rejects the "Community Planning" proposal and asks Management to list for a future Council workshop the issue as to how consultation can be improved in a way that is inclusive and cost effective.

CARRIED 5 : 2

DIVISION called by Cr Smith

For the Motion: Cr Stephen Hart, Cr Russell, Cr Stuart Hart, Cr Higgins, Cr Crook

Against the Motion: Cr Smith, Cr Buchanan

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>GENERAL BUSINESS</u></p> <p><u>OM081612-13.1 Item for Signing and Sealing - Instrument of Agreement - Contract 0801 Binns Road Bridge Design and Construction.</u></p> <p><u>Recommendation</u></p> <p><i>That Council sign and seal the Instrument of Agreement between the Colac Otway Shire Council and Van Ek Contracting Pty. Ltd., for Contract 0801 Binns Road Bridge Design and Construction.</i></p>		

MOVED Cr Higgins seconded Cr Stephen Hart 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>NOTICES OF MOTION</u></p> <p><u>OM081612-14.1 Notice of Motion No. 143-08/09 Fuel Reimbursements (Cr Chris Smith)</u></p> <p><u>Recommendation</u></p> <p><i>That Council consider the content of this Notice of Motion.</i></p>		Cr Smith
<p><u>OM081612-14.2 Notice of Motion No. 144-08/09 Heathfield Estate Marengo (Cr Lyn Russell)</u></p> <p><u>Recommendation</u></p> <p><i>That Council consider the content of this Notice of Motion.</i></p>		Cr Russell
<p><u>OM081612-14.3 Notice of Motion No. 145-08/09 Rates percentage targets for the next four (4) years. (Cr Stephen Hart)</u></p> <p><u>Recommendation</u></p> <p><i>That Council consider the content of this Notice of Motion.</i></p>		Cr Stephen Hart

OM081612-14.1**MOVED Cr Smith seconded Cr Buchanan**

- 1. That Council investigate the possibility of reimbursing all Councillors at the 4 cylinder vehicle rate regardless of engine size.**
- 2. That Council investigate the ramifications of reducing the litres/100 km requirement for future Mayoral vehicles**

CARRIED 7 : 0

OM081612-14.2

MOVED Cr Russell seconded Cr Higgins that Council notes that it owns land at the Heathfield Estate, Marengo of approximately eleven hectares in area. Council notes that the C29 planning amendment has included a proposal to rezone this land on the basis that the land would become part of an 18 hole golf course. Council notes that it is required to undertake a public consultation process before selling or exchanging Council land. Council resolves to invite the public to make submissions on how the land should be used in the interim until a decision on C29 is received from the Minister.

The public is to be given until close of business Friday 6 March 2009. Prior to that date, the Council is to hold a public meeting in Apollo Bay or Marengo to explain the current position.

CARRIED 5 : 2

OM081612-14.3

MOVED Cr Stephen Hart seconded Cr Stuart Hart that Council aims to keep rate increases to a minimum, to limit the financial burden it imposes upon ratepayers.

Council asks the Chief Executive Officer to try to ensure that when budgets are formulated, the average rates bill (dollar figure per assessment), including the general rate and all charges on the rates notice, will increase by no more than three percent for each of the next four years.

During the process of drafting each year's budget, the Chief Executive Officer is to provide Councillors with a proposal as to how this objective will be achieved.

CARRIED 4 : 3

DIVISION called by Cr Smith

For the Motion: Cr Stephen Hart, Cr Russell, Cr Stuart Hart, Cr Higgins

Against the Motion: Cr Buchanan, Cr Smith, Cr Crook

URGENT BUSINESS

MOVED Cr Stephen Hart seconded Cr Stuart Hart that an Item of Urgent Business be considered in relation to the Planning Scheme Amendment C29 and the recent release of the Victorian Coastal Strategy. This Item should be considered Urgent Business as it was not possible to include it in the Ordinary Council Meeting Agenda as the deadline for reports for the Agenda had passed.

CARRIED 5 : 2

DIVISION called by Cr Smith

For the Motion: Cr Stephen Hart, Cr Russell, Cr Stuart Hart, Cr Higgins, Cr Crook

Against the Motion: Cr Smith, Cr Buchanan

MOVED Cr Stephen Hart seconded Cr Stuart Hart that Council resolves to:

- 1. Refer this matter to a Council workshop with a view to obtaining independent expert advice on Council's exposure to liability in relation to the proposed Great Ocean Green (C29) planning amendment and whether or not the amendment should proceed.***
- 2. Write to the Minister for Planning by close of business Thursday, 18 December 2008 to request that he does not give final approval to the C29 planning amendment until after Council has obtained independent expert advice as outlined in Point 1. The letter is to bring to the Minister's attention that the Council is concerned about its exposure to legal liability.***
- 3. Council is to again write to the Minister of Planning after a decision is made on how to proceed with this matter.***

CARRIED 5 : 2

DIVISION called by Cr Smith

For the Motion: Cr Stephen Hart, Cr Russell, Cr Stuart Hart, Cr Higgins, Cr Crook

Against the Motion: Cr Smith, Cr Buchanan

MOVED Cr Stephen Hart seconded Cr Higgins that Council consider the In Committee report title 'Vision Super Update' in Open Council.

CARRIED 7 : 0

VISION SUPER UPDATE

AUTHOR:	Colin Hayman	ENDORSED:	Jack Green
DEPARTMENT:	Corporate and Community Services	FILE REF:	GEN0392

Recommendation(s)

That Council consider the next Actuarial Investigation on the Local Authorities Superannuation Fund Defined Benefit Plan following its receipt.

MOVED Cr Stephen Hart seconded Cr Higgins that Council consider the next Actuarial Investigation on the Local Authorities Superannuation Fund Defined Benefit Plan following its receipt.

CARRIED 7 : 0

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Resolution

MOVED Cr Higgins seconded Cr Russell 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>Proposed Sale of Land</i>	<i>Contractual Matter Matter may prejudice Council or any person</i>	<i>Section 89(2)(d) Section 89(2)(h)</i>
<i>Accommodation Review</i>	<i>Matter may prejudice Council or any person</i>	<i>Section 89(2)(h)</i>
<i>Road Management Matter</i>	<i>Legal Advice Matter may prejudice Council or any person</i>	<i>Section 89(2)(f) Section 89(2)(h)</i>
<i>Land Management Issue</i>	<i>Contractual Matter Legal Advice Matter may prejudice Council or any person</i>	<i>Section 89(2)(d) Section 89(2)(f) Section 89(2)(h)</i>
<i>Legal Advice</i>	<i>Legal Advice</i>	<i>Section 89(2)(f)</i>
<i>Appointment of Committee Member</i>	<i>Contractual Matter Matter may prejudice Council or any person</i>	<i>Section 89(2)(d) Section 89(2)(h)</i>
<i>Award Recipients</i>	<i>Matter may prejudice Council or any person</i>	<i>Section 89(2)(h)</i>

CARRIED 7 : 0