

MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at the COPACC Meeting Rooms on 27 January 2011 at 6:00 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 Brian Crook (Mayor)  
Cr Frank Buchanan  
Cr Lyn Russell  
Cr Stephen Hart  
Cr Stuart Hart  
Cr Geoff Higgins  
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

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

#### Damien Dureau - Colac

1. **Re: Bluewater Fitness Centre (BWFC) - \$8.5 million proposed future project** (Sports Stadium Redevelopment estimated \$6 million; Warm Water Hydrotherapy Exercise Pool Development estimated \$2.5 million)

Colac Otway Shire Council (COSC) Agenda for Ordinary Meeting on 28 July 2010 provided "*Bluewater Fitness Centre Sports Stadium Feasibility Study, Prepared for Colac Otway Shire, Final Report, September 2008, Prepared by Stratcorp Consulting Pty Ltd*" (following on from "*Bluewater Fitness Centre Sports Stadium Feasibility Study, Prepared for Colac Otway Shire, Draft Report, May 2008, Prepared by Stratcorp Consulting Pty Ltd*" included in the COSC Agenda for Ordinary Meeting on 16 December 2009) for councillor endorsement.

When will COSC be including the accompanying document to this document, namely "*Bluewater Fitness Centre Hydrotherapy Pool Feasibility Study, Prepared for Colac Otway Shire, Final Report, May 2005, Prepared by Melvin Recreation Management Consultants*" on a COSC Ordinary Meeting Agenda for similar councillor endorsement?

#### **Response:**

***The report was considered by Council in October 2005. As noted the document was a Feasibility Study into a Hydrotherapy Pool.***

***If the process for a pool progressed in the future, additional reports would need to be prepared using the Feasibility Study as a starting point for consideration. The upgrade to the Bluewater Fitness Centre funded by the Federal Government was in two parts, the first being the basketball stadium and the second being the hydrotherapy pool.***

2. **Re: Legal settlement and legal recoveries on COSC Income Statement Y/E 30 June 2010**

(a) The Financial Statements in COSC Annual Report 2009-2010 provides an item in the annual Income Statement, at "Other expenses", of "Legal settlement \$1.675 million" (refer "Annual Financial Report, Note 12 Other expenses"; and "Standard Statements, Note 8 Other expenses", where the additional note provides that the "expenditure relates to net cost resulting from negotiations with council's insurers and legal advisors").

Please advise of the COSC project name that this legal settlement of \$1.675 million relates to.

**Response:**

**The project name is Lakeside Estate land. A significant part of this cost can be attributed to the \$1.675 million. This amount also includes several other claims.**

(b) The Financial Statements in COSC Annual Report 2009-2010 provides an item in the annual Income Statement, at "Reimbursements", of "Legal recoveries \$1.133 million" (refer "Annual Financial Report, Note 6 Reimbursements"; and "Standard Statements, Note 3 Reimbursements and contributions", where the additional note provides that "As part of negotiations between Council, its insurers and legal advisors, a confidential contribution towards the settlement of an outstanding legal issue was recognised in the financial accounts").

Please advise of the COSC project name of the outstanding legal issue referred to.

**Response:**

**This relates to Lakeside Estate land.**

**3. Re: Lakeside Estate - former Waste Disposal landfill site at Bruce Street, Colac**

(a) In the Geelong Advertiser, Tuesday 12 February 2008, page 7, COSC's then CEO, Ms Tracey Slatter, was reported as saying that somewhere within the preceding 5-year period, COSC had spent \$1 million needed to rehabilitate the former tip site on the edge of Lake Colac.

Please advise the total approximate amount paid by COSC to rehabilitate "Lakeside Estate"; and also please advise the actual period of years in which this total expenditure was incurred.

(b) COSC Annual Report 2005-2006, page 23, disclosed that during 2005/2006, COSC received proceeds of \$1.03 million for sale of property - parcel of land, "Lakeside Estate". Please confirm the total proceeds received by COSC for the sale of "Lakeside Estate"; and also please confirm the actual financial year/s in which these total proceeds were received.

(c) Will COSC be repurchasing and taking back possession of "Lakeside Estate", and if so, on what approximate date will this occur; and also please advise what will be the approximate total purchase amount (inclusive of the \$300,000 loan borrowings (approved in COSC Annual Budget 2009/2010 (with amendment motion))?)

(d) If COSC is to repurchase and take back possession of "Lakeside Estate", what "book value" will it initially be written down to; and also please advise will it then require further rehabilitation/restoration works, and if so, what is the estimated total cost of those works (the Financial Statements in COSC Annual Report 2009-2010 at "Standard Statements, Standard Statement of Capital Works, Note 42 Land" provides the note that the "Land acquired was written down in value to reflect additional work outstanding rehabilitation works required on the property")?

(e) As the "Lakeside Estate" matter is now finalised, please advise the total legal fees/costs payable by COSC to achieve settlement of this matter (post initial sale by COSC, circa 2005/2006).

**Response:**

**Colac Otway Shire Council has recently re-acquired land located at 32-52 Bruce Street (and fronting Parkes and McGonigal streets).**

**The details of the re-aquisition are commercial in confidence at this time, and Council has no plans for use of the land at this time.**

**4. Re: Colac Public Library "Annexe"**

*"Enhanced Delivery of Library Services in Colac, Final Report, January 2010, Prepared by Mach II Consulting and Colac Otway Shire Council", pages 43 and 60, indicated that the total capital cost, including interior fit-out, of the Colac Public Library "Annexe" would be in the vicinity of \$75,000 to \$110,000.*

"Appendix C - Capital Works Programme", For the year ending 30 June 2011, approved in COSC Annual Budget 2010/2011, provides, among others, the following budgeted items of "Buildings" capital works projects to be undertaken for the 2010/2011 financial year:-

|  |           |
|--|-----------|
| (i) Establishment of Library Annexe or Sub Branch  | \$ 75,000 |
| (ii) Lawn Area Shade   | 20,000    |
| (iii) Refurbishment of the Enhanced Library Service and Accommodation for the Library Building | 250,000   |
| (iv) Building Renewal Programme  | 434,000   |

In The Colac Herald, Wednesday 22 December 2010, page 2, it was reported that the Colac Public Library "Annexe" "takes up about a quarter of the old Colac public library and the rest of the building will become office space for Colac Otway Shire Council, in a conversion which cost the council \$300,000".

- (a) What was the actual final total capital cost (including the total interior fit-out costs) of only the Colac Public Library "Annexe"?

**Response:**

**As at 5 January 2011 the amount directly attributed to the establishment of the Library annexe was \$57,640.06. This does not reflect the final cost of the project as Council is yet to receive all outstanding invoices.**

- (b) Please confirm that the amount at Question 4(a) above, came entirely from COSC's own direct funds (ie. no government grants); and please also confirm that this included no loan borrowings.

**Response:**

**The funding came from Council's reserve funding and was not in any way funded by loan borrowings.**

**James Judd – Colac**

1. When will Civic Leaders amend the "Welcome to Colac" signs?

As installed Colac could be a dot on the map with no indication it is populated. Not a thriving centre with a large urban area and a large number of employing manufacturing, retailing and service industries, schools and hospital.

One could wonder if a one horse town or rural service centre only with no industries or population.

**Response:**

The new signs have been installed to strongly announce the four points of entrance to Colac from the east and west on the Princes Highway, plus south on the Apollo Bay Road and at Elliminyt. They are compatible in design to the township entrance signs that have been installed throughout the Shire over the past four years.

There is little chance that a person entering Colac at one of the four points of entrance would assume that Colac was anything else than a reasonably large centre, given the size and substance of the signs, the views of the city that are available on each entry point plus the other visible indicators of a rural city that being commerce and industry that greet people at each entrance.

None of the new Colac Otway Shire signs indicate population as the population changes over time. Other demographic information referred to on the question can easily be accessed by visiting the Colac Information Centre clearly signed on the eastern entrance to Colac; the Colac Otway Shire Customer Service Centre in Rae Street or the Shire Website.

2. As I am only one of many who have expressed adverse comments about the organics bin only being emptied at most each second week. Some of your own staff has also complained. When will this be made a weekly clearance in all areas with a weekly service?

**Response:**

Council's three bin waste collection system has been adopted subsequent to a careful review of Council's waste management practices following Best Value Review Principles. This review process included a range of community consultation.

Colac Otway Shire Organics fortnightly waste collection is consistent with a range of Councils throughout Victoria and the State Government's Best Practice Guidelines.

Council's preferred option, in line with the State Governments "Towards Zero Waste Policy", is to see all food waste composted with other green waste rather than go to landfill. However householders, in exceptional circumstances, may place food waste in the red lidded putrescible bin which is emptied on a weekly cycle.

It is worth noting that following the implementation of the new three bin waste collection system, the quality and quantity of organic waste has improved significantly and the level of contamination in organic waste has decreased appreciably. From 1 October to 31 December 2010, Council has recovered 614 tonnes of Organic Waste for composting compared to 233 tonnes for the same period last year.

Contamination levels have reduced from approximately 23% or 72 tonnes of waste for October to December in 2009 to less than 5% or 18 tonnes for the same period in 2010.

**Questions Received Verbally at the Meeting**

**Bernie Franke**

With respect to timber harvesting on private land, if 10 out of 10 meant that someone was doing a great job and 0 out of 10 meant that they were doing a terrible job, where on that scale would you rate the performance of the planning department in regards to native timber harvesting applications by primary producers?

**Response:**

**The Mayor, while noting the inappropriateness of this question, allowed the General Manager Sustainable Planning & Development the right of reply.**

**The General Manager Sustainable Planning & Development stated that he understood that this was a difficult situation for the landholders involved and also for Council. With regard to Mr Franke's situation, he believed that the planners were working very diligently to try and resolve his issue but it is a very complex issue and Council is working to process his application as quickly as it can.**

Mr Green are you aware that one of the grounds for refusal for the Gardner's timber harvesting application was that native timber harvesting ceased on public land in the Otways bioregion in 2008?

**Response:**

**The General Manager Sustainable Planning & Development stated that he would take this question on notice.**

Are you aware that timber harvesting on public land in the Otways bioregion is still occurring so that is an incorrect ground for refusal?

**Response:**

**The General Manager Sustainable Planning & Development stated that he would take this question on notice.**

Another ground for refusal on the Gardner's timber harvesting application is that harvesting of vegetation of very high conservation significance is not permitted in accordance with the Corangamite Native Vegetation Plan and that is also factually wrong.

**Response:**

**The General Manager Sustainable Planning & Development stated that if Mr Franke would be happy to provide him with the information, he would be happy to investigate further and provide him with a response.**

Given that 2 of the 6 reasons for refusing to grant the Gardners a permit for their application are possibly incorrect, and given that the Gardners have spent almost four years and a lot of money getting to this stage, is there any obligation on the planning department to check their facts before they issue a refusal?

**Response:**

**The General Manager Sustainable Planning & Development reiterated that if Mr Franke would be happy to provide him with the information, he would be happy to investigate further and provide him with a response. There is always an expectation and an obligation that staff make their decisions based on accurate information and that is certainly the intention of staff in making their decision with respect to the application.**

Given that the expert catchment and water referral authorities, the Corangamite CMA, Barwon Water and Wannon Water raised no official concerns or objections to the Gardner proposal can you tell us on what basis the planning department made the decision to use water quality and water yield to knock the Gardner's timber harvesting application back as reason 6 on the refusal?

**Response:**

**The General Manager Sustainable Planning & Development responded that the matter is a VCAT issue on another application not involving Mr Franke. While it is noted that**

**there are similarities with Mr Franke's own application, Council would take the questions on notice and respond to him in more detail.**

Mr Green you were quoted in the Colac Herald on the 29 November 2010 that Council would have rejected the Gardner's permits even without DSE's objection because property owners had failed to carry out a detailed flora and fauna assessment for biodiversity on the site. Given that the Gardners did provide a flora and fauna assessment, can you explain why the planning department failed to ask the Gardners to add more information to the report during the more information period?

**Response:**

**The General Manager Sustainable Planning & Development stated that there were two answers to this question and they were provided to Mr Franke during a meeting between him and Council earlier this week. The General Manager stated that he believed that the officers had asked for further information. The issue was going to VCAT and given that a Section 55 referral authority had indicated their objection to the application, Council was not in a position to support it. Therefore officers felt that it would be inappropriate to continue to push for the additional information that had not previously been forthcoming given that to provide the information needed would be expensive to obtain.**

Was there a chance, do you think, that if DSE had been provided with a chance to receive a more comprehensive flora and fauna assessment, that they may have approved the Gardner's application for timber harvesting with conditions?

**Response:**

**The General Manager Sustainable Planning & Development replied that the information put in with the application was clearly manifestly inadequate and that it is the responsibility of the applicant to provide information to the level that is required and that has been supported by VCAT asking for expert witness advice and information in relation to that application.**

So you felt that the flora and fauna assessment was not up to scratch, the planning department did not ask the Gardners to provide more information in the more information period and the report was passed on to DSE as is, knowing that the flora and fauna assessment was the key thing that DSE would be looking at with regard to the Gardner's application.

**Response:**

**The General Manager Sustainable Planning & Development stated that this was conjecture. You are saying that the information was not asked for and I believe it was and I am prepared to give you information in relation to that. The issue is whether the information that was provided was going to be adequate to enable a better determination to be made given that Council was unable to make that determination regardless because there was a Section 55 referral authority that had objected which means that Council cannot provide the permit, there was no point in belabouring that point when the information had not been provided. The information should have been provided with the application.**

Mr Green do you feel that the planning department has abided with the Council Code of Conduct by securing past timber harvesting permits, asking for applicants to provide more information when required to do so and ignoring the advice of referral authorities such as the CMA, Barwon Water and Wannon Water when it went against the planning department's personal point of view to the detriment of planning applications and also incurring significant

legal costs with little or no regard for public interests, Council budget or planning department's own obligations?

**Response:**

**The General Manager Sustainable Planning & Development stated that he believed that the planners had absolutely undertaken their duty. Sometimes the professional advice that planners have to give makes it difficult for people within the community and often, to be quite frank, the planning advice that planners have to give make it difficult for Council. That is their responsibility, the issue with relation to ignoring the other agencies' advice is your own perception of the matter and one that he did not agree with.**

**Liz Ryan – Birregurra**

Could you please provide me, in writing, the true cost incurred by Council regarding tree trimming under powerlines, the financial, the damage to the trees and why these trees cannot be replaced by more suitable species?

**Response:**

**The General Manager Infrastructure & Services advised that the question in relation to costs would be taken on notice and a response would be provided to her. Council trims some trees and the others are trimmed by electric authorities.**

Do you actually contract those jobs at all?

**Response:**

**The General Manager Infrastructure & Services stated that no there is a special clearance of powerline Act which gives State authorities the authority to go in and trim certain trees. There are various jurisdictions in relation to who has responsibility in that and the jurisdiction of this Council relates to the township areas and outside those townships areas is the responsibility of the power authorities to manage.**

So in Murray Street, Colac, Council does absolute mutilate the trees when they trim them?

**Response:**

**The General Manager Infrastructure & Services noted that Council has a legal responsibility to make sure that the trees below power lines are trimmed to certain standards to avoid bushfires and other damage. Council must comply with its legal obligations in this regard.**

Why can't Council replace those trees with suitable species?

**Response:**

**The CEO advised that Council is working on a tree plan for the city and it is envisioned that some of those replacements will take place in due course. In the short term Council is aware of the importance of carbon sequestration in this time of climate change and will be looking at more appropriate plantings over the next 12 months. This will go hand in hand with a public open space strategy which is currently being considered. The pruning of these trees is a legal obligation that Council must undertake.**

Could after hours services be staffed by Shire staff on weekends of emergency or any other unexpected event; such as the flood in 2008 when the after hours number was diverted, even though a flood had been predicted, to another location and I had to explain who I was



and what I needed and a gardener was on call, not any other Shire staff. This Shire is inept to deal with fire and flood events.

**Response:**

**The General Manager Infrastructure & Services refuted that statement, stating that the call service had been overloaded during that flood event. The Council had staff on-call dealing with numerous complaints and issues and the system was simply overloaded. As a result of that, without knowing Ms Ryan's specific details, there were calls that were diverted to other call centres.**

Have you got a solution for it for next time?

**Response:**

**The General Manager Infrastructure & Services stated that Council had raised the issue of the ability of the call centres coping with the overflow situation to deal with these emergencies. That is something that is being reviewed as part of Council's emergency response.**

By when?

**Response:**

**The General Manager Infrastructure & Services advised that he is unaware of any timeframe.**

I was of the understanding that when the new library was built that we would have increased opening hours. At the moment it is more advantageous for my family to attend the Geelong library with weekend hours and such like. This another reason that the Geelong library is well supported by their Council because of the dollar value that they bring to their communities.

**Response**

**The Mayor responded that the Colac Otway Shire Council is not in the same league in terms of financial capacity as the City of Greater Geelong and that is one of the main reasons why Council cannot offer more hours.**

**The CEO stated that hours at the Colac Community Library and Learning Centre have increased. They have increased by being open earlier on weekdays and the service has had a further increase through the operation of the annexe which is being quite well used. There is a limit to what Council can do but the hours have certainly been increased.**

**Malcolm Gardiner – Kewarren**

Can you email me a proforma so that my questions to Council can be read out at Council meetings?

**Response:**

**The CEO advised that a pro-forma would be sent to Mr Gardiner.**

With respect to acid sulphate soils in the big swamp at Yeodene, are Councillors aware that in the Colac Otway Shire Council Planning Scheme it clearly states this: "to protect water quality in accordance with the provision of relevant State environment protection policies particularly in accordance with clause 33 and 35 of the State Environment Protection Policy, Waters of Victoria"? And the big swamp most definitely falls under this.

Are Councillors aware that in schedule 1 of the Colac Otway Shire Environmental Significant Overlay it names the Barongarook High and other groundwaters as areas under its responsibilities and the Barongarook High encompasses the big swamp with its actual acid sulphate soils. An objective under this significant environmental overlay states this, "to protect and maintain quality and quantity of groundwater recharge in the Barwon Downs well field intake area and the big swamp also is part of this area.

Is it possible that the advice given to the Council officers, Councillors and myself in regard to the big swamp at Yeodene has overlooked the responsibilities and obligations as outlined in the Council's own stated mandates to protect, preserve and enhance waters in the Colac Otway Shire's own backyard?

**The Mayor stated that these questions would be taken on notice and responded to in due course.**

**Steve Branwhite – Pirron Yallock**

How long is the draft Rural Living Strategy in this month's Council agenda to be open to the public?

**The Mayor advised that Council would release the draft Rural Living Strategy for a period of 8 weeks if approved today.**

Re letters sent to the State and Federal Attorney Generals regarding three Council officers involved in a recent Court matter, will Council review complaints made by me regarding the three officers?

**The Mayor stated that if Council officers were to appear in Court to answer any charges he would expect that Council would receive a report on the matter. Council will wait to take advice on that.**

With respect to the original sale of 490 Princes Highway to Branwhite & Stone and the subdivision that was undertaken of one allotment into three separate allotments, it states in the farm zone that subdivisions cannot be done under 40 hectares. Why did Council planning originally allow the break up of the one parcel of land into three separate parcels of land?

**Response:**

**The General Manager Sustainable Planning & Development advised that those questions would be taken on notice.**

**Lyn Foster – Colac**

Could Council please replace the signs on the corners of Gellibrand and Murray, Gellibrand and Rae and Corangamite and Rae Streets to let people know that the library is now at the annexe?

**Response:**

**The Mayor advised that this question would be taken on notice.**

**Bert Franke**

We applied for an extension of existing use rights for timber harvesting on our property in Barramunga in August, we have had three permits in the last 30 years. We have provided all of the information to the planning department. Unfortunately the planning department

seems to delay a decision on this matter. Would it be possible for the planning department to give us a clear answer on when we can expect a decision regarding the application?

**Response:**

**The Mayor advised that this matter was before VCAT with a hearing scheduled shortly.**

**Response:**

**The General Manager Sustainable Planning & Development advised that staff are working on the application now. A time cannot be given because Council needs to do some investigation but it is being considered now and Council will get it to the Planning Committee meeting as soon as it can. An undertaking was given that Council would progress it as fast as it could.**

Are you trying to delay it until after the VCAT hearing?

**Response:**

**The General Manager Sustainable Planning & Development advised that this was not Council's intention.**

**6. DECLARATION OF INTEREST**

|                       |  |
|-----------------------|--|
| Cr Stephen Hart:      | OM112701-6 Draft Rural Living Strategy and Context Report for Community Consultation   |
| Nature of Disclosure: | Direct   |
| Nature of Interest:   | Owns land identified in the Rural Land Strategy (2006/2007) and latest draft report as part of an area recommended for re-zoning to "Rural Living" |

|                       |  |
|-----------------------|--|
| Cr Stuart Hart:       | OM112701-6 Draft Rural Living Strategy and Context Report for Community Consultation |
| Nature of Disclosure: | Direct   |
| Nature of Interest:   | Owns property at 15 Barry's Lane, Gellibrand   |

**7. CONFIRMATION OF MINUTES**

- **Ordinary Council Meeting held on the 15/12/10.**

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

***CARRIED 7 : 0***

## OFFICERS' REPORTS

### Chief Executive Officer

- OM112701-1 CEO'S PROGRESS REPORT TO COUNCIL
- OM112701-2 COUNCIL MEETING DATE FOR JUNE 2011

### Corporate and Community Services

- OM112701-3 CENTRAL RESERVE ADVISORY COMMITTEE TERMS OF REFERENCE
- OM112701-4 COUNCIL COMMUNITY FUNDING PROGRAMS 2011-2012
- OM112701-5 SECOND QUARTER PERFORMANCE REPORT

### Sustainable Planning and Development

- OM112701-6 DRAFT RURAL LIVING STRATEGY AND CONTEXT REPORT FOR COMMUNITY CONSULTATION

### General Business

- OM112701-7 ASSEMBLY OF COUNCILLORS

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

D = Discussion

W = Withdrawal

| ITEM  | D   | W |
|---|---|---|
| <p><u>CHIEF EXECUTIVE OFFICER</u></p> <p><b><u>OM112701-1      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 CHRIS SMITH</p> <p>CR LYN RUSSELL</p> |   |
| <p><b><u>OM112701-2      COUNCIL MEETING DATE FOR JUNE 2011</u></b></p> <p>Department: Executive</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council resolves to change the date of the June Council meeting from the 22 June 2011 to the 29 June 2011.</i></p> |   |   |

***MOVED Cr Stephen Hart seconded Cr Lyn Russell 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>CORPORATE AND COMMUNITY SERVICES</u><br/> <u>OM112701-3      CENTRAL RESERVE ADVISORY</u><br/> <u>   COMMITTEE TERMS OF REFERENCE</u></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council endorses the Central Reserve Advisory Committee Terms of Reference.</i></p>  |                              |                 |                           |                 |                          |                |                                    |                 |                              |                             |                           |                             |                          |                            |                                    |                             |  |                |
| <p><u>OM112701-4      COUNCIL COMMUNITY FUNDING</u><br/> <u>   PROGRAMS 2011-2012</u></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li><i>1. Endorses the Council Community Funding Program and Festival and Events Support Scheme guidelines and application forms as attached.</i></li> <li><i>2. Endorses the 2011/2012 Community Funding Program process up to the current funding levels as follows:</i> <table data-bbox="287 1512 837 1646" style="margin-left: 40px;"> <tr> <td><i>Recreation Facilities</i></td> <td><i>\$70,000</i></td> </tr> <tr> <td><i>Community Projects</i></td> <td><i>\$40,000</i></td> </tr> <tr> <td><i>COPACC Assistance</i></td> <td><i>\$7,500</i></td> </tr> <tr> <td><i>Festival and Support Scheme</i></td> <td><i>\$60,000</i></td> </tr> </table> </li> <li><i>3. Requests that the increased funding as outlined below be presented to Council for consideration under the 2011/2012 budgetary process;</i> <table data-bbox="287 1814 1021 2016" style="margin-left: 40px;"> <tr> <td><i>Recreation Facilities</i></td> <td><i>\$70,000 to \$80,000</i></td> </tr> <tr> <td><i>Community Projects</i></td> <td><i>\$40,000 – no change</i></td> </tr> <tr> <td><i>COPACC Assistance</i></td> <td><i>\$7,500 to \$10,000</i></td> </tr> <tr> <td><i>Festival and Support Scheme</i></td> <td><i>\$60,000 – no change</i></td> </tr> </table> <p><i>(including funding for established events and seed funding for new events.)</i></p> </li> </ol> | <i>Recreation Facilities</i> | <i>\$70,000</i> | <i>Community Projects</i> | <i>\$40,000</i> | <i>COPACC Assistance</i> | <i>\$7,500</i> | <i>Festival and Support Scheme</i> | <i>\$60,000</i> | <i>Recreation Facilities</i> | <i>\$70,000 to \$80,000</i> | <i>Community Projects</i> | <i>\$40,000 – no change</i> | <i>COPACC Assistance</i> | <i>\$7,500 to \$10,000</i> | <i>Festival and Support Scheme</i> | <i>\$60,000 – no change</i> |  | CR CHRIS SMITH |
| <i>Recreation Facilities</i>   | <i>\$70,000</i>              |                 |                           |                 |                          |                |                                    |                 |                              |                             |                           |                             |                          |                            |                                    |                             |  |                |
| <i>Community Projects</i>  | <i>\$40,000</i>              |                 |                           |                 |                          |                |                                    |                 |                              |                             |                           |                             |                          |                            |                                    |                             |  |                |
| <i>COPACC Assistance</i>   | <i>\$7,500</i>               |                 |                           |                 |                          |                |                                    |                 |                              |                             |                           |                             |                          |                            |                                    |                             |  |                |
| <i>Festival and Support Scheme</i>   | <i>\$60,000</i>              |                 |                           |                 |                          |                |                                    |                 |                              |                             |                           |                             |                          |                            |                                    |                             |  |                |
| <i>Recreation Facilities</i>   | <i>\$70,000 to \$80,000</i>  |                 |                           |                 |                          |                |                                    |                 |                              |                             |                           |                             |                          |                            |                                    |                             |  |                |
| <i>Community Projects</i>  | <i>\$40,000 – no change</i>  |                 |                           |                 |                          |                |                                    |                 |                              |                             |                           |                             |                          |                            |                                    |                             |  |                |
| <i>COPACC Assistance</i>   | <i>\$7,500 to \$10,000</i>   |                 |                           |                 |                          |                |                                    |                 |                              |                             |                           |                             |                          |                            |                                    |                             |  |                |
| <i>Festival and Support Scheme</i>   | <i>\$60,000 – no change</i>  |                 |                           |                 |                          |                |                                    |                 |                              |                             |                           |                             |                          |                            |                                    |                             |  |                |

|   |  |  |
|---|--|--|
| <p><b><u>OM112701-5 SECOND QUARTER PERFORMANCE REPORT</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council receives the 2010-2011 Second Quarter Performance Report for the period ending 31 December 2010.</i></b></p> |  |  |
|---|--|--|

***MOVED Cr Geoff Higgins seconded Cr Lyn Russell that recommendations to items listed in the Consent Calendar, with the exception of item OM112701-4 Council Community Funding Programs 2011-2012, be adopted.***

***CARRIED 7 : 0***

**OM112701-4 COUNCIL COMMUNITY FUNDING PROGRAMS 2011-2012**

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

***That Council:***

- 1. Endorses the Council Community Funding Program and Festival and Events Support Scheme guidelines and application forms as attached.***
- 2. Endorses the 2011/2012 Community Funding Program process up to the current funding levels as follows:***

|   |                        |
|---|------------------------|
| <b><i>Recreation Facilities</i></b>       | <b><i>\$70,000</i></b> |
| <b><i>Community Projects</i></b>          | <b><i>\$40,000</i></b> |
| <b><i>COPACC Assistance</i></b>           | <b><i>\$7,500</i></b>  |
| <b><i>Festival and Support Scheme</i></b> | <b><i>\$60,000</i></b> |

- 3. Requests that the increased funding as outlined below be presented to Council for consideration under the 2011/2012 budgetary process;***

|   |                                    |
|---|------------------------------------|
| <b><i>Recreation Facilities</i></b>       | <b><i>\$70,000 to \$80,000</i></b> |
| <b><i>Community Projects</i></b>          | <b><i>\$40,000 to \$50,000</i></b> |
| <b><i>COPACC Assistance</i></b>           | <b><i>\$7,500 to \$10,000</i></b>  |
| <b><i>Festival and Support Scheme</i></b> | <b><i>\$60,000 to \$70,000</i></b> |

***LOST 5: 2***

**MOTION - MOVED Cr Lyn Russell seconded Cr Frank Buchanan:**

**That Council:**

- 1. Endorses the Council Community Funding Program and Festival and Events Support Scheme guidelines and application forms as attached.**
- 2. Endorses the 2011/2012 Community Funding Program process up to the current funding levels as follows:**

|                                    |                 |
|------------------------------------|-----------------|
| <b>Recreation Facilities</b>       | <b>\$70,000</b> |
| <b>Community Projects</b>          | <b>\$40,000</b> |
| <b>COPACC Assistance</b>           | <b>\$7,500</b>  |
| <b>Festival and Support Scheme</b> | <b>\$60,000</b> |

- 3. Requests that the increased funding as outlined below be presented to Council for consideration under the 2011/2012 budgetary process;**

|                                    |                             |
|------------------------------------|-----------------------------|
| <b>Recreation Facilities</b>       | <b>\$70,000 to \$80,000</b> |
| <b>Community Projects</b>          | <b>\$40,000 – no change</b> |
| <b>COPACC Assistance</b>           | <b>\$7,500 to \$10,000</b>  |
| <b>Festival and Support Scheme</b> | <b>\$60,000 – no change</b> |

**(including funding for established events and seed funding for new events.)**

**CARRIED 6 : 1**

**DIVISION called by Cr Chris Smith**

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

**Against the Motion: Cr Chris Smith**



**CONSENT CALENDAR****OFFICERS' REPORT****D = Discussion****W = Withdrawal**

| ITEM   | D | W                            |
|--|---|------------------------------|
| <p><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></p> <p><b><u>OM112701-6 DRAFT RURAL LIVING STRATEGY AND CONTEXT REPORT FOR COMMUNITY CONSULTATION</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council endorses the draft Rural Living Strategy and Context Report for public consultation for a minimum period of eight weeks commencing in February 2011.</i></b></p> |   | <p><b>CR LYN RUSSELL</b></p> |

**OM112701-6 DRAFT RURAL LIVING STRATEGY AND CONTEXT REPORT FOR COMMUNITY CONSULTATION**

|                       |  |
|-----------------------|--|
| Cr Stephen Hart:      | OM112701-6 Draft Rural Living Strategy and Context Report for Community Consultation   |
| Nature of Disclosure: | Direct   |
| Nature of Interest:   | Owns land identified in the Rural Land Strategy (2006/2007) and latest draft report as part of an area recommended for re-zoning to "Rural Living" |

|                       |  |
|-----------------------|--|
| Cr Stuart Hart:       | OM112701-6 Draft Rural Living Strategy and Context Report for Community Consultation |
| Nature of Disclosure: | Direct   |
| Nature of Interest:   | Owns property at 15 Barry's Lane, Gellibrand   |

Having declared a conflict of interest in this item, Crs Stephen Hart and Stuart Hart left the meeting at 7.11pm.

***MOVED Cr Lyn Russell seconded Cr Frank Buchanan***

***That Council endorses the draft Rural Living Strategy and Context Report for public consultation for a minimum period of eight weeks commencing in February 2011.***

***CARRIED 5 : 0***

Crs Stephen Hart and Stuart Hart returned to the meeting at 7.28pm.

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

D = Discussion

W = Withdrawal

| ITEM   | D | W |
|--|---|---|
| <p><u>GENERAL BUSINESS</u></p> <p><u>OM112701-7 ASSEMBLY OF COUNCILLORS</u></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:</i></b></p> <ul style="list-style-type: none"> <li>• <b><i>14 October 2010</i></b>      <b><i>Friends of Colac Botanic Gardens Advisory Committee</i></b></li> <li>• <b><i>11 November 2010</i></b>      <b><i>Friends of Colac Botanic Gardens Advisory Committee</i></b></li> <li>• <b><i>24 November 2010</i></b>      <b><i>Apollo Bay Transfer Station</i></b></li> <li>• <b><i>8 December 2010</i></b>      <b><i>Central Reserve Advisory Committee</i></b></li> <li>• <b><i>9 December 2010</i></b>      <b><i>Friends of Colac Botanic Gardens Advisory Committee</i></b></li> <li>• <b><i>15 December 2010</i></b>      <b><i>Councillor Briefing Session</i></b></li> <li>• <b><i>19 January 2011</i></b>      <b><i>Councillor Workshop</i></b></li> </ul> |   |   |

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

***CARRIED 7 : 0***

**IN COMMITTEE**

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

| <b>SUBJECT</b>   | <b>REASON</b>   | <b>SECTION OF ACT</b>      |
|--|---|----------------------------|
| Report From Delegate to Other Bodies - Audit Committee Meeting   | this matter deals with personnel matters; AND this matter deals with contractual matters; AND this matter may prejudice the Council or any person | Section 89 (2) (a) (d) (h) |
| Contract Approval Contract 1006 – Enterprise Content Management System (Mount Alexander Shire Tender: M680-2010) | this matter deals with contractual matters  | Section 89 (2) (d)         |

**CARRIED 7 : 0**

**OUT OF COMMITTEE**

**MOVED Cr Geoff Higgins seconded Cr Stuart Hart that the meeting move out of committee.**

**CARRIED 7 : 0**

*The Meeting Was Declared Closed at 7.32 pm*

**CONFIRMED AND SIGNED** at the meeting held on 23 FEBRUARY 2011

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