

**MINUTES** of the *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at the COPACC on 23 June 2010 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  
Doug McNeill, A/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.

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. I remind you that you must ask a question, if you do not have a question you will be asked to sit down and the next person will be invited to ask a question. This is not a forum for public debate or statements.

1. Questions received in writing prior to the meeting (subject to attendance and time)
2. Questions from the floor

## 5. QUESTION TIME

**The following is a correction to the response given to a question submitted in writing by Damien Dureau at the May Council Meeting:**

### **Question 3.**

Colac Otway Shire Council has previously indicated to me that it will disclose the names of members, and the organizations they represent, on any Committee associated with the Global Connector facility, as requested. (Refer COSC Ordinary Meeting Minutes 25 November 2009, page 4). Please advise of the total number, the individual's names, and the organizations they represent, of the current members of the newly formed "Beechy Precinct Community Consultative Group", referred to in The Beechy Precinct Newsletter, April 2010, page 3?

### **Response**

*The Beechy Precinct Community Consultative Committee includes representatives from a number of organisations and other individuals who have expressed interest in being involved.*

*The organisations represented include:*

- DPCD
- DEECD
- Colac Otway Shire
- Colac Secondary College Teachers & Students
- Youth Council
- Corangamite Regional Library Corporation
- U3A
- Colac Toy Library
- Otway Community College
- Neighbourhood Renewal/Community Hub
- Colac Woodturners & Woodcrafters Guild
- OBI

*There is no fixed number as to who is on the committee. The numbers vary as to who can attend on the day the meetings are held.*

### **Questions Received Verbally at the Meeting**

#### **Victoria Moore – Geranqamete**

Why did the Council consider it not necessary to engage in community consultation with the citizens of Forrest in regard to the Optus 45 metre telecommunications tower which is being erected in the centre of town?

Why has there been no consultative process undertaken with regard to the installation of a Telstra tower of the same ilk in Yaugher?

Why did Council decide to treat this as nothing more than the erection of a house therefore only having to abide by the minimalist legal requirements of a notice on a site which has been derelict for a number of years and attracts very little attention and one public notice in the Colac Herald which many of the Forrest residents did not have the opportunity to read therefore only affording them two weeks in order to respond in a respectful manner to the Shire in regard to this tower?

#### **Response:**

**The Acting General Manager for Sustainable Planning & Development advised that Council had followed the notice requirements under the *Planning & Environment Act 1987* with respect to the installation of the Optus tower at 6 Blundy Street, Forrest. A sign had been erected on the site, a public notice had been placed in the Colac Herald and adjoining and opposite properties had been advised. A more extensive amount of public notice had been applied to the application than that given to a normal house extension or a new house. The general public was made aware of the application and any submissions were considered at the time.**

**With respect to the installation of the Telstra tower, the application for a permit is still going through the normal public notice process.**

Why did Council not consider putting in place a community consultation process with Forrest community members considering that in some states of America these towers are considered illegal if they have been installed within 400 meters of schools because of health concerns resulting from the microwaves they emit and that this tower is being built within 400 metres of the Forrest Primary School?

#### **Response:**

**The Acting General Manager for Sustainable Planning & Development advised that there are no minimum buffer zones required in the state of Victoria with regard to minimum distance between a dwelling and a mobile phone tower. However there is a code of practice which gives guidance to the construction of these towers and it is his understanding that this proposal complies with the current code of practice. Council did not consider it necessary to go beyond the public notice requirements of the Act.**

Is it true that the reason that this particular site was chosen was because Council owns the land and Optus will pay Council rental for the property and that there were various other sites available?

#### **Response**

**The CEO responded that the site was selected by Optus after tests undertaken throughout the area revealed that it was the best site.**

**Lyn Foster – FOCL**

When 90% of library users visit the library to borrow books, what benefits will the joint use library provide to the community when the only gain to users will be a larger space built for school space apart from additional travel to get less than what we already have?

**Response**

**The CEO responded that the joint use library will provide more benefits to the community than a standard conventional library, it is a contemporary space where users, in particular the disadvantaged members of our community, can access additional facilities which include: greater access to digital data opportunities; access to a proposed Homework Club; and lecture and meeting room facilities.**

Is the CEO a current member and regular user of the Colac Library?

**Response**

**The CEO advised that he is a regular user of research material and a current member of the Colac Library.**

Why doesn't the new joint use library have at least the required 34000 public library books per capita base but in reality will only have 25000 books, 4,000 less than the current understocked public library has? How can we rely on corporate sponsorship to provide more books, when you are about to slash the CRLC marketing budget from \$30,000 to \$5,000?

**Response**

**The General Manager for Corporate & Community Services advised that there would be 50,000 – 60,000 books in the facility. Changes to the CRLC marketing budget would need to be discussed with the new CEO as part of the overall marketing strategy for the CRLC.**

**The CEO also noted that there will be more books and space available and that Council will explore opportunities to improve the library service including greater access to digital service.**

**Paul David Cross – Colac**

Does the Mayor realise the absolute irony of her complaining publicly recently in the Colac Herald about government cost shifting when the biggest and most disastrous cost shifting exercise in the history of the Colac Otway Shire only occurred because she voted to proceed with the Colac Joint Use School Library?

**Response**

**The Mayor replied that she voted as she saw fit for the benefit of the Colac Otway community.**

Does the Mayor stand by what she said in her comments on the You Tube with respect to the Joint Use Library?

**Response**

**The Mayor stated that her preferred site for the library had been the existing site however she had voted as a Councillor for what was best for the community and voted for the joint use library in the best interests of the whole community.**

Did you vote for the joint use library because of the threat of funding cuts?

**Response**

**The Mayor stated that no she did not, she had voted for what was best for the whole community.**

Do you still agree that if joint use library fails that it will be considered a white elephant?

**Response**

**The Mayor responded that that was his statement and that she, the Councillors and the community are working hard to ensure the success of the joint use library and that no, the joint use library would not be considered a white elephant.**

**Victoria Moore – Gerangamete**

Why didn't the Council consider it necessary to undertake an extensive public consultation process with respect to this tower given the importance of this issue and the wording in the Opening Prayer?

**Response**

**The CEO advised that the community consultation standards which applied in this matter had been followed. The issues mentioned earlier with respect to the electro-magnetic fields have not been proven in the state of Victoria.**

**Dieter Wessner – FOCL**

With reference to page 12 of the CEO's Progress Report to Council, why, as a member of the Friends of the Colac Library user group was I and other members of the group not consulted with respect to the Joint Use Library Opening Event?

**Response**

**The CEO advised that the process had included consultation with the major stakeholders involved in bringing the joint use library together including the Dept of Planning & Community Development, the Dept of Education and Early Childhood Development, the Colac Otway Shire and the Colac Secondary College.**

**The CEO also noted that the Friends of Colac Library (FOCL) and the Colac Otway Shire have the similar objective in providing the best library service to the community. Given this, the CEO has invited members of FOCL to meet on a number of occasions to discuss these issues with him and while this invitation had not yet been accepted, it remains on the table.**

**Victoria Moore – Gerangamete**

Does Council think it has exercised its duty of care in regard to community consultation with respect to the Optus tower in Forrest?

**Response**

**The CEO advised that the community consultation process had been undertaken in accordance with usual procedures.**

**Questions Received in Writing Prior to the Meeting**

**Mr James Judd – Colac**

I received a letter of acknowledgement today with a squiggle but no name. Will Council ensure that signed off letters contain the name of the person sending the letter or the name under the sign off of the name of the person they represent?

**Response:**

**The letter of acknowledgement is an automatically generated response letter from Document Management Services that can be signed by any member of the unit.**

**The letter of acknowledgement indicates who will respond to the particular issue.**

**It is Council's practice that response letters indicate the name and title of the person answering the letter.**

**Damien Dureau – Colac**

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

1. There were 2 Committees associated with Library Services in Colac Otway Shire, pre-Joint Use School Library
  - (i) (1) The Council of Colac Otway Shire Council; (2) The Board of Corangamite Regional Library Corporation). Now, there are at least 9 Committees associated with Library Services in Colac Otway Shire
  - (ii) (1) Beechy Precinct Project Management Group; (2) Beechy Precinct Communications Reference Group; (3) Beechy Precinct Community Consultative Group; (4) Colac Secondary College School Council/Board; (5) The Council of Colac Otway Shire Council; (6) The Board of Corangamite Regional Library Corporation; (7) Joint Committee; (8) Global Connector Operations Reference Group; (9) "Enhanced Delivery of Library Services in Colac" project's un-named specific purpose Project Working Group Committee.
  
- (a) Please advise if there are any other Committees associated with Library Services in Colac Otway Shire; and if so, how many other such Committees are there, and what are the names of those Committees?

**Response:**

**There are no other Committees associated with Library Services in Colac Otway Shire. The committee that was formed for the Enhanced Delivery of Library Services Project is no longer operational.**

- (b) I believe that in the Colac Otway Shire Organization Structure Chart that Library Services came under the direct responsibility of the Manager Recreation, Arts & Culture, but a change has occurred and Library Services now comes under the direct responsibility of the General Manager Corporate & Community Services(Refer COSC Ordinary Meeting Agenda 26 May 2010, pages 61 and 62).

Please advise has there been such a change; and does Library Services come under the direct responsibility of the General Manager Corporate & Community Services and not the Manager Recreation, Arts & Culture in Colac Otway Shire's Organization Structure Chart?

**Response:**

**Library services has always come under the direct responsibility of the General Manager Corporate & Community Services.**

- (c) Colac Otway Shire's General Manager Corporate & Community Services represents Colac Otway Shire Council on the following Committees listed at 1(ii) above, as per the last updates of members of these Committees: - (1), (2), (6), (7), (9); and possibly (3) (as awaiting the total number, the individual's names, and the organizations they represent, of the current members of that Committee to be provided at the start of the 23 June 2010 Council Meeting, and recorded in the Council Minutes, as a correction to the answer of my question 3 asked at the 26 May 2010 Council Meeting).

Cr Stephen Hart represents Colac Otway Shire Council on the following Committees listed at 1(ii) above, as per the last updates of members of these Committees: - (5), (6) and (7). Colac Otway Shire's Manager Recreation, Arts & Culture represents Colac Otway Shire Council on the following Committees listed at 1(ii) above, as per the last updates of members of these Committees: - (1), (2), (8), (9); and possibly (3).

With the resignation of Colac Otway Shire's Manager Recreation, Arts & Culture, who will be appointed as the replacement to represent Colac Otway Shire Council on each of the Committees (1), (2), (8), (9); as well as (3) (if applicable), listed at 1(ii) above, ie. will it be Cr Stephen Hart; the new Manager Recreation, Arts & Culture; or someone else, and if so, who?

**Response:**

**Where required the new Manager Recreation, Arts & Culture will continue to be on the various committees. The Beechy Precinct covers far more than just the Library.**

- 2.1 (a) Have the "Parties" to the Agreement (that is, The Minister for Education, Colac Secondary College School Council/Board, and Colac Otway Shire Council) yet "agreed" on the "contents" of Annexure D, "Description of the role and functions of the Joint Committee", and "incorporated" it into the "Agreement"?

**Response:**

**Not yet finalised. Will be incorporated into the Agreement when finalised.**

(b) Would Colac Otway Shire Council please now give an undertaking that when the contents of Annexure D is agreed upon between the Parties, and incorporated into the Agreement, it will be posted up on the Colac Otway Shire's website, under the existing "Beechy Precinct" prompt/field (either as a separate document; or preferably with the entire Agreement as it is not yet posted up there) (and preferably as an item listed on the relevant month's Council Meeting Agenda, as well) ?

**Response:**

**Will be part of the Agreement.**

- 2.2 (a) Has a "Library Operator" formally being appointed to operate the Library/Resource Area at the Global Connector; and if so, is that Library Operator the Corangamite Regional Library Corporation?

**Response:**

**The Library Operator will be the Corangamite Regional Library Corporation.**

(b) Would Colac Otway Shire Council please now give an undertaking that if a "Library Operator" is appointed to operate the Library/Resource Area at the Global Connector, the "separate agreement", when it is developed between Colac Secondary College School Council/Board, Colac Otway Shire Council and the Library Operator, will be posted up on the Colac Otway Shire's website, under the existing "Beechy Precinct" prompt/field (and preferably as an item listed on the relevant month's Council Meeting Agenda, as well) ?

**Response:**  
**To be determined.**

3. (a) COSC advised at the 26 May 2010 Council Meeting that the total fit-out costs to the interior of the Global Connector "will not cost an estimated \$500,000". Therefore, what will be the approximate amount of the total fit-out costs to the interior of the Global Connector?

**Response:**  
**The costs for the fit-out are still being worked on between the various parties.**

(b) COSC advised at the 26 May 2010 Council Meeting that in the COSC letter handed to Professor Dawkins on 25 February 2010, "Council was seeking funds towards the fit-out". Please confirm that COSC was seeking funds towards only COSC's contribution (ie. excluding DEECD-Colac Secondary College's contribution) to the fit-out costs to the interior of the Global Connector; approximately what amount was COSC seeking in "further government funding" towards COSC's contribution to the fit-out costs to the interior of the Global Connector; and has COSC received a response from the Victorian State Government to that request, and if so, what was the State Government's response, and when was it received?

**Response:**  
**As indicated in May, Council was seeking funds towards the fit-out of the facility. As also indicated previously in May, DEECD advised that they have provided funds to the College for fit out costs of the total College project.**

(c) What will be the approximate amount that COSC will provide to the fit-out costs to the interior of the Global Connector from its own direct funds (ie. excluding any government grants to COSC's contribution; and excluding DEECD-Colac Secondary College's contribution); and will payment of this amount still mean that COSC's total contribution to the construction of the Global Connector will not exceed its estimated maximum payment of \$1.3 million?

**Response:**  
**The costs for the fit-out are still being worked on between the various parties. All fit-out costs will be done in line with the Shire's total contribution of \$1.3m.**

4. How many of each of the following will be provided at the Colac Joint Use School Library:-

(a) Distinct dedicated "Public Internet Access PCs"?

**Response:**  
**Will be a minimum of 4 "Public Internet Access PCs". Further PC's to be assessed. Will be other shared computer areas within the facility.**

(b) Distinct dedicated “Public Computer Printers”?

**Response:**

**Will be a minimum of 1 “Public Computer Printer”. Further printers to be assessed. Will be other shared computer areas within the facility.**

( c) Distinct dedicated “Public Self-Service Photocopiers”?

**Response:**

**Will be 1 dedicated “Public Self-Service Photocopier”.**

(d) Distinct dedicated “Colac Secondary College School community (ie. Colac Secondary College School staff and students) only Internet Access PCs”?

**Response:**

**Not applicable.**

(e) Distinct dedicated “Colac Secondary College School community (ie. Colac Secondary College School staff and students) only Computer Printers”?

**Response:**

**Not applicable.**

(f) Distinct dedicated “Colac Secondary College School community (ie. Colac Secondary College School staff and students) only Self-Service Photocopiers”?

**Response:**

**Not applicable.**

## 6. DECLARATION OF INTEREST

Cr Smith:	OM102306-2 Instrument Of Delegation - Old Beechy Rail Trail Committee
Nature of Disclosure:	Direct Interest
Nature of Interest:	Operates a train on behalf of the Old Beechy Trail Committee

Cr Smith:	OM102306-3 Old Beechy Rail Trail Licence Agreements 2010
Nature of Disclosure:	Direct
Nature of Interest:	Land owner involved with lease to Council

## 7. CONFIRMATION OF MINUTES

- **Ordinary Council Meeting held on the 26/05/10.**

***MOVED Cr Stephen Hart seconded Cr Geoff Higgins that Council confirm the above minutes.***

***CARRIED 7 : 0***

## OFFICERS' REPORTS

### Chief Executive Officer

OM102306-1 CEO'S PROGRESS REPORT TO COUNCIL

### Corporate and Community Services

OM102306-2 INSTRUMENT OF DELEGATION - OLD BEECHY RAIL TRAIL COMMITTEE  
OM102306-3 OLD BEECHY RAIL TRAIL LICENCE AGREEMENTS 2010  
OM102306-4 OLD BEECHY RAIL TRAIL APPOINTMENT OF COMMITTEE MEMBERS  
OM102306-5 S86 COMMITTEE OF MANAGEMENT APPOINTMENTS  
OM102306-6 UPDATE TO COUNCIL DELEGATION TO COUNCIL STAFF  
OM102306-7 REVIEW OF COUNCIL PLAN  
OM102306-8 2010-2011 COMMUNITY FUNDING PROGRAM ENDORSEMENT OF APPLICATIONS  
OM102306-9 REVIEW OF COUNCIL POLICIES - COUNCIL PROPERTY LEASING POLICY  
OM102306-10 CORANGAMITE REGIONAL LIBRARY CORPORATION BUDGET  
OM102306-11 2010-2011 FESTIVAL AND EVENT SUPPORT SCHEME ENDORSEMENT OF APPLICATIONS

### Infrastructure and Services

OM102306-12 TRANSFER OF ADMINISTRATION OF LOCAL PORTS PROGRAM TO THE DEPARTMENT OF TRANSPORT - DRAFT MANAGEMENT AGREEMENT  
OM102306-13 WASTE COLLECTION FOR COMMERCIAL PROPERTIES  
OM102306-14 REVIEW OF PROCUREMENT POLICY  
OM102306-15 CONVERSION OF ANALOGUE TELEVISION TO DIGITAL  
OM102306-16 REVIEWING COUNCIL'S AGREEMENT WITH THE DSE FOR THE REMOVAL OF NATIVE VEGETATION FOR MAINTENANCE OF PUBLIC ROADS.  
OM102306-17 DECLARATION OF ROAD AS UNUSED – ROAD SOUTH OF 25 MT SABINE ROAD, BEECH FOREST

### Sustainable Planning and Development

OM102306-18 ADOPTION OF AMENDMENT C12 TO THE COLAC OTWAY PLANNING SCHEME  
OM102306-19 PETITION FROM RESIDENTS IN CAMPBELL COURT APOLLO BAY REGARDING FUTURE MEDIUM DENSITY DEVELOPMENT IN CAMPBELL COURT  
OM102306-20 2010 - 11 SMALL TOWN IMPROVEMENT PROGRAM ALLOCATIONS  
OM102306-21 NEIGHBOURHOOD SAFER PLACES

### General Business

OM102306-22 MUNICIPAL ASSOCIATION OF VICTORIA STATE COUNCIL MEETING

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

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>CHIEF EXECUTIVE OFFICER</u></p> <p><b><u>OM102306-1      CEO'S PROGRESS REPORT TO COUNCIL</u></b></p> <p>Department: Executive</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council note the CEO's Progress Report to Council.</i></b></p>		

***MOVED Cr Frank Buchanan seconded Cr Stephen Hart that the recommendation to item OM102306-1 CEO'S Progress Report To Council listed in the Consent Calendar 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></p> <p><b><u>OM102306-2 INSTRUMENT OF DELEGATION - OLD BEECHY RAIL TRAIL COMMITTEE</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> <ol style="list-style-type: none"> <li><b><i>1. Signs and seals the revised Instrument of Delegation for the Old Beechy Rail Trail Committee.</i></b></li> <li><b><i>2. In accordance with Section 81(2A) of the Local Government Act 1989 Council resolves to exempt members of the committee from being required to submit a Primary or Ordinary "Register of Interest" return.</i></b></li> </ol>		<p><b>CR STEPHEN HART</b></p>
<p><b><u>OM102306-3 OLD BEECHY RAIL TRAIL LICENCE AGREEMENTS 2010</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> <ol style="list-style-type: none"> <li><b><i>1. Sign and seal the licences between D Colless, M Gardiner, D &amp; P Jukes, Midway Plantations Pty Ltd, CJ &amp; MJ Smith, AJ Urbano and Colac Otway Shire Council for licence of Land Occupancy (Beechy Line Rail Trail) for a licence fee of \$1 and a term of 4 options of 5 years each.</i></b></li> </ol>		<p><b>CR STEPHEN HART</b></p>

<p><b><u>OM102306-4 OLD BEECHY RAIL TRAIL APPOINTMENT OF COMMITTEE MEMBERS</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> <ol style="list-style-type: none"> <li><b><i>1. Pursuant to Section 86 of the Local Government Act 1989, appoint the following nominated members Tony Grogan, Tricia Jukes, Steve Trotter, Christine Humphris, Andrew Stoddart, Craig Clifford, Cyril Marriner, Anthony Zappelli, Noel Barry and Bernard Jordan to the Beechy Rail Trail Committee.</i></b></li> <li><b><i>2. In accordance with Section 81 sub-section (2) sub section (a) of the Local Government Act 1989, Council resolve to exempt members of the Committee from being required to submit a primary or ordinary register of interest return in accordance with this section.</i></b></li> <li><b><i>3. Advise the Committee that a copy of minutes of committee meetings held be forwarded to Council for its records after each meeting and that a Treasurer's Report be provided annually.</i></b></li> </ol>	<p><b>CR CHRIS SMITH</b></p>	
<p><b><u>OM102306-5 S86 COMMITTEE OF MANAGEMENT APPOINTMENTS</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> <ol style="list-style-type: none"> <li><b><i>1. Pursuant to Section 86 of the Local Government Act 1989, resolve to appoint the following nominated members to the:</i></b> <p><b><i>Kennett River Tennis Reserve - Geoff Quinn, Bruce Dowse, David Lang, Pat Gebert, Faye Harris, Richard Manning, Marjorie Quinn</i></b></p> <p><b><i>Irrewillipe Hall and Reserve - John Ladhams, Tim Ryan, Paul Theodore, Mattias Weis, Doug Phillips, Tony Cirillo, Steven Theodore, Keith Wilson, Glenda Carson, Jim Carson, Don Henderson, H. Howlands, Georgie Theodore, Kevin McNabb, Paul Riches, Dianne Ryan, Helen Theodore, Marc Montano, Fran McMillan, Murray Hillman, Trevor Farquarson</i></b></p> </li> </ol>		<p><b>CR CHRIS SMITH</b></p>

<p><b>Colac Municipal Aerodrome - Steve Robertson, Michael Murray, Brendan Reidy, David Wade, David Fenn</b></p> <p><b>Cressy Hall - Ian Nelson, Helen Haworth, Alma Smart, Murray Horne, Jan Nelson, Ashley Nelson, John Reynolds, John Humphries, Ross Alexander</b></p> <p><b>Barwon Downs Hall - John James, Fay Callahan, Peter McLaren, Edith Strickland, Albert Halliday, Peter Mitchell, Sandy Batten, Robert Halliday</b></p> <p>2. <b><i>In accordance with Section 81 sub-section(2) sub-section(a) of the Local Government Act 1989, resolve to exempt members of the Committees from being required to submit a primary or ordinary conflict of interest return in accordance with this section.</i></b></p> <p>3. <b><i>Advise the Committees that a copy of minutes of meetings held be forwarded to Council for its record after each meeting and that a Treasurer's Report be provided annually.</i></b></p>		
<p><b><u>OM102306-6      UPDATE TO COUNCIL DELEGATION TO COUNCIL STAFF</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council 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> <p>1. <b><i>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></p> <p>2. <b><i>The Instrument be signed and the common seal of Council is affixed to the Instrument.</i></b></p> <p>3. <b><i>The Instrument comes into force on 1 July 2010.</i></b></p> <p>4. <b><i>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></p>		

<p>5. <i>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></p>																						
<p><b><u>OM102306-7 REVIEW OF COUNCIL PLAN</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council adopt the revised Council Plan 2009/2013 (including the Strategic Resource Plan 2010/2014) and forward a copy of the Plan to the Minister for Local Government.</i></p>		<p>CR STEPHEN HART</p>																				
<p><b><u>OM102306-8 2010-2011 COMMUNITY FUNDING PROGRAM ENDORSEMENT OF APPLICATIONS</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>1. <i>Approves the recommendations from the Grants Community Funding Advisory Committee for Council grants from the 2010/2011 Community Funding Program, total expenditure under each of the funding categories as follows:</i></p> <p>(a) <b>COPACC ASSISTANCE TOTAL of <u>\$ 7,745</u></b></p> <table data-bbox="209 1451 893 1792"> <tr> <td><i>Colac West Primary School</i></td> <td><b>\$876</b></td> </tr> <tr> <td><i>Trinity College</i></td> <td><b>\$1,000</b></td> </tr> <tr> <td><i>Colac Neighbourhood House</i></td> <td><b>\$460</b></td> </tr> <tr> <td><i>NAIDOC</i></td> <td><b>\$550</b></td> </tr> <tr> <td><i>Colac Sudanese Community</i></td> <td><b>\$448</b></td> </tr> <tr> <td><i>Colac Disability Network</i></td> <td><b>\$550</b></td> </tr> <tr> <td><i>FReeZA Colac</i></td> <td><b>\$611</b></td> </tr> <tr> <td><i>Colac Players</i></td> <td><b>\$1300</b></td> </tr> <tr> <td><i>Colac &amp; District 8 Ball Association</i></td> <td><b>\$1200</b></td> </tr> <tr> <td><i>SWLLEN</i></td> <td><b>\$750</b></td> </tr> </table>	<i>Colac West Primary School</i>	<b>\$876</b>	<i>Trinity College</i>	<b>\$1,000</b>	<i>Colac Neighbourhood House</i>	<b>\$460</b>	<i>NAIDOC</i>	<b>\$550</b>	<i>Colac Sudanese Community</i>	<b>\$448</b>	<i>Colac Disability Network</i>	<b>\$550</b>	<i>FReeZA Colac</i>	<b>\$611</b>	<i>Colac Players</i>	<b>\$1300</b>	<i>Colac &amp; District 8 Ball Association</i>	<b>\$1200</b>	<i>SWLLEN</i>	<b>\$750</b>		<p>CR STEPHEN HART</p>
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<b>(b) COMMUNITY/RECREATION FACILITIES TOTAL of</b>			
<b><u>\$70,449</u></b>			
<i>Apollo Bay Football Club</i>	<b>\$2100</b>		
<i>Apollo Bay Youth &amp; Rec Centre</i>	<b>\$3900</b>		
<i>Barongarook Hall &amp; Tennis Reserve CoM</i>	<b>\$1725</b>		
<i>Barwon Downs Hall Committee</i>	<b>\$600</b>		
<i>Birregurra Hall Committee of Management</i>	<b>\$1000</b>		
<i>Birregurra Recreation Reserve CoM</i>	<b>\$2130</b>		
<i>Carlisle River Community Group</i>	<b>\$1896.50</b>		
<i>City United Cricket Club</i>	<b>\$1105.50</b>		
<i>Colac Cycling Club</i>	<b>\$1500</b>		
<i>Colac &amp; District Netball Association</i>	<b>\$5000</b>		
<i>Colac Cricket Club</i>	<b>\$1258.50</b>		
<i>Colac Fire Brigade</i>	<b>\$1847</b>		
<i>Colac Football Netball Club</i>	<b>\$3410</b>		
<i>Colac Gun Club</i>	<b>\$600</b>		
<i>Colac Legacy Club</i>	<b>\$4850</b>		
<i>Community Hub Inc.</i>	<b>\$5000</b>		
<i>Corangamite Pistol Club</i>	<b>\$1375</b>		
<i>Colac Night Netball – All Abilities</i>	<b>\$1110</b>		
<i>Colac Old Time Dancing</i>	<b>\$422</b>		
<i>Colac Pony Club Junior Committee</i>	<b>\$3057</b>		
<i>Cororooke Tennis Club</i>	<b>\$850</b>		
<i>Elliminyt Public Hall</i>	<b>\$1897</b>		
<i>Elliminyt Tennis Club Inc.</i>	<b>\$425</b>		
<i>Forrest Cricket Club</i>	<b>\$5390</b>		
<i>Irrewillipe Sports &amp; Entertainment Complex</i>	<b>\$600</b>		
<i>Lavers Hill Hall Committee of Management</i>	<b>\$1800</b>		
<i>Pennyroyal Public hall</i>	<b>\$740</b>		
<i>Pirron Yallock Recreation Reserve</i>			
<i>Grounds CoM</i>	<b>\$2554.50</b>		
<i>Polwarth CWA</i>	<b>\$1783</b>		
<i>Stoneyford Cricket Club</i>	<b>\$2023</b>		
<i>Stoneyford Hall Committee of management</i>	<b>\$6000</b>		
<i>Warrowie Recreation Reserve</i>	<b>\$2500</b>		
 <b>(c) COMMUNITY PROJECTS TOTAL of <u>\$39,282</u></b>			
<i>Apollo Bay Arts</i>	<b>\$600</b>		
<i>Apollo Bay Sailing Club</i>	<b>\$2742</b>		
<i>Apollo Bay Tuesday Art Group</i>	<b>\$2500</b>		
<i>Apollo Bay Community Garden /Otway Ranges</i>			
<i>Climate Action group</i>	<b>\$3487</b>		
<i>Apollo Bay Community Pool Committee</i>	<b>\$2100</b>		
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<i>Colac &amp; District Dog Obedience</i>	<b>\$638</b>		
<i>Colac &amp; District Football League Netball</i>			
<i>Association Inc</i>	<b>\$880</b>		
<i>Colac and District Historical Society</i>	<b>\$1500</b>		
<i>Colac Basketball Association Inc</i>	<b>\$1200</b>		

<p><i>Colac Rowing Club</i> \$1100  <i>Colac Toy Library</i> \$2500  <i>Cressy &amp; District Action group</i> \$2600  <i>Forrest &amp; District Community group</i> \$5000  <i>Forrest &amp; District Historical Society</i> \$2850  <i>Forrest Tennis Club</i> \$295  <i>Lavers Hill Blue Light Inc</i> \$325  <i>Otway Forum</i> \$1200  <i>St John Ambulance</i> \$2400</p>		
<p><b>OM102306-9</b>      <b><u>REVIEW OF COUNCIL POLICIES – COUNCIL PROPERTY LEASING POLICY</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council after considering the submissions received adopts Policy 4.2 Council Property Leasing Policy with changes to Clause 9.14:</i></b></p> <p><b>(a) <i>Internal advertising is allowed in Council facilities without council approval if it is advertising the group's own activities.</i></b></p> <p><b>(b) <i>Other internal advertising on Council facilities requires the prior approval of Council and in particular, political advertising will not be permitted.</i></b></p> <p><b>(c) <i>Any external advertising on Council facilities requires the prior approval of Council.</i></b></p>		<p><b>CR CHRIS SMITH</b></p>
<p><b>OM102306-10</b>      <b><u>CORANGAMITE REGIONAL LIBRARY CORPORATION BUDGET</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council endorse the Corangamite Regional Library Corporation Budget and Council's contribution of \$528,879 for the 2010/2011 financial year and write to the Corporation advising of Council's approval.</i></b></p>		

**OM102306-11      2010-2011 FESTIVAL AND EVENT  
SUPPORT SCHEME ENDORSEMENT OF  
APPLICATIONS**

CR CHRIS  
SMITH

Department: Corporate and Community Services

**Recommendation(s)**

***That Council:***

***Adopts the recommendations made by the Festival and Event Support Scheme Advisory Committee for categories of the various events and funding allocations to events under the Colac Otway Festival and Events Support Scheme 2010-11 totaling \$60,000, as follows:***

	<b><i>Event</i></b>	<b><i>Funding</i></b>
1	<b><i>Gellibrand Vegetable Competition</i></b>	<b><i>\$415</i></b>
2	<b><i>Colac Orchid Club</i></b>	<b><i>\$500</i></b>
3	<b><i>Warrion 100<sup>th</sup> Flower Show</i></b>	<b><i>\$585</i></b>
4	<b><i>Naidoc Colac</i></b>	<b><i>\$1,000</i></b>
5	<b><i>Colac Otway Wood Design Exhibition 2010</i></b>	<b><i>\$1,000</i></b>
6	<b><i>Forrest 6 Hour Race</i></b>	<b><i>\$1,000</i></b>
7	<b><i>Forrest MidWinter Festival</i></b>	<b><i>\$1,000</i></b>
8	<b><i>World Refugee Day</i></b>	<b><i>\$1,000</i></b>
9	<b><i>Heritage Festival</i></b>	<b><i>\$1,000</i></b>
10	<b><i>Wye River Big Day Out</i></b>	<b><i>\$1,000</i></b>
11	<b><i>Birregurra Weekend Studios</i></b>	<b><i>\$1,000</i></b>
12	<b><i>8 Ball Competition Colac</i></b>	<b><i>\$2,000</i></b>
13	<b><i>Rainforest Ride</i></b>	<b><i>\$2,500</i></b>
14	<b><i>Colac County Music Festival, Truck &amp; Ute Show</i></b>	<b><i>\$2,500</i></b>
15	<b><i>Great Ocean Sports Festival</i></b>	<b><i>\$2,500</i></b>
16	<b><i>Otway Soup Festival</i></b>	<b><i>\$2,500</i></b>
17	<b><i>Gumboots &amp; Pearls</i></b>	<b><i>\$2,500</i></b>
18	<b><i>Otway Odyssey</i></b>	<b><i>\$4,000</i></b>
19	<b><i>Birregurra Weekend Festival</i></b>	<b><i>\$5,000</i></b>
20	<b><i>Colac Kana Festival</i></b>	<b><i>\$5,000</i></b>
21	<b><i>Apollo Bay Music Festival</i></b>	<b><i>\$7,000</i></b>
22	<b><i>Beeac 150<sup>th</sup> Celebration</i></b>	<b><i>\$7,500</i></b>
23	<b><i>Great Ocean Marathon</i></b>	<b><i>\$7,500</i></b>
24	<b><i>Kanyana 50<sup>th</sup> Anniversary</i></b>	<b><i>NIL</i></b>
25	<b><i>Community BBQ at Donaldson Street Playground</i></b>	<b><i>NIL</i></b>
26	<b><i>Colac Cycling Club</i></b>	<b><i>NIL</i></b>
27	<b><i>The Camping Expo</i></b>	<b><i>NIL</i></b>

**MOVED Cr Stephen Hart seconded Cr Brian Crook that recommendations to items listed in the Consent Calendar, with the exception of items OM102603-2, OM102306-3, OM102306-5, OM102306-7, OM102306-8, OM102306-9 and OM102306-11, be adopted.**

**CARRIED 7 : 0**

**OM102306-2 INSTRUMENT OF DELEGATION - OLD BEECHY RAIL TRAIL COMMITTEE**

Cr Smith:	OM102306-2 Instrument Of Delegation - Old Beechy Rail Trail Committee
Nature of Disclosure:	Direct Interest
Nature of Interest:	Operates a train on behalf of the Old Beechy Rail Trail Committee

Citing a conflict of interest, Cr Chris Smith left the meeting at 3.32pm

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

**That Council:**

- 1. Signs and seals the revised Instrument of Delegation for the Old Beechy Rail Trail Committee.**
- 2. In accordance with Section 81(2A) of the Local Government Act 1989 Council resolves to exempt members of the committee from being required to submit a Primary or Ordinary "Register of Interest" return.**
- 3. Resolves to refer the revised Instrument of Delegation for the Old Beechy Rail Trail Committee to a Council workshop with a view to improving the wording so:**
  - a) Any right to approve the operation of a "train" or train like vehicle on the Trail is explicit in the wording of the delegation, and**
  - b) Any powers to recommend the impounding of livestock and vehicles, removal of alleged trespassers and power to monitor behaviour are consistent with the principles of natural justice and the rights of the public. This is to minimise the risk to both the members of the Committee and the public that may otherwise result from the purported exercise of these powers.**

**CARRIED 6 : 0**

**OM102306-3 OLD BEECHY RAIL TRAIL LICENCE AGREEMENTS 2010**

Cr Smith:	OM102306-3 Old Beechy Rail Trail Licence Agreements 2010
Nature of Disclosure:	Direct
Nature of Interest:	Land owner involved with lease to Council

Having also declared a conflict of interest in this item, Cr Chris Smith did not return to the meeting for the deliberation of this item.

***MOVED Cr Frank Buchanan seconded Cr Stuart Hart***

***That Council:***

- 1. Sign and seal the licences between D Colless, M Gardiner, D & P Jukes, Midway Plantations Pty Ltd, CJ & MJ Smith, AJ Urbano and Colac Otway Shire Council for licence of Land Occupancy (Beechy Line Rail Trail) for a licence fee of \$1 and a term of 4 options of 5 years each.***

***CARRIED 6 : 0***

Cr Chris Smith returned to the meeting at 3.37pm.

**OM102306-5 S86 COMMITTEE OF MANAGEMENT APPOINTMENTS**

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

***That Council:***

- 1. Pursuant to Section 86 of the Local Government Act 1989, resolve to appoint the following nominated members to the:***

***Kennett River Tennis Reserve - Geoff Quinn, Bruce Dowse, David Lang, Pat Gebert, Faye Harris, Richard Manning, Marjorie Quinn***

***Irrewillipe Hall and Reserve - John Ladhams, Tim Ryan, Paul Theodore, Mattias Weis, Doug Phillips, Tony Cirillo, Steven Theodore, Keith Wilson, Glenda Carson, Jim Carson, Don Henderson, David Umland, Georgie Theodore, Kevin McNabb, Paul Riches, Dianne Ryan, Helen Theodore, Marc Montano, Fran McMillan, Murray Hillman, Trevor Farquarson***

***Colac Municipal Aerodrome - Steve Robertson, Michael Murray, Brendan Reidy, David Wade, David Fenn***

***Cressy Hall - Ian Nelson, Helen Haworth, Alma Smart, Murray Horne, Jan Nelson, Ashley Nelson, John Reynolds, John Humphries, Ross Alexander***

*Barwon Downs Hall - John James, Fay Callahan, Peter McLaren, Edith Strickland, Albert Halliday, Peter Mitchell, Sandy Batten, Robert Halliday*

2. *In accordance with Section 81 sub-section(2) sub-section(a) of the Local Government Act 1989, resolve to exempt members of the Committees from being required to submit a primary or ordinary conflict of interest return in accordance with this section.*
3. *Advise the Committees that a copy of minutes of meetings held be forwarded to Council for its record after each meeting and that a Treasurer's Report be provided annually.*

**CARRIED 7:0**

**OM102306-7 REVIEW OF COUNCIL PLAN**

**MOVED Cr Stephen Hart seconded Cr Frank Buchanan that Council:**

1. *Adopts the revised Council Plan 2009/2013 (including the Strategic Resource Plan 2010/2014) with the following change-  
The Strategic Resource Plan 2010/2014 is to be altered to reflect the draft budget for 2010/2011; and*
2. *Forwards a copy of the Plan to the Minister for Local Government.*

**CARRIED 4 : 3**

**DIVISION called by Cr Chris Smith**

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

**OM102306-8 2010-2011 COMMUNITY FUNDING PROGRAM ENDORSEMENT OF APPLICATIONS**

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

**That Council:**

1. *Approves the recommendations from the Grants Community Funding Advisory Committee for Council grants from the 2010/2011 Community Funding Program, total expenditure under each of the funding categories as follows:*

<b>(a) COPACC ASSISTANCE</b>	<b>TOTAL of <u>\$ 7,745</u></b>
<i>Colac West Primary School</i>	<i>\$876</i>
<i>Trinity College</i>	<i>\$1,000</i>
<i>Colac Neighbourhood House</i>	<i>\$460</i>
<i>NAIDOC</i>	<i>\$550</i>
<i>Colac Sudanese Community</i>	<i>\$448</i>
<i>Colac Disability Network</i>	<i>\$550</i>
<i>FReeZA Colac</i>	<i>\$611</i>

<i>Colac Players</i>	<b>\$1300</b>
<i>Colac &amp; District 8 Ball Association</i>	<b>\$1200</b>
<i>SWLLEN</i>	<b>\$750</b>

**(b) COMMUNITY/RECREATION FACILITIES**      **TOTAL of \$70,449**

<i>Apollo Bay Football Club</i>	<b>\$2100</b>
<i>Apollo Bay Youth &amp; Rec Centre</i>	<b>\$3900</b>
<i>Barongarook Hall &amp; Tennis Reserve CoM</i>	<b>\$1725</b>
<i>Barwon Downs Hall Committee</i>	<b>\$600</b>
<i>Birregurra Hall Committee of Management</i>	<b>\$1000</b>
<i>Birregurra Recreation Reserve CoM</i>	<b>\$2130</b>
<i>Carlisle River Community Group</i>	<b>\$1896.50</b>
<i>City United Cricket Club</i>	<b>\$1105.50</b>
<i>Colac Cycling Club</i>	<b>\$1500</b>
<i>Colac &amp; District Netball Association</i>	<b>\$5000</b>
<i>Colac Cricket Club</i>	<b>\$1258.50</b>
<i>Colac Fire Brigade</i>	<b>\$1847</b>
<i>Colac Football Netball Club</i>	<b>\$3410</b>
<i>Colac Gun Club</i>	<b>\$600</b>
<i>Colac Legacy Club</i>	<b>\$4850</b>
<i>Community Hub Inc.</i>	<b>\$5000</b>
<i>Corangamite Pistol Club</i>	<b>\$1375</b>
<i>Colac Night Netball – All Abilities</i>	<b>\$1110</b>
<i>Colac Old Time Dancing</i>	<b>\$422</b>
<i>Colac Pony Club Junior Committee</i>	<b>\$3057</b>
<i>Cororooke Tennis Club</i>	<b>\$850</b>
<i>Elliminyt Public Hall</i>	<b>\$1897</b>
<i>Elliminyt Tennis Club Inc.</i>	<b>\$425</b>
<i>Forrest Cricket Club</i>	<b>\$5390</b>
<i>Irrewillipe Sports &amp; Entertainment Complex</i>	<b>\$600</b>
<i>Lavers Hill Hall Committee of Management</i>	<b>\$1800</b>
<i>Pennyroyal Public hall</i>	<b>\$740</b>
<i>Pirron Yallock Recreation Reserve Grounds CoM</i>	<b>\$2554.50</b>
<i>Polwarth CWA</i>	<b>\$1783</b>
<i>Stoneyford Cricket Club</i>	<b>\$2023</b>
<i>Stoneyford Hall Committee of management</i>	<b>\$6000</b>
<i>Warrowie Recreation Reserve</i>	<b>\$2500</b>

**(c) COMMUNITY PROJECTS**      **TOTAL of \$39,282**

<i>Apollo Bay Arts</i>	<b>\$600</b>
<i>Apollo Bay Sailing Club</i>	<b>\$2742</b>
<i>Apollo Bay Tuesday Art Group</i>	<b>\$2500</b>
<i>Apollo Bay Community Garden /Otway Ranges</i>	
<i>Climate Action group</i>	<b>\$3487</b>
<i>Apollo Bay Community Pool Committee</i>	<b>\$2100</b>
<i>Beeac Tennis Club</i>	<b>\$480</b>
<i>Birregurra Historical Society</i>	<b>\$2000</b>
<i>Birregurra tennis Club</i>	<b>\$900</b>
<i>The Colac Chorale</i>	<b>\$1985</b>
<i>Colac &amp; District Dog Obedience</i>	<b>\$638</b>
<i>Colac &amp; District Football League Netball Association Inc</i>	<b>\$880</b>

<i>Colac and District Historical Society</i>	<i>\$1500</i>
<i>Colac Basketball Association Inc</i>	<i>\$1200</i>
<i>Colac Rowing Club</i>	<i>\$1100</i>
<i>Colac Toy Library</i>	<i>\$2500</i>
<i>Cressy &amp; District Action group</i>	<i>\$2600</i>
<i>Forrest &amp; District Community group</i>	<i>\$5000</i>
<i>Forrest &amp; District Historical Society</i>	<i>\$2850</i>
<i>Forrest Tennis Club</i>	<i>\$295</i>
<i>Lavers Hill Blue Light Inc</i>	<i>\$325</i>
<i>Otway Forum</i>	<i>\$1200</i>
<i>St John Ambulance</i>	<i>\$2400</i>

2. *The Chief Executive Officer is to ensure that the guidelines for the Community Funding Program are reviewed at a workshop involving Councillors with the workshop to take place before 31 December 2010. This is to ensure that there is sufficient time for the revised guidelines to be endorsed by Council before applications open for the 2011-2012 funding program.*

**CARRIED 7:0**

**OM102306-9 REVIEW OF COUNCIL POLICIES – COUNCIL PROPERTY LEASING POLICY**

**MOVED Cr Chris Smith seconded Cr Frank Buchanan:**

***That Council after considering the submissions received adopts Policy 4.2 Council Property Leasing Policy with changes to Clause 9.14:***

- (a) Internal advertising is allowed in Council facilities without council approval if it is advertising the group's own or community's activities.***
- (b) Other internal advertising on Council facilities requires the prior approval of Council.***
- (c) Any external advertising on Council facilities, unless on a designated notice board, requires the prior approval of Council.***

**AMENDMENT - MOVED Cr Stephen Hart seconded Cr Geoff Higgins:**

***That Council after considering the submissions received adopts Policy 4.2 Council Property Leasing Policy with changes to Clause 9.14:***

- (a) Internal advertising is allowed in Council facilities without council approval if it is advertising the group's own or community's activities.***
- (b) Other internal advertising on Council facilities requires the prior approval of Council and in particular, political advertising will not be permitted.***
- (c) Any external advertising on Council facilities, unless on a designated notice board, requires the prior approval of Council.***

**CARRIED 5:2**

**MOVED Cr Chris Smith seconded Cr Frank Buchanan:**

**That Council after considering the submissions received adopts Policy 4.2 Council Property Leasing Policy with changes to Clause 9.14:**

- (a) Internal advertising is allowed in Council facilities without council approval if it is advertising the group's own or community's activities.**
- (b) Other internal advertising on Council facilities requires the prior approval of Council and in particular, political advertising will not be permitted.**
- (c) Any external advertising on Council facilities, unless on a designated notice board, requires the prior approval of Council.**

**CARRIED 7:0**

**OM102306-11 2010-2011 FESTIVAL AND EVENT SUPPORT SCHEME**  
**ENDORSEMENT OF APPLICATIONS**

**MOVED Cr Chris Smith that Council:**

- 1. Adopts the recommendations made by the Festival and Event Support Scheme Advisory Committee for categories of the various events and funding allocations to events under the Colac Otway Festival and Events Support Scheme 2010-11 totaling \$60,000, as follows:**

	<b>Event</b>	<b>Funding</b>	<b>Category</b>
1	<b>Gellibrand Vegetable Competition</b>	<b>\$415</b>	<b>Seed (Community)</b>
2	<b>Colac Orchid Club</b>	<b>\$500</b>	<b>Seed (Community)</b>
3	<b>Warrion 100<sup>th</sup> Flower Show</b>	<b>\$585</b>	<b>Seed (Community)</b>
4	<b>Naidoc Colac</b>	<b>\$1,000</b>	<b>Seed (Community)</b>
5	<b>Colac Otway Wood Design Exhibition 2010</b>	<b>\$1,000</b>	<b>Seed (Community)</b>
6	<b>Forrest 6 Hour Race</b>	<b>\$1,000</b>	<b>Bronze (Community)</b>
7	<b>Forrest MidWinter Festival</b>	<b>\$1,000</b>	<b>Bronze (Community)</b>
8	<b>World Refugee Day</b>	<b>\$1,000</b>	<b>Bronze (Community)</b>
9	<b>Heritage Festival</b>	<b>\$1,000</b>	<b>Bronze (Community)</b>
10	<b>Wye River Big Day Out</b>	<b>\$1,000</b>	<b>Bronze (Community)</b>
11	<b>Birregurra Weekend Studios</b>	<b>\$1,000</b>	<b>Bronze (Community)</b>
12	<b>8 Ball Competition Colac</b>	<b>\$2,000</b>	<b>Silver (Community)</b>
13	<b>Rainforest Ride</b>	<b>\$2,500</b>	<b>Silver (Commercial)</b>
14	<b>Colac County Music Festival, Truck &amp; Ute Show</b>	<b>\$2,500</b>	<b>Silver (Community)</b>
15	<b>Great Ocean Sports Festival</b>	<b>\$2,500</b>	<b>Silver (Community)</b>
16	<b>Otway Soup Festival</b>	<b>\$2,500</b>	<b>Silver (Community)</b>
17	<b>Gumboots &amp; Pearls</b>	<b>\$2,500</b>	<b>Silver (Community)</b>
18	<b>Otway Odyssey</b>	<b>\$4,000</b>	<b>Gold (Commercial)</b>
19	<b>Birregurra Weekend Festival</b>	<b>\$5,000</b>	<b>Gold (Community)</b>
20	<b>Colac Kana Festival</b>	<b>\$5,000</b>	<b>Gold (Community)</b>
21	<b>Apollo Bay Music Festival</b>	<b>\$7,000</b>	<b>Platinum (Community)</b>
22	<b>Beeac 150<sup>th</sup> Celebration</b>	<b>\$7,500</b>	<b>Platinum (Community)</b>

23	<i>Great Ocean Marathon</i>	<i>\$7,500</i>	<i>Platinum (Commercial)</i>
24	<i>Kanyana 50<sup>th</sup> Anniversary</i>	<i>NIL</i>	<i>Seed (Community)</i>
25	<i>Community BBQ at Donaldson Street Playground</i>	<i>NIL</i>	<i>Seed (Community)</i>
26	<i>Colac Cycling Club</i>	<i>NIL</i>	<i>Seed (Bronze)</i>
27	<i>The Camping Expo</i>	<i>NIL</i>	<i>Silver (Community)</i>

2. Council increases funding for the 2010/2011 Festival and Events Support Scheme by a total of \$5,000 to allow the Birregurra Weekend Festival and the Colac Kana Festival to receive the same level of funding as last year.

*The motion lapsed due to the lack of a seconder*

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

1. Adopts the recommendations made by the Festival and Event Support Scheme Advisory Committee for categories of the various events and funding allocations to events under the Colac Otway Festival and Events Support Scheme 2010-11 totaling \$60,000, as follows:

	<b>Event</b>	<b>Funding</b>	<b>Category</b>
1	<i>Gellibrand Vegetable Competition</i>	<i>\$415</i>	<i>Seed (Community)</i>
2	<i>Colac Orchid Club</i>	<i>\$500</i>	<i>Seed (Community)</i>
3	<i>Warrion 100<sup>th</sup> Flower Show</i>	<i>\$585</i>	<i>Seed (Community)</i>
4	<i>Naidoc Colac</i>	<i>\$1,000</i>	<i>Seed (Community)</i>
5	<i>Colac Otway Wood Design Exhibition 2010</i>	<i>\$1,000</i>	<i>Seed (Community)</i>
6	<i>Forrest 6 Hour Race</i>	<i>\$1,000</i>	<i>Bronze (Community)</i>
7	<i>Forrest MidWinter Festival</i>	<i>\$1,000</i>	<i>Bronze (Community)</i>
8	<i>World Refugee Day</i>	<i>\$1,000</i>	<i>Bronze (Community)</i>
9	<i>Heritage Festival</i>	<i>\$1,000</i>	<i>Bronze (Community)</i>
10	<i>Wye River Big Day Out</i>	<i>\$1,000</i>	<i>Bronze (Community)</i>
11	<i>Birregurra Weekend Studios</i>	<i>\$1,000</i>	<i>Bronze (Community)</i>
12	<i>8 Ball Competition Colac</i>	<i>\$2,000</i>	<i>Silver (Community)</i>
13	<i>Rainforest Ride</i>	<i>\$2,500</i>	<i>Silver (Commercial)</i>
14	<i>Colac County Music Festival, Truck &amp; Ute Show</i>	<i>\$2,500</i>	<i>Silver (Community)</i>
15	<i>Great Ocean Sports Festival</i>	<i>\$2,500</i>	<i>Silver (Community)</i>
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22	<i>Beeac 150<sup>th</sup> Celebration</i>	<i>\$7,500</i>	<i>Platinum (Community)</i>
23	<i>Great Ocean Marathon</i>	<i>\$7,500</i>	<i>Platinum (Commercial)</i>
24	<i>Kanyana 50<sup>th</sup> Anniversary</i>	<i>NIL</i>	<i>Seed (Community)</i>
25	<i>Community BBQ at Donaldson Street Playground</i>	<i>NIL</i>	<i>Seed (Community)</i>
26	<i>Colac Cycling Club</i>	<i>NIL</i>	<i>Seed (Bronze)</i>
27	<i>The Camping Expo</i>	<i>NIL</i>	<i>Silver (Community)</i>

- 2. The Chief Executive Officer is to ensure that the guidelines for the Festival and Event Support Scheme are reviewed at a workshop involving Councillors with the workshop to take place before 31 December 2010. This is to ensure that there is sufficient time for the revised guidelines to be endorsed by Council before applications open for the 2011-2012 funding program.**

**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**

CONSENT CALENDAROFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>INFRASTRUCTURE AND SERVICES</u></p> <p><b><u>OM102306-12      TRANSFER OF ADMINISTRATION OF LOCAL PORTS PROGRAM TO THE DEPARTMENT OF TRANSPORT - DRAFT MANAGEMENT AGREEMENT</u></b></p> <p>Department: Infrastructure <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. Note the contents of the report on Transfer of Administration of Local Ports Program to the Department of Transport (DOT) – Draft Management Agreement for 12 months duration commencing 1 July 2010;</i></b></li> <li><b><i>2. Support the 12 months Management Agreement with DOT for the Port of Apollo Bay effective from 1 July 2010 and authorise the Chief Executive Officer to Sign and Seal the Agreement subject to any further negotiations with DOT and finalisation;</i></b></li> <li><b><i>3. During the 12 months period, continue to negotiate with DOT the long term agreement to be applicable from 1 July 2011, and a further report be provided back to Council in relation to the future Management Agreement with DOT.</i></b></li> </ol>		
<p><b><u>OM102306-13      WASTE COLLECTION FOR COMMERCIAL PROPERTIES</u></b></p> <p>Department: Infrastructure <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. Write to commercial premises and advise properties that they will be provided a domestic collection service only and advise them that they will need to engage private contractors for multiple collection service;</i></b></li> <li><b><i>2. Provide a collection service for multiple bins at the one (1) property only after the business supplies a Statutory Declaration that it cannot engage a suitable private contractor; and</i></b></li> <li><b><i>3. Charge multiple services where required in accordance with its adopted Fees and Charges.</i></b></li> </ol>		

<p><b><u>OM102306-14 REVIEW OF PROCUREMENT POLICY</u></b></p> <p>Department: Infrastructure <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. Adopt the Draft Procurement Policy No. 3.2 effective immediately;</i></b></li> <li><b><i>2. Introduce an electronic system as soon as practicable;</i></b></li> <li><b><i>3. Ensure the physical tender box ceases operating at close of business on 31 December 2011 and at that time the system will become fully electronic; and</i></b></li> <li><b><i>4. Continue to provide hardcopies of documents and plans to prospective tenderers if requested.</i></b></li> </ol>		
<p><b><u>OM102306-15 CONVERSION OF ANALOGUE TELEVISION TO DIGITAL</u></b></p> <p>Department: Infrastructure <b><u>Recommendation(s)</u></b></p> <p><b><i>That an Agreement to the satisfaction of the Chief Executive Officer be developed between Council and users of the Transmission Infrastructure regarding the long term occupation and maintenance responsibilities.</i></b></p>		
<p><b><u>OM102306-16 REVIEWING COUNCIL'S AGREEMENT WITH THE DSE FOR THE REMOVAL OF NATIVE VEGETATION FOR MAINTENANCE OF PUBLIC ROADS.</u></b></p> <p>Department: Infrastructure <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. Endorse the following actions for reviewing the Agreement with DSE, as follows:</i></b> <ul style="list-style-type: none"> <li><b><i>• Engage with the Sustainable Planning and Development's Environment Unit to compile Super 11 survey questions;</i></b></li> <li><b><i>• Benchmarking with Super 11 Group of Councils to:</i></b> <ul style="list-style-type: none"> <li><b><i>○ Determine number of Councils operating under the Agreement;</i></b></li> <li><b><i>○ Determine current recording and reporting processes;</i></b></li> <li><b><i>○ Identify issues relating to the operation of the Agreement;</i></b></li> <li><b><i>○ Gauge support for suggested changes to the Agreement;</i></b></li> <li><b><i>○ Provide a summary of the survey findings and outline the next phase of actions;</i></b></li> </ul> </li> </ul> </li> </ol>		

<ul style="list-style-type: none"> <li>• <i>Meet with the MAV to outline the issue and confirm their support; and</i></li> <li>• <i>Arrange to meet with the DSE to commence a review of the Agreement.</i></li> </ul>		
<p><b><u>OM102306-17      DECLARATION OF ROAD AS UNUSED – ROAD SOUTH OF 25 MT SABINE ROAD, BEECH FOREST</u></b></p> <p>Department: Infrastructure <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. Give public notice of its intention to declare the section of road described as the road adjoining Lot 1 on title plan TP667816, Parish of Olangolah as unused;</i></b></li> <li><b><i>2. Subject to a six week notification period, hear and consider submissions should any be received. All submissions are to be considered in accordance with Section 223 of the Local Government Act 1989. The Special Council Meeting, if required, is intended to be held on Wednesday 11 August 2010, 1.00pm in the COPACC Meeting Room. Formal advice of the time and place of the meeting will be provided to those parties wanting to be heard in support of their written submission and will be advertised in the local print media;</i></b></li> <li><b><i>3. If required, make a final decision following preparation of a report by the General Manager Infrastructure and Services based on the recommendations of the Council meeting; and</i></b></li> <li><b><i>4. Subject to no submissions being received and complying with its statutory requirements, instruct the Chief Executive Officer to advise the Department of Sustainability and Environment of Council's formal consent.</i></b></li> </ol>		

***MOVED Cr Frank Buchanan seconded Cr Stephen Hart that recommendations to items listed in the Consent Calendar be adopted.***

***CARRIED 7 : 0***

**CONSENT CALENDAR**

**OFFICERS' REPORT**

**D = Discussion**

**W = Withdrawal**

ITEM	D	W
<p><b><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></b>  <b><u>OM102306-18 ADOPTION OF AMENDMENT C12 TO THE COLAC OTWAY PLANNING SCHEME</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council adopt Amendment C12 to the Colac Otway Planning Scheme as exhibited, with changes in accordance with the recommendations of the Panel including:</i></b></p> <ul style="list-style-type: none"> <li><b><i>a) The removal of the schedule to the Floodway Overlay (FO);</i></b></li> <li><b><i>b) A reduction in the scope of permit exemptions contained within the schedule to the Land Subject to Inundation Overlay (LSIO) in accordance with the revised Land Subject to Inundation Overlay (LSIO) schedule at Attachment 2;</i></b></li> <li><b><i>c) The inclusion of all uncovered 'islands' less than 5 hectares in area in the Land Subject to Inundation Overlay (LSIO); and</i></b></li> <li><b><i>d) The smoothing out of the jagged edges to the boundary of the Land Subject to Inundation Overlay (LSIO).</i></b></li> </ul>		
<p><b><u>OM102306-19 PETITION FROM RESIDENTS IN CAMPBELL COURT APOLLO BAY REGARDING FUTURE MEDIUM DENSITY DEVELOPMENT IN CAMPBELL COURT</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> <ul style="list-style-type: none"> <li><b><i>1. Receives the petition from residents in Campbell Street, Apollo Bay.</i></b></li> <li><b><i>2. Writes to the head petitioner advising of the current planning controls and processes, that Councillors are obligated to follow.</i></b></li> </ul>		

<p><b><u>OM102306-20      2010 – 11 SMALL TOWN IMPROVEMENT PROGRAM ALLOCATIONS</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. Approve the annual funding allocations of the 2010/11 Small Town Improvement Program (STIP) recommended by the STIP Advisory Committee as follows:</i></b></p> <table data-bbox="255 649 686 817"> <tr> <td><i>Birregurra</i></td> <td><i>\$20,000</i></td> </tr> <tr> <td><i>Cressy</i></td> <td><i>\$25,000</i></td> </tr> <tr> <td><i>Forrest</i></td> <td><i>\$25,000</i></td> </tr> <tr> <td><i>Beech Forrest</i></td> <td><i>\$3,100</i></td> </tr> </table> <p><b><i>2. Approve the expenditure of \$6,900, being the balance of the unallocated funds from the 2010/11 STIP program, to the installation of new town entrance signs for Irrewillipe, Johanna, Murroon and Warrion.</i></b></p>	<i>Birregurra</i>	<i>\$20,000</i>	<i>Cressy</i>	<i>\$25,000</i>	<i>Forrest</i>	<i>\$25,000</i>	<i>Beech Forrest</i>	<i>\$3,100</i>		<p><b>CR FRANK BUCHANAN</b></p>
<i>Birregurra</i>	<i>\$20,000</i>									
<i>Cressy</i>	<i>\$25,000</i>									
<i>Forrest</i>	<i>\$25,000</i>									
<i>Beech Forrest</i>	<i>\$3,100</i>									
<p><b><u>OM102306-21      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> <p><b><i>1. Endorses the Neighbourhood Safer Places Plan.</i></b></p> <p><b><i>2. Endorses the Neighbourhood Safer Place Site Assessment Report for Carlisle River Recreation Reserve.</i></b></p> <p><b><i>3. Notes the fact that there are no locations in the eight Extreme risk townships in the Colac Otway Shire that currently meet the assessment criteria to enable their designation as Neighbourhood Safer Places.</i></b></p> <p><b><i>4. Notes the fact that the next Neighbourhood Safer Place investigations will be focused on the townships assessed as having a risk rating of Very High and a priority ranking of 2A that include Apollo Bay, Skenes Creek, Beech Forest and Gellibrand.</i></b></p> <p><b><i>5. Notes that the approach taken above may need to be reconsidered depending on the final report of the 2009 Bushfire Royal Commission, which is due to be released on 31 July 2010.</i></b></p>										

***MOVED Cr Frank Buchanan seconded Cr Stuart Hart that recommendations to items listed in the Consent Calendar, with the exception of item OM102306-20 2010–11 Small Town Improvement Program Allocations, be adopted.***

***CARRIED 7 : 0***

**OM102306-20      2010–11 SMALL TOWN IMPROVEMENT PROGRAM ALLOCATIONS**

***MOVED Cr Frank Buchanan seconded Cr Stephen Hart:***

***That Council:***

- 1. Approve the annual funding allocations of the 2010/11 Small Town Improvement Program (STIP) recommended by the STIP Advisory Committee as follows:***

<b><i>Birregurra</i></b>	<b><i>\$20,000</i></b>
<b><i>Cressy</i></b>	<b><i>\$25,000</i></b>
<b><i>Forrest</i></b>	<b><i>\$25,000</i></b>
<b><i>Beech Forrest</i></b>	<b><i>\$3,100</i></b>
<b><i>Gellibrand</i></b>	<b><i>\$5,350</i></b>

- 2. Approve the expenditure of \$1,550, being the balance of the unallocated funds from the 2010/11 STIP program, to the installation of lighting at Beeac subject to the required funds being found to complete the project.***

***CARRIED 7:0***

**CONSENT CALENDAR**

**OFFICERS' REPORT**

**D = Discussion**

**W = Withdrawal**

ITEM	D	W
<u>GENERAL BUSINESS</u>		
<p><b><u>OM102306-22      MUNICIPAL ASSOCIATION OF VICTORIA STATE COUNCIL MEETING</u></b></p> <p>Department: General Business</p> <p><b><u>Recommendation</u></b></p> <p><b><i>Council notes the report regarding the MAV State Council meeting on 28 May 2010.</i></b></p>		

***MOVED Cr Stephen Hart seconded Cr Stuart Hart that recommendation to item OM102306-22 Municipal Association Of Victoria State Council Meeting as listed in the Consent Calendar be adopted.***

***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***

**IN COMMITTEE**

**MOVED Cr Stephen Hart seconded Cr Brian Crook 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>
Action re Drainage Works at 32 & 34 Manifold Street, Colac	this matter may prejudice the Council or any person	Section 89 (2) (h)
Beechy Precinct Library Joint Use Committee	this matter may prejudice the Council or any person	Section 89 (2) (h)
Confidential Items for Consideration	this matter deals with personnel matters; 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) (a) (d) (f) (h)
Contract Approval Contract 1005 – Cleaning Services	this matter deals with contractual matters	Section 89 (2) (d)

**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 5.50 pm*

**CONFIRMED AND SIGNED** at the meeting held on 28 JULY 2010

.....*Len E Russell*.....**MAYOR**  
Dated: 28<sup>th</sup> July 2010