

MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at the Apollo Bay Senior Citizens Centre, Apollo Bay on 25 November 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 & Community Services
Neil Allen, General Manager, Infrastructure & Services
Jack Green, General Manager, Sustainable Planning & 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

Questions submitted in Writing for the Ordinary Council Meeting of the Colac-Otway Shire Council on Wednesday 25 November 2009

Damien Dureau – Colac

Would you please provide me with answers in writing to the following questions:-

1. Since the current Colac Otway Shire Council was elected at the 29 November 2008 Local Government elections, Council Minutes reveal that, up to and including September 2009, there have been 19 Council Meetings (ie. 1 Statutory, 10 Ordinary and 8 Special). The Minutes of those 19 Meetings reveal that, in total, Councillors have been required to vote on 240 separate occasions. Of those 240 separate voting matters, Councillors have voted unanimously on 178 occasions (or 74%); and have voted not unanimously on 62 occasions (or 26%). Of the 62 separate voting matters where the vote has not been unanimous, a Division has been called for on 34 occasions (or 55%); and a Division has not been called for only on 28 occasions (or 45%).

Given these figures, would Council please consider, in reviewing Local Law No. 4, "Council Meeting Procedures and Common Seal", amending proposed "Part Seven, Division 2 – Voting at Meetings", so that on the approximately 25% of voting matters where the Councillors' vote proves not to be unanimous, a Division of the vote is automatically recorded on each one of those voting matters in the Council Minutes (ie. perhaps recording just the names of the Councillors in the minority)?

Suggested reasons for making this minor amendment include:-

- (i) A more efficient and streamlined meeting process, including eliminating the need for a Councillor to think, or act, to calling for a Division, which is already occurring on approximately 50% of these occasions, anyway.*
- (ii) Where a voting matter is not unanimous but subject to dispute, it is reasonable to assume that Councillors would, in fact, want the way in which they voted on that issue to be duly noted and documented for the record.*
- (iii) Council Minutes would become complete as a register of Councillors' voting records (rather than 88% complete in this regard, currently), which would provide a more useful and*

informative reference to all readers of Council Minutes, including Councillors themselves wishing to refer back on previous decisions at a later date.

RESPONSE

Council is currently in the process of reviewing the Council Meeting Procedures Local Law.

Council Meeting Procedures and Common Seal – Local Law No. 4 2009 is currently out for public consultation.

Submissions on the Local Law can be received until Friday 11 December.

The Draft Local Law defines a “division” and clauses 42 to 44 detail the process regarding a division.

The above comments can be taken into consideration as part of the review.

2. In relation to the “Enhanced Delivery of Library Services in Colac” project, please advise as follows:-

2.1 Which of the following was the author of the Project Brief:-

(a) Was it the un-named specific purpose Project Committee; or Colac Otway Shire (the Project Managers)?

(b) Alternatively, was it DPCD (the Project Funder)?

(c) Was it even DEECD; or Colac Secondary College (CSC) (as the project is associated with the Global Connector Facility at CSC)?

RESPONSE

The Project Brief was jointly prepared between the Council and DPCD who funded the project.

2.2 Who, or what body/s, selected the 5 Project Consultants to be forwarded the Project Brief seeking submissions?

RESPONSE

The project consultants were selected jointly between the Council, DPCD and Library representatives.

2.3 How were the 5 Project Consultants selected to be forwarded the Project Brief seeking submissions (ie. what was the criteria for selecting those 5 Project Consultants to be forwarded the Project Brief, and not others)?

RESPONSE

The project consultants were based on experience in the required areas of expertise regarding knowledge of libraries, consultation, change management etc.

2.4 How many of the 5 Project Consultants who were forwarded the Project Brief seeking submissions actually made a submission to carry out the Project Brief consultancy work?

RESPONSE

2 project consultants made a submission.

2.5 Who, or what body/s, selected the Project Consultant to be engaged from those Project Consultants who actually made a submission to carry out the Project Brief consultancy work?

(It is noted that the successful Project Consultant engaged, Mach II Consulting from Yackandandah, have no apparent experience and expertise in relation to library services, per se, or joint use libraries, in particular.)

RESPONSE

The project consultants were chosen by the Project Working Group.

2.6 What are the names of the 5 current members of the un-named specific purpose Project Committee; or as per Council's previous advice, is Council now indicating that they now seek to no longer disclose the names of members on any Committee associated with the Global Connector Facility?

RESPONSE

As previously advised the Project Management 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.

The people involved in the group are:

- Colac Otway Shire
- Library representatives
- Colac Secondary College
- Marg Scanlon and Colin Hayman
- Sally Wade & Pepita Marshall
- Jackie Dullard

Other people are co-opted as required.

2.7 If Council no longer wishes to disclose the names of members on any Committee associated with the Global Connector Facility, is Council now foreshadowing that they will also seek not to disclose the names of the members of the so-called "Joint Committee", the supposed Management Body of the Global Connector Facility, when it is appointed in 2010 under the "Development and Joint Use Agreement" for the Global Connector Facility including Joint Use Library?

RESPONSE

Council has never indicated that it does not wish to disclose the names of members of committees.

When the Joint Committee for the new facility is formed it is intended that the names of the Committee will be made public.

Questions Received Verbally at the Meeting

Lyn Foster – FOCL

Making reference to the Mayoral Report on G21 in the Colac Herald. Given the figures, why would anyone want to live in Colac and what is Council planning to do about it?

RESPONSE

The Mayor responded that while the figures were alarming they are real and the community needs to be alerted to the issues. The Council has engaged with G21 Geelong Region Alliance members through the convening of a meeting of the Transport, Education & Training and Health & Wellbeing Pillars to address areas of disadvantage within the Colac Otway Shire. It is hoped that through engaging with the G21 Geelong Region Alliance and with the Great South Coast Municipality Group these issues will be at the forefront of future projects.

Referring to a press release appearing in the Geelong Advertiser announcing a new library for Waurin Ponds, why does the community of the Colac Otway Shire have to give \$1.3M to the State government for the use of a library for which it has relinquished ownership and is being built away from the town centre?

RESPONSE

The Mayor stated that while he had not been party to funding negotiations for the new Geelong library, work has commenced on the new joint use library facility in Colac and expressed the hope that the Friends of the Colac Library would develop a will to make the project a success.

Dieter Wessner – FOCL

In light of the Federal Government's funding of the new Geelong library, has Council considered approaching the Federal Government for any funding for the joint use library in Colac?

RESPONSE

The General Manager for Corporate & Community Services responded that the Federal Government has made a financial commitment towards the Beechy Precinct project.

Christine Holm - FOCL

Does Council intend to cooperate with the community and comply with its wishes with respect to establishing a library annex in the current building?

RESPONSE

The Mayor stated that this would be part of Council deliberations on receipt of the final report from the consultants engaged to undertake the Enhanced Library Services project.

The General Manager for Corporate & Community Services stated that the draft report of the Enhanced Library Services project is due during the month of December 2009 for discussion and further progression.

Does Council believe in democracy, in particular proposed changes to question time at Council meetings?

RESPONSE

The Mayor reminded Ms Holm that Local Law 4 is under review and has been released until the 11 December 2009 for public consultation.

The General Manager for Corporate & Community Services announced that Council would hear submissions from the community on the 16 December and these submissions and others would be considered, and changes to Local Law 4 discussed, at a meeting of Council early in 2010.

Paul David Cross – FOCL

In light of the Council removing the official library in Colac and to meet the demands of the public, will Council retain an annex in the present library building?

RESPONSE

The Mayor reiterated his previous response with respect to Council's commitment to consider this in line with the outcomes of the Enhanced Library Services' report.

Why were consultants, without any previous library experience, engaged to undertake this project?

RESPONSE

The General Manager for Corporate & Community Services advised that the consultants engaged to undertake this project, had been chosen due to their overall experience in libraries, planning, financial analysis and project management.

Why don't the Otways, including Lavers Hill, have telecommunication towers?

RESPONSE

The Mayor commented that this was a decision made by telecommunication companies and not Council. He also advised that Council were having ongoing discussions with telecommunication companies and the government advocating for improved mobile coverage for the Otways. The Mayor also referred Mr Cross to agenda item OM092511-10 Proposed lease agreement for 6 Blundy Street, Forrest, between the Colac Otway Shire and Optus.

Councillor Stephen Hart noted the existence of a telecommunications tower in Lavers Hill.

Kate Goossen – Skenes Creek

What position does the Council have with respect to Code Red days? Will the council open centres such as the Apollo Bay Leisure Centre for families to retreat to on Code Red days?

RESPONSE

The General Manager for Sustainable Planning & Development advised that the issue of emergency management was being taken seriously by the Colac Otway Shire in partnership with the Department of Sustainability & Environment (DSE) and the Country Fire Authority (CFA) through the development of Township Protection Plans. He also referred Ms Goossen to agenda item OM092511-7 Colac Otway Shire's proposed Heatwave Plan. While the Council does not intend to make available public centres as refuge centres, any Neighbourhood Safer Places that are identified should only be used as a last resort. People should develop their own fire plans to ensure the safety of themselves and their families in the event of a Code Red day.

Paul McFarlane – Apollo Bay

When will the carpark at the rear of the Doctor's surgery in Pascoe Street be developed?

RESPONSE

The General Manager for Infrastructure & Services advised that the design of the carpark is being undertaken.

Is there any consultation planned with businesses in Pascoe Street in relation to garbage collection?

RESPONSE

The General Manager for Infrastructure & Services reported that a consultation process with local businesses will be conducted following the design of the carpark.

Given the development of businesses in Pascoe Street, does Council plan to link it with the main street? There is currently no streetscape, bins, screens or cleaning of footpaths which would make it look like part of the business community.

RESPONSE

The CEO advised that he will be undertaking a review of place making early in the new year, in the meantime, the CEO will discuss this matter further with Mr McFarlane and progress this issue through the business associations within Apollo Bay.

What progress is being made in relation to the installation of overtaking lanes on the Apollo Bay/Forrest Road?

RESPONSE

The Mayor reported that the Council was currently advocating with the VicRoads with respect to this issue which was also highlighted during G21 discussions with VicRoads the previous day.

The General Manager for Infrastructure & Services advised that a letter had been sent to VicRoads requesting a meeting to discuss the installation of overtaking lanes on the Apollo Bay/Forrest Road.

6. DECLARATION OF INTEREST

NIL

7. CONFIRMATION OF MINUTES

- **Ordinary Council Meeting held on the 28/10/09.**

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

CARRIED 7:0

OFFICERS' REPORTS

Chief Executive Officer

OM092511-1 COUNCIL MEETINGS FOR 2010
OM092511-2 CEO'S PROGRESS REPORT TO COUNCIL
OM092511-3 LOCAL GOVERNMENT PERFORMANCE MONITORING FRAMEWORK
OM092511-4 CRESSY-SHELFORD ROAD GRASSLAND DESTRUCTION

Corporate and Community Services

OM092511-5 REVIEW OF COUNCIL POLICIES
OM092511-6 APOLLO BAY AND LAVERS HILL JOINT USE RECREATION FACILITIES
OM092511-7 HEATWAVE PLANNING

Infrastructure and Services

OM092511-8 SPECIAL CHARGE SCHEME - POUND ROAD, COLAC
OM092511-9 LOCAL ROADS TO MARKETS PROGRAM – LARPENT ROAD STRENGTHENING PROJECT
OM092511-10 PROPOSED LEASE AGREEMENT – 6 BLUNDY STREET, FORREST
OM092511-11 CONTRACT APPROVAL
CONTRACT 0917 - BITUMINOUS SEALING WORKS
OM092511-12 SPECIAL CHARGE SCHEME - SINCLAIR STREET SOUTH, ELLIMINYT

Sustainable Planning and Development

OM092511-13 STANDPIPE MANAGEMENT

OM092511-14 TOWNSHIP PROTECTION PLANS

General Business

- OM092511-15 ITEM FOR SIGNING & SEALING - SECTION 173 AGREEMENT, 80
CORUNNUN ROAD, COROROOKE, W & M MCGUANE
- OM092511-16 SIGNING AND SEALING - ROAD WIDENING ACQUISITION - SCOTT
- OM092511-17 ITEM FOR SIGNING & SEALING - SECTION 173 AGREEMENT, 200
QUEEN STREET, COLAC, N M NORTH
- OM092511-18 ITEMS FOR SIGNING & SEALING - SECTION 173 AGREEMENT, 64 &
66 PASCOE STREET, APOLLO BAY
- OM092511-19 MUNICIPAL ASSOCIATION OF VICTORIA STATE COUNCIL MEETING

Notices of Motion

- OM092511-20 PLANNING DECISIONS
- OM092511-21 LICENSED PREMISES

CONSENT CALENDAROFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>CHIEF EXECUTIVE OFFICER</u></p> <p><u>OM092511-1 COUNCIL MEETINGS FOR 2010</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <p>1. Confirm the meeting dates, times and venues of 2010 Council meetings as:</p> <ul style="list-style-type: none"> * Wednesday, 27 January 2010 at 3.00pm, at COPACC, Colac * Wednesday, 24 February 2010 at 3.00pm, at Apollo Bay Senior Citizen's Centre, Apollo Bay * Wednesday, 24 March 2010 at 3.00pm, at COPACC, Colac * Wednesday, 28 April 2010 at 3.00pm, at COPACC or Birregurra * Wednesday, 26 May 2010 at 3.00pm, at COPACC, Colac * Wednesday, 23 June 2010 at 3.00pm, at COPACC, Colac * Wednesday, 28 July 2010 at 3.00pm, at COPACC, Colac * Wednesday, 25 August 2010 at 3.00pm, at COPACC, Colac * Wednesday, 22 September 2010 at 3.00pm, at COPACC, Colac * Wednesday, 27 October 2010 at 3.00pm, at COPACC, Colac * Wednesday, 24 November 2010 at 3.00pm, at Apollo Bay Senior Citizen's Centre, Apollo Bay * Wednesday, 15 December 2010 at 3.00pm, at COPACC, Colac 		Cr Stephen Hart
<p><u>OM092511-2 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>	Cr Chris Smith Cr Brian Crook	

<p><u>OM092511-3</u> <u>LOCAL GOVERNMENT PERFORMANCE MONITORING FRAMEWORK</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <ol style="list-style-type: none"> 1. <i>That the information on a Performance Monitoring Framework be received.</i> 2. <i>That the CEO and Executive prepare submissions to the Local Government Performance Monitoring Framework (Issues Paper October 2009).</i> 		
<p><u>OM092511-4</u> <u>CRESSY-SHELFORD ROAD GRASSLAND DESTRUCTION</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> 1. <i>Endorses the above report on the Cressy Shelford Road native vegetation and threatened species destruction;</i> 2. <i>Supports the agreements as outlined in the Enforceable Undertaking with DSE and DEWHA committing Council to:</i> <ul style="list-style-type: none"> • Rehabilitation of the areas damaged along Cressy-Shelford Road (\$180,000); • Internal process improvements for Council (\$80,000); • External awareness raising activities (\$30,000); • Protection of native grassland and threatened species (\$250,000); and • Coordination and reporting component for eighteen months (\$150,000). 		Cr Stephen Hart

MOVED Cr Frank Buchanan seconded Cr Stuart Hart that recommendations to items listed in the Consent Calendar, with the exception of items OM092511-1 and OM091125-4, be adopted.

CARRIED 7 : 0

OM092511-1 COUNCIL MEETINGS FOR 2010

MOVED Cr Stephen Hart seconded Cr Lyn Russell that Council

1. Council is committed to open and transparent processes and recognises that one element of this is providing the Community with improved opportunities to observe the operation of Local Government at ordinary meetings.

2. Confirm the meeting dates, times and venues of 2010 Council meetings as:

- * ***Wednesday, 27 January 2010 at 6.00pm, at COPACC, Colac***
- * ***Wednesday, 24 February 2010 at 6.00pm, at Apollo Bay Senior Citizen's Centre, Apollo Bay***
- * ***Wednesday, 24 March 2010 at 3.00pm, at COPACC, Colac***
- * ***Wednesday, 28 April 2010 at 3.00pm, at COPACC, Colac***
- * ***Wednesday, 26 May 2010 at 3.00pm, at Birregurra***
- * ***Wednesday, 23 June 2010 at 3.00pm, at COPACC, Colac***
- * ***Wednesday, 28 July 2010 at 3.00pm, at COPACC, Colac***
- * ***Wednesday, 25 August 2010 at 3.00pm, at Cressy***
- * ***Wednesday, 22 September 2010 at 3.00pm, at COPACC, Colac***
- * ***Wednesday, 27 October 2010 at 3.00pm, at COPACC, Colac***
- * ***Wednesday, 24 November 2010 at 3.00pm, at Apollo Bay Senior Citizen's Centre, Apollo Bay***
- * ***Wednesday, 15 December 2010 at 3.00pm, at COPACC, Colac***

3. Council notes that holding meetings outside of Colac in an additional opportunity for residents outside of Colac to observe the process of Local Government and is not a substitute for proper consultation on issues effecting outlying areas. Consultation and information meetings will continue to be held in outlying areas as required.

CARRIED 6 : 1

DIVISION called by Cr Stuart Hart

***For the Motion: Cr Brian Crook, Cr Geoff Higgins, Cr Frank Buchanan,
Cr Stephen Hart, Cr Stuart Hart, Cr Lyn Russell***

Against the Motion: Cr Chris Smith

OM092511-4 CRESSY-SHELFORD ROAD GRASSLAND DESTRUCTION

MOVED Cr Stephen Hart seconded Cr Geoff Higgins that Council

1. Endorses the above report on the Cressy Shelford Road native vegetation and threatened species destruction;

2. Supports the agreements as outlined in the Enforceable Undertaking with DSE and DEWHA committing Council to:

- ***Rehabilitation of the areas damaged along Cressy-Shelford Road (\$180,000);***
- ***Internal process improvements for Council (\$80,000);***
- ***External awareness raising activities (\$30,000);***
- ***Protection of native grassland and threatened species (\$250,000); and***
- ***Coordination and reporting component for eighteen months (\$150,000).***

3. Requests the Chief Executive Officer to ensure:

- a) ***That progress reports referred to in item 4 of the schedule to the enforceable undertakings, or reports containing similar information, are to be tabled in the***

open part of the Ordinary Council agenda as soon as possible after January 2010 and February 2011 being dates specified in item 4, and

- b) After February 2011, a report is to be given at least annually in the open part of the Ordinary Council agenda on what steps continue to be taken to ensure that Council's activities are adhering to all regulatory environmental requirements.*

CARRIED 6 : 1

DIVISION called by Cr Geoff Higgins

For the Motion: Cr Brian Crook, Cr Geoff Higgins, Cr Frank Buchanan, Cr Stephen Hart, Cr Stuart Hart, Cr Lyn Russell

Against the Motion: Cr Chris Smith

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>CORPORATE AND COMMUNITY SERVICES</u></p> <p><u>OM092511-5 REVIEW OF COUNCIL POLICIES</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council adopt the following revised policies:</i></p> <p><i>Policy No 6.2 – Funding Advances to Community Organisations Policy</i> <i>Policy No 6.3 – Donations-Miscellaneous Policy</i> <i>Policy No 8.5 – Investment Attraction Policy</i> <i>Policy No 10.1 – Maternal and Child Health Services Policy</i> <i>Policy No 11.1 – Rates Assistance Community Groups Policy</i> <i>Policy No 11.4 – Assistance to Rates Debtors in Hardship Policy</i> <i>Policy No 11.5 – Residential Properties deemed to be Non-Rateable as used for Charitable Purposes Policy</i> <i>Policy No 18.2 – Information Privacy Policy</i></p>		Cr Stephen Hart
<p><u>OM092511-6 APOLLO BAY AND LAVERS HILL JOINT USE RECREATION FACILITIES</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. Acknowledge the current joint use agreements and Council's involvement in the provision of these facilities.</i> <i>2. Subject to the budget process, increase their contribution from 20% to 40% for all Lavers Hill Indoor Pool Maintenance commencing 1 July 2010 with an annual capped limit of \$10,000 plus a CPI increase on an annual basis.</i> 		

<p><u>OM092511-7 HEATWAVE PLANNING</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. Adopts the draft Heatwave Plan as an interim plan for heatwave events that may occur in Colac Otway Shire.</i> <i>2. Endorses that the draft Heatwave Plan be exhibited publically for at least a six week period for community input prior to it being further considered by Council for adoption.</i> 	<p>Cr Lyn Russell</p> <p>Cr Brian Crook</p>	
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MOVED Cr Lyn Russell seconded Cr Geoff Higgins that recommendations to items listed in the Consent Calendar, with the exception of items OM092511-5, be adopted.

CARRIED 7 : 0

OM092511-5 REVIEW OF COUNCIL POLICIES

MOVED Cr Stephen Hart seconded Cr Stuart Hart that Council

1. adopt the following revised policies:

Policy No 6.2 – Funding Advances to Community Organisations Policy

Policy No 6.3 – Donations-Miscellaneous Policy

Policy No 8.5 – Investment Attraction Policy

Policy No 10.1 – Maternal and Child Health Services Policy

Policy No 11.1 – Rates Assistance Community Groups Policy

Policy No 11.4 – Assistance to Rates Debtors in Hardship Policy

Policy No 11.5 – Residential Properties deemed to be Non-Rateable as used for Charitable Purposes Policy

Policy No 18.2 – Information Privacy Policy

2. Point (h) of the draft policy 11.1 is to be reworded to read:

“The group should not receive more than 30% of their income from other levels of governments or other agencies”.

CARRIED 7:0

CONSENT CALENDAROFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>INFRASTRUCTURE AND SERVICES</u></p> <p><u>OM092511-8 SPECIAL CHARGE SCHEME - POUND ROAD, COLAC</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. Adopt the final costs associated with the Special Charge Scheme for the construction of the unsealed section of Pound Road, Colac, being \$305,123.29; and</i> <i>2. Notify effected property owners of the final costs levied against the properties within the scheme boundary, based on an 8.43% decrease from the original estimate.</i> 		
<p><u>OM092511-9 LOCAL ROADS TO MARKETS PROGRAM – LARPENT ROAD STRENGTHENING PROJECT</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 provide allocations of \$215,000, \$215,000 and \$45,000 in the 2010/11, 2011/12, and 2012/13 Capital Works Budgets respectively as its contribution towards the total cost of \$950,000 for the renewal and upgrade of the section of Larpent Road extending between Browns Lane and Lineens Road; and</i> <i>2. Instruct the Chief Executive Officer to write to Regional Development Victoria providing confirmation of its contribution of \$475,000 towards the total cost of the project.</i> 		

<p><u>OM092511-10 PROPOSED LEASE AGREEMENT – 6 BLUNDY STREET, FORREST</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. Agree in principle to the terms and conditions of the draft Lease Agreement; and</i> <i>2. Give notice of intention to enter into this Agreement and invite submissions in accordance with Section 223 of the Local Government Act 1989 to the proposal to enter into a lease.</i> 	Cr Brian Crook	
<p><u>OM092511-11 CONTRACT APPROVAL CONTRACT 0917 - BITUMINOUS SEALING WORKS</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. Awards Contract 0917 for Bituminous Sealing Works to Sprayline Surfacing Services at the tendered price of \$682,806 (excluding GST); and</i> <i>2. Delegates to the Chief Executive Officer the authority to sign and place under Council seal the contract documents following award of Contract 0917.</i> 		
<p><u>OM092511-12 SPECIAL CHARGE SCHEME - SINCLAIR STREET SOUTH, ELLIMINYT</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <p><i>Resolve with respect to the construction of the unsealed pavement of Sinclair Street South, Elliminyt, to declare a Special Charge Scheme for the construction of these works such that:</i></p> <p><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 style="list-style-type: none"> <i>• Improved property access;</i> <i>• Improved road safety; and</i> <i>• Improved amenity of the area.</i> 		Cr Lyn Russell

- (b) **A special charge be declared for the period commencing on 1 July 2010 and in accordance with the Local Government Act 1989.**
- (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 |
| 204 Sinclair Street South | LOT 1 LP71879 C/A PT.22 Section A |
| 208 Sinclair Street South | LOT 2 LP71879 C/A 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 |
| 246 Sinclair Street South | LOT 1 PS 513219K (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 |
| 323 Sinclair Street South | C/A 14 & 15 Section 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. The unit benefit equates to an estimated \$8,656.47.**
- (h) **Having regard to the proceeding parts of this Resolution but subject to Section 166(1)(b) of the Local Government Act 1989:**

<p><i>(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</i></p> <p><i>(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.</i></p> <p><i>(a) Payment of quarterly instalments (commencing within one calendar month of the issue of the notice requesting payment) over 4 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</i></p> <p><i>(b) Payment by lump sum to be paid within one calendar month of the issue of notice requesting payment.</i></p> <p><i>(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.</i></p> <p><i>(k) That Council allocates \$90,050 as its portion to the Special Charge Scheme in the 2010/2011 Capital Works Program for consideration in the 2010/11 budget process.</i></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 OM092511-12, be adopted.

CARRIED 7 : 0

OM092511-12 SPECIAL CHARGE SCHEME - SINCLAIR STREET SOUTH, ELLIMINYT

MOVED Cr Lyn Russell seconded Cr Geoff Higgins that the Special Charge Scheme – Sinclair Street South, Elliminyt be deferred for consideration until the January 2010 meeting to permit further community consultation.

CARRIED 7 : 0

CONSENT CALENDAROFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></p> <p><u>OM092511-13 STANDPIPE MANAGEMENT</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. Note the contents of the petition/joint letter opposing the closure of the Pirron Yallock Standpipe.</i> <i>2. Endorses the Barpinba, Pirron Yallock, Alvie and Yeo standpipes remain open for Fire Fighting purposes only.</i> <i>3. Endorses the keys be issued to CFA Brigade Captains to administer access on days with a fire danger rating of very high, severe, extreme or catastrophic.</i> <i>4. Endorses a review of standpipe usage after the 2009/10 fire season and an investigation of alternative solutions carried out for the Pirron Yallock and Barpinba standpipes.</i> 	<p>Cr Chris Smith</p> <p>Cr Stuart Hart</p>	
<p><u>OM092511-14 TOWNSHIP PROTECTION PLANS</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. Endorse the eight attached Township Protection Plans and authorise the CEO to sign the Township Protection Plans.</i> <i>2. Note that the approval of Neighbourhood Safer Places will be subject to a separate process including Council endorsement at a later date.</i> <i>3. Consistently remind the community that in high risk areas all people should leave on Code Red days and that the entire community needs to think seriously about their own personal fire plan with the focus being on the preservation of life.</i> 	<p>Cr Stephen Hart</p> <p>Cr Brian Crook</p> <p>Cr Stuart Hart</p>	

MOVED Cr Stephen Hart seconded Cr Lyn Russell that recommendations to items listed in the Consent Calendar be adopted.

CARRIED 7 : 0

CONSENT CALENDAROFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>GENERAL BUSINESS</u></p> <p><u>OM092511-15</u> <u>ITEM FOR SIGNING & SEALING - SECTION 173 AGREEMENT, 80 CORUNNUN ROAD, COROROOKE, W & M MCGUANE</u></p> <p>Department: General Business</p> <p><u>Recommendation(s)</u></p> <p><i>That Council sign and seal the Section 173 Agreement between Colac Otway Shire and W & M McGuane covenanting Certificate of Title Volume 3020 Folio 979, Volume 9337 Folio 597 that no further subdivision of either lot hereby approved will be further subdivided so as to create any additional lots.</i></p>		
<p><u>OM092511-16</u> <u>SIGNING AND SEALING - ROAD WIDENING ACQUISITION - SCOTT</u></p> <p>Department: General Business</p> <p><u>Recommendation(s)</u></p> <p><i>That Council sign and seal the Transfer of Land agreement between the Colac Otway Shire and JD & JM Scott and agree to pay JD & JM Scott the sum of \$6,050 being for the acquisition of part of CA75C Parish of Irrewillipe.</i></p>		
<p><u>OM092511-17</u> <u>ITEM FOR SIGNING & SEALING - SECTION 173 AGREEMENT, 200 QUEEN STREET, COLAC, N M NORTH</u></p> <p>Department: General Business</p> <p><u>Recommendation(s)</u></p> <p>That Council sign and seal the Section 173 Agreement between Council and Noel Maxwell North, covenanting Certificate of Title Volume 11071 Folio 752 with conditions relating to the construction of a shed over a drainage easement.</p>		

<p><u>OM092511-18</u> <u>ITEMS FOR SIGNING & SEALING - SECTION 173 AGREEMENT, 64 & 66 PASCOE STREET, APOLLO BAY</u></p> <p>Department: General Business</p> <p><u>Recommendation(s)</u></p> <p><i>That Council sign and seal the Section 173 Agreement between Colac Otway Shire and Kenine Nominees Pty Ltd covenanting Certificate of Title Volume 8671 Folio 194 that lot 5 shall not be further subdivided.</i></p>		
<p><u>OM092511-19</u> <u>MUNICIPAL ASSOCIATION OF VICTORIA STATE COUNCIL MEETING</u></p> <p>Department: General Business</p> <p><u>Recommendation(s)</u></p> <p><i>That Council notes the report regarding the MAV State Council meeting on 30 October 2009.</i></p>		

MOVED Cr Frank Buchanan seconded Cr Geoff 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>NOTICES OF MOTION</u></p> <p><u>OM092511-20 PLANNING DECISIONS</u></p> <p>Department: Notices of Motion</p> <p><u>Recommendation</u></p> <p><i>That Council consider the contents of this Notice of Motion.</i></p>		
<p><u>OM092511-21 LICENSED PREMISES</u></p> <p>Department: Notices of Motion</p> <p><u>Recommendation</u></p> <p><i>That Council consider the contents of this Notice of Motion.</i></p>		

MOVED Cr Stephen Hart seconded Cr Lyn Russell that recommendations to items listed in the Consent Calendar, with the exception of item OM091125-20, be adopted.

CARRIED 7 : 0

OM092511-20 PLANNING DECISIONS

MOVED Cr Stephen Hart seconded Cr Geoff Higgins that Council notes that the Panel report in relation to the C55 Planning amendment identified that there needs to be further work to ensure that land is not inappropriately zoned "Farm" within the municipality. Council notes that some work has commenced to address this issue.

To ensure that this situation is given thorough consideration Council resolves to amend the delegation to Planning Officers so that applications with the following characteristics are decided by Councillors rather than Officers:

- 1. The land subject to the application is zoned "Farm",***
- 2. The application involves a proposed boundary re-alignment and/or a proposed excision of an existing dwelling and/or a proposed expansion of a use that is currently discouraged in a "Farm" zone but where the particular applicant has "existing use rights", and***
- 3. The Officer recommendation is that the application be rejected.***

The Council Officers are to retain the delegated authority to approve such applications. This change only applies to recommended refusals.

LOST 3 : 4

DIVISION called by Cr Geoff Higgins

***For the Motion: Cr Geoff Higgins, Cr Stephen Hart, Cr Stuart Hart
Against the Motion: Cr Brian Crook, Cr Chris Smith, Cr Frank Buchanan, Cr Lyn Russell***

OM092511-21 LICENSED PREMISES

MOVED Cr Stuart Hart seconded Cr Lyn Russell that Council is concerned about the proliferation of premises licensed to supply alcoholic beverages in the municipality. Council believes that Council's planning policies should be sufficiently robust to enable the Town Planning Department to take all relevant issues into account when considering applications related to licensed premises.

With this in mind, Council calls for a report detailing:

- 1. The current policies that Council has to provide a basis for assessing applications involving licensed premises,***
- 2. The adequacy of the policies particularly in relation to the ability to take into account local circumstances, and***
- 3. Any suggested improvements.***

CARRIED 7 : 0

IN COMMITTEE

MOVED Cr Stephen Hart seconded Cr Lyn Russell that pursuant to the provisions of Section 89(2) of the Local Government Act, the meeting be closed to the public and Council move “In-Committee” in order to deal with:

<i>SUBJECT</i>	<i>REASON</i>	<i>SECTION OF ACT</i>
Apollo Bay Airfield Licence Agreements	this matter deals with contractual matters	Section 89 (2) (d)
<i>Application Seeking a Right of Reply</i>	<i>this matter deals with personnel matters</i>	<i>Section 89 (2) (a)</i>
Sale of Council Land - 50 Main Road, Beech Forrest	this matter deals with legal advice; AND this matter may prejudice the Council or any person	Section 89 (2) (f) (h)

CARRIED 7 : 0

OUT OF COMMITTEE

Recommendation
that the meeting move 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 5.50 pm

CONFIRMED AND SIGNED at the meeting held on 16 DECEMBER 2009

.....***Mayor***

