

MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at the COPACC Meeting Room on 23 September 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

Rob Small, Chief Executive Officer

Colin Hayman, General Manager, Corporate and Community Services
Neil Allen, General Manager, Infrastructure and Services
Jack Green, General Manager, Sustainable Planning and Development
Rhonda Deigan, 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 to Council either verbally at the meeting or in writing.

Questions made in writing will be addressed if received within two days of the Council meeting. Please note that some questions may not be able to be answered at the meeting, these questions will be taken on notice. 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

5. QUESTION TIME

Questions Received in Writing Prior to the Meeting

Damian Dureau – Colac

The Mayor advised that given the amount of questions received in writing from Mr Dureau and to allow other members of the public the opportunity to ask questions of the Councillors, they will not be read out at this meeting, however a response to all questions received will be provided to him in writing.

1. The project brief for the “Enhanced Delivery of Library Services in Colac” project, on page 3, states that:
“The Colac Otway Shire will manage the project in accordance with the project brief”, and that in relation to Project Governance that:
“It is proposed that this project will be convened by the Colac Otway Shire and supported by a Project Working Group...”, and that in relation to Project Timelines that this Project Working Group is to be confirmed in July 2009.
Would you please advise in relation to this Project Working Group:-
 - (a) What is the full and precise name of that Committee?
 - (b) What is the total number, the individuals names, and the organisations they represent, of the current members of that Committee?
 - (c) What is the date of commencement and the schedule of regular meeting dates for the Committee?

Response:

- (a) There is no specific name for the Project Working Group.**
 - (b) The Group is made up of 2 representatives from the Shire, 2 from the Colac Library/Corangamite Regional Library and 1 from the Colac Secondary College.**
 - (c) The committee has so far met twice and will meet at key stages of the project.**
2. The project brief for the “Enhanced Delivery of Library Services in Colac: project, on page 3 states that:
“It is proposed that the expertise of a consultant be provided to assist with...this Strategy for the Beechy Precinct Global Connector.” And that in relation to Project Timelines that the Project Consultant is to be engaged in July 2009.
The Agenda for the Council Meeting of 22 July 2009, page 10 states that:
“A project brief for the Enhanced Library Services project has been forwarded to project consultants seeking submissions.”
 - (a) How many Project Consultants were forwarded the project brief seeking submissions, and please provide a list of their names?

- (b) On what date was the successful Project Consultant engaged, and what is the name, and the organisation they represent, of the Project Consultant engaged?
- (c) Would you please provide some brief summary information on the Project Consultant engaged regarding their background, qualifications, and their relevant experience and expertise in relation to their engagement for this project?

Response:

- (a) The project brief was forwarded to 5 Project Consultants.**
- (b) Mach II were engaged at the end of August.**
- (c) Information on Mach II can be found on their website at www.machii.com.au.**

3. The project brief for the “Enhanced Delivery of Library Services in Colac” project states that there will be a “community engagement strategy”, “in collaboration with the established project partners”, whereby all project stakeholder and interest groups will be liaised with and engaged in a consultation process which will include, but not be limited to:-
- Information sessions
 - Random selection
 - Small group workshops
 - Focus groups
 - Surveys and polling

When are the scheduled dates that it is proposed that these consultation processes will occur?

Response:

The dates and process are being established by the Consultants following the last Project Working Group meeting.

4. References have been made in the Agendas for the Council Meeting of:-
 28 October 2008, pages 47, 50 and attachment 6 of that same report,
 22 April 2009, pages 38 & 39, and
 26 August 2009, page 11,
 Regarding a new “jointly funded” position of “Partnership Broker – Schools as Community Facilities”/“Senior Projects Officer”, advertised by the Department of Planning and Community Development, involving a partnership between DPCD, COS and City of Greater Geelong in relation to Beechy Precinct, particularly Global Connector, (Colac Secondary College) and Vlines Road Redevelopment (Western Heights College, Hamlyn Heights).

It appears that this appointment may be a component of the “DPCD Funding Agreement” with COS in relation to the construction of the Global Connector, by the way that the 22 April 2009 Agenda references are written.

- (a) What is the estimated tenure of this appointment (ie. When is the approximate date of commencement and when is the approximate date of termination) in relation to the Beechy Precinct, particularly the Global Connector?
- (b) How much is the cost to COS, from its own funds, of this appointment?
- (c) How much is the cost to the city of Greater Geelong, from its own funds, of this appointment?
- (d) How much is the total cost to DPCD, over both projects, of this appointment?
- (e) How much is the total cost to DPCD of this appointment, in relation to just the Beechy Precinct?
- (f) If the cost to COS, of this appointment, included or excluded in COS’ \$1,149,000 “Construction Contributions” to the total “Construction Costs: of the Global Connector, under the “Development and Joint Use Agreement”?

- (g) Is the cost to DPCD, of this appointment, included or excluded in COS' \$1,149,000 "Construction Contributions" to the total "Construction Costs: of the Global Connector, under the "Development and Joint Use Agreement"?
- (h) Would you please confirm that this "Partnership Broker – Schools and Community Facilities"/"Senior Projects Officer" is a completely separate appointment and a completely different person / organisation, who will be operating completely separately, to the DPCD funded, "Project Consultant" that is the subject of Question 2, above?

Response:

- (a) The appointment is for a 2 year period commencing in October 2009.**
- (b) The position is jointly funded by DEECD, PPCD, the City of Greater Geelong and Colac Otway Shire. Colac Otway Shire's contribution is expected to be \$43,000 over the 2 year period.**
- (c) City of Greater Geelong's contribution is expected to be a similar amount.**
- (d) The total estimated cost of the project is \$240,000 with the balance of the project jointly funded by DEECD and DPCD.**
- (e) The project covers all areas of the Beechy Precinct.**
- (f) No**
- (g) No**
- (h) Yes**

5. As per Council's previous advice, the current lease between Colac Otway Shire and Otway Community College, in relation to the lease of the 6 Murray Street building by Otway Community College, expires on 30 April 2010 with a further option for a five year term.

Would you please confirm, in relation to the further option for a five year term, that it requires the agreement of both parties?

Response:

Otway Community College need to request the further option under the lease.

6. As per Council's previous advice, funds were provided in the 2008/2009 financial year in relation to converting the premises attached to COPACC and adjoining the council offices, that had previously been used by Arts Connection (known as 76 Corangamite Street), into office space for councils Infrastructure and Services Unit staff.

This included major internal renovations, painting, lighting, carpeting, IT fitout and office fitout, as reported in the Agenda for the Council Meeting of 24 June 2009, page 15.

- (a) How much did COS pay skills connection for the purchase of the lease of the 76 Corangamite street building premises located on council-owned land, and please confirm that payment was from funds provided in the 2008/2009 financial year.
- (b) How much was the cost in total of the works in converting the 76 Corangamite Street building premises into office space for council staff, which consistent with Council's previous advice, would be all from funds that were provided in the 2008/2009 financial year?

Response:

- (a) The Council paid \$325,000 for the purchase of the lease. The payment was from funds available in the 2008/09 financial year.**
- (b) The costs to convert the building were \$86,000 and were funded from the 2008/09 financial year.**

7. In the Agenda for the Council Meeting of 24 June 2009, page 14, states that:
"The area vacated by Infrastructure will be filled through a relocation of internal and

external office staff to the Rae Street site.”

Furthermore, in the Agenda for the Council Meeting of 26 August 2009, page 15, it states that:

“Minor renovations to existing office space within the Re Street Administration building has commenced to address Council’s immediate office accommodation needs. This follows on from the relocation of the Infrastructure and Services Department and involved the reconfiguration of existing work areas to utilise available space better and to accommodate the consolidation of various business units within the building. All plans have been endorsed by the Executive Team and works are expected to be finalised by late August.”

- (a) How much is the proposed cost in total of these works?
- (b) Please confirm that the total cost of these works will be from funds provided in the 2009/2010 financial year, and if so, please confirm that this expenditure will be from the “building program” allocation of \$720,000 in Appendix C – Capital Works Program of COS 2009/2010 adopted budget (with amendment motion)?

Response:

- (a) The cost of the works was \$23,000.**
- (b) The payment was from funds available in the 2008/09 financial year.**

- 8. At the 26 August 2009 Council Meeting, Council voted to re-submit an application for a grant under the Federal Government’s “Community Infrastructure Program – Strategic Projects: for the redevelopment of the Bluewater Fitness Centre Stadium.
 - (a) It seems that according to the Agenda for the Council Meeting of 26 August 2009, pages 122 & 123, this 2nd application for the proposed redevelopment of the Bluewater Fitness Centre Stadium does not include a warm water / hydrotherapy pool. Would you please confirm this?
 - (b) How much is the estimated total cost of the proposed Bluewater Stadium redevelopment?
(it is noted that in the Agenda for the Council meeting of 16 December 2008, page 56, it states that:
“The estimated total cost of the Bluewater Fitness Centre Stadium Redevelopment is \$6M” That \$6M estimated total cost did not include a warm water/hydrotherapy pool).
 - (c) How much will COS be applying for from the Federal Government’s Community Infrastructure Program – Strategic Projects for the proposed redevelopment?
 - (d) How much has the Federal Government indicated to Council that they may provide as a maximum contribution to the proposed redevelopment should Council’s funding application under this program be successful.

(It is noted that it was reported in the Colac Herald on 8 May 2009 that Sale, which has a similar population to Colac, received a \$3.35M to build a four-court indoor stadium, under previous funding provided by this same program.

It is further noted that in the Agenda for the Council Meeting of 26 August 2009, page 123, it states that:

“The redevelopment of the Bluewater Fitness Centre Stadium under the “Community Infrastructure program – Strategic projects” will require matching the funds expected to be sourced from the State Government and the local community, specifically the regular user groups”.)

- (e) Given the answers to (b) and (d) above, how much is the preliminary estimate that COS will be applying for from the State Government, firstly, through DEECD and,

secondly, through DPCD (Sport and Recreation Victoria) for the proposed redevelopment?

(It is noted that in the Agenda for the Council Meeting of 16 December 2008, page 56, it states that:

“To undertake this project, Colac Otway Shire will be seeking a significant contribution from the State Government through the Department of Education and Early Childhood Development and Sport and Recreation Victoria....”)

- (f) How much has the State Government indicated to Council that they may provide, firstly, through DEECD and , secondly, through DPCD (Sport and Recreation Victoria) as a maximum contribution to the proposed redevelopment should Council’s funding application under the Federal Government program be successful?

(It is noted that in the Agenda for the Council Meeting of 25 March 2009, page 35, it states that:

DEECD “propose a maximum of \$500,000 could be available to contribute to improve the facilities at the Stadium if any redevelopment is to occur.”)

- (g) Given the answers to (b), (d) and (f) above, how much is the preliminary estimate of the combined Federal and State Governments funding shortfall, and therefore the potential contributors of Council towards the proposed redevelopment?

(it is noted that in the Agenda for the Council Meeting of 26 August 2009, page 123, it states that:

“There is some risk that Council does not receive the balance of the funding from external sources....(and)...would therefore need to be considered with Council funds via the 2010/2011 budget process.”)

- (h) What is the closing date for Council’s application under this Federal Government program, and by what date will Council know of the result of that application?

- (i) Does Council have any preliminary estimates of what the extra annual “ongoing maintenance costs: would be in relation to proposed redevelopment of Bluewater Stadium, and in what proportion they would be shared with DEECD, and if so, how much are those projected costs for each party.

(It is noted that in the Agenda for the Meeting of 26 August 2009, page 123, it states that:

“Ongoing maintenance costs will be met by Council together with contributions from the Department of Education and Early Childhood Development.”)

Response:

- (a) The recommendation on the Federal Government Funding Opportunity included options for a staged development inclusive of a warm water exercise pool.**
- (b) At this stage it is estimated to be \$6m. There will further discussions required with State and Federal Government and other possible project partners with respect to the project.**
- (c) Further work needs to be undertaken once Council has received details of the funding.**
- (d) See (c)**
- (e) See (c)**
- (f) See (c)**
- (g) See (c)**

(h) Details are yet to be received.

(i) Yet to be established.

9. At the Council Meeting on 22 July 2009, it was carried by a vote of 4:3 that Council adopt COS 2009/2010 Annual Budget (with amendment motion).

A Division was immediately called by one of the 3 opposing councillors.

As is the customary practice, those councillors who were for the motion were then asked to again raise their hands, upon which their names were stated aloud, followed by the same procedure for those councillors against the motion, in order for this information to be duly recorded in the Minutes.

Why weren't the division details on this important item recorded in the Minutes?

Response:

To be considered at the September Council meeting.

10. As per Council's previous advice, in relation to the Rates and Charges information provided in the Statutory Disclosures Appendix in the COS Annual Budget, would producing the "Summary Table of Rates and Charges" (as COS previously produced in Annual Budgets prior to the 2008/09 year) be something that Council would at least give some further consideration to, without being requested to change any of the existing ICAA-lead format guide, but rather as additional information to it so as to provide greater disclosure; or is Council expressly now ruling out any such possibility?

Response:

The contents of the Budget document are reviewed on annual basis. It should be noted that the information previously included in the "Summary Rates and Charges" is included in the Statutory Disclosures Appendix.

11. As per Council's previous advice, it seems that current copies of the 3 key Council documents – (4year) Council Plan (as adopted), Annual Budget (as adopted), and Annual Report are to be provided in the Colac offices foyer area, where various Council documents are displayed, and at the Colac Library.

Would Council please be ever-vigilant in relation to this, and exercise particular care and attention to ensure that the Annual Budget (as adopted) is always so displayed at both locations, as this has not been the recent experience?

Response:

The comment is noted.

Council's website has the latest version of documents.

Questions Received Verbally at the Meeting

A letter received from Mr Splatt with respect to the proposed closure of the Barpinda Standpipe was tabled.

General Manager Sustainable Planning & Development advised that community input had been sought and received as part of the review of standpipes within the Shire and is currently being considered.

A petition received from Mr Don Henderson, Irrewillipe, with respect to the closure of standpipes, was tabled for future Council consideration.

Graeme Splatt – Weering

Have letters from the Weering/Eurack and Beeac Fire Captains been included in the review?

General Manager Sustainable Planning & Development advised that other letters had been received and were being considered as part of the process.

Lyn Foster – FOCL

What are the conditions and purpose of the \$30,000 grant and was it to be used as part of the Enhanced Library Services project?

The Mayor advised that the grant was applied for at the suggestion of the Minister for Education to explore options for enhanced library services in Colac.

Why is the current scope of the project looking at ways to improve the Joint Use Library?

The CEO advised that the scope of the Enhanced Library Services Project is to investigate ways to improve library services generally. A press release is to be issued to address information previously circulated.

Why were library members not included in the group of stakeholders?

The General Manager Corporate & Community Services advised that two days have been set aside for community consultation.

Dick Lee – Weering/Eurack Fire Brigade

Have all Councillors received a copy of Mr Splatt's letter in relation to the Barpinda Standpipe?

The General Manager Sustainable Planning & Development reported that as part of the assessment process, all Councillors would receive a copy of the letter.

Christine Holm – FOCL

Is it the intent of Council to provide an annex in the current library building?

The CEO stated that Council would not preempt the Enhanced Library Services study findings.

Is the grant to be spent on the Joint Use Library?

The CEO advised that the grant would be used on a study to determine the best options for the improved delivery of library services.

Why is the project consulting with groups from Geelong and not the 6,000 library members?

The General Manager Corporate & Community Services reported that consultation with

Geelong groups was part of a separate project and not included as part of the Enhanced Library Services project.

Dieter Wessner – FOCL

Can a collection tin be placed on the counter of the current library to gather funding to continue FOCL activities?

As stated in his letter to Mrs Foster, dated the 16 September 2009, the CEO advised that the placement of a collection tin on the counter of the library would not be appropriate as it would place library staff in a difficult position.

Paul David Cross – FOCL

Is the Recreation Centre part of the Blue Water Fitness Centre?

That Mayor stated that it was.

Is that currently the only joint use service in Colac?

The Mayor agreed that it was.

Can Council reassure members of the public that a similar incident to that which recently occurred in the recreation centre will not happen in the Joint Use Library?

The Mayor noted that this was a sensitive issue currently being dealt with by authorities and not subject to comment.

Can Council explain what measures will be put in place to guaranteed the security, safety and privacy of the public within the Joint Use Library?

The Mayor explained that this would be a matter for the organizing group of the new library and that the Joint Use Library would be a fully supervised facility.

Will Council be responsible for any legal action that occurs as a result of an incident within the Joint Use Library?

The Mayor stated that all issues will be dealt with as they arise.

With respect to the proposed Councillors Code of Conduct, do you believe that the majority of community members have respect for a Council who have broken the mandate under which they were elected?

The Mayor noted that this would be the independent view of individuals and that all Councillors worked hard within the Council's mission.

Will Council offer the public an annex in the current library location?

The Mayor advised that this could be the outcome of the study.

6. DECLARATION OF INTEREST

Cr Buchanan:	OM092309-13 Structural Assessment of Council Bridges
Nature of Disclosure:	Direct Interest
Nature of Interest:	Restricted access due to bridge load limit

Cr Buchanan:	OM092309-15 Tourism Signage Policy
Nature of Disclosure:	Direct Interest
Nature of Interest:	Tourist signs

7. CONFIRMATION OF MINUTES

- **Ordinary Council Meeting held on the 26/08/09.**
- **Special Council Meeting held on the 09/09/09**

MOVED Cr Frank Buchanan seconded Cr Stephen Hart that Council

1. ***Confirm the minutes of the Ordinary Council Meeting of the 26 August 2009 and the Special Council meeting of the 9 September 2009.***
2. ***Notes that the minutes of the Ordinary Council Meeting of the 28 January 2009 have been revised to record Cr Stuart Hart as being present at the meeting.***
3. ***Notes that the minutes of the Ordinary Council Meeting of the 22 July 2009 have been adjusted to reflect the division of vote on item OM092207 – 6 Adoption of the 2009/2010 Budget.***

CARRIED 7 : 0

OFFICERS' REPORTS

Chief Executive Officer

OM092309-1 CEO'S PROGRESS REPORT TO COUNCIL
OM092309-2 COUNCILLOR CODE OF CONDUCT

Corporate and Community Services

OM092309-3 LAVERS HILL POOL JOINT USE AGREEMENT OBLIGATIONS
OM092309-4 COLAC OTWAY YOUTH COUNCIL SKATE PARK ARTWORK PROJECT
OM092309-5 CERTIFICATION OF 2008/2009 FINANCIAL STATEMENTS
OM092309-6 EARLY YEARS DEVELOPMENT
OM092309-7 PROPOSED COLAC FAMILY AND CHILDREN'S CENTRE

Infrastructure and Services

OM092309-8 SPECIAL CHARGE SCHEME - SINCLAIR STREET SOUTH, ELLIMINYT
OM092309-9 NATIVE VEGETATION ON ROADSIDES
OM092309-10 BEST VALUE SERVICES REVIEW REPORT - SUSTAINABLE ASSETS & CAPITAL WORKS

OM092309-11 ADDITIONAL RECYCLE COLLECTIONS FOR COASTAL AREAS
OM092309-12 REVIEW OF REGIONAL WASTE MANAGEMENT GROUPS
OM092309-13 STRUCTURAL ASSESSMENT OF COUNCIL BRIDGES

Sustainable Planning and Development

OM092309-14 CLIMATE CHANGE GREEN PAPER SUBMISSION
OM092309-15 TOURISM SIGNAGE POLICY
OM092309-16 REVIEWED GELLIBRAND RIVER TOWNSHIP MASTER PLAN
PRIORITIES
OM092309-17 PLANNING SCHEME AMENDMENT TO INTRODUCE A SALINITY
MANAGEMENT OVERLAY

General Business

OM092309-18 ITEMS FOR SIGNING & SEALING - CATTLE UNDERPASS - SEXTON'S
ROAD, SWAN MARSH
OM092309-19 ITEM FOR SIGNING & SEALING - BIRREGURRA SKATE PARK
CONSTRUCTION

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>CHIEF EXECUTIVE OFFICER</u></p> <p><u>OM092309-1 CEO'S PROGRESS REPORT TO COUNCIL</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council receives the CEO's Progress Report for information.</i></p>	<p>CR STUART HART</p> <p>CR BRIAN CROOK</p>	
<p><u>OM092309-2 COUNCILLOR CODE OF CONDUCT</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>1. That Council adopt the Colac Otway Shire Councillor Code of Conduct.</i></p> <p><i>2. That all Councillors sign the Councillor Code of Conduct at the Council Meeting on 23 September 2009.</i></p>	<p>CR STUART HART</p>	

MOVED Cr Stuart Hart seconded Cr Frank Buchanan 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>OM092309-3 LAVERS HILL POOL JOINT USE AGREEMENT OBLIGATIONS</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <p><i>(a) Write to the Lavers Hill P-12 School seeking their endorsement to the proposed change to the Indoor Heated Swimming Pool Agreement from 1 July 2010, being that Council contribute 20% to all maintenance works undertaken at the Lavers Hill Pool to a maximum of \$10,000 The contribution would be subject to the receipt of a Business Plan for consideration as part of Council's budget processes.</i></p> <p><i>(b) Following receipt of endorsement of the change that a letter be written to the Department of Education and Early Child Development seeking approval of the change.</i></p>		<p>CR STEPHEN HART</p>
<p><u>OM092309-4 COLAC OTWAY YOUTH COUNCIL SKATE PARK ARTWORK PROJECT</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council note for information the updated report on the Colac Otway Youth Council Skate Park Artwork Project.</i></p>		

<p><u>OM092309-5</u> <u>CERTIFICATION OF 2008/2009 FINANCIAL STATEMENTS</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"> 1. <i>Council adopt the 2008/2009 Financial Statements 'In-Principle' subject to further adjustments required by audit in accordance with Section 131(7) Local Government Act 1989.</i> 2. <i>Council adopt the 2008/2009 Standard Statements 'In-Principle' subject to further adjustments required by audit, in accordance with Section 131(7) Local Government Act 1989.</i> 3. <i>Council adopt the 2008/2009 Performance Statement 'In Principle' subject to further adjustments required by audit in accordance with Section 131(7) Local Government Act 1989.</i> 4. <i>Pursuant to Section 131(8) and Section 132(7) of the Local Government Act 1989, Council authorise Councillors Stephen Hart and Stuart Hart to certify the 2008/2009 Statements in their final form after any changes recommended, or agreed to, by the auditors have been made.</i> 	<p>CR STEPHEN HART</p>	
<p><u>OM092309-6</u> <u>EARLY YEARS DEVELOPMENT</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council receive the report on "Early Years Development" for information.</i></p>		
<p><u>OM092309-7</u> <u>PROPOSED COLAC FAMILY AND CHILDREN'S CENTRE</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council endorse that part or all of the Colac and district Maternal & Child Health services are to be included in Stage 1 of the Colac Family & Children's Centre subject to appropriate facilities being provided.</i></p>		<p>CR LYN RUSSELL</p>

MOVED Cr Frank Buchanan seconded Cr Lyn Russell that recommendations to items listed in the Consent Calendar, with the exception of items OM092309-3 and OM092309-7, be adopted.

CARRIED 7 : 0

OM092309-3 LAVERS HILL POOL JOINT USE AGREEMENT OBLIGATIONS

MOVED Cr Stephen Hart seconded Cr Stuart Hart that:

Council resolves to refer the matter of the Lavers Hill Pool Joint Use Agreement to a Councillor Workshop for consideration.

CARRIED: 6 : 1

OM092309-7 PROPOSED COLAC FAMILY AND CHILDREN'S CENTRE

MOVED Cr Lyn Russell seconded Cr Stuart Hart that:

- 1. Council endorse that part or all of the Colac and District Maternal & Child Health services are to be included in Stage 1 of the Colac Family & Children's Centre subject to appropriate facilities being provided.**
- 2. Any future support required from the Colac Otway Shire would be subject to a further report to Council for approval.**

CARRIED: 7 : 0

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p data-bbox="188 488 687 517"><u>INFRASTRUCTURE AND SERVICES</u></p> <p data-bbox="188 595 1002 658"><u>OM092309-8 SPECIAL CHARGE SCHEME - SINCLAIR STREET SOUTH, ELLIMINYT</u></p> <p data-bbox="188 712 533 741">Department: Infrastructure</p> <p data-bbox="188 786 501 815"><u>Recommendation(s)</u></p> <p data-bbox="188 860 379 889"><i>That Council:</i></p> <p data-bbox="188 934 975 1059"><i>1. Resolve with respect to the construction of the unsealed pavement of Sinclair Street South, Elliminyt to give notice of its Intention to Declare a Special Charge Scheme for the construction of these works such that:</i></p> <p data-bbox="284 1099 975 1225"><i>(a) the construction of a sealed pavement and associated works will be of special benefit to properties described in paragraph (e) and shown on the attached plan by way of:</i></p> <ul data-bbox="341 1234 836 1328" style="list-style-type: none"> <li data-bbox="341 1234 836 1263"><i>- Improved property access;</i> <li data-bbox="341 1267 836 1296"><i>- Improved road safety; and</i> <li data-bbox="341 1301 836 1328"><i>- Improved amenity of the area.</i> <p data-bbox="284 1368 963 1494"><i>(b) A special charge be declared, at the Council Meeting to be held on 16 December 2009, for the period commencing on 1 July 2010 and concluding on 1 July 2015.</i></p> <p data-bbox="284 1534 1011 1700"><i>(c) A special charge scheme be declared for defraying any expenses in relation to the pavement construction of Sinclair Street South, Elliminyt, described in subsequent paragraphs of this resolution including expenses associated with:</i></p> <ul data-bbox="341 1709 1011 1834" style="list-style-type: none"> <li data-bbox="341 1709 1011 1803"><i>- Construction of road shoulder pavement and two coat bitumen wearing course road seal; and</i> <li data-bbox="341 1807 676 1834"><i>- Associated works.</i> <p data-bbox="284 1874 932 1933"><i>(d) The following be described as the area for which the special charge is declared:</i></p> <p data-bbox="284 1973 1007 2067"><i>The unsealed pavement of Sinclair Street South, Elliminyt between Pound Road and Irrewillipe Road for a length of approximately 830m</i></p>		<p data-bbox="1230 524 1369 582">CR LYN RUSSELL</p>

and applying to properties described in paragraph (e).

(e) The following be declared as the land in relation to which the special charge is so declared;

- | | |
|----------------------------------|--|
| 194 SINCLAIR STREET SOUTH | C/A 24 SECTION A |
| 200 SINCLAIR STREET SOUTH | C/A 23 SECTION A |
| 204 SINCLAIR STREET SOUTH | LOT 1 LP71879 C/A
PT.22 SECTION A
LOT 2 LP71879 C/A |
| 208 SINCLAIR STREET SOUTH | PT.22 SECTION A |
| 212 SINCLAIR STREET SOUTH | C/A 21 SECTION A |
| 218 SINCLAIR STREET SOUTH | C/A 20 SECTION A |
| 222 SINCLAIR STREET SOUTH | LOT 1 TP587211W |
| 226 SINCLAIR STREET SOUTH | CP160454 |
| 232 SINCLAIR STREET SOUTH | C/A 1 SECTION H |
| 238 SINCLAIR STREET SOUTH | LOT 1 TP779415
LOT 1 PS 513219K |
| 246 SINCLAIR STREET SOUTH | (C/A 6 SECTION H) |
| 275 SINCLAIR STREET SOUTH | LOT 2 PS510563K |
| 285 SINCLAIR STREET SOUTH | LOT 2 LP308326D |
| 295 SINCLAIR STREET SOUTH | LOT 2 PS523188 |
| 303 SINCLAIR STREET SOUTH | C/A 12 SECTION K |
| 313 SINCLAIR STREET SOUTH | C/A 13 SECTION K
C/A 14 & 15 SECTION
K |
| 323 SINCLAIR STREET SOUTH | C/A PT.26 SECTION A |
| 232 POUND ROAD | LOT 3 PS517162R |
| 248 POUND ROAD | PC366956 |
| 200 CANTS ROAD | C/A 10 SECTION H |
| 120 IRREWILLIPE ROAD | |

(f) The following be specified as the criteria which forms the basis of the special charge so declared:

Ownership of the land described in paragraph (e) of the recommendation.

(g) The following be specified as the manner in which the special charge so declared be assessed and levied:

The unit of assessment is one (1) benefit unit per property who has either property frontage or sideage to Sinclair Street South. The unit benefit equates to an estimated \$8,364.

(h) Having regard to the proceeding parts of this Resolution but subject to Section 166(1)(b) of the Local Government Act 1989:

(i) it can be confirmed that the owner of each rateable land described in

<p>Column 1 of the Schedule will therefore be liable for the respective amounts set out in Column 2 of the Schedule; and</p> <p>(ii) it be recorded that each owner may, subject to Section 167(4) of the Local Government Act 1989 and any further Resolution of Council pay the special charge in the following manner;</p> <p>(a) payment of quarterly instalments (commencing within one calendar month of the issue of the notice requesting payment) over 5 years with interest paid on the remaining principal at the Council overdraft rate and that a penalty interest rate be applied to late instalment repayments only; or</p> <p>(b) Payment by lump sum to be paid within one (1) calendar month of the issue of notice requesting payment.</p> <p>(i) The Chief Executive Officer be authorized to give public notice of their intention to declare a special charge scheme in accordance with Section 163(1C) of the Local Government Act 1989.</p> <p>(j) It be recorded that, subject to Section 163B and 166(1)(b) of the Local Government Act 1989, Council proposes to use the money from the special charge so declared in the manner set out in the "Estimate" annexed to this resolution.</p> <p>2. Council appoints two (2) Councillors, Cr..... and Cr....., to a Special Committee to consider submissions pursuant to Section 223 of the Local Government Act 1989, and that this Special Committee hears such submissions at Council's Rae Street Offices at 5pm on Wednesday 11 of November 2009 and reports back to Council.</p> <p>~~~~~\ ~~~~~</p>		
<p>OM092309-9 NATIVE VEGETATION ON ROADSIDES</p> <p>Department: Infrastructure <u>Recommendation(s)</u></p> <p>That Council:</p> <p>1. Endorse the actions of the Chief Executive Officer and the Mayor in signing a conditional Memorandum of Understanding with the</p>		<p>CR LYN RUSSELL</p>

Creek																																
Separation Crk	Mon	28/12, 11/1/10, 25/1/10	4/1/10	18/1/10																												
Marengo	Tues	29/12, 12/1/10, 26/1/10	5/1/10,	19/1/10																												
Wye River	Mon	28/12, 11/1/10, 25/1/10	4/1/10	18/1/10																												
Kennet River	Mon	28/12, 11/1/10, 25/1/10	4/1/10	18/1/10																												
Along GOR	Mon	28/12, 11/1/10, 25/1/10	4/1/10	18/1/10																												
<p>OM092309-12 <u>REVIEW OF REGIONAL WASTE MANAGMENT GROUPS</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>Notes and receives this report.</i> <i>Endorses the Barwon Regional Waste Management Group in preparing a submission in response to the "Review of Regional Waste Management Groups - Future Directions Paper" to Sustainability Victoria.</i> 																																
<p>CR STEPHEN HART</p>																																
<p>OM092309-13 <u>STRUCTURAL ASSESSMENT OF COUNCIL BRIDGES</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>Resolve to implement the following load limits:</i> <table border="1"> <thead> <tr> <th><u>Bridge No.</u></th> <th><u>Road Name</u></th> <th><u>Load Limit</u></th> </tr> </thead> <tbody> <tr> <td>CS022</td> <td>Upper Gellibrand Road</td> <td>12 tonnes</td> </tr> <tr> <td>CS044</td> <td>Apollo Bay Recreation Reserve</td> <td>5 tonnes</td> </tr> <tr> <td>CS051</td> <td>Rollings Access</td> <td>12 tonnes</td> </tr> <tr> <td>CS052</td> <td>Veseys Access</td> <td>8 tonnes</td> </tr> <tr> <td>CS055</td> <td>Raffertys Road</td> <td>6 tonnes</td> </tr> <tr> <td>CS060</td> <td>Scorcis Access</td> <td>5 tonnes</td> </tr> <tr> <td>CS249</td> <td>Upper Gellibrand Road</td> <td>12 tonnes</td> </tr> <tr> <td>CS084</td> <td>J Barrys Road</td> <td>2 tonne axle load</td> </tr> </tbody> </table> <ol style="list-style-type: none"> <i>Advise the Country Fire Authority in writing of bridges which it can use in an emergency and the operating conditions under which trucks may travel over the bridges.</i> <i>Provide a written response to all those parties who</i> 						<u>Bridge No.</u>	<u>Road Name</u>	<u>Load Limit</u>	CS022	Upper Gellibrand Road	12 tonnes	CS044	Apollo Bay Recreation Reserve	5 tonnes	CS051	Rollings Access	12 tonnes	CS052	Veseys Access	8 tonnes	CS055	Raffertys Road	6 tonnes	CS060	Scorcis Access	5 tonnes	CS249	Upper Gellibrand Road	12 tonnes	CS084	J Barrys Road	2 tonne axle load
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<p>CR STEPHEN HART</p>																																

<p><i>provided formal feedback through the public consultation process</i></p> <p>4. Refer the work to rehabilitate each of the structures to Council's Capital Works and Major Projects Program for detailed costing and prioritisation within the relevant programs.</p>		
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MOVED Cr Geoff Higgins seconded Cr Lyn Russell that recommendations to items listed in the Consent Calendar, with the exception of items OM092309-8, OM092309-9 and OM092309-13, be adopted.

CARRIED 7 : 0

OM092309-8 SPECIAL CHARGE SCHEME - SINCLAIR STREET SOUTH, ELLIMINYT

MOVED Cr Lyn Russell seconded Cr Stuart Hart that:

Council:

- 1. Resolve with respect to the construction of the unsealed pavement of Sinclair Street South, Elliminyt to give notice of its Intention to Declare a Special Charge Scheme for the construction of these works such that:**
 - (a) the construction of a sealed pavement and associated works will be of special benefit to properties described in paragraph (e) and shown on the attached plan by way of:**
 - Improved property access;
 - Improved road safety; and
 - Improved amenity of the area.
 - (b) A special charge be declared, at the Council Meeting to be held on 16 December 2009, for the period commencing on 1 July 2010 and concluding on 1 July 2015.**
 - (c) A special charge scheme be declared for defraying any expenses in relation to the pavement construction of Sinclair Street South, Elliminyt, described in subsequent paragraphs of this resolution including expenses associated with:**
 - Construction of road shoulder pavement and two coat bitumen wearing course road seal; and
 - Associated works.
 - (d) The following be described as the area for which the special charge is declared:**

The unsealed pavement of Sinclair Street South, Elliminyt between Pound Road and Irrewillipe Road for a length of approximately 830m and applying to properties described in paragraph (e).
 - (e) The following be declared as the land in relation to which the special charge is so declared;**

194 SINCLAIR STREET SOUTH	C/A 24 SECTION A
200 SINCLAIR STREET SOUTH	C/A 23 SECTION A
	LOT 1 LP71879 C/A
204 SINCLAIR STREET SOUTH	PT.22 SECTION A
	LOT 2 LP71879 C/A
208 SINCLAIR STREET SOUTH	PT.22 SECTION A
212 SINCLAIR STREET SOUTH	C/A 21 SECTION A
218 SINCLAIR STREET SOUTH	C/A 20 SECTION A
222 SINCLAIR STREET SOUTH	LOT 1 TP587211W
226 SINCLAIR STREET SOUTH	CP160454
232 SINCLAIR STREET SOUTH	C/A 1 SECTION H
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	LOT 1 PS 513219K
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323 SINCLAIR STREET SOUTH	K
232 POUND ROAD	C/A PT.26 SECTION A
248 POUND ROAD	LOT 3 PS517162R
200 CANTS ROAD	PC366956
120 IRREWILLIPE ROAD	C/A 10 SECTION H

- (f) *The following be specified as the criteria which forms the basis of the special charge so declared:*

Ownership of the land described in paragraph (e) of the recommendation.

- (g) *The following be specified as the manner in which the special charge so declared be assessed and levied:*

The unit of assessment is one (1) benefit unit per property who has either property frontage or sideage to Sinclair Street South. The unit benefit equates to an estimated \$8,364.

- (h) *Having regard to the proceeding parts of this Resolution but subject to Section 166(1)(b) of the Local Government Act 1989:*

(i) *it can be confirmed that the owner of each rateable land described in Column 1 of the Schedule will therefore be liable for the respective amounts set out in Column 2 of the Schedule; and*

(ii) *it be recorded that each owner may, subject to Section 167(4) of the Local Government Act 1989 and any further Resolution of Council pay the special charge in the following manner;*

(a) *payment of quarterly instalments (commencing within one calendar month of the issue of the notice requesting payment) over 5 years with interest paid on the remaining principal at the Council overdraft rate and that a penalty interest rate be applied to late instalment repayments only;*

or

OM092309-13 STRUCTURAL ASSESSMENT OF COUNCIL BRIDGES

Cr Frank Buchanan citing a conflict of interest left the Council Chambers at 3.55 PM

Cr Buchanan:	OM092309-13 Structural Assessment of Council Bridges
Nature of Disclosure:	Direct Interest
Nature of Interest:	Restricted access due to bridge load limit

MOVED Cr Stephen Hart seconded Cr Stuart Hart

That Council:

- 1. Resolve to implement the following load limits:***

<i><u>Bridge No.</u></i>	<i><u>Road Name</u></i>	<i><u>Load Limit</u></i>
<i>CS022</i>	<i>Upper Gellibrand Road</i>	<i>12 tonnes</i>
<i>CS044</i>	<i>Apollo Bay Recreation Reserve</i>	<i>5 tonnes</i>
<i>CS051</i>	<i>Rollings Access</i>	<i>12 tonnes</i>
<i>CS052</i>	<i>Veseys Access</i>	<i>8 tonnes</i>
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<i>CS060</i>	<i>Scorcis Access</i>	<i>5 tonnes</i>
<i>CS249</i>	<i>Upper Gellibrand Road</i>	<i>12 tonnes</i>
<i>CS084</i>	<i>J Barrys Road</i>	<i>2 tonne axle load</i>

- 2. Advise the Country Fire Authority in writing of bridges which it can use in an emergency and the operating conditions under which trucks may travel over the bridges.***
- 3. Provide a written response to all those parties who provided formal feedback through the public consultation process***
- 4. Refer the work to rehabilitate each of the structures to Council's Capital Works and Major Projects Program for detailed costing and prioritisation within the relevant programs.***

CARRIED 6 : 0

Cr Frank Buchanan returned to Council Chambers at 03:56 PM

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></p> <p><u>OM092309-14 CLIMATE CHANGE GREEN PAPER SUBMISSION</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation</u></p> <p><i>That Council endorse the attached submission on the Climate Change Green Paper and recommend that it be submitted to the State Government by 30 September 2009.</i></p>	CR LYN RUSSELL	
<p><u>OM092309-15 TOURISM SIGNAGE POLICY</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council endorse the Draft Tourism Signing Policy and release it for a public consultation period of 6 weeks.</i></p>		CR LYN RUSSELL
<p><u>OM092309-16 REVIEWED GELLIBRAND RIVER TOWNSHIP MASTER PLAN PRIORITIES</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. Adopts the reviewed Gellibrand River Township Master Plan Priorities in principle as a project initiated by the Gellibrand Kawarren community to develop a strategic plan for the future development of public land infrastructure in their township.</i> <i>2. Notes that significant community consultation has occurred in the development of the reviewed Gellibrand River Township Master Plan Priorities including a public community meeting and the opportunity for community comment.</i> 	CR STUART HART	

<p>3. Considers future funding applications to complete priorities identified in the reviewed Gellibrand River Township Master Plan Priorities via STIP applications, Capital Works budget bids and through ongoing consultation with the Gellibrand and Kawarren community.</p>		
<p><u>OM092309-17 PLANNING SCHEME AMENDMENT TO INTRODUCE A SALINITY MANAGEMENT OVERLAY</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Proceed with the preparation and exhibition of a planning scheme amendment to introduce a Salinity Management Overlay over salinity affected areas mapped through the regional salinity mapping project, with a Schedule that specifies appropriate exemptions from planning permit requirements, and with relevant updates to policy in the Municipal Strategic Statement. 2. Request the Planning Minister to authorise the preparation of the amendment. 3. Advise the Corangamite Catchment Management Authority of its intention to honour the conditions of its funding agreement concerning the Salinity Mapping Project, subject to receipt of more accurate mapping being provided based on more recent LiDAR (Light Detection and Ranging) data, and to accept funding to offset costs associated with the amendment in accordance with that agreement. 		

MOVED Cr Lyn Russell seconded Cr Stuart Hart that recommendations to items listed in the Consent Calendar, with the exception of item OM092309-15, be adopted.

CARRIED 7 : 0

OM092309-15 TOURISM SIGNAGE POLICY

Cr Frank Buchanan, citing a conflict of interest, left Council Chambers at 4.00 pm

Cr Buchanan:	<u>OM092309-15 Tourism Signage Policy</u>
Nature of Disclosure:	Direct Interest
Nature of Interest:	Tourist signs

MOVED Cr Lyn Russell seconded Cr Stuart Hart

That Council endorse the Draft Tourism Signing Policy for release for a public consultation period of 6 weeks.

CARRIED 6 : 0

Cr Frank Buchanan returned to Council Chambers at 4.01 pm.

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>GENERAL BUSINESS</u></p> <p><u>OM092309-18</u> <u>ITEMS FOR SIGNING & SEALING - CATTLE UNDERPASS - SEXTON'S ROAD, SWAN MARSH</u></p> <p>Department: General Business</p> <p><u>Recommendation(s)</u></p> <p><i>That Council sign and seal the Cattle Underpass Agreement between Colac Otway Shire and B F & R M Whytcross for a cattle underpass under Sextons Road, Swan Marsh.</i></p>		
<p><u>OM092309-19</u> <u>ITEM FOR SIGNING & SEALING - BIRREGURRA SKATE PARK CONSTRUCTION</u></p> <p>Department: General Business</p> <p><u>Recommendation(s)</u></p> <p><i>That Council sign and seal the Instrument of Agreement between the Colac Otway Shire and Independent Concrete Constructions.</i></p>		

MOVED Cr Stephen Hart seconded Cr Frank Buchanan that recommendations to items OM092309-18 and OM092309-19 listed in the Consent Calendar be adopted.

CARRIED 7 : 0

IN COMMITTEE

Recommendation

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
Audit Committee	this matter deals with personnel matters; AND this matter deals with contractual matters; AND this matter may prejudice the Council or any person	Section 89 (2) (a) (d) (h)
Confidential Items for Consideration – Best Value Services Review Report – Sustainable Assets & Capital Works	this matter may prejudice the Council or any person	Section 89 (2) (h)

OUT OF COMMITTEE

MOVED Cr Stephen Hart seconded Cr Lyn Russell that the meeting move out of committee.

CARRIED 7 : 0

The Meeting Was Declared Closed at 4.05 pm

CONFIRMED AND SIGNED at the meeting held on 28 OCTOBER 2009

.....**MAYOR**

.....**CHIEF EXECUTIVE OFFICER**