

MINUTES of the **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held in the Apollo Bay Senior Citizens Centre, Whelan Street, Apollo Bay on Wednesday, 22 April 2009 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

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

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present and welcomes any descendents here today.

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 show respect to each other and respect for the office of an elected representative.

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

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

Phil Lawson

1. With regard to Amendment C12 why are Council officers assuming that future floods will be smaller than past floods?

Doug McNeill, General Manager, Sustainable Planning & Development advised that the Corangamite Catchment Management Authority has the responsibility and expertise in relation to mapping of flood risk.

2. Why have Council officers ignored the plentiful concerns of chronic inaccuracies in the flood modelling.

Doug McNeill, General Manager, Sustainable Planning & Development advised the issues raised are of a technical nature and that all submissions have been referred to an expert panel who would consider all the issues.

Kate Cousland, Otway Ranges Climate Action Group

1. With regarding the Coastal Strategy and even more recent information related to the impact of storm and sea level rises on the Great Ocean Road is Council comfortable accepting the current 0.8 m sea level rise.

Jack Green, Acting Chief Executive Officer, advised that there is always new information being provided in relation to climate change on a broad range of fronts. There are processes for Council to continue to be aware of new information in relation to climate change. Council takes into consideration the formally accepted Climate Change projections, as is required, in making decisions which have climate change implications.

Jenny McDougall

Raised the following questions from correspondence that had been provided to Council –

1. Why did Mr Neil Allen categorically state, at the 7 April 2009 meeting, that the 15 tonne load limit only applied to the cattle grids and not to any of the roadway when all correspondence and road signage to do with Minchinton Road state otherwise?

Neil Allen, General Manager, Infrastructure & Services advised that the cattle grid had a load limit but this applied to the whole road to stop vehicles being caught near the cattle grid and not being able to turn around.

2. Is it the cattle pits or the roadway which has been load limited and how signed off on this document?

Neil Allen, General Manager, Infrastructure & Services advised that the load limit was placed after a previous resolution of Council.

3. Has there been a safety inspection by the proper authorities, of the roadway approaches leading up to the pits, or the section of roadway between the two cattle pits, with respect to the safety of all road users and if so who would have the responsibility of signing off on the findings?

Neil Allen, General Manager, Infrastructure & Services advised that discussions have referred to site distances between the cattle grids.

Steve Branwhite, Pirron Yallock

With regard to Amendment C12 is it being considered in two parts, i.e. inland flooding and coastal flooding?

Doug McNeill advised that Amendment C12 is taking into account flood mapping of the whole Shire.

Eric Foster

Advised that the Cattle Grid Policy refers to 'owners of existing unregistered cattle grids' and that these words should not be used as that people cannot own these grids as they are on a public road.

Neil Allen, General Manager, Infrastructure & Services advised that there are many assets on Council roads that are not owned by Council and that these assets are controlled by the relevant authorities.

Rob Telford

1. Has Council considered any alternative routes for entry to Apollo Bay rather than just the Great Ocean Road for instance using Holzer Drive?
2. Why is Council not slashing roadsides and why are infringement notices not being policed?

Jack Green, Acting Chief Executive Officer advised that the issue of an alternative route for entry to Apollo Bay has been raised with VicRoads.

Jack Green further advised that Council does undertake a roadside slashing program and also issues notices for Council properties that require works. Follow up inspections are undertaken when infringement notices are issued and if compliance is still not undertaken Council carries out the works and an account for the works plus an administrative fee is sent to the property owner.

Joyce Biddle

Councillors need to consider their statements when they were standing for Council in relation to the Joint Use Library.

Jodie Foster

In relation to cattle grids, what distance on either side of the cattle grids are owners responsible?

Neil Allen, General Manager, Infrastructure & Services advised that each grid is considered on an individual basis.

At 4.00 pm the Mayor advised that a ten minute break would be taken.

6. DECLARATION OF INTEREST

Cr Stephen Hart:
OM092204-9 – Best Value Services Review Report: Waste Management Review
Nature of Disclosure: Indirect Interest
Type of Indirect Interest: Section 78B of the Local Government Act – Indirect interest because of conflicting duties
Nature of Interest: Conflict of duty. Attended a “Best Value Reivew” Community Focus Group Workshop at Colac on 17 June 2008 on behalf of “Colac Otway Ratepayers & Residents Association” (CORRA).

7. CONFIRMATION OF MINUTES

- Ordinary Meeting of the Colac-Otway Shire Council held on the 25/03/09.

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

CARRIED 7 : 0

- Special Meeting of the Colac-Otway Shire Council held on the 09/04/09.

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 15/04/09.

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

CARRIED 7 : 0

OFFICERS' REPORTS

Chief Executive Officer

OM092204-1 CEO'S PROGRESS REPORT TO COUNCIL
OM092204-2 2008/2009 THIRD QUARTER PERFORMANCE REPORT

Corporate and Community Services

OM092204-3 MELBOURNE CUP DAY/COLAC SHOW DAY PUBLIC HOLIDAY
OM092204-4 REVIEW OF MAYORAL AND COUNCILLOR ALLOWANCES
OM092204-5 BEECHY PRECINCT - JOINT USE LIBRARY AGREEMENT

Infrastructure

OM092204-6 SPONSORSHIP OF THE NATIONAL SALEYARDS CONVENTION 2009
OM092204-7 ROAD MANAGEMENT PLAN REVIEW
OM092204-8 MANAGEMENT OF CATTLE GRIDS ON LOCAL ROADS
OM092204-9 BEST VALUE SERVICES REVIEW REPORT: WASTE MANAGEMENT SERVICES
OM092204-10 SPECIAL CHARGE SCHEME – MORRISON STREET, COLAC
OM092204-11 GELLIBRAND LANDFILL REHABILITATION - SITE ACCESS AGREEMENT WITH PARKS VICTORIA
OM092204-12 RAIL/ROAD SAFETY INTERFACE AGREEMENT (SIA'S)

Sustainable Planning and Development

OM092204-13 LAKE COLAC FISHING PLATFORM
OM092204-14 REVISION OF LAND SUBJECT TO INUNDATION OVERLAY AND INTRODUCTION OF THE FLOODWAY OVERLAY INTO THE COLAC OTWAY PLANNING SCHEME - AMENDMENT C12
OM092204-15 COUNCIL SUBMISSION TO THE NEW RESIDENTIAL ZONES CONSULTATION DRAFT

GENERAL BUSINESS

OM092204-16 General Business

OM092204-16.1 ITEM FOR SIGNING & SEALING - SECTION 173 AGREEMENT, 1 NIZAM QUAY, APOLLO BAY

NOTICES OF MOTION

OM092204-17 Notices of Motion

OM092204-17.1 NOTICE OF MOTION NO. 147- 08/09 - BARWON DOWNS GROUND WATER PUMPING (CR STUART HART)

OM092204-17.2 NOTICE OF MOTION NO. 148-08/09 - RECORDINGS OF COUNCIL MEETINGS (CR STEPHEN HART)

OM092204-17.3 NOTICE OF MOTION NO. 149-08/09 - C55 AND C29 PLANNING AMENDMENTS (CR STEPHEN HART)

OM092204-17.4 NOTICE OF MOTION NO. 150-08/09 - JOINT USE LIBRARY (CR STEPHEN HART)

OM092204-17.5 NOTICE OF MOTION NO. 151-08/09 - JOINT USE LIBRARY PAYMENT SCHEDULE (CR STEPHEN HART)

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>CHIEF EXECUTIVE OFFICER</u></p> <p><u>OM092204-1 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>OM092204-2 2008/2009 THIRD QUARTER PERFORMANCE REPORT</u></p> <p>Department: Executive</p> <p><u>Recommendation</u></p> <p><i>That Council receive the 2008/09 Third Quarter Performance Report for the nine months ending 31 March 2009.</i></p>		

MOVED Cr Stuart Hart 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>CORPORATE AND COMMUNITY SERVICES</u></p> <p><u>OM092204-3 MELBOURNE CUP DAY/COLAC SHOW DAY PUBLIC HOLIDAY</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council make no change to the Melbourne Cup Day Public Holiday.</i></p>		Cr Russell
<p><u>OM092204-4 REVIEW OF MAYORAL AND COUNCILLOR ALLOWANCES</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Notes the submissions received in respect of the Review of Mayoral and Councillor Allowances.</i> <i>2. In accordance with the resolution at the 25 February Council meeting, Council set the following Mayoral and Councillor allowances for the year period 1 May 2009 to 30 April 2013:</i> <ol style="list-style-type: none"> <i>(a) Mayoral Allowance - \$59,100</i> <i>(b) Councillor Allowance - \$19,700</i> <i>3. That letters be forwarded to those who made submissions thanking them for their submissions and advising them of Council's decision.</i> 		Cr Smith

<p><u>OM092204-5 BEECHY PRECINCT - JOINT USE LIBRARY AGREEMENT</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <p><i>(a) Resolves formally to proceed with the Beechy Precinct Joint Use Library.</i></p> <p><i>(b) Authorises the first Council payment of \$440,000 (inc GST) in accordance with Council's financial contribution as detailed in the Schedule of Contribution Payments in the Joint Use and Development Agreement between Council and the Department of Education and Early Childhood Development.</i></p> <p><i>(c) Advises all project partners of this resolution.</i></p>		<p>Cr Buchanan</p>
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OM092204-3

MOVED Cr Russell seconded Cr Stephen Hart that Council resolves that Colac Show Day on the Friday to be the public holiday instead of the Melbourne Cup Day and the Colac Show Day public holiday be the preferred day for the term of this Council, that is 4 years.

CARRIED 7 : 0

OM092204-4

MOVED Cr Smith seconded that Council

- 1. Notes the submissions received in respect of the Review of Mayoral and Councillor Allowances.**
- 2. Set the following Mayoral and Councillor allowances for the year period 1 May 2009 to 30 April 2013:**
 - (a) Mayoral Allowance - \$36,000**
 - (b) Councillor Allowance - \$12,000**
- 3. That letters be forwarded to those who made submissions thanking them for their submissions and advising them of Council's decision.**

The Motion LAPSED for the want of a Seconder.

MOVED Cr Stephen Hart seconded Cr Buchanan that Council:

- 1. Notes the submissions received in respect of the Review of Mayoral and Councillor Allowances.**
- 2. In accordance with the resolution at the 25 February Council meeting, Council set the following Mayoral and Councillor allowances for the year period 1 May 2009 to 30 April 2013:**
 - (a) Mayoral Allowance - \$59,100**
 - (b) Councillor Allowance - \$19,700**
- 3. That letters be forwarded to those who made submissions thanking them for their submissions and advising them of Council's decision.**

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

OM092204-5

MOVED Cr Buchanan seconded Cr Russell that Council:

- (a) Resolves formally to proceed with the Beechy Precinct Joint Use Library.**
- (b) Authorises the first Council payment of \$440,000 (inc GST) in accordance with Council's financial contribution as detailed in the Schedule of Contribution Payments in the Joint Use and Development Agreement between Council and the Department of Education and Early Childhood Development.**
- (c) Instructs the Chief Executive Officer to write to DEECD as soon as possible to request a copy of the building contract including full details of the costs, specifications, construction schedule as well as ongoing project costs.**
- (d) Advises all project partners of this resolution.**

CARRIED 4 : 3

DIVISION called by Cr Stuart Hart

For the Motion: Cr Russell, Cr Crook, Cr Smith, Cr Buchanan

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

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>INFRASTRUCTURE</u></p> <p><u>OM092204-6 SPONSORSHIP OF THE NATIONAL SALEYARDS CONVENTION 2009</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council supports the National Saleyards Convention 2009 to be held in Colac in August 2009 and provides sponsorship estimated at \$3,562 in the form of venue hire and convention dinner.</i></p>	Cr Smith	
<p><u>OM092204-7 ROAD MANAGEMENT PLAN REVIEW</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. Endorses the Draft Road Management Plan (Version 2.0);</i> <i>2. Places the Plan on exhibition for 28 days in accordance with Section 223 of the Local Government Act and invites submissions to the Plan in accordance with the provisions of the Road Management Act 2004.</i> 		Cr Stephen Hart

<p><u>OM092204-8 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. Adopt the draft Installation and Usage of Cattle Grids Policy;</i> <i>2. Provide a written response to all those parties whom provided formal feedback through the public consultation process;</i> <i>3. Undertake direct consultation with landowners in the vicinity of all existing cattle grids identified to determine ongoing use requirements;</i> <i>4. Review existing cattle grids and implement the Policy in relation to usage of cattle grids.</i> <i>5. Remove all grids and reinstate the road where landowners with vested interests in the cattle grids are not prepared to enter into a Section 121 Agreement within a reasonable time frame.</i> <i>6. Immediately remove all cattle grids considered to be a potential safety risk.</i> 		Cr Stephen Hart
<p><u>OM092204-9 BEST VALUE SERVICES REVIEW REPORT: WASTE MANAGEMENT SERVICES</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. Note and endorse the findings of the attached report titled “Best Value Service Review Report – Waste Management Services”.</i> <i>2. Approves in principle, the recommended changes to the waste services contained in the continuous Improvement Plan and endorses the recommendations being included in the specification for the new Waste Management Services contract for the purpose of obtaining tender prices for proposed changes to the Service.</i> <i>3. Consider the cost implications of any proposed service changes based on tenders received.</i> 		Cr Smith

<p><u>OM092204-10 SPECIAL CHARGE SCHEME – MORRISON STREET, COLAC</u></p> <p>Department: Infrastructure</p> <p><u>Recommendations</u></p> <p><i>That Council –</i></p> <ol style="list-style-type: none"> <i>1. Abandon the proposal to construct the unsealed shoulders of Morrisons Street by way of a Special Charge Scheme, and remove the project from the 10 year Capital Works and Major Projects Program; and</i> <i>2. Notify affected property owners that the proposal has been abandoned and removed from Council's 10 year Capital Works and Major Projects Program.</i> 	Cr Smith	
<p><u>OM092204-11 GELLIBRAND LANDFILL REHABILITATION - SITE ACCESS AGREEMENT WITH PARKS VICTORIA</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council Sign and Seal the Consent – Section 27(1), National Parks Act 1995, site access agreement for access to Gellibrand Landfill Rehabilitation Site, a part of Great Otway National Park.</i></p>		
<p><u>OM092204-12 RAIL/ROAD SAFETY INTERFACE AGREEMENT (SIA'S)</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. Notes that the above report including the continued involvement of Council officers to work with the various authorities to develop Safety Interface Agreements; and</i> <i>2. Receives a further report from Officers detailing specific recommendations for Safety Interface Agreements for all crossings within the Municipality prior to 30 June 2010.</i> 	Cr Russell	

MOVED Cr Russell seconded Cr Buchanan that recommendations to items listed in the Consent Calendar, with the exception of items OM092204-7 OM092204-8 OM092204-9, be adopted.

CARRIED 7 : 0

OM092204-7

MOVED Cr Stephen Hart seconded Cr Russell that Council

- 1. Endorses the Draft Road Management Plan (Version 2.0).**
- 2. Places the Draft Road Management Plan on exhibition until Friday 29 May 2009 in accordance with Section 223 of the Local Government Act and invites submissions to the Draft Plan .**
- 3. Hear submissions on 10 June 2009 in accordance with Section 223 of the Local Government Act, if required.**

CARRIED 7 : 0

OM092204-8

MOVED Cr Stephen Hart seconded Cr Russell that Council refer the Draft Installation and Usage of Cattle Grids Policy to a Councillor Workshop and then refer it to a Council Meeting for consideration.

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

OM092204-9

Cr Stephen Hart:

OM092204-9 – Best Value Services Review Report: Waste Management Review

Nature of Disclosure: Indirect Interest

Type of Indirect Interest: Section 78B of the Local Government Act – Indirect interest because of conflicting duties

Nature of Interest: Conflict of duty. Attended a “Best Value Reivew” Community Focus Group Workshop at Colac on 17 June 2008 on behalf of “Colac Otway Ratepayers & Residents Association” (CORRA).

Cr Stephen Hart having Declared an Indirect Interest in Item OM092204-9 left the Council Chamber at 5.20 pm.

MOVED Cr Smith seconded Cr Russell that Council:

1. ***Note and endorse the findings of the attached report titled “Best Value Service Review Report – Waste Management Services”.***
2. ***Approves in principle, the recommended changes to the waste services contained in the continuous Improvement Plan and endorses the recommendations being included in the specification for the new Waste Management Services contract for the purpose of obtaining tender prices for proposed changes to the Service.***
3. ***Consider the cost implications of any proposed service changes based on tenders received.***

CARRIED 6 : 0

Cr Stephen Hart returned to the Council Chamber at 5.21 pm.

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></p> <p><u>OM092204-13 LAKE COLAC FISHING PLATFORM</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council proceed to construct the Lake Colac Fishing Platform, following the approval of the Lake Colac Cultural Heritage Management Plan (CHMP) by Aboriginal Affairs Victoria (AAV).</i></p>	Cr Smith	
<p><u>OM092204-14 REVISION OF LAND SUBJECT TO INUNDATION OVERLAY AND INTRODUCTION OF THE FLOODWAY OVERLAY INTO THE COLAC OTWAY PLANNING SCHEME - AMENDMENT C12</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council request the Minister for Planning to appoint an independent panel to consider all submissions to Amendment C12 to the Colac Otway Planning Scheme.</i></p>		Cr Stephen Hart
<p><u>OM092204-15 COUNCIL SUBMISSION TO THE NEW RESIDENTIAL ZONES CONSULTATION DRAFT</u></p> <p>Department: Sustainable Planning and Development</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 'New Residential Zones for Victoria: Consultation Draft' and submit this to the Department of Planning & Community Development.</i></p>		

MOVED Cr Smith seconded Cr Higgins that recommendations to items listed in the Consent Calendar, with the exception of items OM092204-14, be adopted.

CARRIED 7 : 0

OM092204-14

MOVED Cr Stephen Hart seconded Cr Russell that Council refer Amendment C12 to a Councillor Workshop and then refer it to a Council Meeting for consideration.

CARRIED 5 : 2

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>GENERAL BUSINESS</u></p> <p><u>OM092204-16.1 Item for Signing & Sealing - Section 173 Agreement, 1 Nizam Quay, Apollo Bay</u></p> <p><u>Recommendation</u></p> <p><i>That Council sign and seal the Section 173 Agreement between Colac Otway Shire and WJ Price covenanted Certificate of Title Volume 10527 Folio 203 that :</i></p> <ul style="list-style-type: none"> <i>• Any further development of lot 2 PS622011C must be carried out in accordance with the Cawood Street Apollo Bay Design Guidelines as endorsed by the Colac Otway Shire and issued on the 22 September 2005.</i> 		

MOVED Cr Stuart Hart 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>OM092204-17.1 NOTICE OF MOTION NO. 147- 08/09 - BARWON DOWNS GROUND WATER PUMPING (CR STUART HART)</u></p> <p><u>Recommendation</u> <i>That Council consider the contents of this Notice of Motion.</i></p>		Cr Stuart Hart
<p><u>OM092204-17.2 NOTICE OF MOTION NO. 148-08/09 - RECORDINGS OF COUNCIL MEETINGS (CR STEPHEN HART)</u></p> <p><u>Recommendation</u> <i>That Council consider the contents of this Notice of Motion.</i></p>		Cr Stephen Hart
<p><u>OM092204-17.3 NOTICE OF MOTION NO. 149-08/09 - C55 AND C29 PLANNING AMENDMENTS (CR STEPHEN HART)</u></p> <p><u>Recommendation</u> <i>That Council consider the contents of this Notice of Motion.</i></p>		Cr Stephen Hart
<p><u>OM092204-17.4 NOTICE OF MOTION NO. 150-08/09 - JOINT USE LIBRARY (CR STEPHEN HART)</u></p> <p><u>Recommendation</u> <i>That Council consider the contents of this Notice of Motion.</i></p>		Cr Stephen Hart
<p><u>OM092204-17.5 NOTICE OF MOTION NO. 151-08/09 - JOINT USE LIBRARY PAYMENT SCHEDULE (CR STEPHEN HART)</u></p> <p><u>Recommendation</u> <i>That Council consider the contents of this Notice of Motion.</i></p>		Cr Stephen Hart

OM092204-17.1

MOVED Cr Stuart Hart seconded Cr Russell that Council is concerned that the current ground water pumping at the Barwon Downs bore field may be adversely affecting the environment including stream flows. That Council resolves to call a Councillor workshop with a view to:

- 1. Engaging the service of an appropriate hydrologist to investigate and report to council the effects of ground water pumping at the Barwon Downs bore-field.**
- 2. It is intended that the hydrological assessment study includes the Barwon Downs Bore-field catchments and also the Kwarren-Gellibrand catchments area known as the Newlingrook aquifer.**
- 3. It is intended that the hydrological assessment study will focus on acid sulphate soils and the potential for future exposure of acid sulphate as a result of continued ground water removal. The drying up of more river and creeks stream flows within these catchments mentioned above in particular the Newlingrook aquifer.**

CARRIED 6 : 1

OM092204-17.2

MOVED Cr Stephen Hart seconded Cr Stuart Hart that Council notes that the recordings of public Council meetings are currently destroyed within about a month of the date that the Minutes are confirmed.

This unnecessarily restricts the availability of the recordings.

Council resolves:

- 1. The Acting Chief Executive Officer is instructed to ensure that all recordings of Council meetings are retained for a minimum of twelve months from the date of the Council meeting.**
- 2. To allow recordings to be retained pending a Policy review.**

CARRIED 5 : 2

OM092204-17.3

MOVED Cr Stephen Hart seconded Cr Stuart Hart that Council notes that the C55 Planning Scheme amendment includes the Apollo Bay Structure Plan with the flood prone land in the Great Ocean Green proposal identified as a possible area for residential housing. Council is concerned about the appropriateness of this development in light of the latest information on climate change and the potential for floods to be exacerbated by tidal surges.

- 1. Council resolves to write to the Planning Minister as soon as possible to request a meeting between Councillors, the Minister, and/or his departmental representatives. The purpose of the meeting is to discuss how this matter may be resolved and to explore options to update the C55 amendment.***

CARRIED 7 : 0

OM092204-17.4

Cr Stephen Hart WITHDREW Notice of Motion No. 150-08/09.

OM092204-17.5

Cr Stephen Hart WITHDREW Notice of Motion No. 151-08/09.

IN COMMITTEE

Resolution

MOVED Cr Buchanan seconded Cr Higgins 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
Confidential Items for Consideration – Memo Financing Key Projects	Contractual Matter Legal Matter May prejudice Council or any person	Section 89(2)(d) Section 89(2)(f) Section 89(2)(h)
Confidential Items for Consideration – Memo Issues from Audit Committee	Contractual Matter May prejudice Council or any person	Section 89(2)(d) Section 89(2)(h)
Confidential Items for Consideration – Memo Draft Budget 2009-10	Personnel Contractual Matters May prejudice Council or any person	Section 89(2)(a) Section 89(2)(d) Section 89(2)(h)
Reports from Other delegates – Unconfirmed Minutes of March Audit Committee Meeting	Personnel Contractual Matters May prejudice Council or any person	Section 89(2)(a) Section 89(2)(d) Section 89(2)(h)

CARRIED 7 : 0