

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

Althea Wright, Executive Officer

3. APOLOGIES

Nil

4. MAYORAL STATEMENT

I wish to acknowledge the original custodians and law makers of this land, the Gulidjan and Gadubanad people.

Colac Otway Shire encourages active community input as part of its decision making process. 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 show respect to each other and respect for the office of an elected representative.

Now for Question Time – 30 minutes is allowed for Question Time.

5. QUESTION TIME

Questions Received in Writing Prior to the Meeting

Nil.

Questions Received Verbally at the Meeting

Mr Wessner

The CEO's Report advises of a meeting held with Council officers and representatives of the Department of Education. What was discussed at this meeting, what were the outcomes and was this meeting before or after the Special Meeting of Council held on 17 February 2009.

Jack Green, Acting Chief Executive Officer advised that this meeting occurred on 29 January 2009 and was conducted as a result of discussions with Council to determine how the Department of Education stood in relation to the Joint Use Library proposal.

A response was also provided to Mr Ensley at the Special Meeting held on 17 February 2009.

Mr McDougall

Mr McDougall advised that he had provided Council with questions in writing to be answered at this meeting and tabled a copy of this letter.

Mr McDougall read out the questions from the tabled letter –

1. As these grids are no longer used for the purpose they were put in for (a dairy that has been decommissioned and pulled out), why should all other road users be put at risk by these grids being allowed to remain in the road?
2. How can the council deem that the new property owner, who has only been in the area approx. 3 years and appears to control these grids, is the owner of the grids when the said grids have been shifted several times, one even from a nearby road in the Shire?

These grids are over 40 years old and the present placement of them was done by the Shire's Cosworks nearly 12 years ago.

3. Why should all other farmers down this road be forced to endure a 15 tonne load limit which was put in place to cover the Council of any legal costs incurred?

Should the condemned grids give way under a load of cattle, hay or any other loaded vehicle, when the simple answer is for the Shire to fill the pits in with gravel, thus eliminating the load limit problem until the matter has been cleared up?

4. Has any councillor or council representative told, or guaranteed, the said landowner Mr John Griffiths that regardless of the outcome of the "Cattle Grid Review Policy", these particular grids will not have to be removed even if they are deemed unsafe and are on a bend and on a crest of the road?

If this is the case we feel they have compromised the whole issue of the proposed policy to make all Shire roads safe.

Neil Allen, General Manager, Infrastructure & Services advised that the Cattle Grid Policy would be put out for community consultation and would be referred back to Council for final approval. Council's Road Management Act ensures the safety of the roads and the cattle grids do comply.

Neil Allen further advised that he was not aware that any officer had guaranteed that the outcome of the Policy was fixed. The Policy would be varied according to the response from the community.

Jody Foster

The Mayor read the letter that had been received from Jody & Eric Foster on 19 February 2009 and the response that was sent to them from Neil Allen on 23 February 2009.

Questions from letter from Jody & Eric Foster -

- "1. Regarding ownership of grids, has this question been resolved? We believe there is no ownership of cattle grids by landowners and the Council should apologise for misleading us and the public, at the November 2008 Council Meeting.**
- 2. What legal advice have you received regarding liability of cattle grids in present condition?**
- 3. Will existing cattle grids be made to meet new policy standards?"**

Response letter from Neil Allen, General Manager, Infrastructure & Services -

"Further to your letter dated 19 February 2009 regarding the Draft Cattle Grid Policy, I advise that the Policy will be discussed at the next meeting of council to be held on Wednesday, 25 February 2009.

Legal advice is that ownership of Cattle Grids is still a grey area and yet to be tested in the courts. However, if it is on a road, Council will be liable for the safety of the road, and therefore needs to ensure that grids are maintained at appropriate standards.

Existing grids will therefore need to be audited and brought up to standard if required."

Jody Foster raised the issue of why can't the cattle grids on Minchinton Road, Weeaprounah be filled in and how long will the process take for the Policy to be adopted.

Neil Allen advised that the policy would be put out for public consultation for 28 days or perhaps longer and that the cattle grids cannot be filled in due to legal advice.

Neil Allen further advised that cattle grids are an issue throughout Victoria and the best way to proceed is to formalise a policy.

Jenny McDougall

Raised the question of why can't a side road put around the cattle grids and take the load limit off the road?

Neil Allen advised that to undertake the construction of a side road would require drainage works and resheeting of the road. There would also then be the issue of vehicles being able to safety manoeuvre on the road.

Neil Allen further advised it would be best to formalise a Policy for the benefit of all concerned.

At 6.30 pm the Mayor advised that a ten minute break would be taken.

The Mayor recommenced the meeting at 6.40 pm.

6. DECLARATION OF INTEREST

Nil

7. CONFIRMATION OF MINUTES

- Ordinary Meeting of the Colac-Otway Shire Council held on the 28/01/09.

Resolution

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

CARRIED 7 : 0

- Special Meeting of the Colac-Otway Shire Council held on the 17/02/09.

Resolution

MOVED Cr Higgins seconded Cr Buchanan that Council confirm the above minutes.

CARRIED 7 : 0

OFFICERS' REPORTS

Chief Executive Officer

OM092502-1 CEO'S PROGRESS REPORT TO COUNCIL

Corporate and Community Services

OM092502-2 MELBOURNE CUP DAY PUBLIC HOLIDAY

OM092502-3 COUNCILLOR SUPPORT POLICY

OM092502-4 REVIEW OF MAYORAL AND COUNCILLOR ALLOWANCES

- OM092502-5 TAXATION AND COUNCILLOR ALLOWANCES
- OM092502-6 2009 JAYCO HERALD SUN TOUR – FUNDING REQUEST
- OM092502-7 COUNCIL COMMUNITY GRANT PROGRAMS
- OM092502-8 FINANCIAL PERFORMANCE REPORT

Infrastructure

- OM092502-9 DONATION FROM THE COLAC DOLL AND COLLECTABLE CLUB INC
- OM092502-10 CATTLE GRID POLICY
- OM092502-11 RECYCLED WATER USE ON THE COLAC BOTANIC GARDENS
- OM092502-12 DECLARATION OF ROAD AS UNUSED – ROAD NORTH OF 300 WAIT-A-WHILE ROAD, WYELANGTA
- OM092502-13 PROPOSED ROAD CLOSURE, PARISH OF AIRE
- OM092502-14 CORANGAMITE & COLAC OTWAY ROAD SAFETY STRATEGY

Sustainable Planning and Development

- OM092502-15 KENNETT RIVER, WYE RIVER AND SEPARATION CREEK STRUCTURE PLAN
- OM092502-16 COLAC OTWAY SHIRE ENVIRONMENT STRATEGY STEERING COMMITTEE
- OM092502-17 COLAC OTWAY SHIRE SUBMISSION TO RACING VICTORIA
- OM092502-18 COUNCIL SUBMISSION TO THE STATE RETAIL POLICY REVIEW DISCUSSION PAPER

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>CHIEF EXECUTIVE OFFICER</u></p> <p><u>M092502-1 CEO'S PROGRESS REPORT TO COUNCIL</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council accept the CEO's Progress Report to Council for information.</i></p>	<p>Cr Smith</p>	

MOVED Cr Stephen 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
<p><u>CORPORATE AND COMMUNITY SERVICES</u></p> <p><u>OM092502-2 MELBOURNE CUP DAY PUBLIC HOLIDAY</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation</u></p> <p><i>That Council make no change to the Melbourne Cup Day Public Holiday arrangements.</i></p>		Cr Smith
<p><u>OM092502-3 COUNCILLOR SUPPORT POLICY</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation</u></p> <p><i>That Council adopt the revised Councillor Support Policy.</i></p>		Cr Stephen Hart
<p><u>OM092502-4 REVIEW OF MAYORAL AND COUNCILLOR ALLOWANCES</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation</u></p> <p><i>That Council give public notice of its intention to determine at the 22 April 2009 Council meeting the following Mayoral and Councillor allowances for the four year period 1 May 2009 to 30 April 2013 in accordance with section 74 and section 223 of the Local Government Act 1989 (as amended):</i></p> <p style="margin-left: 40px;"><i>a) Mayoral Allowance (amount to be inserted)</i></p> <p style="margin-left: 40px;"><i>b) Councillor Allowance (amount to be inserted)</i></p>		Cr Stephen Hart

<p><u>OM092502-5 TAXATION AND COUNCILLOR ALLOWANCES</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation</u></p> <p><i>That Council is/is not treated as an eligible local governing body under section 221B of the Income Tax Assessment Act 1936.</i></p>		Cr Stephen Hart								
<p><u>OM092502-6 2009 JAYCO HERALD SUN TOUR – FUNDING REQUEST</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation</u></p> <p><i>That Council provides in principle support to the event and provides \$7,500 through the 2009/2010 Colac Otway Festival and Events Support Scheme.</i></p>		Cr Stuart Hart								
<p><u>OM092502-7 COUNCIL COMMUNITY GRANT PROGRAMS</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>The Council;</i></p> <ol style="list-style-type: none"> <i>1. Endorse the 2009/2010 Community Funding Program process up to the current funding levels as follows:</i> <table data-bbox="287 1500 877 1612" style="margin-left: 40px;"> <tr> <td><i>Recreation Facilities</i></td> <td style="text-align: right;"><i>\$70,000</i></td> </tr> <tr> <td><i>Community Projects</i></td> <td style="text-align: right;"><i>\$40,000</i></td> </tr> <tr> <td><i>COPACC Assistance</i></td> <td style="text-align: right;"><i>\$7,500</i></td> </tr> </table> <table data-bbox="287 1635 877 1713" style="margin-left: 40px;"> <tr> <td><i>Festival and Support Scheme Established Events</i></td> <td style="text-align: right;"><i>\$60,000</i></td> </tr> </table> <i>2. Endorse the Council Community Funding Program and Festival and Events Support Scheme guidelines and application forms as attached.</i> <i>3. Acknowledge that the increased funding request be considered under the 2009/2010 budgetary process as follows;</i> 	<i>Recreation Facilities</i>	<i>\$70,000</i>	<i>Community Projects</i>	<i>\$40,000</i>	<i>COPACC Assistance</i>	<i>\$7,500</i>	<i>Festival and Support Scheme Established Events</i>	<i>\$60,000</i>		Cr Stuart Hart
<i>Recreation Facilities</i>	<i>\$70,000</i>									
<i>Community Projects</i>	<i>\$40,000</i>									
<i>COPACC Assistance</i>	<i>\$7,500</i>									
<i>Festival and Support Scheme Established Events</i>	<i>\$60,000</i>									

<p><i>Recreation Facilities from \$70,000 to \$80,000</i> <i>Community Projects \$40,000 remains</i> <i>COPACC Assistance from \$7,500 to \$10,000</i></p> <p><i>Festival and Support Scheme Established Events</i> <i>\$60,000 remains</i></p> <p><i>Seed funding for new events New category \$10,000</i></p>		
<p><u>OM092502-8 FINANCIAL PERFORMANCE REPORT</u></p>		
<p>Department: Corporate and Community Services</p>		
<p><u>Recommendation(s)</u></p>		
<p><i>That the Financial Performance Report to the end of January 2009 be received.</i></p>		

MOVED Cr Stephen Hart seconded Cr Russell that recommendations to items listed in the Consent Calendar, with the exception of items OM092502-2 OM092502-3 OM092502-4 OM092502-5 OM092502-6 OM092502-7, be adopted.

CARRIED 7 : 0

OM092502-2

MOVED Cr Smith seconded Cr Russell that Council pursue the opportunity of changing the Melbourne Cup Day Public Holiday to the Friday of the Colac Show and go through the process of public consultation.

CARRIED 7 : 0

OM092502-3

MOVED Cr Stephen Hart seconded Cr Higgins that Council adopt the revised Councillor Support Policy as distributed with the Council agenda.

CARRIED 6 : 1

OM092502-4

MOVED Cr Stephen Hart seconded Cr Russell that Council give public notice of its intention to determine at the 22 April 2009 Council meeting the following Mayoral and Councillor allowances for the four year period 1 May 2009 to 30 April 2013 in accordance with section 74 and section 223 of the Local Government Act 1989 (as amended):

- a) Mayoral Allowance - \$59,100**
- b) Councillor Allowance - \$19,700**

CARRIED 6 : 1

DIVISION called by Cr Smith

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

Against the Motion: Cr Smith

OM092502-5

MOVED Cr Stephen Hart seconded Cr Stuart Hart that Council is treated as an eligible local governing body under Section 221B of the Income Tax Assessment Act 1936.

CARRIED 5 : 2

DIVISION called by Cr Smith

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

Against the Motion: Cr Smith, Cr Buchanan

As this Resolution was NOT CARRIED UNANIMOUSLY by Council as required by Section 221B of the Income Tax Assessment Act 1936 it LAPSES.

OM092502-6

MOVED Cr Stuart Hart seconded Cr Russell that Council provide no funding or financial support for the Jayco Herald Sun Tour.

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

OM092502-7

MOVED Cr Stuart Hart seconded Cr Stephen Hart

- 1. That Council endorse the Council Community Funding Program and Festival and Events Support Scheme guidelines and application forms as attached.**
- 2. That Council acknowledge that the increased funding request be considered under the 2009/2010 budgetary process as follows;**

Recreation Facilities from \$70,000 to \$80,000

Community Projects \$40,000 remains

COPACC Assistance from \$7,500 to \$10,000

Festival and Support Scheme Established Events \$60,000 remains

Seed funding for new events New category \$10,000

- 3. That precise allocation for the Council Community Grant Programs will be determined as part of the budget process.**

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.

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>INFRASTRUCTURE</u></p> <p><u>OM092502-9 DONATION FROM THE COLAC DOLL AND COLLECTABLE CLUB INC</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Accepts the donation from the Colac Doll and Collectables Club Inc and thanks them for their donation in writing; and</i> <i>2. Council Officers install the seat at a location to be determined in consultation with Colac Area Health.</i> 	Cr Smith	
<p><u>OM092502-10 CATTLE GRID POLICY</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. Undertake public consultation in relation to the Draft Cattle Grids Policy for the installation and usage of Cattle Grids on local roads;</i> <i>2. Call for public submissions requesting written comments on the Draft Cattle Grid Policy within a 28 day period from advertising;</i> <i>3. Require the landowner with vested interests in Minchinton Road Weeaprounah to enter into a Section 121 agreement for the construction, repair, maintenance and insurance of Cattle Grids on Minchinton Road Weeaprounah at full cost to the applicant;</i> <i>4. Undertake the immediate repair of the two Cattle Grids on Minchinton Road Weeaprounah after receiving the signed agreement from the land owner with the vested interest in having the Cattle Grids maintained;</i> 		Cr Smith

<p>5. <i>Remove Cattle Grids if landowners with vested interests do not formally agree within one (1) month of formal notification by Council, to fully fund the works; and</i></p> <p>6. <i>Communicate Council's resolution to all affected parties with an interest in the operation of the Minchinton Road, Weeaprounah Cattle Grids.</i></p>		
<p><u>OM092502-11 RECYCLED WATER USE ON THE COLAC BOTANIC GARDENS</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council thank Barwon Water for its Expression of Interest process seeking the Use of Class "C" water, and advise that it does not wish to use Class "C" in the Colac Botanic Gardens, however, Council would be interested in investigating the use of higher classes of water.</i></p>	Cr Smith	
<p><u>OM092502-12 DECLARATION OF ROAD AS UNUSED – ROAD NORTH OF 300 WAIT-A-WHILE ROAD, WYELANGTA</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <p>1. <i>Resolve to provide public notice under Section 223 of the Local Government Act 1989, of its intention to declare the government road abutting the northern boundary of 300 Wait-A-While Road, Wyelangta as unused; and</i></p> <p>2. <i>Subject to complying with Council Statutory requirements under the Local Government Act 1989, and not receiving any objections, that Council advise DSE of its formal consent.</i></p>		Cr Stephen Hart

<p><u>OM092502-13 PROPOSED ROAD CLOSURE, PARISH OF AIRE</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Resolve to give public notice under Section 223 of the Local Government Act 1989 of its intention to consent to the closure of the road East of Crown Allotment 2074; and</i> <i>2. Subject to complying with Councils Statutory requirements under the Local Government Act 1989, and not receiving any objections, that Council advise DSE of its formal consent.</i> 		Cr Stephen Hart
<p><u>OM092502-14 CORANGAMITE & COLAC OTWAY ROAD SAFETY STRATEGY</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council resolve that the Draft Corangamite and Colac Otway Road Safety Strategy placed on public exhibition for a period of 4 weeks.</i></p>		Cr Stephen Hart

MOVED Cr Russell seconded Cr Stephen Hart that recommendations to items listed in the Consent Calendar, with the exception of items OM092502-10 OM092502-12 OM092502-13 OM092502-14, be adopted.

CARRIED 7 : 0

OM092502-10

MOVED Cr Smith seconded Cr Buchanan that Council resolve to

- 1. Undertake public consultation in relation to the Draft Cattle Grids Policy for the installation and usage of Cattle Grids on local roads; and**
- 2. Call for public submissions requesting written comments on the Draft Cattle Grid Policy within a 28 day period from advertising.**

AMENDED Motion

Cr Stephen Hart seconded Cr Higgins

- 1. Undertake public consultation in relation to the Draft Cattle Grids Policy for the installation and usage of Cattle Grids on local roads;**
- 2. Call for public submissions requesting written comments on the Draft Cattle Grid Policy within a six week period from advertising; and**
- 3. That where known Council write to affected landowners with cattle grids to inform them of the Council Cattle Grids Policy.**

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

Cr Smith had the Right of Reply to the Original Motion.

The Amended Motion was put –

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

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

LOST 3 : 4

MOVED Cr Smith seconded Cr Buchanan that Council resolve to

- 1. Undertake public consultation in relation to the Draft Cattle Grids Policy for the installation and usage of Cattle Grids on local roads; and**
- 2. Call for public submissions requesting written comments on the Draft Cattle Grid Policy within a 28 day period from advertising.**

AMENDED Motion:

MOVED Cr Stephen Hart seconded Cr Russell that Council resolve to

- 1. Undertake public consultation in relation to the Draft Cattle Grids Policy for the installation and usage of Cattle Grids on local roads; and**

2. ***Call for public submissions requesting written comments on the Draft Cattle Grid Policy within a 28 day period from advertising.***
3. ***That where known Council write to affected landowners with cattle grids to inform them of the Council Cattle Grids Policy.***

CARRIED 7 : 0

MOVED Cr Smith that Council

1. ***Require the landowner with vested interests in Minchinton Road Weeaproinah to enter into a Section 121 agreement for the construction, repair, maintenance and insurance of Cattle Grids on Minchinton Road Weeaproinah at full cost to the applicant;***
2. ***Undertake the immediate repair of the two Cattle Grids on Minchinton Road Weeaproinah after receiving the signed agreement from the land owner with the vested interest in having the Cattle Grids maintained;***
3. ***Remove Cattle Grids if landowners with vested interests do not formally agree within one (1) month of formal notification by Council, to fully fund the works; and***
4. ***Communicate Council's resolution to all affected parties with an interest in the operation of the Minchinton Road, Weeaproinah Cattle Grids.***
5. ***That the landowner with the vested interest in the cattle grid on Minchinton Road, Weeaproinah be made aware that the cattle grids will be required to comply with the final Cattle Grid Policy.***

The Motion LAPSED for the want of a Seconder.

MOVED Cr Buchanan seconded Cr Smith that Council remove the cattle grids and repair the road on Minchinton Road, Weeaproinah and communicate the Council's resolution to all effected parties.

LOST 2 : 5

AMENDED Motion

MOVED Cr Stephen Hart seconded Cr Smith that Council

1. ***Require the landowner with vested interests in Minchinton Road Weeaproinah to enter into a Section 121 agreement for the construction, repair, maintenance and insurance of Cattle Grids on Minchinton Road Weeaproinah at full cost to the applicant;***
2. ***Undertake the immediate repair of the two Cattle Grids on Minchinton Road Weeaproinah after receiving the signed agreement from the land owner with the vested interest in having the Cattle Grids maintained;***
3. ***Remove Cattle Grids if landowners with vested interests do not formally agree within 5 weeks of formal notification by Council, to fully fund the works;***
4. ***Communicate Council's resolution to all affected parties with an interest in the operation of the Minchinton Road, Weeaproinah Cattle Grids.***

5. ***Inform the landowner with vested interests in the cattle grids on Minchinton Road, Weeaprounah that further works may be required on the cattle grids after the Cattle Grid Policy is adopted.***

CARRIED 7 : 0

OM092502-12

MOVED Cr Stephen Hart seconded Cr Stuart Hart that Council

1. ***Resolve to provide public notice for six weeks under Section 223 of the Local Government Act 1989, of its intention to declare the government road abutting the northern boundary of 300 Wait-A-While Road, Wyelangta as unused; and***
2. ***Subject to complying with Council Statutory requirements under the Local Government Act 1989, and not receiving any objections, that Council advise DSE of its formal consent.***

LOST 3 : 4

MOVED Cr Smith seconded Cr Buchanan that Council

1. ***Resolve to provide public notice under Section 223 of the Local Government Act 1989, of its intention to declare the government road abutting the northern boundary of 300 Wait-A-While Road, Wyelangta as unused; and***
2. ***Subject to complying with Council Statutory requirements under the Local Government Act 1989, and not receiving any objections, that Council advise DSE of its formal consent.***

CARRIED 6 : 1

OM092502-13

MOVED Cr Stephen Hart seconded Cr Smith that Council:

1. ***Resolve to give public notice under Section 223 of the Local Government Act 1989 of its intention to consent to the closure of the road East of Crown Allotment 2074; and***
2. ***Subject to complying with Councils Statutory requirements under the Local Government Act 1989, and not receiving any objections, that Council advise DSE of its formal consent.***

CARRIED 7 : 0

OM092502-14

MOVED Cr Stephen Hart seconded Cr Russell that Council resolve that the Draft Corangamite and Colac Otway Road Safety Strategy be placed on public exhibition for a period of 6 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>OM092502-15 KENNETT RIVER, WYE RIVER AND SEPARATION CREEK STRUCTURE PLAN</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. Support a change to the Kennett River, Wye River and Separation Creek Structure Plan to remove all the land to the north of Separation Creek Township near Dollar Drive from the Low Density Residential Zone and include the land into the Rural Conservation Zone.</i> <i>2. Support a change to the Kennett River, Wye River and Separation Creek Structure Plan to remove the land described in Item 1 from being included in a Development Plan Overlay.</i> 		
<p><u>OM092502-16 COLAC OTWAY SHIRE ENVIRONMENT STRATEGY STEERING COMMITTEE</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council nominate Cr..... as its representative on the Steering Committee for the Colac Otway Shire Environment Strategy.</i></p>		Cr Stuart Hart

<p><u>OM092502-17 COLAC OTWAY SHIRE SUBMISSION TO RACING VICTORIA</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council endorse the Colac Otway Shire's submission to Racing Victoria Ltd in response to the Victorian Racecourse and Training Facilities Directions Paper.</i></p>		
<p><u>OM092502-18 COUNCIL SUBMISSION TO THE STATE RETAIL POLICY REVIEW DISCUSSION PAPER</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council endorse the attached submission in relation to the Department of Planning and Community Development's Retail Policy Review Discussion Paper and submit this to the Department of Planning & Community Development.</i></p>		

MOVED Cr Stephen Hart seconded Cr Russell that recommendations to items listed in the Consent Calendar, with the exception of items OM092502-16, be adopted.

CARRIED 7 : 0

OM092502-16

MOVED Cr Stuart Hart seconded Cr Russell that Council nominate Cr Stephen Hart as its representative on the Steering Committee for the Colac Otway Shire Environment Strategy.

CARRIED 6 : 1

IN COMMITTEE**Resolution**

MOVED Cr Stephen Hart seconded Cr Russell that Council Move In-Committee and the public be advised in general terms of the items to be discussed In Committee.

CARRIED 7 : 0

The Mayor advised 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:

<i>SUBJECT</i>	<i>REASON</i>	<i>SECTION OF ACT</i>
<i>Wingeel Recreation Reserve</i>	<i>Contractual Matter Matter may prejudice Council or any person</i>	<i>Section 89(2)(d) Section 89(2)(h)</i>
<i>Contract 0808 Aged & Disabilities Food Services (Meals on Wheels) Colac</i>	<i>Contractual Matter</i>	<i>Section 89(2)(d)</i>
<i>Lakeside Estate Progress Report</i>	<i>Legal Advice Matter may prejudice Council or any person</i>	<i>Section 89(2)(f) Section 89(2)(h)</i>