

**MINUTES** of the *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at the Senior Citizens Centre Apollo Bay on 24 November 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 Chris Smith

Rob Small, Chief Executive Officer

Rick Morrow, Acting General Manager, Corporate & Community Services  
Neil Allen, General Manager, Infrastructure & Services  
Jack Green, General Manager, Sustainable Planning & Development  
Rhonda Deigan, Executive Officer

3. APOLOGIES

Cr Geoff Higgins

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

## 5. QUESTION TIME

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

Nil

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

#### **Damien Dureau - Colac**

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

1.
  - (a) Will the "**Floor Plan for the Colac Public Library annexe sub-branch**" come before the councillors of the Colac Otway Shire Council to vote on at a Council Meeting?

#### ***Response***

***No. The floor plan has already been discussed and agreed to by the Council. The annexure is being constructed in accordance with that plan.***

- (b) If yes to **1(a)**, at what month's Council Meeting will this occur?
    - (c) If yes to **1(a)**, will a copy of the Floor Plan be provided in the Agenda for the Council Meeting of the month in which this is to occur?

If no to **1(a)** or **1(c)**, on what date am I able to attend the council offices to collect a copy of the Floor Plan?

#### ***Response***

***A copy of the floor plan has been made available for collection at Customer Services.***

2.
  - (a) Will "**Annexure D, Description of the role and functions of the Joint Committee**" of the "Development and Joint Use Agreement" come before the councillors of the Colac Otway Shire Council to vote on at a Council Meeting?

#### ***Response***

***Yes.***

- (b) If yes to **2(a)**, at what month's Council Meeting will this occur?

#### ***Response***

***This meeting. Annexure D also needs to be agreed to by the College Council and DEECD.***

- (c) If yes to **2(a)**, will a copy of Annexure D (including the whole Agreement if there have been changes made to it from when it was previously released by Council to the community, ie. I understand that there is now provision for 3 community members on the Joint Committee, when the original Agreement only provided for 2) be provided in the Agenda for the Council Meeting of the month in which this is to occur?

***Response***

***The only change to the agreement at this stage will be the addition of Annexure D. The change to the number of community members on the Joint Committee will be by agreement in writing of all parties.***

- (d) If no to **2(a)** or **2(c)**, on what date am I able to attend the council offices to collect a copy of Annexure D; and the updated Agreement in full where changes have been made to it?

***Response***

***Once the changes have been agreed to by all parties the agreement will be updated.***

3. Please refer to my Question **2.2**, incorporating parts **(a)** and **(b)** at the Colac Otway Shire Council Ordinary Meeting on 23 June 2010, regarding the Colac Joint Use School Library building.

- (a) Will the additional "**separate agreement (as defined under the "Development and Joint Use Agreement") appointing a Library Operator to operate the Library/Resource Area**" come before the councillors of the Colac Otway Shire Council to vote on at a Council Meeting?

***Response***

***It has been agreed that the CRLC will continue to be the operator of the facility.***

- (b) If yes to **3(a)**, at what month's Council Meeting will this occur?

***Response***

***See above.***

- (c) If yes to **3(a)**, will a copy of the additional separate agreement appointing a Library Operator be provided in the Agenda for the Council Meeting of the month in which this is to occur?

***Response***

***See above.***

- (d) If no to **3(a)** or **3(c)**, on what date am I able to attend the council offices to collect a copy of the additional separate agreement appointing a Library Operator?

***Response***

***See above.***

**Mr James Judd – Colac**

In accordance with Colac Otway Shire Local Law No. 4 Schedule 2 a number of questions submitted in writing by Mr Judd, which have previously been answered and/or are considered to be derogatory to staff, will not be read out.

1. Re fare increases. With reference to 'Transport Connections project'. When people look at Friday bus trial 9/7/10 to 30/4/11. We note your claim fares are subject to Government's annual fare adjustment. The adjustment is not annual but every six months.

**Response:**

***The fees for the service are set by the Department of Transport.***

2. Re out of hours contact. When will Council make available an 'out of hours' contact and advise the community and place this advice in public places?

**Response:**

***Council has an Out of Hours service for emergencies, which can be activated by calling the normal Council Customer Service number on 52329400. Complaints and other matters which are not emergencies can be logged through Council's Customer Service during normal business hours.***

3. Re Garbage. Have you yet heard from the EPA if manure/animal droppings can be used in compost or not? Plus you stipulate corks are to go into the garbage bin. What about cork itself? This a type of bark and if prunings can go into the organics bin is this also organic?

**Response:**

***Contractors staff are required to sort green waste by hand and Council does not want them to come into contact with animal droppings, hence animal droppings should not be placed in the greenwaste bins.***

***Council's preference in relation to corks are that they are placed in the garbage as some corks are plastic and these may contaminate the green organics.***

4. Why do you not include on your letterheads details of opening of your offices and also out of hours contact details?

**Response:**

***Council's out of hours phone number is the same as our business hours phone number – 5232 9400. Callers to this number are transferred to an after-hours service outside business hours.***

***Office hours are customarily not included on letterheads. They are on our website, and can be viewed under the Contact Us tab.***

5. Re: Library. If this facility at its new location concluded its 'letter boxing' of 'Colac and surrounding towns' prior to opening of its new location.

How is it that after more than a week of November very much of Colac on the north side of the highway has not yet received any advice of this location's opening or opening hours?

**Response:**

***Australia Post have confirmed the delivery of the leaflets in Colac (including the north side) between 18/10 and 22/10.***

6. Re fences: why are these permitted to be erected near intersections and near exit gateways to properties when solid or opaque products that block vision of a road or out of properties onto roads/footpaths until the person passes the entrance? Many vehicles are always backed out of properties with only the person at the wheel on board.

**Response:**

***Under the Victorian Building Regulations, fencings may be constructed without a building permit if they comply with the following:***

- ***Front (Brick/Solid) Fences – Height no greater than 1.2m***
- ***Front (Picket/'Open') Fences – Height no greater than 1.5m***
- ***Side Fences – Height no greater than 2m***

***Other conditions applicable are:***

- ***A front fence can be constructed to 2m on a 'declared road' without a permit***
- ***Fences within 9m of an intersection can only be built to 1m without a permit***

***Any fences proposed to be constructed over the above heights require a Building Permit and Council's Consent to do so.***

**6. DECLARATION OF INTEREST**

NIL

**7. CONFIRMATION OF MINUTES**

- **Ordinary Council Meeting held on the 27/10/10.**

***MOVED Cr Frank Buchanan seconded Cr Stephen Hart that Council confirm the above minutes.***

***CARRIED 6 : 0***

## OFFICERS' REPORTS

### Chief Executive Officer

OM102411-1 CEO'S PROGRESS REPORT TO COUNCIL

### Corporate and Community Services

OM102411-2 INSTRUMENT OF DELEGATION - OLD BEECHY RAIL TRAIL  
COMMITTEE

OM102411-3 PUBLIC OPEN SPACE STRATEGY

### Infrastructure and Services

OM102411-4 CHANGEOVER TO DIGITAL TELEVISION - "SELF-HELP" FACILITIES  
WITHIN COLAC OTWAY SHIRE

### Sustainable Planning and Development

OM102411-5 NATIVE FOREST HARVESTING ON PRIVATE LAND

OM102411-6 PETITION - 18 GRANT STREET, FORREST

### General Business

OM102411-7 ASSEMBLY OF COUNCILLORS

**CONSENT CALENDAR**

**OFFICERS' REPORT**

D = Discussion  
W = Withdrawal

ITEM	D	W
<p><u>CHIEF EXECUTIVE OFFICER</u></p> <p><b><u>OM102411-1</u></b>      <b><u>CEO'S PROGRESS REPORT TO COUNCIL</u></b></p> <p>Department: Executive</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council notes the CEO's Progress Report to Council.</i></p>	<p>CR BRIAN CROOK</p> <p>CR STUART HART</p>	

***MOVED Cr Stuart Hart seconded Cr Stephen Hart that the recommendation to item OM102411-1 CEO's Progress Report To Council as listed in the Consent Calendar be adopted.***

***CARRIED 6 : 0***

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

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>CORPORATE AND COMMUNITY SERVICES</u></p> <p><b><u>OM102411-2 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, 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>CR STEPHEN HART</p>
<p><b><u>OM102411-3 PUBLIC OPEN SPACE STRATEGY</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council nominates Cr.....as its representative on the Project Steering Committee for the Public Open Space Strategy.</i></b></p>		<p>CR STEPHEN HART</p>

**OM102411-2      INSTRUMENT OF DELEGATION - OLD BEECHY RAIL TRAIL  
COMMITTEE**

***MOTION - MOVED Cr Stephen Hart seconded Cr Stuart Hart that Council defer to the December Council Meeting the revised Instrument of Delegation for the Old Beechy Rail Trail Committee with a view to:***

- 1. Considering arrangements for the use of the Old Beechy Rail Trail by vehicles for recreational purposes; and***
- 2. Modifying the wording of point 2 in the Instrument of Delegation.***

***CARRIED 5 : 1***

***DIVISION called by Cr Chris Smith***

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

***Against the Motion: Cr Chris Smith***

**OM102411-3      PUBLIC OPEN SPACE STRATEGY**

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

***The nomination of a Councillor representative on the Project Steering Committee for the Public Open Space Strategy be deferred to the Statutory Council Meeting on the 8 December 2010 when appointments are made to all committees for the following 12 months.***

***CARRIED 5:1***

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

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>INFRASTRUCTURE AND SERVICES</u></p> <p><b><u>OM102411-4 CHANGEOVER TO DIGITAL TELEVISION - "SELF-HELP" FACILITIES WITHIN COLAC OTWAY SHIRE</u></b></p> <p>Department: Infrastructure</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 and receives this report for information about the proposed changeover from analogue to digital television services in the Apollo Bay, Wye River and Lavers Hill areas; and</i></b></li> <li><b><i>2. Resolves to continue to work with the Digital Switchover Taskforce in ensuring that the affected communities are well informed.</i></b></li> </ol>	<p>CR STUART HART</p>	

***MOVED Cr Stuart Hart seconded Cr Frank Buchanan that recommendations to item OM102411-4 Changeover To Digital Television - "Self-Help" Facilities Within Colac Otway Shire as listed in the Consent Calendar be adopted.***

***CARRIED 6 : 0***

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

D = Discussion

W = Withdrawal

ITEM	D	W
<p><b><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></b></p> <p><b><u>OM102411-5 NATIVE FOREST HARVESTING ON PRIVATE LAND</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council writes to the State Government and Corangamite Catchment Management Authority requesting that policies be reviewed as they relate to native timber harvesting on private land due to the impact these policies are having on the capacity to undertake private timber harvesting in the Otways.</i></p>	<p>CR CHRIS SMITH</p> <p>CR FRANK BUCHANAN</p>	
<p><b><u>OM102411-6 PETITION - 18 GRANT STREET, FORREST</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council notes the petition lodged in relation to PP169/2010-1 relating to a proposal at 18 Grant Street, Forrest, and that the petition was considered by the Planning Committee when it resolved to support the planning application at its meeting on 10 November 2010.</i></p>		<p>CR BRIAN CROOK</p>

***MOVED Cr Frank Buchanan seconded Cr Brian Crook that the recommendation to item OM102411-5 Native Forest Harvesting On Private Land as listed in the Consent Calendar be adopted.***

**CARRIED 6 : 0**

**OM102411-6      PETITION - 18 GRANT STREET, FORREST**

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

***Council receives the petition lodged in relation to PP169/2010-1 relating to a proposal at 18 Grant Street, Forrest, and notes that the petition was considered by the Planning Committee when it resolved to support the planning application at its meeting on 10 November 2010.***

***CARRIED 6 : 0***

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

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>GENERAL BUSINESS</u></p> <p><b><u>OM102411-7 ASSEMBLY OF COUNCILLORS</u></b></p> <p>Department: General Business</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council notes the Assembly of Councillors reports for the Councillor Briefing Session of 27 October and Councillor Workshop of 10 November 2010.</i></b></p>		

***MOVED Cr Brian Crook seconded Cr Frank Buchanan that the recommendation to item OM102411-7 Assembly Of Councillors as listed in the Consent Calendar be adopted.***

**CARRIED 6 : 0**

**IN COMMITTEE**

**MOVED Cr Frank Buchanan 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>
Terms of Reference - Colac Community Library and Learning Centre Joint Use Advisory Committee	this matter deals with contractual matters; AND this matter may prejudice the Council or any person	Section 89 (2) (d) (h)
Contract Approval Contract 1021 - Bituminous Sealing Works	this matter deals with contractual matters	Section 89 (2) (d)

**VOTE 3-3. The vote being tied the Mayor used her casting vote to carry the Motion.**

**CARRIED 4 : 3**

**DIVISION called by Cr Stephen Hart**

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

**OUT OF COMMITTEE**

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

**CARRIED 6 : 0**

*The Meeting Was Declared Closed at 3.55 pm*

**CONFIRMED AND SIGNED** at the meeting held on 15 DECEMBER 2010

.....MAYOR