

**MINUTES** of the *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at the COPACC Meeting Rooms on 27 April 2011 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 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  
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 taken on notice at previous Council Meetings

The Mayor tabled the following responses to questions taken on notice at previous Council meetings.

#### Peter Laylor – Apollo Bay

1. **Who are the council officers and councillors, directly involved in contributing to the G21 processes, and how many hours do they apply to these processes on a monthly or annual basis?**

G21 Pillar	Council Officer	Councillor
G21 Board	CEO	Cr Brian Crook
Economic Development	Mike Barrow	Cr Frank Buchanan
Environment	Stewart Anderson	Cr Stephen Hart
Health & Wellbeing	CEO	Cr Lyn Russell
Planning & Services	Jack Green Paul Marsden Doug McNeil	Cr Stephen Hart
Transportation	Neil Allen Greg Fletcher	Cr Stuart Hart Cr Brian Crook
Education & Training		Cr Brian Crook
Arts & Culture	Karen Patterson	
Sport & Recreation	Ian Seuren	

The contribution in hours made by Councillors and Council officers to their respective G21 Pillars can vary between four to six hours per month, with an additional four to six hours contributed by Board members and the alternate Board members.

2. **What financial contribution does Colac Otway Shire make to the running of Geelong Regional Alliance?**

The annual membership contribution made by the Colac Otway Shire for the 2010/2011 financial year is \$39,000 (ex GST).

**3. What are the current G21 “Top Ten Projects” initiated by G21 (as opposed to those adopted), and what are the projects aimed at helping the people of Colac Otway Shire?**

The fourteen Geelong Region Priority Projects are as follows

- Geelong Future Cities Project
- Avalon Airport – including International Terminal
- Addressing Disadvantage
- Armstrong Creek Urban Growth Area
- Stage 3 Skilled Stadium Redevelopment
- Portarlington Safe Harbour
- Geelong Ring Road Connections
- Geelong Convention and Exhibition Centre
- Apollo Bay Harbour Precinct
- Regional Research and Information Centre
- Australian Centre for Emerging Infectious Diseases
- Geelong Ring Road Employment Precinct
- Geelong: Cruise Ship Destination
- Improving Transport Links to Melbourne

All of these projects have been initiated by the G21 Pillars.

The majority of these priority projects will have a direct beneficial impact on the residents of the Colac Otway Shire and Council supports G21 wholeheartedly in its efforts to lobby government for their support.

**Malcolm Gardiner - Kewar**

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?

***Response***

***Thank you for your questions and advocacy over the issues surrounding Boundary Creek and groundwater pumping from the Barwon Downs aquifer.***

***Congratulations to your group, LAWROC, on your advocacy regarding these issues. Council has supported you in this advocacy by being an active participant on the***

***Inland Acid Sulphate Soils Steering Committee that has members from Barwon Water, Southern Rural Water, Corangamite CMA, DPI, EPA and DSE.***

***More recently, I have raised the issue by way of a letter to the new Water Minister, the Honourable Peter Walsh MP, on the 15 February 2011 (copy attached). I am still waiting for a response.***

***Recent rainfall has meant that Barwon Water has stopped pumping out of the Barwon Downs Borefield which allows for it to be slowly recharged. Barwon Water expects this opportunity for recharge to last at least 3 years. The need to pump water out of the Barwon Downs Borefield may be longer than this because of Barwon Water's efforts to secure alternative water access (namely the Anglesea Borefield, the Melbourne-Geelong pipeline and, potentially, treatment of stormwater and recycled water from Black Rock and dual pipe systems in the new Armstrong Creek settlement).***

***I believe current study being carried out by the Latrobe University into Inland Acid Sulphate Soils includes an assessment of the Boundary Creek issue. The study is expected to help inform future management decisions to ensure that acid sulphate soil issues are effectively considered. We both know that it is too late to prevent the acidification of the Yeodene Peat Swamp, but it may be possible to avoid other sites going acid in the future.***

***I believe Council is adhering to its statutory responsibility and its obligations under the planning scheme by advocating on this issue. If a new development was proposed in the areas where the sections of the Environmental Significance Overlay you quoted in the Council meeting were relevant then Council would refer the matter to the section 55 Referral Authority who has the expertise required to advise on whether the development should proceed. Council is NOT resourced to thoroughly research and solve the matters that these referral agencies are required by law to undertake.***

***I hope this addresses the questions taken on notice at the January Council meeting and your ongoing concerns in relation to Councils role in addressing the issues surrounding Boundary Creek and groundwater pumping from the Barwon Downs aquifer.***

**Paul David Cross – Colac**

Please find below responses to your questions which were taken on notice at the March Council meeting:

***What did it cost the Council to employ four security guards at the opening of the Colac Community Library & Learning Centre?***

***The cost of the security guards for the opening of the Colac Community Library & Learning Centre was \$720.***

***Who paid to have the sandbags placed at the rear of the Colac Community Library & Learning Centre?***

***The sand bags were delivered by the Cosworks staff and were moved around by various individuals including myself. The cost involved would have been minimal as there were less than 50 bags.***

### **Ben and Sandra Wilmink – Apollo Bay**

We have 8 out of 10 residents of Apollo Bay, Marengo and Skenes Creek whom do not want the proposed water basin to be built on the edge of the floodplain and within a short distance of the sewerage treatment plant.

The residents of this picturesque place want the help of the Councillors to secure that the Marengo water basin continues to be filled with gravity fed water from the West Barham Branch.

The West Barham weir has supplied the people with good quality water since first being erected in 1954.

The residents of Apollo Bay, Marengo and Skenes Creek would like each Councillor to please give a short comment on the issue.

### ***Response***

***The Mayor read aloud the following response forwarded to Mr & Mrs Wilmink.***

*I think it is only fair that Council seeks a response from Barwon Water. Council does not have the technical expertise or knowledge to give you a position on this matter so I will be seeking an assessment of your suggestion from Barwon Water.*

***The Mayor also tabled a letter to Barwon Water regarding this issue.***

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

#### **James Judd – Colac**

***The following questions and statements have been submitted in writing by Mr Judd for the April Council Meeting. As these questions and statements relate to those asked and answered at a previous Council meeting, they will not be read out today.***

Re Answer at March Council meeting in relation to monitoring of toilets. Answer a denial to answer the question. Your officers claim attention is given to reports made. Minor delays: how long is minor? Explain how after a report it still takes some days to fix a matter requiring attention?

### ***Response:***

***This matter has previously been dealt with at the 30 March Council meeting.***

The brush off answer on street numbers in our urban areas and not have to waste much time to find a number many including urgent matters fails to answer questions in many quarters to allow people to find address.

### ***Response:***

***No question has been asked and this matter has previously been dealt with at the 30 March Council meeting.***

The obligations on all Councillors and Council officers to see that rates and charges are spent in viable ways is non-existent due to financing of activities that do not bother to give true dates and times for activities. When will funds be spent for ratepayers to benefit?

**Response:**

***This matter has previously been dealt with at the 30 March Council meeting.***

If Council must persist in claiming it has no minimum amount required when making payments off rates and charges, how come not all officers are aware of the policy and demand minimum \$50 payments or refuse to accept anything? No refusal to answer will be accepted.

**Response:**

***This matter has previously been dealt with at the 30 March Council meeting.***

Re first question to March Council Meeting. Your response is not in order since you refuse to state 'will be provided'. In the past no details have been provided on a number of occasions. The excuse by a Council officer has been 'saving money'.

**Response:**

***No question has been asked and this matter has previously been dealt with at the 30 March Council meeting.***

Re question 3 to March Council Meeting. In paragraph 4 to this question, Council is great at giving orders about what we should do. When was it authorised to dictate what bankers we must use? Instead of allowing people to choose their own financial service providers. You still refuse to quote options except your own bankers.

**Response:**

***This matter has previously been dealt with at the 30 March Council meeting.***

Re answer provided at March meeting – when will Council cease using the excuse 'legislation' to avoid doing anything? Make sure that public safety issues are taken into account first.

**Response:**

***This matter has previously been dealt with at the 30 March Council meeting.***

Re answer provided at March meeting – response to question – you still refuse to accept any 'responsibility for how funds are spent' at items receiving financial assistance? Come clean and inform ratepayers of the truth.

**Response:**

***This matter has previously been dealt with at the 30 March Council meeting.***

If Council was to find it fit to maintain proper records, it would only require to know the actual total being paid by Centrepay to compare the total against its own records of authorised deductions from ratepayers then process these amounts to customers' accounts.

**Response:**

***This matter has previously been dealt with at the 30 March Council meeting.***

**Bernie Franke**

Why is our application to have "existing use rights" for ongoing timber production on our family property being treated differently by the planning department compared with similar applications by larger timber production enterprises? The differences are:

1. The length of time being taken to provide a decision as compared with past applications from larger timber production enterprises. Application lodged 23/8/2010

(eight months ago) and further information was provided as requested on 30/11/2010 (5 months ago). No answer as yet (21/4/2011).

2. The amount of specialist legal scrutiny (and ratepayer dollars) being applied to this application compared to previous similar applications by other timber businesses. Our application has been with the council lawyers for the last 2-3 months.

**Response**

**The Mayor advised that as these questions had only been received by Council this morning, having been sent the previous week, they would be taken on notice with a response to be provided in due course.**

**Damien Dureau - Colac**

***Note: the preamble in a number of questions has not been included in the details below.***

1. **Re: Total annual operating costs** (including, but not limited to, "the operating costs"; "all maintenance and repair costs"; "all insurances required"; "the costs of (library) staff")  
**- Entire Building at Colac Secondary College**, now named "Colac Community Library and Learning Centre" **(Entire Building)**

***Response:***

***The Library Budget which was considered at the March Council meeting provides the cost to Colac Otway Shire of Library Services. This includes staffing costs and other costs of the service. The Corangamite Regional Library Service is responsible for providing the service.***

***Council allows an amount for operating costs of the various facilities. At this stage the final costs are unknown for Council's share of the costs for the CCLLC. This covers utilities, insurances, cleaning and other building costs***

- 1.1 Cost of insurance for the new CCLLC?

***Response:***

***The costs of the insurance is approx \$6,500 which is to be shared between the Council and Colac Secondary College.***

- 1.2 Re: the total annual operating costs of the Entire Building.

***Response***

***The costs for "Employee Benefits" are paid for by the CRLC. The operating costs other than Insurance are paid for by the Colac Secondary College.***

2. Re: Total annual operating costs - Colac Public Library "Annexe"

***Response***

***The costs for "Employee Benefits" are paid for by the CRLC. The operating costs for a full year for the Annex are unknown at this stage.***

3. Re: Total annual operating costs - Apollo Bay Public Library

**Response**

**The costs for "Employee Benefits" are paid for by the CRLC.  
Council pays a contribution each year to Otway Health towards cleaning and utilities.**

4. Re: Level of ongoing annual funding of public library services in Colac Otway Shire

**Response**

**The CRLC and Council are both well aware of the %'s re: State and Local Government funding.**

**The budget is reviewed thoroughly by the CRLC board on an annual basis.  
All Councils consider what they can afford for all services of which Library services is just one.**

**Questions Received Verbally at the Meeting**

**Tony Webber – Otway Forum**

Why is Council going to borrow more money again and what the purpose of the borrowing is for and when do you anticipate repaying the total borrowings back?

**Response**

**The Mayor stated that at this stage he is not in a position to indicate why Council is borrowing that money but that would become known in due course. As to the repayment schedule of debt, please refer to the budget papers and the long term financial management plan for the current and future debt levels. The documents also provide information on our current financial position as assessed by the Auditor General and also the Municipal Association of Victoria.**

Why does one of the agendas in the gallery include a copy of the minutes from the March council meeting and also some of the agendas were not available until today.

**Response**

**The Mayor stated that the minutes of the previous Council meeting are not normally provided to the public until after their adoption by Council and therefore should not have been included with the public gallery's agenda for today's meeting.**

**Given the Easter long weekend, copies of the agenda were sent out to the community on Wednesday the 20 April 2011 and were available for collection and/or viewing at our Colac Rae Street office on Thursday the 21 April 2011.**

**Ben Wilmink – Apollo Bay**

Thank you for your letter to Barwon Water. Does this mean that we will have to take a break in our campaign until you receive a response from Barwon Water?

**Response**

**The Mayor gave an undertaking that as soon as he receives a response from Barwon Water that he would forward it on to Mr Wilmink.**

So Barwon Water is in control of the process and the Councillors just go along with what Barwon Water says or do you have some input?



**Response**

***The Mayor advised that it is our responsibility to determine if Barwon Water had considered your suggestion and, if they have, to seek an explanation as to why that suggestion was not selected as the preferred option.***

***Council, whilst taking the role of advocating very seriously, are not in the position to have the expertise or technical knowledge with respect to the siting of dams within the Shire.***

**6. DECLARATION OF INTEREST**

Nil

**7. CONFIRMATION OF MINUTES**

- Ordinary Council Meeting held on the 30/03/11.

***MOVED Cr Lyn Russell seconded Cr Geoff Higgins that Council confirm the above minutes.***

***CARRIED 7 : 0***

## **OFFICERS' REPORTS**

### **Chief Executive Officer**

OM112704-1 CEO'S PROGRESS REPORT TO COUNCIL

### **Corporate and Community Services**

OM112704-2 PUBLIC HEALTH & WELLBEING PLAN 2010-2013  
OM112704-3 2012 GENERAL REVALUATION  
OM112704-4 APOLLO BAY SENIORS CITIZEN CENTRE - LEASE RENEWAL  
OM112704-5 AUTHORISATION OF OFFICERS (PLANNING AND ENVIRONMENT ACT)  
OM112704-6 TERMS OF REFERENCE - COLAC COMMUNITY LIBRARY AND LEARNING CENTRE JOINT COMMITTEE  
OM112704-7 S86 COMMITTEE OF COUNCIL - ELECTION OF COMMITTEE  
OM112704-8 THIRD QUARTER PROGRESS REPORT TO COUNCIL

### **Infrastructure and Services**

OM112704-9 BARWON REGIONAL WASTE MANAGEMENT GROUP (BRWMG) PROPOSAL FOR SECONDHAND SATURDAYS RESOURCE RECOVERY PROGRAM  
OM112704-10 RESPONSE TO COUNCIL OF AUSTRALIAN GOVERNMENTS (COAG) ROAD REFORM PLAN - HIGHER PRODUCTIVITY VEHICLES

### **Sustainable Planning and Development**

OM112704-11 COLAC AND APOLLO BAY CARPARKING STUDY - DRAFT STRATEGY

### **General Business**

OM112704-12 ITEM FOR SIGNING & SEALING - SAFETY INTERFACE AGREEMENT – AUSTRALIAN RAIL TRACK CORPORATION  
OM112704-13 ITEMS FOR SIGNING & SEALING - TRANSFER OF LAND DOCUMENTS  
OM112704-14 ASSEMBLY OF COUNCILLORS

### **Notice of Motion**

OM112704-15 NOTICE OF MOTION 167-1011 CONTAINER DEPOSIT LEGISLATION

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

ITEM	D	W
<p><b><u>CHIEF EXECUTIVE OFFICER</u></b></p> <p><b><u>OM112704-1      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 notes the CEO's Progress Report to Council.</i></b></p>		

***MOVED Cr Stephen Hart seconded Cr Stuart Hart that the recommendation to item OM112704-1 CEO's Progress Report to Council, as 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>OM112704-2 PUBLIC HEALTH &amp; WELLBEING PLAN 2010-2013</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation</u></b></p> <p><b><i>That Council adopts the Public Health &amp; Wellbeing Plan and Action Plan 2010-2013.</i></b></p>	<p>CR LYN RUSSELL CR FRANK BUCHANAN CR CHRIS SMITH</p>	
<p><b><u>OM112704-3 2012 GENERAL REVALUATION</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. Resolves that it cause a revaluation of properties and Council assets within the Shire to be conducted by its contract valuer Landlink Opteon to be returned by 30 April 2012 in accordance with Section 13DC (5) of the Valuation of Land Act.</i></b></li> <li><b><i>2. Resolves that the Valuer General and other rating authorities in the area be notified of this resolution in accordance with Section 6(1) of the Valuation of Land Act.</i></b></li> <li><b><i>3. Resolves that Council's contract valuer, Landlink Opteon be advised of this resolution.</i></b></li> </ol>		

<p><b><u>OM112704-4 APOLLO BAY SENIORS CITIZEN CENTRE - LEASE RENEWAL</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council signs and seals the lease of the Apollo Bay Senior Citizens Centre for a further 5 year period with Otway Health and Community Services at a lease fee of \$1 per annum from 1/7/2010 to 30/6/2015.</i></p>	<p>CR CHRIS SMITH</p>	
<p><b><u>OM112704-5 AUTHORISATION OF OFFICERS (PLANNING AND ENVIRONMENT ACT)</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That:</i></p> <ol style="list-style-type: none"> <li><i>1. Council appoints Daniel Pech and Craig Cameron as authorised officers pursuant to the Planning and Environment Act 1987;</i></li> <li><i>2. The Instrument of Appointment and Authorisation come into force immediately the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it; and</i></li> <li><i>3. The Instrument of Appointment and Authorisation be sealed.</i></li> </ol>		<p>CR CHRIS SMITH</p>
<p><b><u>OM112704-6 TERMS OF REFERENCE - COLAC COMMUNITY LIBRARY AND LEARNING CENTRE JOINT COMMITTEE</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council notes that the Terms of Reference for the Colac Community Library and Learning Centre Joint Use Committee have been agreed to by all parties.</i></p>	<p>CR STEPHEN HART</p>	

<p><b><u>OM112704-7      S86 COMMITTEE OF COUNCIL - ELECTION OF 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>Pursuant to Section 86 of the Local Government Act 1989, resolve to appoint the following nominated members to the Pirron Yallock Recreation Reserve Committee of Management until March 2014:</i></b>  <b><i>Kevin Boyd, Elaine Menzies, David Latham, Aidan Fawkes, Merin Trebilcock, Dean Tevelein, Alan Osborne, John Sherman, Peter Mulheron</i></b></li> <li><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 Committee from being required to submit a primary or ordinary conflict of interest return in accordance with this section.</i></b></li> <li><b><i>Advise the Committee 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></li> </ol>		
<p><b><u>OM112704-8      THIRD QUARTER PROGRESS REPORT TO COUNCIL</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 2010/11 Third Quarter Performance progress report for the period ending 31 March 2011.</i></b></p>		

***MOVED Cr Stuart Hart seconded Cr Stephen Hart that recommendations to items listed in the Consent Calendar, with the exception of item OM112704-5 Authorisation of Officers (Planning and Environment Act), be adopted.***

***CARRIED 7 : 0***

**OM112704-5      AUTHORISATION OF OFFICERS (PLANNING AND ENVIRONMENT  
ACT)**

***MOTION - MOVED Cr Stephen Hart seconded Cr Lyn Russell that:***

- 1. Council appoints Daniel Pech and Craig Cameron as authorised officers pursuant to the Planning and Environment Act 1987;***
- 2. The Instrument of Appointment and Authorisation come into force immediately the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it; and***
- 3. The Instrument of Appointment and Authorisation be sealed.***

***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>INFRASTRUCTURE AND SERVICES</u></p> <p><b><u>OM112704-9 BARWON REGIONAL WASTE MANAGEMENT GROUP (BRWMG) PROPOSAL FOR SECONDHAND SATURDAYS RESOURCE RECOVERY PROGRAM</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>Support in principle the Barwon Regional Waste Management Group (BRWMG) proposed Secondhand Saturdays Resource Recovery Program on a three (3) year trial basis commencing in 2011/12 and extending to 2013/14;</i></b></li> <li><b><i>Advises Barwon Regional Waste Management Group that prior to making any firm commitment that the Council will need to further consider the relative merits of a Hard Waste Collection proposal vs a Secondhand Saturdays proposal.</i></b></li> </ol>	<p>CR STEPHEN HART</p>	
<p><b><u>OM112704-10 RESPONSE TO COUNCIL OF AUSTRALIAN GOVERNMENTS (COAG) ROAD REFORM PLAN - HIGHER PRODUCTIVITY VEHICLES</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>Request the CEO to write both to the MAV and COAG in relation to the COAG Road Reform Plan advising as follows:</i></b> <ul style="list-style-type: none"> <li><b><i>Colac Otway Shire requests that any future changes to road funding must not adversely impact on Rural and Regional Councils.</i></b></li> <li><b><i>Council is concerned that any change from the current fuel based charging system to a vehicle based charging system may have an adverse funding impact on local government and in particular smaller rural Councils, as the proposed charging system would only assess vehicles greater than 4 tonne and as such would not pick up a large portion of the local</i></b></li> </ul> </li> </ol>		<p>CR LYN RUSSELL</p>



<p><b>transport which supplies farm produce and goods to major distribution networks on Council's local road network.</b></p> <ul style="list-style-type: none"> <li>• <b>The distribution of funding could be discriminative to local regional councils as most funding streams could be channelled towards the main road and heavy vehicle road routes due to vehicles greater than 4 tonne, not being recognised as part of the charging system which distributes funding to Councils. This would significantly disadvantage Councils such as Colac Otway Shire as the main roads are managed by VicRoads and Councils' local road network is not a significant heavy vehicle route. Council would therefore most likely be disadvantaged in any funding.</b></li> <li>• <b>There has been a failure to report at a Federal level on the road assets managed by all Council's Australia wide, their physical condition, the actual cost to maintain the roads and there is no documentation which identifies where the road network needs to be funded most. To be effective a road asset condition and monitoring system needs to be implemented at a Federal level. This should be undertaken as the first priority to allow informed decisions to be made.</b></li> <li>• <b>No Australia wide road funding system is currently available to ensure that funds target the best return of productivity. To ensure appropriate management of road funding, an Australian wide funding system needs to be developed to distribute funding on a fair and equitable basis.</b></li> <li>• <b>Colac Otway Shire is Part of the Australian Rural Roads Group which represents 114 rural local Councils which each produce over \$100 million of agricultural product (based on 2006 figures). This is a very significant industry sector which is generally inadequately funded to a level which meets the community needs and reflects its importance to Australia. Any funding reviews must reflect and assist this group which is defined by the following;</b> <ul style="list-style-type: none"> <li>a) <b>Produces 48% (\$17.9 Billion) of Australia's total agricultural product</b></li> <li>b) <b>Includes only 6.9% of Australia's population</b></li> <li>c) <b>Includes only 11% of total Australia's State/Territory land mass (908,000 square kilometres)</b></li> <li>d) <b>Has 24% of all roads in Australia by length (194,413 kilometres)</b></li> </ul> </li> </ul>		
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**MOVED Cr Stephen Hart seconded Cr Lyn Russell that recommendations to items listed in the Consent Calendar, with the exception of item OM112704-10 Response to Council of Australian Governments (COAG) Road Reform Plan - Higher Productivity Vehicles, be adopted.**

**CARRIED 7 : 0**

**OM112704-10      RESPONSE TO COUNCIL OF AUSTRALIAN GOVERNMENTS (COAG) ROAD REFORM PLAN - HIGHER PRODUCTIVITY VEHICLES**

**MOTION - MOVED Cr Lyn Russell seconded Cr Stephen Hart that:**

**That Council:**

- 1. Request the CEO to write both to the MAV and COAG in relation to the COAG Road Reform Plan advising as follows:**
  - Colac Otway Shire requests that any future changes to road funding must not adversely impact on Rural and Regional Councils.**
  - Council is concerned that any change from the current fuel based charging system to a vehicle based charging system may have an adverse funding impact on local government and in particular smaller rural Councils, as the proposed charging system would only assess vehicles greater than 4 tonne and as such would not pick up a large portion of the local transport which supplies farm produce and goods to major distribution networks on Council's local road network.**
  - The distribution of funding could be discriminative to local regional councils as most funding streams could be channelled towards the main road and heavy vehicle road routes due to vehicles greater than 4 tonne, not being recognised as part of the charging system which distributes funding to Councils. This would significantly disadvantage Councils such as Colac Otway Shire as the main roads are managed by VicRoads and Councils' local road network is not a significant heavy vehicle route. Council would therefore most likely be disadvantaged in any funding.**
  - There has been a failure to report at a Federal level on the road assets managed by all Council's Australia wide, their physical condition, the actual cost to maintain the roads and there is no documentation which identifies where the road network needs to be funded most. To be effective a road asset condition and monitoring system needs to be implemented at a Federal level. This should be undertaken as the first priority to allow informed decisions to be made.**
  - No Australia wide road funding system is currently available to ensure that funds target the best return of productivity. To ensure appropriate management of road funding, an Australian wide funding system needs to be developed to distribute funding on a fair and equitable basis.**
  - Colac Otway Shire is Part of the Australian Rural Roads Group which represents 114 rural local Councils which each produce over \$100 million of agricultural product (based on 2006 figures). This is a very significant industry sector which is generally inadequately funded to a level which meets the community needs and reflects its importance to Australia. Any funding reviews must reflect and assist this group which is defined by the following;**
    - a) Produces 48% (\$17.9 Billion) of Australia's total agricultural product**
    - b) Includes only 6.9% of Australia's population**
    - c) Includes only 11% of total Australia's State/Territory land mass (908,000 square kilometres)**
    - d) Has 24% of all roads in Australia by length (194,413 kilometres)**

2. ***Sends copies of the Colac Otway Shire response to the Hon. Terry Mulder MP, Victorian Minister for Transport and Darren Cheeseman MP, our local Federal Member.***

***CARRIED 7:0***

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

ITEM	D	W
<p><b><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></b></p> <p><b><u>OM112704-11 COLAC AND APOLLO BAY CARPARKING STUDY - DRAFT STRATEGY</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 Colac and Apollo Bay Car Parking draft strategy for community consultation to commence early May 2011 for a period of six weeks.</i></b></p>	<p><b>CR CHRIS SMITH CR STEPHEN HART</b></p>	

***MOVED Cr Geoff Higgins seconded Cr Frank Buchanan that recommendations to item OM112704-11 Colac and Apollo Bay Carparking Study - Draft Strategy, as listed in the Consent Calendar, be adopted.***

**CARRIED 7 : 0**

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

ITEM	D	W
<p><b><u>GENERAL BUSINESS</u></b></p> <p><b><u>OM112704-12     ITEM FOR SIGNING &amp; SEALING - SAFETY INTERFACE AGREEMENT - AUSTRALIAN RAIL TRACK CORPORATION</u></b></p> <p>Department: General Business</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council delegate the signing and sealing of the Safety Interface Agreement with the Australian Rail Track Corporation to the Council's Chief Executive Officer and the General Manager Infrastructure and Services.</i></p>	CR LYN RUSSELL	
<p><b><u>OM112704-13     ITEMS FOR SIGNING &amp; SEALING - TRANSFER OF LAND DOCUMENTS</u></b></p> <p>Department: General Business</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council agree to sign and seal Transfer of Land documents to finalise the transfer of the land described as Certificate of Title Volume 4500 Folio 957 (R1 LP17135, R2 LP17135, R3 LP17135, R4 LP17135, and R5 LP17135) and Volume 7162 Folio 266 (Lot 1 TP917029).</i></p>		
<p><b><u>OM112704-14     ASSEMBLY OF COUNCILLORS</u></b></p> <p>Department: General Business</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council notes the Assembly of Councillors reports for:</i></p> <ul style="list-style-type: none"> <li>• <i>Friends of Colac Botanic Gardens - 10 March 2011</i></li> <li>• <i>Councillor Briefing Session - 30 March 2011</i></li> <li>• <i>Councillor Budget Workshop - 5 April 2011</i></li> <li>• <i>Central Reserve Advisory Committee - 6 April 2011</i></li> <li>• <i>Councillor Workshop - 13 April 2011</i></li> </ul>	CR STEPHEN HART	

***MOVED Cr Stephen 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><u>NOTICE OF MOTION</u></p> <p><b><u>OM112704-15      NOTICE OF MOTION 167-1011</u></b>  <b><u>CONTAINER DEPOSIT LEGISLATION</u></b></p> <p>Department: Notices of Motion</p> <p><b><u>Recommendation</u></b></p> <p><b><i>That Council consider the contents of this Notice of Motion.</i></b></p>		

**OM112704-15      NOTICE OF MOTION 167-1011 CONTAINER DEPOSIT LEGISLATION*****MOTION - MOVED Cr Stephen Hart seconded Cr Lyn Russell that:******Council resolves to:***

- 1. Write to the Premier, Mr Ted Ballieu, the Deputy Premier, Mr Peter Ryan and the Minister for the Environment and Climate Change, Mr Ryan Smith, congratulating them on their previous support for Container Deposit Legislation, and urging them to either initiate or support any new bills presented to the parliament, with copies of that letter to the State local upper and lower house members;***
- 2. Write to the Parliamentary Secretary for Sustainability and Waste, Senator Farrell, urging him to introduce national Container Deposit Legislation as a priority, with a copy of that letter to Federal local and Senate members; and***
- 3. Forward copies of this resolution to the MAV, and request that they support any such legislation at both the State and Federal level.***

***CARRIED 7:0***

## IN COMMITTEE

***MOVED Cr Lyn Russell seconded Cr Frank Buchanan 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><i>SUBJECT</i></b>	<b><i>REASON</i></b>	<b><i>SECTION OF ACT</i></b>
Confidential Items for Consideration - Memo to Councillors	this matter may prejudice the Council or any person	Section 89 (2) (h)
Land Acquisition	This matter may prejudice the Council or any person	Section 89 (2) (h)

***CARRIED 7 : 0***

## OUT OF COMMITTEE

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

***CARRIED 7 : 0***

*The Meeting Was Declared Closed at 4.10 pm*

***CONFIRMED AND SIGNED*** at the meeting held on 25 MAY 2011

  
.....MAYOR