

MINUTES of the **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held in the COPACC Meeting Room, Rae Street, Colac on 28 January 2009 at 6.00 pm.

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**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 Geoff Higgins  
Cr Lyn Russell  
Cr Chris Smith  
Cr Stuart Hart

Jack Green, Acting Chief Executive Officer

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

Suzanne White, Executive Assistant

**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

## 5. QUESTION TIME

### Questions Received in Writing Prior to the Meeting

Nil

### Questions Received Verbally at the Meeting

#### Jan Healey, Colac

1. **Can the Saleyards truck wash be available for additional hours on days of sales ie; Monday's or Friday's?**

*Neil Allen, General Manager, Infrastructure and Services advised that it is already open to meet the needs of customers and cannot see this being changed.*

2. **Have you considered the environmental issues of drivers taking trucks elsewhere to be cleaned?**

*Neil Allen, General Manager, Infrastructure and Services advised that although there may be environmental issues related to truck washing elsewhere, having the truck wash open over weekends causes significant environmental problems at the saleyards and this has a big impact on Council.*

*Neil Allen, General Manager, Infrastructure and Services confirmed that Council have not made this decision on their own, that it was instigated by and has the support of the Saleyards Committee.*

## 6. DECLARATION OF INTEREST

Nil

## 7. CONFIRMATION OF MINUTES

- Ordinary Meeting of the Colac-Otway Shire Council held on the 16/12/08.

### Resolution

***Moved Cr Frank Buchanan seconded Cr Geoff Higgins that Council confirm the above minutes.***

*Carried: 7 : 0*

## **OFFICERS' REPORTS**

### **Chief Executive Officer**

- OM092801-1 CEO'S PROGRESS REPORT TO COUNCIL
- OM092801-2 BARWON WATER COLAC REGION COMMUNITY ADVISORY GROUP - MEMBERSHIP INVITATION

### **Corporate and Community Services**

- OM092801-3 HALF YEAR PROGRESS REPORT

### **Infrastructure**

- OM092801-4 COLAC LIVESTOCK CENTRE - CLOSURE OF TRUCK WASH
- OM092801-5 REMOVAL OF STREET TREES - CHAPEL STREET, COLAC
- OM092801-6 APOLLO BAY TRANSFER STATION PROGRESS REPORT

### **Sustainable Planning and Development**

- OM092801-7 FEES FOR RESOLUTION OF WORKS WITHOUT A BUILDING PERMIT
- OM092801-8 COLAC AND APOLLO BAY CAR PARKING STUDY

## **GENERAL BUSINESS**

### **OM092801-9 General Business**

- OM092801-9.1 ITEM FOR SIGNING AND SEALING - SECTION 173 AGREEMENT, 185 MAIN STREET, ELLIMINYT
- OM092801-9.2 ITEM FOR SIGNING AND SEALING - SECTION 173 AGREEMENT, 1105 CORANGAMITE LAKE ROAD, ALIVE

### **ADDENDUM ITEM**

- OM092801-10 EXTENSION OF RESPONSE DATE FOR SUBMISSIONS IN RELATION TO INTERIM USE OF LAND ON HEATHFIELD ESTATE, MARENGO.

## CONSENT CALENDAR

### OFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<p><b><u>CHIEF EXECUTIVE OFFICER</u></b></p> <p><b><u>M092801-1 CEO'S PROGRESS REPORT TO COUNCIL</u></b></p> <p>Department: Executive</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council receive the CEO's Progress Report to Council for information.</i></b></p>	Cr Chris Smith	
<p><b><u>OM092801-2 BARWON WATER COLAC REGION COMMUNITY ADVISORY GROUP - MEMBERSHIP INVITATION</u></b></p> <p>Department: Executive</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council nominates Cr.....as the Colac Otway Shire Council representative on the Barwon Water Community Advisory Committee and writes to Barwon Water to advise of this nomination.</i></b></p>		Cr Stephen Hart

### **MINUTES SILENCE**

A minutes silence was observed for the passing of Mrs Rosemary Mueller who was a local identity and volunteer in the local community.

***MOVED Cr Stephen Hart seconded Cr Higgins that recommendations to items listed in the Consent Calendar, with the exception of items OM092801-2, be adopted.***

**CARRIED 7 : 0**

**OM092801-2**

***MOVED Cr Stephen Hart seconded Cr Russell that Council nominates Cr Stuart Hart as the Colac Otway Shire Council Representative on the Barwon Water Community Advisory Committee and writes to Barwon Water to advise of this nomination***

**CARRIED 6 : 1**

**CONSENT CALENDAR****OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><b><u>CORPORATE AND COMMUNITY SERVICES</u></b></p> <p><b><u>OM092801-3 HALF YEAR PROGRESS REPORT</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council receives the Half Year Progress Report for the period 1 July 2008 – 31 December 2008.</i></b></p>	Cr Chris Smith	

***MOVED Cr Higgins seconded Cr Russell 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><b><u>INFRASTRUCTURE</u></b></p> <p><b><u>OM092801-4 COLAC LIVESTOCK CENTRE - CLOSURE OF TRUCK WASH</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Approve the closure of the Truck Wash at the Colac Saleyards from 5.00pm on Friday afternoon until 8.00am on Monday morning;</i></b></li> <li><b><i>2. The truck wash be closed effective from the 7th February 2009;</i></b></li> <li><b><i>3. The closure is for a trial period of 12 months, and that a further report be provided back to Council regarding long-term usage at the end of the trial period; and</i></b></li> <li><b><i>4. An effective communication strategy is implemented in the lead up to the closure.</i></b></li> </ol>	Cr Chris Smith	
<p><b><u>OM092801-5 REMOVAL OF STREET TREES - CHAPEL STREET, COLAC</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council resolve to permit Barwon Water to construct the proposed rising main in the southern nature strip of Chapel Street between Bruce Street and McGonigal Street on condition that;</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Tree/shrub removal is kept to the minimum practicable,</i></b></li> <li><b><i>2. Barwon Water are to notify property owners of tree removal and extent of works prior to the commencement of works,</i></b></li> <li><b><i>3. Where trees/shrubs are removed, Barwon water shall plant trees/shrubs at a rate of three plants for each plant removed of species and at location(s) in the vicinity to be nominated by Council,</i></b></li> <li><b><i>4. The area of trees removed be topsoiled and grassed to Council satisfaction.</i></b></li> </ol>		

<p><b>5. Council undertake a communication program with local residents to advise them of the issue prior to the Barwon Water notification.</b></p>		
<p><b><u>OM092801-6 APOLLO BAY TRANSFER STATION PROGRESS REPORT</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council receives and notes the progress report on Apollo Bay Transfer Station.</i></b></p>	<p>Cr Stephen Hart</p>	

***MOVED Cr Stuart Hart seconded Cr Higgins 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
<b><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></b>		
<b><u>OM092801-7 FEES FOR RESOLUTION OF WORKS WITHOUT A BUILDING PERMIT</u></b>		
Department: Sustainable Planning and Development		
<b><u>Recommendation(s)</u></b>		
<b><i>That Council adopt a fee, double the cost of the applicable Building Permit fee structure (minus the cost of Building Commission levies) for the resolution of Building Works Without a Permit.</i></b>		
<b><u>OM092801-8 COLAC AND APOLLO BAY CAR PARKING STUDY</u></b>		
Department: Sustainable Planning and Development		
<b><u>Recommendation(s)</u></b>		
<b><i>That Council nominate Cr..... as its representative on the Steering Committee for the Colac and Apollo Bay Car Parking Study.</i></b>		
		Cr Stephen Hart

***MOVED Cr Stephen Hart seconded Cr Stuart Hart that recommendations to items listed in the Consent Calendar, with the exception of items OM092801-8, be adopted.***

**CARRIED 7 : 0**

**OM092801-8**

***MOVED Cr Stephen Hart seconded Cr Russell that Council nominate Cr Higgins and Cr Buchanan as its representatives on the Steering Committee for the Colac and Apollo Bay Car Parking Study.***

**CARRIED 7 : 0**

**CONSENT CALENDAR****OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><b><u>GENERAL BUSINESS</u></b></p> <p><b><u>OM092801-9.1 Item for signing and Sealing - Section 173 Agreement, 185 Main Street, Elliminyt</u></b></p> <p><b><u>Recommendation</u></b></p> <p><i>That Council sign and seal the Section 173 Agreement between Colac Otway Shire and O E McCoombe covenanting Certificate of Title Volume 9553 Folio 772 that the further subdivision or development of more than one dwelling on Lot 3 will not be approved unless an alternate access arrangement is provided to the lot.</i></p>		
<p><b><u>OM092801-9.2 Item for Signing and Sealing - Section 173 Agreement, 1105 Corangamite Lake Road, Alive</u></b></p> <p><b><u>Recommendation</u></b></p> <p><i>That Council sign and seal the Section 173 Agreement between Colac Otway Shire and Kemtran Pty Ltd and CT Ryan covenanting Certificate of Title Volume 8892 Folio 750 and volume 8760 folio 772 that there will be no further subdivision of lots 1, 2 and 3 so as to create any additional lots.</i></p>		

***MOVED Cr Higgins seconded Cr Stuart Hart that recommendations to items listed in the Consent Calendar be adopted.***

***CARRIED 7 : 0***

**OM092801-10 EXTENSION OF RESPONSE DATE FOR SUBMISSIONS IN RELATION TO INTERIM USE OF LAND ON HEATHFIELD ESTATE, MARENGO**

AUTHOR:	Jack Green	ENDORSED:	Jack Green
DEPARTMENT:	Executive	FILE REF:	Heathfield Estate, Marengo

**Recommendation(s)**

*That Council extend the date until 10 April, 2009 for submissions from the community on how the Council land at the Heathfield Estate at Marengo should be used in the interim until a decision on C29 is received from the Minister.*

**Resolution**

*MOVED Cr Stephen Hart seconded Cr Russell that Council extend the date to Friday, 17 April, 2009 for submissions from the community on how the Council land at the Heathfield Estate at Marengo should be used in the interim until the land is required for the C29 Development or other Council use.*

**CARRIED 5 : 2**

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IN-COMMITTEE

IN COMMITTEE

**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 one or more of the following matters:***

| <b><i>SUBJECT</i></b>                        | <b><i>REASON</i></b>                                                                | <b><i>SECTION OF ACT</i></b>                        |
|----------------------------------------------|-------------------------------------------------------------------------------------|-----------------------------------------------------|
| <b><i>Proposed Sale of Land</i></b>          | <b><i>Contractual Matter<br/>Matter may prejudice<br/>Council or any person</i></b> | <b><i>Section 89(2)(d)<br/>Section 89(2)(h)</i></b> |
| <b><i>Legal Advice</i></b>                   | <b><i>Legal Advice</i></b>                                                          | <b><i>Section 89(2)(f)</i></b>                      |
| <b><i>Potential Purchase of<br/>Land</i></b> | <b><i>Matter may prejudice<br/>Council or any person</i></b>                        | <b><i>Section 89(2)(h)</i></b>                      |

***CARRIED 6 : 1***

***DIVISION called by Cr Smith***

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

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