

MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at the COPACC Meeting Rooms on 25 May 2011 at 3:00 pm.

1. OPENING PRAYER

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

AMEN

2. PRESENT

Cr 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 Meetings

Damien Dureau

Responses to questions submitted in writing for the 23 February 2011 and 30 March 2011 Council meetings.

23 February 2011 Council Meeting

Question 4

Re. Local Authorities Superannuation Fund Mutual

"Defined Benefit Plan/Scheme" – periodic funding "Calls" on COSC to meet actuarial shortfalls in "Unfunded Superannuation liabilities".

Response

Further to the Shire's previous response "Given its detailed nature this question will be taken on notice and a written response will be provided to Mr. Dureau."

Please now find below details for the three calls on Council with respect to Unfunded Superannuation Liabilities.

Call No. 1 – Date 1998/99

Council were advised of Unfunded Superannuation Liabilities 1998.

<i>Balance as at 27/4/99</i>	<i>1,383,048</i>
<i>Add Tax effect (@17.65%)</i>	<i>244,108</i>
<i>Add Interest including Tax</i>	<i><u>78,750</u></i>
	<i><u>\$1,705,906</u></i>

A loan was taken up in April 1999.

<i>Loan Amount</i>	<i>: \$1.8 million</i>
<i>Interest Rate</i>	<i>: 6.01%</i>
<i>Term</i>	<i>: Ten years</i>
<i>Interest</i>	<i>: \$607,850</i>
<i>Purpose</i>	<i>: Shire Superannuation \$1.6 million</i>
	<i>CRLC Superannuation \$200,000</i>
	<i>The CRLC paid the Shire for the repayments on the loan</i>
	<i>Payment of the \$1,705,906</i>

Loan Amount : \$1.6 million
Balance : \$105,906 – revenue

Call No 2 – Date 2002/2003

Council was advised in May 2003 that Council’s share of the funding shortfall was \$733,532.

Balance as at 31 December 2002	\$733,532
Add Tax effect (@17.65%)	<u>\$129,468</u>
	\$863,000

A loan was taken up in March 2004:

Loan Amount	:	\$863,000
Interest Rate	:	6.11%
Term	:	10 years
Interest projected	:	\$297,140

Call No 3 – Date 2010/11

Council was advised in December 2010 that Council’s share of the funding shortfall was \$493,269.

Balance as at 30 June 2011	\$493,269
Add Tax effect (@ 17.65%)	<u>\$87,062</u>
	\$580,331

Council chose to pay the amount early. An amount of \$568,647 was paid by 31 March 2011 resulting in a saving of \$11,684.

The amount was paid out of funds held in reserve for the purpose and the balance from General Revenue.

The payment will be recorded in the 2010/11 Financial Statements.

30 March 2011 Council Meeting

At the Council Meeting held on 30 March 2011 a question was asked regarding the Colac Otway Shire’s loan borrowings liabilities.

“Please advise of the breakdown of the full details of the Shires current outstanding total loan borrowings liability.”

Due to the time required to prepare the requested information the response to your question was based on the Shire’s loan borrowing liabilities.

Financial Year End		Total Loan Borrowings Principal Amount Outstanding
(i)	20/09/1994 (COSC commencement date)	\$3.727 million
(ii)	30/06/1995	\$4.195 million
(iii)	30/06/1996	\$4.103 million
(iv)	30/06/1997	\$3.384 million
(v)	30/06/1998	\$2.759 million
(vi)	30/06/1999	\$5.036 million
(vii)	30/06/2000	\$6.074 million
(viii)	30/06/2001	\$5.882 million
(ix)	30/06/2002	\$5.125 million
(x)	30/06/2003	\$5.455 million
(xi)	30/06/2004	\$4.865 million
(xii)	30/06/2005	\$4.333 million
(xiii)	30/06/2006	\$3.923 million
(xiv)	30/06/2007	\$3.466 million
(xv)	30/06/2008	\$2.980 million
(xvi)	30/06/2009	\$2.462 million
(xvii)	30/06/2010	\$4.157 million

Further details regarding the breakdown of the Shire's Interest Bearing Liabilities as at 31 March 2011 has now been prepared following dedicated officer time in preparing the table below.

Colac Otway Shire Interest Bearing Liabilities

As at 31 March 2011

Loan	Purpose of Loan	Loan Principal	Date of draw down	Loan expiry date	Loan Term	Interest rate %	Total Interest payments over loan term (projected)	Current loan principal amount outstanding
6	Colac Performing Arts and Culture Centre	1,000,000	28-Apr-1999	29-Apr-2019	20	6.19%	750,382	562,099
7	Colac Performing Arts and Culture Centre	1,000,000	04-Apr-2000	04-Apr-2020	20	7.56%	947,454	643,759
7	Irrewillipe Road - Reconstruction	200,000	04-Apr-2000	04-Apr-2020	20	7.56%	189,491	128,752
7	Speedway Road - Reconstruction	200,000	04-Apr-2000	04-Apr-2020	20	7.56%	189,491	128,752
7	Car Parking	100,000	04-Apr-2000	04-Apr-2020	20	7.56%	94,745	64,376

7	Apollo Bay Streetscape	150,000	04-Apr-2000	04-Apr-2020	20	7.56%	142,118	96,564
9	Unfunded superannuation "Call" 2003/04	863,000	24-Mar-2004	24-Mar-2014	10	6.11%	297,140	315,685
10	Apollo Bay Waste Transfer Station	700,000	29-Jun-2010	29-Jun-2020	10	7.70%	305,885	668,166
10	Colac joint-use library	1,300,000	29-Jun-2010	29-Jun-2020	10	7.70%	568,072	1,240,880
Total		5,513,000					3,484,778	3,849,033

It should be noted that the \$1.1 million loan for Land Purchase and the Balance of the Apollo Bay Waste Transfer Station is yet to be drawn down.

Bernie Franke - Barramunga

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:

I write in response to your question submitted at the April 2011 Council meeting wherein you assert that your request for existing use rights has been treated differently from similar requests submitted by larger timber companies and to advise of the outcome of legal advice which has now been received in relation to this matter.

Firstly, I would advise that any request submitted to Council for existing use rights under Clause 63 is considered on its merits. As advised by Council officers on numerous occasions both verbally and in writing, an application for existing use rights is generally a complex process that may take considerable time to assess and form a view on whether sufficient evidence has been presented that demonstrates that a land use right exists and has done so continuously for 15 years.

The burden of establishing the presence of existing use rights rests with the person making the application to Council and not Council itself.

In the case of timber companies which have made existing use rights claims in the past, substantial material accompanied their requests to establish existing use rights for native timber harvesting and the assessment of this material was undertaken over a lengthy period of time, similar to the time frame that it has taken in relation to your request. The type and nature of the material provided by these two companies provided an unbroken chain of documentation that demonstrated sufficiently that existing use rights existed continuously for a period of 15 years.

In your circumstances, Council officers have assessed and determined that the material submitted in August 2010 did not demonstrate that the above mentioned property has been used in an ongoing manner for the harvesting of native timber.

You initially submitted material that included a number of brief statements by yourselves or persons known to you, a series of photographs, planning permission issued in 1994 which expired in 1996 and a series of receipt and quotes. This information was assessed by Council officers and you were advised in Council's letter of 18 November 2010 that sufficient evidence had not been received to establish existing use rights under Clause 63.11. In Council's letter of 18 November, 2010 you were invited to submit additional information that could assist in establishing existing use rights for consideration.

Additional information was received on 1 January 2011. Given the complexity of this matter, Council officers sought legal advice on your request and provided all of the material submitted by you in 2010 and 2011 to establish existing use rights to Council's lawyers.

Council's lawyers have reviewed the material submitted and provided Council with advice that "In our view, the material submitted suggests that action for the purpose of timber harvesting and production has occurred on the land. What is not clear from the material provided is whether or not such uses have occurred unabated or indeed, whether these uses have occurred over the requisite 15 year period. It is also not clear whether the use lawfully occurred prior to the approval date of the Planning Scheme".

Council's lawyers also advised that "The planning permit issued in 1994 for 'selective logging' required the submission of a coupe plan for endorsement which would have defined the scope of activity allowed under that permit. There is no evidence that such a plan has been submitted or approved by Council and in any case the permit holds a specific expiry clause which itself would mean that the permit was not live at the time of the introduction of the new format Planning Scheme (unless the permit was granted an extension)".

Council's lawyers agreed that "it was open to Council to find that existing use rights should not be recognised based on the material provided".

Again, it remains open to yourself to submit further information which would confirm existing use rights. Such information may include:

- Details of tax returns;***
- Detailed description of how the land has been managed and where felling has occurred;***
- An unbroken chain of documentation supporting the use: and***
- Any other relevant information (such as detailed sworn testimony).***

Council officers and representatives from the Department of Sustainability and Environment (DSE) have at all times endeavoured to assist you with your planning permit application, which was granted on 1 February 2011 subject to conditions. At your request some of the 34 conditions were further reviewed and advice from Council was provided early March 2011. This advice indicated that your request had been considered by Council officers and DSE, and that some conditions could be

modified but that support for deletion of a number of conditions could not. No further advice from you has been received in relation to this matter.

Council has written to the Corangamite Catchment Management Authority (CCMA) and the Minister for Planning raising the restrictive nature of the Corangamite Native Vegetation Plan and the Victorian Native Vegetation Plan in regard to native timber harvesting with these authorities with a view to opening up an opportunity for dialogue on such an important issue.

As you are aware, DSE is a Section 55 referral authority and as such Council is required under the Planning and Environment Act to abide by their position and recommendations for such applications under these circumstances.

While Council and Council officers are sympathetic to your intentions to use the land for restrictive logging and have raised both your and our concerns with the relevant Authorities, at the extremely limited capacity for you to do so as outlined above, Council simply cannot approve Planning Permits where a Section 55 Referral Authority has objected to their issue.

While you may not agree with Council's position with regard to the matter of existing use rights that you believe are applicable to your property, the information that is being required from you to enable proper consideration of this matter to be undertaken is no different than the information that was required, and submitted, from the larger timber companies that you refer to in your correspondence

Clearly you have two options available to you. You can further pursue your claim for existing use rights by providing the suggested information outlined in this letter and/or continue with the review of the conditions on your planning permit with the Victorian Civil and Administrative Tribunal.

Questions Received in Writing Prior to the Meeting

James Judd – Colac

If you must claim questions not received on time before a Council meeting will not be addressed, why do you advertise meetings with later times and dates than those you will accept to address at a meeting. Re April meeting specified closing time for questions 5.00pm Monday before the meeting. This advertisement was inserted on the Wednesday before the meeting. Please explain why you refuse to keep to the times you stipulate in Council advertisements.

Response:

Questions for the April Council meeting submitted in writing via email prior to 5.00pm on Monday the 25 April 2011 were tabled at the May Council meeting. However given that Council was closed until Wednesday the 28 April, those questions were taken on notice and a response will be tabled at the May Council meeting. Although our Customer Service Centre was closed over the Easter period, members of the community were able to submit questions in writing via email or through the overnight mail box located in the front window of our Customer Service Centre.

If Council did not want to cause any confusion to people by changing street numbers, how can it explain jumps of four (4) between adjoining single front blocks?

Response:

As advised in February and March 2011 March in responses given to Mr Judd's questions regarding numbering of properties in Murray St, the reason for not renumbering these properties were that:-

- ***the existing numbers were enabling properties to be located and therefore there was no need for the properties to be renumbered.***
- ***accordingly, property owners would not be inconvenienced by the need to change addresses with organisations they dealt with etc.***

There was no reference to the issue of causing "confusion" in our previous responses.

Also as previously advised, where possible street numbers are allocated on the basis of the distance of the access point to the property (eg: driveway) from the starting point of the road. Without knowing the properties Mr Judd is referring to in his question, it is assumed the location of the access points to the properties concerned were at such a distance from the starting point of the road to require the allocated numbers to miss the next sequential number. Presumably, these are larger than usual allotments.

Use of distance as the basis for street numbering allows for a newly created lot to be allocated the "missing" number if required by either of these allotments being subdivided in future.

Damien Dureau - Colac

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

1. **Re: COSC Special Council Meeting Wednesday 20 April 2011 Agenda items-**
 - COSC draft Annual Budget 2011/2012;
 - COSC revised draft Council Plan 2009-2013 and draft 4-year Strategic Resource Plan 2011/2012 - 2014/2015;
 - COSC draft 10-year Long Term Financial Plan (LTFP) 2011/2012 - 2020/2021

1.1 Land

(a) What is the purpose of the forecast \$900,000 "Land Acquisition" in the 2011/2012 financial year (and please provide any brief description of the site of the land, where possible)?

Response

The value associated with the land acquisition in the adopted draft document was changed to \$845,000 which reflects more current information. Given the confidential nature of discussions, Council is not in a position to discuss the nature of any land acquisition/s.

(b) What is the purpose of the forecast \$1,200,000 "Land" item in the 2013/2014 financial year (and please provide any brief description of the site of the land, where possible)?

Response

The purpose of the land item in the 2013/2014 year relates to possible purchases that may be required as a result of neighbourhood safer places. As the year draws closer

and more current information is available, adjustments to the timing and value may occur.

1.2 Bluewater Fitness Centre Sports Stadium Redevelopment

COSC draft Annual Budget 2011/2012, at "Appendix C - Capital Works Programme", provides for the following line-item in the capital works projects to be undertaken for the 2011/2012 financial year:-

- "Blue Water Stadium Upgrade \$2,000,000".

(a) How much is the most current total estimated project cost?

Response

Approximately \$5 million

(b) How much of the most current total estimated project cost is estimated to be provided by sources other than COSC's own direct funds

(ie. Federal Government grants; Victorian State Government grants; Other - including local community user groups)?

Response

Over the life of the project approximately \$4.7 million will be funded from other sources.

(c) How much of the most current total estimated project cost is estimated to be provided from COSC's own direct funds, including existing cash holdings, any "Reserves", and loan borrowings

Response

Over the life of the project approximately \$0.3 million maybe required from Council's own funds. However, Council will continue to seek other sources of funds to cover the entire cost of the project.

(d) How much of the estimated amount to be provided to the project from COSC's own direct funds does COSC estimate to pay from existing cash holdings, including any "Reserves", but excluding loan borrowings?

Response

Approximately \$0.3 million.

(e) How much of the estimated amount to be provided to the project from COSC's own direct funds does COSC estimate to pay by taking out new loan borrowings for that purpose?

Response

There is no intention to borrow any funds for this project.

1.3 Unfunded Superannuation "Call"

In relation to the latest unfunded superannuation "Call" for payment on COSC by the Local Authorities Superannuation Fund (LASF)'s "Defined Benefit Plan", please advise as follows:-

(a) What was the precise due date for payment in full by cash (I believe that the due date for payment was 1 July 2011)?

Response

The due date was 1 July 2011.

(b) On what date did COSC make the payment in full by cash
(I believe that COSC made the payment in full by cash on 31 March 2011)?

Response

The payment was made on 31 March 2011.

(c) Which financial year will the payment be recorded in COSC's Financial Statements-
- 2010/2011 or 2011/2012?

Response

The payment will be recorded in the 2010/2011 financial year.

(d) **GROSSED-UP (for Federal Government superannuation "contributions tax")**, was the **total amount payable by COSC:-**

(i) **\$682,725** (comprising Federal Government superannuation "contributions tax" of **\$102,409** (15%), and the NET "Call" by LASF of **\$580,316** (85%))?

Response

No

(ii) **\$580,316** (comprising Federal Government superannuation "contributions tax" of **\$87,047** (15%), and the NET "Call" by LASF of **\$493,269** (85%))?

Response

No

(iii) **Other amount** (and if other amount, please specify the **breakdown of that amount** between the **Federal Government superannuation "contributions tax" amount**, and the **NET** amount paid to LASF)?

Response

Given that Council chose to make the payment early, the LASF "Call" value was \$483,337.84 and the contributions tax was \$85,309.13, totalling \$568,646.97.

(e) Please confirm that COSC paid **all** of the **Grossed-Up (for Federal Government superannuation "contributions tax")** total payment **from existing cash holdings, including any "Reserves"**; and paid **none** of the **Grossed-Up (for Federal Government superannuation "contributions tax")** total payment **by taking out new loan borrowings** for that purpose?

Response

Given that no request has been made to Council to fund the payment from borrowings, no new borrowings for this purpose are possible.

1.4 Loan Borrowings

COSC draft Annual Budget 2011/2012 (with amendment motion at the Wednesday 20 April 2011 COSC Special Council Meeting) provides for new/additional loan borrowings of \$760,000 (down from the initially proposed \$900,000, prior to the amendment motion).

(a) What **were** these **loan borrowings** of **\$900,000** **proposed for:-**

(i) A forecast land acquisition; and if so, how much of the \$900,000?

Response

Land acquisition/s

(ii) Other item/s; and if other item/s, please specify the project name/s and how much of the \$900,000 for each item?

Response

No other.

(b) What are these loan borrowings of \$760,000 proposed for:-

(i) A forecast land acquisition; and if so, how much of the \$760,000?

Response

Land acquisition/s

(ii) Other item/s; and if other item/s, please specify the project name/s and how much of the \$760,000 for each item?

Response

No other.

Mrs Betty Frape – Apollo Bay

When will something be done to correct the excessive run off of water to my property since I was flooded both inside and outside last year?

Response:

Council staff have previously undertaken an on-site inspection of the site and have also placed a camera in the 9 inch asbestos cement pipe in an attempt to identify the problem. Unfortunately the investigation was unable to find the cause.

A second more extensive camera inspection is planned for late May in an attempt to find the problem. If the pipe is found to be blocked, repairs can be planned and undertaken. If the problem is found to be inadequate drainage, then this will be referred for investigation as part of the drainage review currently being undertaken for Apollo Bay.

Council will arrange for appropriate works as quickly as possible.

Questions Received Verbally at the Meeting

Mr Franke- Barramunga

In relation to native vegetation harvesting on private land, how can Council justify paying an unlimited amount for lawyers to fight landholders on native timber harvesting and regeneration on private land when it is evident that the planning system in regards to timber harvesting is broken and has been broken for several years? Is the Council happy with the current state of affairs in regard to native timber harvesting and regeneration on private land? If not, is Council and the planning department prepared to hold a public forum with landholders and State Government representatives where we can work towards a solution?

Response:

The General Manager for Sustainable Planning and Development advised that in relation to legal advice, we consider the application, we do what we can in relation to that and if we need to seek legal advice in response to the queries that are raised by the applicants, then that is Council's responsibility in following that up. In relation to

your permit application, this is being worked through with you and you are aware that Council has expressed the fact that they are not particularly happy with the way this is being done through the State Government. This has been raised with the State Government on behalf of the property owners. Council is required to administer the Planning Scheme and the regulations as they exist, not as how we wish they existed.

Mr Franke, with the approval of the Mayor, provided Councillors with documents relating to native harvesting on private land.

Tabling of Documents

The Mayor tabled the following documents:

- Councillor Conduct Panel Decision (attached)
- Kennett River Drainage Petition (Agenda Item OM112505-9)
- Parking Petition – Rae Street, Colac Petition (Agenda Item OM112505-8)

COUNCILLOR CONDUCT PANEL (CCP)

HEARING PURUANT TO DIVISON 1B OF THE LOCAL GOVERNMENT ACT (1989) (AS AMENDED)

Applicant: Cr Lyn Russell as representative of Council
Respondent: Cr Chris Smith
Council: Colac Otway Shire Council
Hearing location: COPACC
Date of Application: 27 September 2010
Date of Hearing: 2 December 2010, 2 March 2011
Panel Members: Ms Jo-Anne Mazzeo (Chair), Ms Jenny Farrar
CCP Registrar: Mr Colin Hayman, Colac Otway Shire Council

The Decision

The decision of the Panel is that the actions of Councillor Chris Smith do not constitute misconduct within the meaning of section 81A of the *Local Government Act* 1989.

The decision of the Panel based on the evidence provided is that the actions of Councillor Chris Smith do not constitute a breach of his obligations in clauses 3.1.2,3.1.3,3.2.3, 4.7 and 7.3.3 in of the Colac Otway Council Councillor Code of Conduct.



.....
Jo-Anne Mazzeo
Legal Member



.....
Jenny Farrar
Municipal Governance Member

Date: 16 May 2011

6. DECLARATION OF INTEREST

Cr Russell:	OM112505-15 Contract Approval Contract 1106 – Colac Youth Club Refurbishment (In-Committee Item)
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78B

7. CONFIRMATION OF MINUTES

- **Special Council Meeting held on the 20/4/11**
- **Ordinary Council Meeting held on the 27/04/11.**

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

CARRIED 7 : 0

OFFICERS' REPORTS

Chief Executive Officer

OM112505-1 CEO'S PROGRESS REPORT TO COUNCIL

Corporate and Community Services

OM112505-2 ACCESS, EQUITY AND INCLUSION PLAN - 2010-2013
OM112505-3 S86 COMMITTEE OF MANAGEMENT FOR THE LAVERS HILL
WATERHOLE RESERVE
OM112505-4 COMMUNITY REFERENCE GROUP MEMBERSHIP POLICY
OM112505-5 FENCING FOR EVENTS

Infrastructure and Services

OM112505-6 ROAD MANAGEMENT COMPLIANCE REPORT
OM112505-7 PARKING PETITION - RAE STREET, COLAC
OM112505-8 KENNETT RIVER DRAINAGE PETITION

Sustainable Planning and Development

OM112505-9 INTERIM ARRANGEMENTS FOR TOURISM INDUSTRY SUPPORT
OM112505-10 SUBMISSION TO TOURISM VICTORIA REGARDING THE
REPRESENTATIVE STRUCTURE OF THE PROPOSED REGIONAL
TOURISM BOARD.
OM112505-11 NEIGHBOURHOOD SAFER PLACES ASSESSED THROUGH
TASKFORCE 23

General Business

OM112505-12 ASSEMBLY OF COUNCILLORS

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion
W = Withdrawal

ITEM	D	W
<p><u>CHIEF EXECUTIVE OFFICER</u></p> <p><u>OM112505-1</u> <u>CEO'S PROGRESS REPORT TO COUNCIL</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council notes the CEO's Progress Report to Council</i></p>	<p>CR FRANK BUCHANAN CR STUART HART CR LYN RUSSELL CR CHRIS SMITH</p>	

MOVED Cr Stephen Hart seconded Cr Lyn Russell that the recommendation to item, OM112505-1 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><u>CORPORATE AND COMMUNITY SERVICES</u></p> <p><u>OM112505-2 ACCESS, EQUITY AND INCLUSION PLAN - 2010-2013</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council adopts the Access, Equity and Inclusion Plan 2010 – 2013.</i></p>		
<p><u>OM112505-3 S86 COMMITTEE OF MANAGEMENT FOR THE LAVERS HILL WATERHOLE RESERVE</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Pursuant to Section 86 of the Local Government Act 1989, resolve to appoint the following nominated members to the Lavers Hill Waterhole Reserve Committee of Management until 31 May 2014:</i> <p style="margin-left: 40px;"><i>Cr Stephen Hart, Mark Cauchi, Ross Hicks and Laurie Allen</i></p> <i>2. 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> <i>3. Agrees to sign and seal the Instrument of Delegation for the Lavers Hill Waterhole Reserve Committee of Management.</i> 		CR STEPHEN HART

<p>4. <i>Advises 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 following the Annual General Meeting of the Committee.</i></p>		
<p><u>OM112505-4 COMMUNITY REFERENCE GROUP MEMBERSHIP POLICY</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council endorses the draft Community Reference Group Membership Policy for community consultation to commence early June 2011 for a period of six weeks.</i></p>	<p>CR CHRIS SMITH CR LYN RUSSELL CR STEPHEN HART</p>	
<p><u>OM112505-5 FENCING FOR EVENTS</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council endorses the draft "Fencing for Events Policy" for community consultation to commence early June 2011 for a period of six weeks.</i></p>	<p>CR CHRIS SMITH CR STEPHEN HART</p>	

MOVED Cr Stuart Hart seconded Cr Frank Buchanan that recommendations to items listed in the Consent Calendar, with the exception of item OM112505-3 S86 Committee of Management for the Lavers Hill Waterhole Reserve, be adopted.

CARRIED 7 : 0

OM112505-3 S86 COMMITTEE OF MANAGEMENT FOR THE LAVERS HILL WATERHOLE RESERVE

MOTION - MOVED Cr Stephen Hart seconded Cr Stuart Hart:

That Council:

- Pursuant to Section 86 of the Local Government Act 1989, resolve to appoint the following nominated members to the Lavers Hill Waterhole Reserve Committee of Management until 31 May 2014: Mark Cauchi, Ross Hicks, Laurie Allen, Erika Nash and Steve Brauer.***

- 2. That Cr Stephen Hart be appointed to the Lavers Hill Waterhole Reserve Committee of Management until the appointment of new representatives after the next Statutory Meeting of Council in December 2011.**
- 3. 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.**
- 4. Agrees to sign and seal the Instrument of Delegation for the Lavers Hill Waterhole Reserve Committee of Management.**
- 5. Advises 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 following the Annual General Meeting of the Committee.**

CARRIED 7:0

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

ITEM	D	W
<p><u>INFRASTRUCTURE AND SERVICES</u></p> <p><u>OM112505-6 ROAD MANAGEMENT COMPLIANCE REPORT</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council receives and endorses the Road Management Compliance Report for the third quarter (January to March 2011).</i></p>		
<p><u>OM112505-7 PARKING PETITION - RAE STREET, COLAC</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Determines that the petition regarding parking restrictions along Rae Street, Colac, be considered as urgent business.</i> <i>2. Advises the coordinator of the petition that their petition and request has been received by Council and will be further investigated.</i> <i>3. Undertakes consultation by way of a survey to property owners abutting Rae Street, between Corangamite Street and Gellibrand Street to seek their feedback and comments on any proposed parking restriction changes.</i> <i>4. Advertises Council's intention to review the current parking arrangements and seek public comment.</i> 		CR LYN RUSSELL

OM112505-8 KENNETT RIVER DRAINAGE PETITION		
Department: Infrastructure		
<u>Recommendation(s)</u>		
<i>That Council:</i>		
<ol style="list-style-type: none"> <li data-bbox="191 495 1040 595">1. <i>Determines that the petition regarding drainage concerns in the township of Kennett River be considered as urgent business.</i> <li data-bbox="191 629 1040 730">2. <i>Advises the coordinator of the petition that their petition and request has been received by Council and will be further investigated.</i> <li data-bbox="191 763 1040 864">3. <i>Undertakes investigation of improvement options, both short term and long term, to the existing Kennett River wetland.</i> <li data-bbox="191 898 1040 965">4. <i>Reports the findings of the investigation and the associated recommendations to Council.</i> 		

MOVED Cr Stephen Hart seconded Cr Stuart Hart that recommendations to items listed in the Consent Calendar, with the exception of item OM112505-7 Parking Petition - Rae Street, Colac, be adopted.

CARRIED 7 : 0

OM112505-7 PARKING PETITION - RAE STREET, COLAC

MOTION - MOVED Cr Lyn Russell seconded Cr Stephen Hart:

That Council:

1. ***Determines that the petition regarding parking restrictions along Rae Street, Colac, be considered as urgent business.***
2. ***Advises the coordinator of the petition that their petition and request has been received by Council and will be further investigated.***
3. ***Undertakes consultation by way of a survey to property owners abutting Rae Street, between Corangamite Street and Gellibrand Street to seek their feedback and comments on any proposed parking restriction changes.***
4. ***Advertises Council's intention to review the current parking arrangements and seek public comment and that subject to this consultation process considers how to proceed with this matter in association with the carparking study.***

CARRIED 7:0

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></p> <p><u>OM112505-9 INTERIM ARRANGEMENTS FOR TOURISM INDUSTRY SUPPORT</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Signs an extended Memorandum of Understanding (MOU) with Geelong Otway Tourism for a period of six months to 31 December 2011 on a quarterly payment schedule, with the agreement to be reviewed prior to the December Council meeting so that Council has the opportunity to consider its options again through an officer report at that date.</i> <i>2. Enters into a new six month agreement with Otways Tourism to 31 December 2011 on a quarterly payment schedule, with the agreement to be reviewed prior to the December Council meeting so that Council has the opportunity to consider its options again through an officer report at that date.</i> 	<p>CR STEPHEN HART</p>	
<p><u>OM112505-10 SUBMISSION TO TOURISM VICTORIA REGARDING THE REPRESENTATIVE STRUCTURE OF THE PROPOSED REGIONAL TOURISM BOARD.</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Writes to the CEO of Tourism Victoria requesting Local Government representation on the Regional Tourism Board to be at least four representatives.</i> <i>2. That a copy of this letter be sent to Geelong Otway Tourism, Otway Tourism, the G21 Regional Alliance and the Great South Coast respectively, to inform these organisations.</i> 		

<p>OM112505-11 <u>NEIGHBOURHOOD SAFER PLACES ASSESSED THROUGH TASKFORCE 23</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Accepts the recommendation of the Municipal Fire Management Planning Committee as a sub-committee of the Municipal Emergency Management Planning Committee that the potential Neighbourhood Safer Places (NSP) sites at Barwon Downs, Forrest and Carlisle River generally complied with the criteria in the Municipal Neighbourhood Safer Places Plan.</i> <i>2. Accepts the recommendation of the Municipal Fire Management Planning Committee as a sub-committee of the Municipal Emergency Management Planning Committee that the potential NSP site at Wye River did not generally comply with the criteria in the Municipal Neighbourhood Safer Places Plan.</i> <i>3. Approves the drafting of a letter to the Fire Services Commissioner advising of the results of the desktop assessment as outlined in the above recommendations.</i> 	<p>CR LYN RUSSELL</p> <p>CR STUART HART</p>	
---	---	--

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

CARRIED 7 : 0

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion
W = Withdrawal

ITEM	D	W
<u>GENERAL BUSINESS</u>		
<u>OM112505-12 ASSEMBLY OF COUNCILLORS</u>		
Department: General Business		
<u>Recommendation(s)</u>		
<i>That Council notes the Assembly of Councillors reports for:</i>		
<ul style="list-style-type: none"> • <i>Friends of Colac Botanic Gardens - 14 April 2011</i> • <i>Councillor Budget Workshop - 20 April 2011</i> • <i>Councillor Briefing Session - 27 April 2011</i> • <i>Councillor Workshop - 11 May 2011.</i> 		

MOVED Cr Frank Buchanan seconded Cr Stephen Hart that the recommendation to item OM112505-12 Assembly of Councillors, as listed in the Consent Calendar, be adopted.

CARRIED 7 : 0

IN COMMITTEE

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

SUBJECT	REASON	SECTION OF ACT
Confidential Items for Consideration - Memo to Councillors	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)
Local Government Audit	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 1106 – Colac Youth Club Refurbishment	this matter deals with contractual matters	Section 89 (2) (d)
Contract Approval Contract 1108 – Supply and Delivery of Grader	this matter deals with contractual matters	Section 89 (2) (d)
6 Murray Street Colac	this matter deals with contractual matters; AND this matter may prejudice the Council or any person	Section 89 (2) (d) (h)

CARRIED 7 : 0

OUT OF COMMITTEE

MOVED Cr Stuart Hart seconded Cr Frank Buchanan that the meeting move out of committee.

CARRIED 7 : 0

The Meeting Was Declared Closed at 4.20pm

CONFIRMED AND SIGNED at the meeting held on 30 JUNE 2011


.....MAYOR