

MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at the COPACC on 22 September 2010 at 3.00 pm.

1. OPENING PRAYER

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

AMEN

2. PRESENT

Cr 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.

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

Questions Received in Writing Prior to the Meeting

Mr James Judd – Colac

1. Why has Council continued to deliver new bins when details delivered with them are in complete contradiction of an answer given at the August Council meeting? The organics bin states green waste and food scraps only. No plastic bags, paper, cardboard, building material or household waste. You stipulate that "place these items loose in the bin" and this includes food scraps. In answer to my query you stated that food scraps could be wrapped in paper. Fix all your literature and clearly state this fact in relation to food scraps in all future literature. Also in the yellow side of the divided bin you are permitted to include manure/animal droppings in this section. In the new bins this is not allowed in the organics bin.

Response:

The organics bin does state no plastic bags, paper, cardboard, building material or household waste. Experience has shown that by advertising foods scraps can be wrapped in paper a number of residents have placed large quantities of paper in the organics bin.

However, Council will allow residents to wrap food scraps in paper as long as minimal paper is used and only paper containing food scraps is placed in these bins. Paper by itself however is not acceptable and people who abuse the system will not have their bin picked up.

Council will not be changing its literature as it does not want to encourage paper in the organics bin.

In relation to manure/animal droppings, at the time of printing, the EPA had not given confirmation that manure/animal droppings could be used for composted material.

2. When will the Council listen to the people over your intentions to close a central location for the library away from medical, shopping and legal services out into the bush with no services anywhere near the location.

Response:

This matter has been resolved by Council and the facility will open on the 22 October 2010.

3. How can the Council claim the new bins are the “property of Colac Otway Shire”, when an excuse for increasing rates and charges on the ratepayers was the introduction of this system.

Response:

Cost of the new bins was budgeted for out of the Waste Management Charge and therefore the bins were purchased by Council from Council funds. The waste management charge was increased from \$240 in 2009/10 to \$245 in 2010/11 to assist with this purchase.

4. A question was asked in relation to rates instalments and if the instalments are greater than if paid by lump sum.

Response:

No. If paying rates by instalments, the instalments when added are the same value as if paying by lump sum.

There was another question which has been disallowed in accordance with Council policy.

Questions Received Verbally at the Meeting

Dieter Wessner – FOCL

Who decided who the community representatives on the Joint Use Committee would be and what are their qualifications?

Response:

The CEO advised that the public had been asked to nominate for a position on the Joint Use Committee and that a joint evaluation panel comprising of representatives from the Corangamite Regional Library Corporation, the Colac Secondary College and the Colac Otway Shire interviewed the applicants and made their recommendations to the Minister for endorsement.

What were their qualifications?

Response:

The CEO responded that they are members of our community.

In reference to the Library Annexe, who are the key stakeholders referred to in the CEO's report on page 16 given that library users seldom get asked anything?

Response:

The CEO reminded Mr Wessner that a considerable public consultation process had been undertaken and that information gathered during this process had been considered in the planning for the Library Annexe. The key stakeholders, including the Colac Otway Shire, the Colac Secondary College and the Corangamite Regional Library Corporation, will play a more significant role than the ordinary public in the design of the building. Further, the Colac Otway Shire is looking forward to providing a service through the Library Annexe.

What is the outcome of the survey conducted by the CEO of the Corangamite Regional Library Corporation?

Response:

The CEO stated that this information is in the process of being discussed.

Why is only 83sqms being allocated to the Library Annexe when the original agreement reached by Council was 100sqm?

Response:

The CEO advised that Council has been working through the issues previously identified by the community and has come up with a size that will accommodate these issues. The space available will be close to 100sqm.

What do you call close?

Response:

The CEO stated that the Library Annexe would be 98sqm.

6. DECLARATION OF INTEREST

Cr Brian Crook	OM102209-4 Candidature of Councillors State or Federal Elections
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78B
Nature of Interest:	Standing as the ALP candidate at the State elections in November

Cr Geoff Higgins:	OM102209-13 Contract No. 1009 External Plant Hire
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78
Nature of Interest:	Related to one of the tenderers

7. CONFIRMATION OF MINUTES

- **Ordinary Council Meeting held on the 25/08/10.**

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

CARRIED 7 : 0

OFFICERS' REPORTS

Chief Executive Officer

OM102209-1 CEO'S PROGRESS REPORT TO COUNCIL

Corporate and Community Services

OM102209-2 CERTIFICATION OF 2009/2010 FINANCIAL STATEMENTS
OM102209-3 CORRECTION OF SPELLING OF ROAD NAME COULSTONE STREET
TO COULSTON STREET, BEEAC.
OM102209-4 CANDIDATURE OF COUNCILLORS STATE OR FEDERAL ELECTIONS
OM102209-5 PUBLIC HEALTH & WELLBEING PLAN

Infrastructure and Services

OM102209-6 PROPOSAL FOR HARD WASTE COLLECTION
OM102209-7 CHANGES TO ROAD SAFETY EDUCATION
OM102209-8 MOBILE BIN SUPPLY AND DISTRIBUTION
OM102209-9 UPDATE ON THE ROAD/RAIL SAFETY INTERFACE AGREEMENT
PROCESS
OM102209-10 STORM DAMAGE RECOVERY

Sustainable Planning and Development

OM102209-11 ENVIRONMENT ACTION PLAN 2010-2012

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion
W = Withdrawal

ITEM	D	W
<p><u>CHIEF EXECUTIVE OFFICER</u></p> <p><u>OM102209-1</u> <u>CEO'S PROGRESS REPORT TO COUNCIL</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council note the CEO's Progress Report to Council for information.</i></p>	<p>CR BRIAN CROOK</p>	

MOVED Cr Stuart Hart seconded Cr Geoff Higgins that recommendations to items listed in the Consent Calendar be adopted.

CARRIED 7 : 0

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p data-bbox="237 495 837 527"><u>CORPORATE AND COMMUNITY SERVICES</u></p> <p data-bbox="237 600 922 667"><u>OM102209-2 CERTIFICATION OF 2009/2010 FINANCIAL STATEMENTS</u></p> <p data-bbox="237 720 870 751">Department: Corporate and Community Services</p> <p data-bbox="237 793 545 825"><u>Recommendation(s)</u></p> <p data-bbox="237 867 443 898"><i>That Council:</i></p> <ol data-bbox="237 940 1060 1644" style="list-style-type: none"> <li data-bbox="237 940 1060 1077">1. <i>Adopt the 2009/2010 Financial Statements 'In-Principle' subject to further adjustments required by audit in accordance with Section 131(7) Local Government Act 1989.</i> <li data-bbox="237 1108 1060 1245">2. <i>Adopt the 2009/2010 Standard Statements 'In-Principle' subject to further adjustments required by audit, in accordance with Section 131(7) Local Government Act 1989.</i> <li data-bbox="237 1276 1060 1413">3. <i>Adopt the 2009/2010 Performance Statement 'In-Principle' subject to further adjustments required by audit in accordance with Section 131(7) Local Government Act 1989.</i> <li data-bbox="237 1444 1060 1644">4. <i>Pursuant to Section 131(8) and Section 132(7) of the Local Government Act 1989, Council authorise Councillors Stephen Hart and Stuart Hart to certify the 2009/2010 Statements in their final form after any changes recommended, or agreed to, by the auditors have been made.</i> 		<p data-bbox="1268 632 1414 695">CR CHRIS SMITH</p>

<p><u>OM102209-3</u> <u>CORRECTION OF SPELLING OF ROAD NAME COULSTONE STREET TO COULSTON STREET, BEEAC.</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Having consulted with the community of Beeac regarding the spelling of Coulstone Street, resolve the spelling of this street be amended to be “Coulston” Street.</i> <i>2. Arrange to have published in the Victorian Government Gazette the change of name.</i> <i>3. Advise the Office of Geographic Place Names of the change of name.</i> <i>4. Advise owners of the properties affected by the proposal of the change of name.</i> 	<p>CR CHRIS SMITH</p>	
<p><u>OM102209-4</u> <u>CANDIDATURE OF COUNCILLORS STATE OR FEDERAL ELECTIONS</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That the Guidelines with respect to the Candidature of Councillors at State or Federal Elections be adopted as a supplement to the Colac Otway Shire Councillor Code of Conduct.</i></p>		<p>CR STUART HART</p>
<p><u>OM102209-5</u> <u>PUBLIC HEALTH & WELLBEING PLAN</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Endorses the draft Public Health and Wellbeing Plan 2010-2013 in its discussion paper format; and</i> <i>2. Releases the plan for at least six weeks for community feedback through individual comments and/or organised community conversations.</i> 	<p>CR BRIAN CROOK</p>	

MOVED Cr Stephen Hart seconded Cr Stuart Hart that recommendations to items listed in the Consent Calendar, with the exception of items OM102209-2 Certification of 2009/2010 Financial Statements and OM102209-4 Candidature of Councillors State Or Federal Elections, be adopted.

CARRIED 7 : 0

OM102209-2 CERTIFICATION OF 2009/2010 FINANCIAL STATEMENTS

MOVED Cr Stephen Hart seconded Cr Stuart Hart

That Council:

- 1. Adopt the 2009/2010 Financial Statements 'In-Principle' subject to further adjustments required by audit in accordance with Section 131(7) Local Government Act 1989.***
- 2. Adopt the 2009/2010 Standard Statements 'In-Principle' subject to further adjustments required by audit, in accordance with Section 131(7) Local Government Act 1989.***
- 3. Adopt the 2009/2010 Performance Statement 'In-Principle' subject to further adjustments required by audit in accordance with Section 131(7) Local Government Act 1989.***
- 4. Pursuant to Section 131(8) and Section 132(7) of the Local Government Act 1989, Council authorise Councillors Stephen Hart and Stuart Hart to certify the 2009/2010 Statements in their final form after any changes recommended, or agreed to, by the auditors have been made.***

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

OM102209-4 CANDIDATURE OF COUNCILLORS STATE OR FEDERAL ELECTIONS

Cr Brian Crook	OM102209-4 Candidature of Councillors State or Federal Elections
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78B
Nature of Interest:	Standing as the ALP candidate at the State elections in November

Having declared a conflict of interest in this item, Cr Brian Crook left the meeting at 3.24pm.

MOVED Cr Stuart Hart seconded Cr Frank Buchanan

That the Guidelines with respect to the Candidature of Councillors at State or Federal Elections be adopted as a supplement to the Colac Otway Shire Councillor Code of Conduct.

CARRIED 6 : 0

Cr Brian Crook returned to the meeting at 3.25pm.

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>INFRASTRUCTURE AND SERVICES</u></p> <p><u>OM102209-6 PROPOSAL FOR HARD WASTE COLLECTION</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Note the contents of "Hard Waste Collection Proposal" report;</i> <i>2. Support the Hard Waste collection over two financial years subject to Budget considerations;</i> <i>3. Consider an amount of \$59,980 (ex GST) be allocated in Year 1 for collection for Hard waste from Rural Scattered, Coastal & Rural Towns ; and</i> <i>4. Consider an amount of \$96,070 (exc. GST plus any CPI and landfill levy increases) be allocated in Year 2 for collection from Colac Urban area.</i> 	CR BRIAN CROOK	
<p><u>OM102209-7 CHANGES TO ROAD SAFETY EDUCATION</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1 Notes and receives this report advising of changes to the delivery of Road Safety Education within Colac Otway Shire.</i> <i>2 Continues to provide support to Colac RoadSafe and any other registered Local Community Road Safety Groups in an advisory capacity.</i> <i>3 Does not register as a Local Community Road Safety Group.</i> 		

<p><u>OM102209-8 MOBILE BIN SUPPLY AND DISTRIBUTION</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council note and receive this report for information on the supply and distribution of mobile bins under Section H of Contract 0912.</i></p>		
<p><u>OM102209-9 UPDATE ON THE ROAD/RAIL SAFETY INTERFACE AGREEMENT PROCESS</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council receive and note this report for information on the progress of the signing of the Rail/Road Safety Interface Agreement.</i></p>		
<p><u>OM102209-10 STORM DAMAGE RECOVERY</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council;</i></p> <ol style="list-style-type: none"> <i>1. Receive this report for information.</i> <i>2. Support the Funding Application by the Chief Executive Officer to the Department of Treasury and Finance for an estimated \$1.425 million for Storm Damage Assistance to Council.</i> 	CR FRANK BUCHANAN	

MOVED Cr Frank Buchanan seconded Cr Geoff Higgins that recommendations to items listed in the Consent Calendar be adopted.

CARRIED 7 : 0

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></p> <p><u>OM102209-11 ENVIRONMENT ACTION PLAN 2010-2012</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Receives the Colac Otway Shire Environment Action Plan for 2010 to 2012.</i> <i>2. Notes that a review will be undertaken of the Environment Action Plan in 2012 and a report provided to Council for its information.</i> 	<p>CR STEPHEN HART</p>	

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

CARRIED 7 : 0

IN COMMITTEE

MOVED Cr Stephen 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:

SUBJECT	REASON	SECTION OF ACT
Contract and Tendering Update	this matter deals with contractual matters	Section 89 (2) (d)
Contract No. 1009 – External Plant Hire	this matter deals with contractual matters	Section 89 (2) (d)

CARRIED 7 : 0

ADJOURNMENT - MOVED Cr Stephen Hart seconded Cr Brian Crook that: Council adjourn the meeting and move out of committee.

CARRIED 7: 0

Councillors left the chambers to have photographs taken at 3.31pm and returned at 3.41pm

RESUMPTION OF MEETING - MOVED Cr Stephen Hart seconded Cr Stuart Hart that Council move "In-Committee" in order to deal with:

SUBJECT	REASON	SECTION OF ACT
Contract and Tendering Update	this matter deals with contractual matters	Section 89 (2) (d)
Contract No. 1009 – External Plant Hire	this matter deals with contractual matters	Section 89 (2) (d)

CARRIED 7: 0

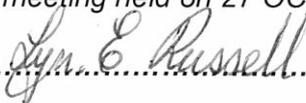
OUT OF COMMITTEE

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

CARRIED 7 : 0

The Meeting Was Declared Closed at 3.58 pm

CONFIRMED AND SIGNED at the meeting held on 27 OCTOBER 2010

..........**MAYOR**