

Colac Otway  
SHIRE

**MINUTES**

ORDINARY COUNCIL MEETING  
OF THE  
COLAC-OTWAY SHIRE  
COUNCIL

16 DECEMBER 2009

at 3:00 PM

COPACC Meeting Rooms

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.

**MINUTES** of the *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL*  
held at the COPACC Meeting Rooms on 16 December 2009 at 3:00 pm.

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1. OPENING PRAYER

*Almighty God, we seek your  
blessing and guidance in our  
deliberations on behalf of the  
people of the Colac Otway Shire.  
Enable this Council's decisions to be  
those that contribute to the true  
welfare and betterment of our community.*

**AMEN**

2. PRESENT

Cr Lyn Russell (Mayor)  
Cr Frank Buchanan  
Cr Brian Crook  
Cr Stephen Hart  
Cr Stuart Hart  
Cr Geoff Higgins  
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**

#### **Damien Dureau – Colac**

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

- Q1. 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 that would require Otway Community College to request the further option under the lease.

Please confirm that if Otway Community College request the further option for a five year term that each of the following statements are correct:

It would still also require Colac Otway Shire to agree to that request in order for the lease to be so extended?

**Response:**

**Under the lease the Lessee (Otway Community College) shall have one further option to renew the lease for a five year period with the rental by agreement.**

Colac Otway Shire would be entitled to deny that request and, hence, the lease would then not be so extended?

**Response:**

**See above.**

This would not be voted on by COS Councillors in a Council resolution to determine the matter?

**Response:**

**See above.**

- Q2. As per Council's previous advice, Colac Otway Shire has spent at least \$434,000 on Colac council office accommodation since approximately May 2009 which also according to Council's previous advice was all from funds that were provided in the 2008/2009 financial year. Please confirm if any of the items were budgeted in the 2008/09 annual budget.

- (i) \$325,000 for purchase of the lease of the former Arts Connection building located on Council-owned land.

**Response:**

**This matter was reported to Council in a confidential Council Report on the 16 December 2008, that report discussed the budget implications for Council.**

- (ii) \$86,000 for converting the former Arts Connection building into office space for Council's Infrastructure & Services Unit staff.

**Response:**

**The 2008/2009 Council Building Asset Renewal Program had a total budget allocation of \$163,000. A total cost of \$85,780 was expended against this ledger number during the 2008/09 financial year. Unspent carryover funding was identified from the Building Asset Renewal Program. This funding totalled \$20,497 and was carried forward to complete the works.**

- (iii) \$23,000 for works to the area vacated by Council's Infrastructure and Services staff at the Rae Street building for the relocation there of internal and external office staff.

**Response:**

**The carry-forward budget from unspent monies from the Building Asset Renewal Program totalling \$20,497 was included in the current financial year as a carryover project. The total cost of works charged against this allocation was \$22,099. This resulted in approximately \$2000 over-expenditure of the identified carry-forward budget.**

- 2.1 Please confirm if any of these items at i), ii and iii) were budgeted for in the Colac Otway Shire Annual Budget 2008/2009, and if so,:
- (a) Which ones?  
(b) What amount was budgeted for each in the Annual Budget 2008/2009?  
(c) Where exactly are these amounts disclosed in the Annual Budget 2008/2009?

**Response:**

**Refer answers in Question2.**

- 2.2 Please advise if any of these items at i), ii) and iii) were voted for by COS Councillors in a Council resolution, and if so:
- (a) Which ones?  
(b) On what Council Meeting date/s?  
(c) Was the result of the COS Councillors vote for each a unanimous vote?

**Response:**

**Refer answers in Question2.**

- 2.3 Please confirm if there was any other expenditure, additional to the \$434,000 above, on council office accommodation in the 2008/2009 financial year, and if so,:
- (a) How much was that additional amount?  
(b) What council office accommodation exactly was that additional amount for?  
(c) Were these additional council office accommodation expenditures for items completed in full prior to 30 June 2009?

**Response:**

**No**

- 2.4 Previous reports by Council and the print media indicated that the works at ii) were not completed and operational until mid-July 2009, and that the works at iii) were not expected to be finalised before late-august 2009.

Please confirm for each of the \$86,000 and \$23,000 amounts:

- (a) How much were accounted for as being incurred in the 2008/2009 financial year?

**Response:**

**A total cost of \$85,780 was expended against this ledger number during the 2008/09 financial year.**

(b) How much were accounted for as being incurred in the 2009/2010 financial year?

**Response:**

**The total cost of \$22,099 was expended against this ledger number during the 2009/10 financial year.**

2.5 Please advise of the total amount on council office accommodation expenditure that has been incurred in the 2009/2010 financial year to date?

**Response:**

**A total cost of \$22,099 was expended against this ledger number during the 2009/10 financial year.**

**Questions Received Verbally at the Meeting****Steve Branwhite (Pirron Yallock)**

What is Council's view on the altering of dates on change of address notifications?

**RESPONSE**

**The Mayor advised that this question would be taken on notice and investigated by officers.**

**Lyn Foster – FOCL**

Who made the decision to extend the period of public consultation for the review of "Council Meeting Procedures and Common Seal – Local Law No 4 – 2009" with submissions to be heard at the January 2010 Council meeting.

**RESPONSE**

**The General Manager of Corporate & Community Services made reference to item OM091612-5 of today's agenda, which states that as the notice for the review of Local Law 4 had not been included in the Government Gazette until the 3 December 2009, the period of the receipt of submissions has been extended until Friday, 15 January 2010.**

Why was this decision made as it contradicts a resolution made at the 28 October 2009 Council meeting?

**RESPONSE**

**The General Manager of Corporate & Community Services again referred Ms Foster to agenda item OM091612-5 which clearly identifies the reasons behind this decision.**

At what Council meeting does Council expect to adopt "Council Meeting Procedures and Common Seal – Local Law No 4 – 2009", the January 2010 meeting in Colac or the February 2010 meeting in Apollo Bay?

**RESPONSE**

**The General Manager of Corporate & Community Services again referred Ms Foster to agenda item OM091612-5 which sets out the proposed process for the adoption of "Council Meeting Procedures and Common Seal – Local Law No 4 – 2009".**

**Don Sainter – Colac**

With reference to agenda item OM091612-6, Bluewater Fitness Centre Stadium Redevelopment, does Council have any long term plans to build an aquatic centre in Colac which will adequately meet the needs of the residents of Colac?

**RESPONSE**

**The CEO stated that the current facilities are adequate to meet the needs of the community.**

**Christine Holm – FOCL**

Has Council received the final report from the consultants undertaking the Enhanced Library Services Project or have they received any form of the report?

**RESPONSE**

**The General Manager of Corporate & Community Services advised that the document had not yet been received by Council.**

***(Note: the Project Working Group have received a draft report for discussion but neither Council or officers, except the two members of the project working group, have seen this document.)***

What is the exact date that Council expect to receive the report?

**RESPONSE**

**The General Manager of Corporate & Community Services reported that while the exact date is not known, Council hopes to receive the draft report shortly. The report would then be considered by Councillors before being presented to Council for adoption.**

Will the final report be made available to the community by being included in the Council agenda, on the website and made available at the Council's Rae Street office?

**RESPONSE**

**The General Manager of Corporate & Community Services advised that the Enhanced Library Services Council report would be made available to the public in line with current practices.**

When does Council expect to include the final report in the Council agenda?

**RESPONSE**

**The Mayor advised that the date for the presentation of the Enhanced Library Services Council report to Council is unknown.**

**Paul David Cross – FOCL**

Why did the Mayor not explore all avenues for the Council to opt out of the Joint Use Library Agreement after having being provided with two independent sets of legal advice?

**RESPONSE**

**The Mayor responded that this legal advice had been sought by FOCL members and not herself and had only been shown to her upon her request.**

**6. DECLARATION OF INTEREST**

Cr Brian Crook declared an indirect interest in In-Committee Agenda Item OM091612-19.  
Cr Stephen Hart declared an indirect interest in In-Committee Agenda Item OM091612-17.

**7. CONFIRMATION OF MINUTES**

- **Ordinary Council Meeting held on the 25/11/09.**

***MOVED Cr Stephen Hart seconded Cr Brian Crook that Council confirm the above minutes.***

***CARRIED 7 : 0***

## OFFICERS' REPORTS

### Chief Executive Officer

OM091612-1 CEO'S PROGRESS REPORT TO COUNCIL

### Corporate and Community Services

OM091612-2 COLAC OTWAY YOUTH COUNCIL CHARTER  
OM091612-3 UPDATE INSTRUMENT OF DELEGATION - COUNCIL TO COUNCIL STAFF  
OM091612-4 REVIEW OF COUNCIL POLICIES  
OM091612-5 CONSIDERATION OF SUBMISSIONS TO REVIEW OF COUNCIL MEETING PROCEDURES AND COMMON SEAL LOCAL LAW NO 4 2009  
OM091612-6 BLUEWATER FITNESS CENTRE STADIUM REDEVELOPMENT  
OM091612-7 ENDORSEMENT OF HEALTH ACT 1958 REGISTRATION FEES TO PUBLIC HEALTH AND WELLBEING ACT 2008  
OM091612-8 BLUEWATER FITNESS CENTRE MAYOR COMMUNITY INVITATION

### Infrastructure and Services

OM091612-9 REVIEW OF VICTORIAN REGIONAL WASTE MANAGEMENT GROUPS - BRWMG SUBMISSION

### Sustainable Planning and Development

OM091612-10 NEIGHBOURHOOD SAFER PLACES  
OM091612-11 COLAC AND APOLLO BAY CARPARKING STUDY - ISSUES AND OPPORTUNITIES PAPERS

### General Business

OM091612-12 ITEM FOR SIGNING & SEALING - SECTION 173 AGREEMENT, 310 MORRISSEYS ROAD, BEEAC  
OM091612-13 ITEM FOR SIGNING & SEALING, INSTRUMENT OF AGREEMENT, CONTRACT 0909 BIRREGURRA & FORREST STRUCTURE PLANS  
OM091612-14 ITEM FOR SIGNING & SEALING, INSTRUMENT OF AGREEMENT, CONTRACT 0911 RURAL LIVING STRATEGY  
OM091612-15 ITEMS FOR SIGNING AND SEALING - SECTION 173 AGREEMENT - 18 PASCOE STREET, APOLLO BAY P02/052

### Notices of Motion

OM091612-16 CONFIDENTIALITY WORKSHOP FOR COUNCILLORS

**CONSENT CALENDAR**

**OFFICERS' REPORT**

D = Discussion  
W = Withdrawal

ITEM	D	W
<p><u>CHIEF EXECUTIVE OFFICER</u></p> <p><u>OM091612-1</u>      <u>CEO'S PROGRESS REPORT TO COUNCIL</u></p> <p>Department: Executive</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council receives the CEO's Progress Report for information.</i></p>	<p>CR CHRIS SMITH CR STEPHEN HART</p>	

***MOVED Cr Frank Buchanan seconded Cr Stuart Hart that recommendation to item OM091612-1 be adopted.***

***CARRIED 7 : 0***

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

D = Discussion

W = Withdrawal

ITEM	D	W
<p><b><u>CORPORATE AND COMMUNITY SERVICES</u></b>  <b><u>OM091612-2 COLAC OTWAY YOUTH COUNCIL CHARTER</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council adopt the revised Youth Council Charter to commence in 2010.</i></b></p>		<p><b>CR BRIAN CROOK</b></p>
<p><b><u>OM091612-3 UPDATE INSTRUMENT OF DELEGATION – COUNCIL TO COUNCIL STAFF</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the tabled Instrument of Delegation, Colac Otway Shire Council (Council) resolves that –</i></b></p> <ol style="list-style-type: none"> <li><b><i>2. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the tabled Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.</i></b></li> <li><b><i>2. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.</i></b></li> <li><b><i>1. On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.</i></b></li> <li><b><i>4. The duties and functions set out in the Instrument must be performed and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that may from time to time adopt.</i></b></li> </ol>		

<p><b><u>OM091612-4</u></b>      <b><u>REVIEW OF COUNCIL POLICIES</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <p><b>1.    <i>Adopt the following revised policies:</i></b></p> <ul style="list-style-type: none"> <li>-    <i>Policy No 7.3 – Risk Management Policy</i></li> <li>-    <i>Policy No 16.1 – Internal Audit Policy</i></li> </ul> <p><b>2.    <i>Endorse the draft Policy No. 4.2 – Council Property Leasing Policy for public comment. Public comments to be received until Friday 5 February 2010.</i></b></p>		<p><b>CR STEPHEN HART</b></p>
<p><b><u>OM091612-5</u></b>      <b><u>CONSIDERATION OF SUBMISSIONS TO REVIEW OF COUNCIL MEETING PROCEDURES AND COMMON SEAL LOCAL LAW NO 4 2009</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <p><b>1.    <i>Notes the extension of time for the receipt of submissions on draft Local Law No 4 2009 until 15 January 2010.</i></b></p> <p><b>2.    <i>Considers any submission received in relation to the draft Local Law No 4 2009 at the Council meeting to be held on Wednesday, 27 January 2010 at 6.00 pm.</i></b></p> <p><b>3.    <i>Considers adoption of the draft Local Law No 4 2009 at the Council Meeting to be held on 24 February 2010.</i></b></p>	<p><b>CR STEPHEN HART</b></p>	
<p><b><u>OM091612-6</u></b>      <b><u>BLUEWATER FITNESS CENTRE STADIUM REDEVELOPMENT</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council receive and endorse the Bluewater Fitness Centre Feasibility Study together with the concept plan acknowledging that this information forms the basis for the funding application to be submitted to the Federal Government in January 2010.</i></b></p>		<p><b>CR STEPHEN HART</b></p>



**MOVED Cr Stuart Hart seconded Cr Geoff Higgins that recommendations to items listed in the Consent Calendar, with the exception of items OM091612-2, OM091612-4 and OM091612-6, be adopted.**

**CARRIED 7 : 0**

**OM091612-2 COLAC OTWAY YOUTH COUNCIL CHARTER**

**MOVED Cr Brian Crook seconded Cr Frank Buchanan**

**That Council agree that:**

- 1. The Youth Council is to be selected by a committee of Council which includes the Mayor, Councillor representative and mentors, in line with the proposed Youth Council Charter.**
- 2. The Youth Council to be inducted by the Mayor at a special function each February (points 1 & 2 to be considered for inclusion into the Youth Council Charter).**
- 3. After the Youth Council is inducted, they will assess the proposed Youth Council Charter, forward it to the schools to invite comment and then submit it to Council for adoption.**

**CARRIED 6 : 1**

**DIVISION called by Cr Chris Smith**

**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**

**OM091612-4 REVIEW OF COUNCIL POLICIES**

**MOVED Cr Stephen Hart seconded Cr Geoff Higgins**

**That Council:**

- 1. Adopt the following revised policies:**
  - Policy No 7.3 – Risk Management Policy**
  - Policy No 16.1 – Internal Audit Policy**

**CARRIED 7 : 0**

**MOVED Cr Stephen Hart seconded Cr Stuart Hart that:**

**Council resolves to refer the draft Policy No. 4.2 – Council Property Leasing Policy to the next round of policy review.**

**CARRIED 6 : 1**

**DIVISION called by Cr Chris Smith**

**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**

**OM091612-6 BLUEWATER FITNESS CENTRE STADIUM REDEVELOPMENT**

**MOVED Cr Stephen Hart seconded Cr Stuart Hart that:**

- 1. Council resolves that the focus will be for the warm pool and improvements to toilets and changerooms.**
- 2. The funding application to be submitted to the Federal Government in January 2010 is to reflect the above priorities.**

**LOST 3 : 4**

**DIVISION called by Cr Chris Smith**

**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**

**MOVED Cr Brian Crook seconded Cr Frank Buchanan that:**

**Council receive and endorse the Bluewater Fitness Centre Feasibility Study together with the concept plan acknowledging that this information forms the basis for the funding application to be submitted to the Federal Government in January 2010.**

**CARRIED 4 : 3**

**DIVISION called by Cr Chris Smith**

**For the Motion: Cr Brian Crook, Cr Chris Smith, Cr Frank Buchanan, Cr Lyn Russell**

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

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

D = Discussion

W = Withdrawal

ITEM	D	W
<p><b><u>INFRASTRUCTURE AND SERVICES</u></b></p> <p><b><u>OM091612-9      REVIEW OF VICTORIAN REGIONAL WASTE MANAGMENT GROUPS - BRWVG SUBMISSION</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <p><b><i>1.      Support the Barwon Regional Waste Management Group by writing to The Honourable Gavin Jennings Minister for Environment and Climate Change endorsing the group's submission.</i></b></p>		

***MOVED Cr Stephen Hart seconded Cr Geoff Higgins that recommendations to item OM091612-9 listed in the Consent Calendar be adopted.***

***CARRIED 7 : 0***

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

D = Discussion

W = Withdrawal

ITEM	D	W
<p><b><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></b>  <b><u>OM091612-10 NEIGHBOURHOOD SAFER PLACES</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Notes the information provided in the above report including the fact that there are no locations that currently meet the assessment criteria to enable their designation as Neighbourhood Safer Places in the Colac Otway Shire.</i></b></li> <li><b><i>2. Supports Council officers in undertaking further investigation and necessary works required to further develop the site which has been assessed as “compliant with conditions” with the aim of having it meet the assessment criteria at the earliest possible time, while recognising that it may not be possible to have it designated as a Neighbourhood Safer Place during the 2009-10 fire season.</i></b></li> <li><b><i>3. Supports Council officers in working with the CFA and other responsible authorities in the preparation of Township Protection Plans and the assessment of other potential sites for Neighbourhood Safer Places in other vulnerable locations within the Colac Otway Shire.</i></b></li> <li><b><i>4. Requests Council officers to prepare a report on issues and future budget allocations in respect of Fire and Emergency Management to be considered by Council in the 2010 – 11 Budget Process.</i></b></li> <li><b><i>5. Continues to consistently remind the Colac Otway Shire community that in high risk areas all people should leave on Code Red days and emphasise the need for all residents to develop and implement their own personal Fire Plan with the focus being on the preservation of life.</i></b></li> </ol>	<p><b>CR BRIAN CROOK</b></p>	

<p><b><u>OM091612-11 COLAC AND APOLLO BAY CARPARKING STUDY - ISSUES AND OPPORTUNITIES PAPERS</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <p><b><i>1. Endorse the Colac and Apollo Bay Car Parking Study - Issues and Opportunities Papers for community consultation to commence early 2010 for a period of six weeks.</i></b></p>	<p><b>CR BRIAN CROOK</b></p> <p><b>CR STEPHEN HART</b></p>	
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***MOVED Cr Stephen Hart seconded Cr Geoff Higgins that recommendations to items OM091612-10 and OM091612-11 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><b><u>OM091612-12</u></b>     <b><u>ITEM FOR SIGNING &amp; SEALING - SECTION 173 AGREEMENT, 310 MORRISSEYS ROAD, BEEAC</u></b></p> <p>Department: General Business</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council sign and seal the Section 173 Agreement between Colac Otway Shire and Sandra Brimson covenanting Certificate of Title Volume 04343 Folio 539 (Lots CA21E &amp; CA21G) and Volume 00771 Folio (Lot CA21D) that only one dwelling is permitted on the whole of the land.</i></p>		
<p><b><u>OM091612-13</u></b>     <b><u>ITEM FOR SIGNING &amp; SEALING, INSTRUMENT OF AGREEMENT, CONTRACT 0909 BIRREGURRA &amp; FORREST STRUCTURE PLANS</u></b></p> <p>Department: General Business</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council sign and seal the Instrument of Agreement between the Colac Otway Shire and CPG Australia Pty Ltd for Contract 0909 – Birregurra and Forrest Structure Plans.</i></p>		
<p><b><u>OM091612-14</u></b>     <b><u>ITEM FOR SIGNING &amp; SEALING, INSTRUMENT OF AGREEMENT, CONTRACT 0911 RURAL LIVING STRATEGY</u></b></p> <p>Department: General Business</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council sign and seal the Instrument of Agreement between the Colac Otway Shire and CPG Australia Pty Ltd for Contract 0911 – Rural Living Strategy.</i></p>		

**OM091612-15      ITEMS FOR SIGNING AND SEALING -  
SECTION 173 AGREEMENT - 18  
PASCOE STREET, APOLLO BAY  
P02/052**

Department: General Business

**Recommendation(s)**

***That Council sign and seal the Section 173 Agreement between Colac Otway Shire and Owners Corporation Plan No. PS513348X Certificate of Title Volume 10814 Folio 443 that:***

- 1. The land is developed and used at least as to part for the purposes of car parking and access ways or is required to be so developed and use pursuant to planning permit requirements authorising the construction of building on lots created by the registration of Plan of Subdivision PS513348X.***
- 2. The Council seeks to encourage the Owner and the Owner's of proximate land, to proceed with a form of development on their land which sees development of buildings on both the Great Ocean Rd frontage and the Pascoe Street frontage with the centrally located part of the land being developed as a car park, each such car park being contiguous, with a car park on adjacent land. This is to facilitate vehicular access from a Council owned car park at 14 Pascoe Street, Apollo Bay and the creation of a centrally located car park extending over several lots. Such centrally located car park is depicted in the Apollo Bay Parking Precinct Plan ("The Parking Precinct Plan") prepared for the Council to guide development of the land bounded by Great Ocean Road, Pascoe Street, Moore Street and Hardy Street.***
- 3. The parties, by the Agreement, intended to burden that part of the Land with the obligation that car parking including access ways on the Land shall always remain available to serve as part of the central car park depicted in the Parking Precinct Plan.***
- 4. This Agreement is entered into pursuant to the provisions of Section 173 of the Act to secure the use of common property car parking area part of the land to be used in accordance with the Parking Precinct Plan as relevant land is similarly developed.***

***MOVED Cr Geoff Higgins 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>NOTICES OF MOTION</u></p> <p><b><u>OM091612-16 CONFIDENTIALITY WORKSHOP FOR COUNCILLORS</u></b></p> <p>Department: Notices of Motion</p> <p><b><u>Recommendation</u></b></p> <p><b><i>That Council consider the contents of this Notice of Motion.</i></b></p>		

### **OM091612-16 CONFIDENTIALITY WORKSHOP FOR COUNCILLORS**

**Recommendation**

***That Council consider the contents of this Notice of Motion.***

***MOVED Cr Stephen Hart seconded Cr Brian Crook that:***

***Council notes that, in relation to the investigation of the Chief Executive Officer Recruitment process, someone may have breached confidentiality by revealing information, some of it incorrect, which was subsequently repeated in Parliament. Councillors are concerned that confidentiality issues need to be reinforced and all Councillors reminded of their obligations.***

***The Chief Executive Officer is to arrange an information session to remind Councillors of their responsibilities under the Local Government Act and any other relevant legislation in relation to confidentiality. Council suggests that the Chief Executive Officer investigate using the MAV, VLGA or Ombudsman office to provide this information session.***

***The Chief Executive Officer is to take all reasonable steps to complete this information session by 16 March 2010.***

***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***

**IN COMMITTEE**

**MOVED Cr Stuart Hart seconded Cr Geoff 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:**

<b>SUBJECT</b>	<b>REASON</b>	<b>SECTION OF ACT</b>
<b>Australia Day Awards 2010</b> Report from Delegates to Other Bodies	<b>this matter may prejudice the Council or any person</b> this matter deals with personnel matters; AND this matter deals with contractual matters; AND this matter may prejudice the Council or any person	<b>Section 89 (2) (h)</b> Section 89 (2) (a) (d) (h)
Review of Costs Associated with Road Discontinuance - 1075 Corangamite Lake Road, Alvie	this matter may cause personal hardship of any resident or ratepayer; AND this matter deals with contractual matters; AND this matter deals with legal advice; AND this matter may prejudice the Council or any person	Section 89 (2) (b) (d) (f) (h)
Confidential Items for Consideration	this matter deals with legal advice	Section 89 (2) (f)

**CARRIED 7 : 0**

**OUT OF COMMITTEE**

**MOVED Cr Stephen Hart seconded Cr Brian Crook that the meeting move out of committee.**

**CARRIED 7 : 0**

*The Meeting Was Declared Closed at 4.53 pm*

**CONFIRMED AND SIGNED** at the meeting held on 27 JANUARY 2010

.....**MAYOR**

