

MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at the Apollo Bay Senior Citizens Centre on 23 November 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

As the authors of the following questions taken on notice and submitted in writing were not present, the responses were tabled and not read out to allow time for those present to ask questions of Council.

Question Taken on Notice at Previous Council Meeting

Dieter Wessner - Colac

Has Council, in its contract with the garbage collector, a clause for punitive charges on default of the delivery of services on time and if so, has it ever been evoked?

In response to your query raised at the August 2011 Council meeting, "Has Council, in its contract with the garbage collector, a clause for punitive charges on default of the delivery of services on time and if so, has it ever been evoked?", I firstly wish to apologise for the delay in responding back to you.

Council's Waste Management Contract 0912 has non compliance and non performance penalties, which may apply.

The penalties also may apply for a non conformance where the contractor has not remedied any non-compliance within the specified time when directed to by the Supervisor.

Council meets with the contractor on a regular basis to discuss contractual matters, customer requests and any complaints. All requests from Council have been attended to within the required timeframes.

The current Contract 0912 commenced in September 2010 and no Non- Conformance penalties have been issued.

Council does not receive any significant number of complaints from the public for this service, however, any received are always investigated.

Questions Received in Writing Prior to the Meeting

Gemma Lamana – Elliminyt on behalf of a Parents (Mothers) Group in Colac

With respect to public playgrounds in Colac:

1. Why are none of our public playgrounds securely fenced or “Sun Smart” shaded?

Response:

It is not considered appropriate to securely fence all playgrounds. In some instances, fencing of playgrounds is required if located in close proximity to roads, waterways or other identified high risk areas. However, it is Council’s view that playgrounds should be located appropriately away from high risk areas and blend in with the surrounding open space landscape.

Full fencing around playgrounds is only considered where there is extreme danger to users of the play space and in these occasions, playground relocation to a safer environment should be considered before full fencing of the play space.

Resources should be utilised on play equipment and providing a quality experience for young people. Unfenced playgrounds also encourage parent participation with young children, providing additional social and physical benefits for families. Regarding shade over the equipment, Council currently does not have a policy specifically regarding the provision of formal shade in playgrounds. From an operational perspective, Council have in the past considered and used natural shade (trees) rather than formal structures (sun sails). For example, the Botanic Gardens Playspace Master Plan identified the use of established trees and the introduction of new various trees and plantings to provide shade and additional play features. Where possible, the design, siting and upgrade of playgrounds in the Colac Otway Shire will be undertaken with a view to providing a safe play environment allowing some protection from the sun. This may be achieved through locating facilities near existing shade providing features such as trees or shelters or through the planting of new shade trees.

The installation of shade structures also has budget implications. Over more recent years Council has concentrated on equipment provision, compliance and supporting infrastructure (for example seating and signs) for the suite of 24 playgrounds across the municipality.

2. What can we do to help this to happen?

Response:

Council has recently completed the Colac Otway Public Open Space Strategy. This strategy sets the direction for the acquisition and development of open space across the Shire. The strategy recommends that Council develop a Playspace Strategic Plan to guide the future development of playgrounds and associated infrastructure across the Shire. A Playspace Strategic Plan will include the existing provision of play equipment, appropriate locations, asset renewal and capital development, and associated infrastructure such as shade, seating, amenities etc.

Bernie Franke - Barramunga

1. In regards to selective timber harvesting and regeneration on family farms in the Otways, is Council aware that prohibiting the harvesting of large trees is, in a practical sense, a prohibition of all sawlog timber harvesting and regeneration on Otway family farms and therefore a prohibition of the use? (even where the use can be proven to be sustainable)

Response:

The harvesting of native vegetation requires a planning permit under the Colac Otway Planning Scheme. The application must be assessed against the relevant policies in the Scheme, including the State Government's Native Vegetation Framework and the Corangamite Catchment Management Authority's Regional Native Vegetation Plan. An application must also be referred to the Department of Sustainability and Environment for consideration under Section 55 of the Planning and Environment Act. Harvesting of large trees is not itself prohibited. Each application is considered on its merits, having regard to compliance with outcomes sought by the policies noted above.

2. While the planning scheme supports timber harvesting and regeneration, the practical reality is that it is impossible to get a workable permit. While DSE has input into the process, it is Council that is forced to administer the planning scheme. What is Council doing now (in 2011) to resolve the problem? (maybe it is time to call "a spade a spade" and for Council to amend the Colac Otway Shire planning scheme to prohibit timber harvesting - as is the practical reality).

Response:

Mr Franke is still waiting for a determination of his planning permit application for native timber harvesting on his property in Barramunga from the Victorian Civil and Administrative Tribunal. It is therefore unknown at this time as to what extent Mr Franke will be permitted to harvest timber on his property. Council has acknowledged the complexity of the state and regional policy framework previously, and the lack of clarity relating to harvesting of native vegetation in the Otways, and has written to the State Government seeking changes to the policy documents that more clearly articulate what will or will not be supported. In this correspondence, Council has expressed its support for native timber harvesting in the Otways provided it is done sensitively to the environment.

3. What does Council intend to tell new applicants who are applying for a permit for native forest timber harvesting and regeneration on their land?

Response:

Council's advice to proponents of native timber harvesting will vary according to the specific nature and location of an individual site. The advice will be that a planning permit is required, that a range of local, state and regional policies and provisions need to be met, and that discussions should occur with officers of the Department of Sustainability and Environment to discuss the particular merits of a proposal and information that may need to be submitted with any application.

James Judd – Colac

1. If Council relies on government issued documents to draw up its own plans, why when a government issued document has to be amended and reworded does the Council not then amend its own plans? Re heatwave document and Council Plan

Response:

Council developed its own locally relevant Heatwave Plan in accordance with the Department of Health's Heatwave Planning Guide. Our current plan remains accurate unless there are subsequent requirements that change fundamentals within the heatwave planning framework. There has been no requirement from the Department to amend our Plan. The most current version of information is sourced, when required, from the Department's website.

The Council Plan is reviewed on an annual basis as per the Local Government Act.

2. When will Council cease introducing a number of proposals before prior ones are finalised? As ideas put forward in the first finished project will make sure what if any other proposals can be introduced. Re parking and bus/coach stops vs CBD and Colac Entrance proposals.

Response:

Council is in the process of finalising both a Car Parking Strategy for Colac and a CBD and Entrances Project, both of which make mention of bus parking bays for tourist coaches, and acknowledges that there are different approaches to coach parking in the two different draft documents. Officers will ensure that a consistent approach is taken on the issue before they are finalised.

3. Why does Council continue to raise the issue of people who refuse to take "Colac Show Day" as a public holiday when Council will not close its office on this day but continue to operate as normal?

Response:

- **Council does not have an issue with people who choose not to take Colac Show Day.**
- **Council voted 7-0 at its April 2009 meeting that Colac Show Day will be the declared public holiday in Colac Otway Shire instead of Melbourne Cup Day.**
- **This resolution stands for the duration of this Council's term, and the day for 2012 has already been gazetted. The public holiday will be Friday 2 November 2012 in lieu of Cup Day on Tuesday 6 November 2012.**
- **Council's support of the Colac Show public holiday primarily aims to enable schoolchildren in the shire to attend the show on the Friday, which is traditionally a family day. Council considers the Colac Show to be an important community event.**
- **Because this Council understands that closing on the Friday of the Colac Show does not suit all businesses in Colac Otway Shire, businesses choose which day they close according to their needs – Melbourne Cup day or Colac Show day.**
- **Some businesses operate on both days, and take the public holiday over the Christmas and New Year period, when there is less demand for services. This is the approach Colac Otway Shire Council takes.**
- **However, Council's staff may take the Colac Show day off if they choose, and some staff, particularly those with families, do take this opportunity.**
- **Council remains open on both Melbourne Cup day and Colac Show day to provide important services to our community.**

4. What happened to the promotion of sane fuel charging for motor fuel by this Council? When a major food outlet and fuel supplier can without warning double its offer of discount to shoppers off fuel purchasers.

Response:

Council has lobbied state, federal and local politicians as well as the ACCC with respect to obtaining more equitable fuel pricing in this Shire. It has also written to each of the fuel distributors seeking parity with respect fuel pricing with neighbouring Shires. Any move by fuel providers to provide cheaper fuel for our community is welcomed by this Council.

5. If council officers are prepared to give an undertaking to again contact you within a period of weeks on matters raised, why do you refuse to again contact a person if you will not answer questions raised. I am sick and tire of waiting many months for details to be provided.

Response:

Council requests that Mr Judd be more specific in providing details of his request for information. Once this information has been received, every effort will be made to provide him with a response.

6. When will Council have checked all speed advisory signs on sealed roads on approaches to uncontrolled railway crossings within the Shire? I was advised in early June 2010 that you were waiting on Vic roads before doing anything in Deans Creek Road, Colac West. Many months ago Vic Roads ran an extensive media campaign to advise of new speed limits throughout Victoria yet the signs in Deans Creek Road north of the railway are still unchanged as 100 towards the railway crossing and 80 north towards the highway. Some months ago the 60 zone on the highway was extended to 100 metres west of Deans Creek Road. You cannot have 80 zones to enter a 60 zone without any advice.

Response:

Council has written to VicRoads requesting that the speed limit signage be reviewed.

7. With reference to "Guide to Colac" and "Civic Guide" when will these be updated to show what is now correct and not out of date 4 years ago?

Response:

The Civic Guides are owned and maintained by a private company. Colac Otway Shire pays for advertising on the guide. The company was provided with updated information in December 2009 for updating February 2010. According to our information, the only thing which would not be correct would be the Shire logo with 'Naturally Progressive' on it.

Questions Received Verbally at the Meeting

Peter Filmore – Apollo Bay

Nine weeks ago at the September Colac Otway Shire Council meeting, a decision was made to write to the State Government to enquire about the possibility of gaining funding for an Apollo Bay harbor redevelopment, with or without a resort component. I am presuming that a letter was sent to the Premier or Treasurer, as this level of commitment to spend up to \$26 million would need authorization from the highest office. Was that letter sent and to whom?

Response:

The CEO stated that he believed that the resolution passed was for Council to approach the State Government and to seek some clarification on whether the

funding for the harbour was reliant on development around the harbour. There was no direction that Council should write to the Premier or the Treasurer. Council followed that process the very next day through a discussion with the Acting CEO of Tourism Victoria and to date, between Tourism Victoria and the Department of Planning and Community Development, we have not yet received the letter we requested. We have followed that request up on a number of occasions and there have been both emails exchanged between the parties so while the effect of the resolution has been followed, we have received no response as yet.

When are you expecting a reply?

Response:

The CEO advised that there have been regular requests made for a response and we have been advised that one is imminent.

Has the Councillor's workshop, on the many issues involving a resort at the harbour, been held yet and if not when will it be held?

Response:

The CEO advised that the workshop will be held following receipt of the letter from the State Government.

Now that the golf club has been assured of a new lease on its current title, when will the Mayor and Councillors show some leadership and drop the highly unpopular and outdated Enquiry by Design resort based plan and direct Council Planning staff to concentrate on facilitating a heated public pool in Apollo Bay?

Response:

The Mayor responded that a feasibility study is being undertaken on a heated indoor pool for Apollo Bay with Councillors to be briefed on the proposal in the coming weeks. Councillors will be in a better position to respond to that question following that briefing.

While Council understands the community's frustration with respect to the Apollo Bay harbour, it depends on whether the State Government insists on tying the development with private investment. It is not a question of leadership but of gathering the information that we need to have and we are still awaiting that reply.

Tony Webber – Otway Forum

Could the Apollo Bay Shire office be opened one full day per week from January to March for the busier months when rates are being paid and there are a large number of tourists about and maybe, if it works well, for the whole year?

Response:

The Mayor stated that the question would need to be taken on notice for consideration by the CEO.

When will the reference group for the Heathfield Estate Reserve be established?

Response:

The Mayor said that the matter is to be debated today and will be put in place as soon as practical after the decision today.

Will membership of the reference group be advertised?

Response:

The Mayor advised that it would be advertised.

Robert Kanngieser – Apollo Bay

Will there be a helicopter based in Colac during the upcoming fire season? Will there be any signs and warnings for tourists entering and leaving the town and at the entrance to Barham Valley Road, in the form of a clock, advising them of where to go during an emergency?

Response:

The Mayor stated that he it was his understanding that a helicopter would be based in Colac again this summer.

Are there to be any bunkers to be built by the Government?

Response:

The Mayor stated that Council cannot sanction anything that the State Government has not yet given approval for. We cannot give technical advice on how bunkers are to be built.

Why can't the grants that Councils are eligible for be used for warnings and safety areas for bunkers.

Response:

The General Manager for Sustainable Planning and Development advised that there was some funding available for the establishment of Neighbourhood Safer Places and that Council was working with the relevant authorities with respect to that matter. There will not be any bunkers built with this Shire, however he believed that the State Government was to trial bunkers in another area. With respect to signage, it would be inappropriate for Council to do this when the emergency services are working on this issue. Council is waiting on the outcome of discussions between the various departments who are charged with this responsibility.

With reference to the Coastal Management Plan brochure which comes from the other side of Torquay down to the Cumberland Valley which is controlling the ocean road and whatever is happening along the coast, why aren't we involved in that when we are being asked to have input into it? The State Government run the brochure but it in conjunction with Lorne. Lorne brings the tourists here, what are we doing about a Coastal Management Plan for this side of the Cumberland Valley?

Response:

The Mayor stated that he believed that the brochure Mr Kanngeiser was referring to had come through the Great Ocean Road Coastal Committee and we were not included in its preparation.

The CEO stated the Coastal Management Plan referred to by Mr Kanngieser applies to an area that does not include the Colac Otway Shire and that the Colac Otway Shire has its own Coastal Management Plan. The plans were prepared by foreshore committees in line with the Victorian Coastal Strategy which is overseen by the Victorian Coastal Council. While Council provides input when requested, it is not the responsibility of local government.

Given the erosions problems along the coast, shouldn't we be informed of what is going on in our own Coastal Management Plan?

Response:

The CEO responded that the plans are not the responsibility of the Colac Otway Shire Council but the coastal committee who do endeavour to keep the community informed.

With respect to carparking, has the Apollo Bay Golf Club perimeter been surveyed by the Shire's surveyors?

Response:

The Mayor advised that Council is already aware of the boundaries of the golf club.

If Council surveyed the golf club land there is potential for an additional 80 carparks in Nelson and Trafalgar Streets if the road was widened. There might also be land available for a coastal walk.

Response:

The CEO advised that most of the land did not belong to Council and it is not our responsibility to survey that land. Discussions are continuing between the golf club and the Department of Sustainability and Environment and he believes that the golf club is happy with the progress of those negotiations.

Wilma Allen – Apollo Bay

There are a number of dogs in Apollo Bay during the holiday season, who is responsible for any harm or injury incurred as a result of falling over these animals?

Response:

The General Manager for Sustainable Planning and Development advised that Council is conscious of the issue of dogs in Apollo Bay and other townships within the Shire. All shop owners have been approached with respect to street furniture and the issue of safety is paramount in all that. The current local laws are being reviewed to ensure the safety of all residents. Dogs are an issue for all Councils and it is a priority for this Council to address this matter. The community will have opportunity to have input into the review of the local laws.

Rob Kanngieser – Apollo Bay

Does the Council dog catcher work five days a week in Colac and does he come down here on Saturdays and Sundays?

Response:

The General Manager for Sustainable Planning and Development advised that the local laws staff are rostered to undertake regular visits to Apollo Bay. With the addition of an extra vehicle, local laws staff have been able to increase inspections to Apollo Bay.

With respect to tourists, what is going to happen on a fire danger day, how do you explain to them where to go to be safe?

Response:

The General Manager for Sustainable Planning and Development advised that the consistent message from Council is that people should leave early on code red days. Everyone is responsible for their own safety and they must prepare their own fire plan.

Could foreign tourists be provided with fire emergency information in their own language when hiring vehicles in Melbourne?

Response:

The General Manager for Sustainable Planning and Development advised that it is not the role of Council to provide this information to tourists.

Phil Lawson – Apollo Bay

With respect to Heathfield Estate Reserve, will Council be asking the Southern Otway Landcare Network (SOLN) to make a proposal for the revegetation of the land? Is Council planning on restricting revegetation of the reserve to 10, 20 or 30 meters from the river or does it plan to create a bush park with trails through it?

Response:

The Mayor stated that a reference group will be established to provide feedback to Council on the future use of the reserve.

Have there been any discussions with SOLN in relation to the revegetation of the reserve?

Response:

The Mayor advised that he was unaware of any discussions with SOLN.

6. DECLARATION OF INTEREST

Rob Small:	In-Committee Agenda Item OM112311-13 Chief Executive Officer Contract Renewal Process
Nature of Disclosure:	Direct

7. CONFIRMATION OF MINUTES

- **Ordinary Council Meeting held on the 26/10/11**
- **Special Council Meeting held on the 9/11/11.**

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

CARRIED 7 : 0

OFFICERS' REPORTS

Chief Executive Officer

OM112311-1 CEO'S PROGRESS REPORT TO COUNCIL

Corporate and Community Services

OM112311-2 COLAC OTWAY PUBLIC OPEN SPACE STRATEGY
OM112311-3 HEATHFIELD ESTATE RESERVE COMMUNITY REFERENCE GROUP
OM112311-4 GREATER GEELONG REGION REGIONAL FOOTBALL (SOCCER)
STRATEGY

Infrastructure and Services

OM112311-5 COUNCIL'S SUBMISSION ON CONTAINER DEPOSIT LEGISLATION
(CDL)
OM112311-6 TIMBER INDUSTRY ROADS FUNDING

Sustainable Planning and Development

OM112311-7 COUNCILLOR NOMINATION FOR FORREST MOUNTAIN BIKE TRAILS
STRATEGY STEERING GROUP

General Business

OM112311-8 ASSEMBLY OF COUNCILLORS

Notices of Motion

OM112311-9 VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (VCAT)
DECISIONS

Reports from Delegates to Other Bodies

OM112311-10 MUNICIPAL ASSOCIATION OF VICTORIA STATE COUNCIL MEETING

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion
W = Withdrawal

ITEM	D	W
<p><u>CHIEF EXECUTIVE OFFICER</u></p> <p><u>OM112311-1 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>		

MOVED Cr Stuart Hart seconded Cr Geoff Higgins that recommendations to item OM112311-1 CEO's Progress Report To Council, as listed in the Consent Calendar, be adopted.

CARRIED 7 : 0

CONSENT CALENDAR**OFFICERS' REPORT**

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ITEM	D	W
<p><u>CORPORATE AND COMMUNITY SERVICES</u></p> <p><u>OM112311-2 COLAC OTWAY PUBLIC OPEN SPACE STRATEGY</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. Adopts the Colac Otway Public Open Space Strategy.</i> <i>2. Seeks authorisation from the Minister for Planning to prepare and exhibit an amendment to the Colac Otway Planning Scheme that implements the Colac Otway Public Open Space Plan.</i> 		CR CHRIS SMITH
<p><u>OM112311-3 HEATHFIELD ESTATE RESERVE COMMUNITY REFERENCE GROUP</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. Establishes the Heathfield Estate Community Reference Group, in accordance with the Community Reference Group Membership Policy (Policy No. 18.11), to assist in determining future use of the Heathfield Estate Reserve.</i> <i>2. Undertakes further investigation to identify possible access to the Heathfield Estate Reserve and likely cost implications.</i> 		CR LYN RUSSELL

OM112311-4	<u>GREATER GEELONG REGION REGIONAL FOOTBALL (SOCCER) STRATEGY</u>	CR LYN RUSSELL	
Department: Corporate and Community Services			
<u>Recommendation(s)</u>			
<i>That Council:</i>			
1.	<i>Notes the draft Greater Geelong Region, Regional Football (Soccer) Strategy.</i>		
2.	<i>Releases the draft Greater Geelong Region, Regional Football (Soccer) Strategy for public exhibition on 16 December 2011 for a minimum period of six weeks in accordance with Council's Community Engagement Policy 2010 and in line with project partners.</i>		

MOVED Cr Stephen Hart seconded Cr Lyn Russell that recommendations to items listed in the Consent Calendar, with the exception of items OM112311-2 Colac Otway Public Open Space Strategy and OM112311-3 Heathfield Estate Reserve Community Reference Group, be adopted.

CARRIED 7 : 0

OM112311-2 COLAC OTWAY PUBLIC OPEN SPACE STRATEGY

MOTION - MOVED Cr Lyn Russell seconded Cr Frank Buchanan:

That Council:

1. ***Adopts the Colac Otway Public Open Space Strategy.***
2. ***Seeks authorisation from the Minister for Planning to prepare and exhibit an amendment to the Colac Otway Planning Scheme that implements the Colac Otway Public Open Space Plan.***

CARRIED 6 : 1

DIVISION called by Cr Stephen Hart

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

**OM112311-3 HEATHFIELD ESTATE RESERVE COMMUNITY REFERENCE
GROUP**

MOTION - MOVED Cr Lyn Russell seconded Cr Frank Buchanan:

That Council:

- 1. Establishes the Heathfield Estate Community Reference Group, in accordance with the Community Reference Group Membership Policy (Policy No. 18.11), to assist in determining future use of the Heathfield Estate Reserve.***
- 2. Undertakes further investigation to identify possible access to the Heathfield Estate Reserve and likely cost implications.***
- 3. Forwards an Expression of Interest Form to all 18 submitters to the February 2009 public meeting.***

CARRIED 7 : 0

CONSENT CALENDAROFFICERS' REPORT

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ITEM	D	W
<p><u>INFRASTRUCTURE AND SERVICES</u></p> <p>OM112311-5 COUNCIL'S SUBMISSION ON CONTAINER DEPOSIT LEGISLATION (CDL)</p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council endorses the submission lodged by Council and the Barwon Regional Waste Management Group in response to Container Deposit Legislation.</i></p>		
<p>OM112311-6 TIMBER INDUSTRY ROADS FUNDING</p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <p><i>1. Instructs the Chief Executive Officer to write to</i></p> <p><i>a. the Hon. Ted Baillieu, Premier of Victoria</i></p> <p><i>b. the Hon. Peter Ryan, Minister for Police and Emergency Services, Bushfire Response, Regional and Rural Development</i></p> <p><i>c. the Hon. Terry Mulder, Minister for Public Transport and Roads</i></p> <p><i>d. the Hon. Peter Walsh, Minister for Agriculture and Food Security, Minister for Water</i></p> <p><i>calling for continued Timber Industry Roads Evaluation Study (TIRES) Road Funding which provides for improvements to local roads impacted on by the timber industry and highlighting the specific funding gaps now faced by the local community.</i></p> <p><i>2. Requests the Municipal Association of Victoria to advocate for continuation of the Timber Industry Roads Evaluation Study (TIRES) Road Funding to assist Councils who are members of Timber Towns Victoria.</i></p>		

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

CARRIED 7 : 0

CONSENT CALENDAR

OFFICERS' REPORT

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ITEM	D	W
<p><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></p> <p><u>OM112311-7 COUNCILLOR NOMINATION FOR FORREST MOUNTAIN BIKE TRAILS STRATEGY STEERING GROUP</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council nominates Councillor to represent Council on the Forrest Mountain Bike Trails Strategy Steering Group.</i></p>		<p>CR STEPHEN HART</p>

OM112311-7 COUNCILLOR NOMINATION FOR FORREST MOUNTAIN BIKE TRAILS STRATEGY STEERING GROUP

MOTION - MOVED Cr Stephen Hart seconded Cr Frank Buchanan:

That Council nominates Cr Stuart Hart to represent Council on the Forrest Mountain Bike Trails Strategy Steering Group.

CARRIED 7 : 0

CONSENT CALENDAR**OFFICERS' REPORT**

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ITEM	D	W
<p><u>GENERAL BUSINESS</u></p> <p><u>OM112311-8 ASSEMBLY OF COUNCILLORS</u></p> <p>Department: General Business</p> <p><u>Recommendation(s)</u></p> <p><i>That Council notes the Assembly of Councillors reports for:</i></p> <ul style="list-style-type: none"> • <i>Friends of Colac Botanic Gardens - 13 October 2011</i> • <i>Lake Colac Coordinating Committee - 18 October 2011</i> • <i>Councillor Briefing Session - 26 October 2011</i> • <i>Councillor Presentation – Mineral Exploration -7 November 2011</i> • <i>Councillor Workshop - 9 November 2011</i> 		<p>CR STEPHEN HART</p>

OM112311-8 ASSEMBLY OF COUNCILLORS***MOTION - MOVED Cr Stephen Hart seconded Cr Lyn Russell:******MOTION - MOVED Cr Stephen Hart seconded Cr Lyn Russell:******That Council:******1. Notes the Assembly of Councillors reports for:***

- ***Friends of Colac Botanic Gardens - 13 October 2011***
- ***Lake Colac Coordinating Committee - 18 October 2011***
- ***Councillor Briefing Session - 26 October 2011***
- ***Councillor Presentation – Mineral Exploration - 7 November 2011***
- ***Councillor Workshop - 9 November 2011.***

2. Instructs that the report for the Coal Seam Gas presentation is to be amended to reflect that it took place on Monday 7 November 2011 rather than “Monday 3 November 2011”.***3. Notes that copies of the presentation, on Coal Seam Gas, from the Department of Primary Industry on 7 November 2011 have been distributed to Councillors.******4. Instructs the Chief Executive Officer to take all reasonable steps to make copies of the Coal Seam Gas presentation available to any interested member of the public.******CARRIED 7 : 0***

CONSENT CALENDAR**OFFICERS' REPORT**

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ITEM	D	W
<p><u>NOTICE OF MOTION</u></p> <p><u>OM112311-9 VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (VCAT) DECISIONS</u></p> <p>Department: Notices of Motion</p> <p><u>Recommendation</u></p> <p><i>That Council consider the contents of this Notice of Motion.</i></p>		

OM112311-9 VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (VCAT) DECISIONS***MOTION - MOVED Cr Stephen Hart seconded Cr Stuart Hart:******That:***

- 1. Council notes that, from time to time, some Council planning decisions are overturned or varied at VCAT.***
- 2. Council aims to ensure that Council takes account of any issues contained in VCAT decisions where they provide guidance for future Council decisions.***
- 3. Calls on the Chief Executive Office to formulate a process to ensure:***
 - a) That Councillors are informed of the outcome of all VCAT decisions involving Colac Otway Shire Council, and***
 - b) That Councillors are informed of the issues within the VCAT decision, if any, that should be taken into account when future planning permit applications are considered.***
- 4. Councillors and the community are given details of all costings incurred in relation to VCAT cases since January 2009.***

CARRIED 6 : 1

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W		
<u>REPORTS FROM DELEGATES TO OTHER BODIES</u>				
<p><u>OM112311-10 MUNICIPAL ASSOCIATION OF VICTORIA STATE COUNCIL MEETING</u></p> <p>Department: Reports from Delegates to Other Bodies</p> <p><u>Recommendation</u> That Council notes the report regarding the Municipal Association of Victoria State Council meeting on 28 October 2011.</p>				

MOVED Cr Lyn Russell seconded Cr Stephen Hart that recommendations to item, OM112311-10 Municipal Association of Victoria State Council Meeting, as 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:

SUBJECT	REASON	SECTION OF ACT
Contract Approval Procurement Australia Tender 1407/0316 Contract 1134 – Road Signs And Associated Products	this matter deals with contractual matters	Section 89 (2) (d)
Regional landfill disposal options and future arrangements	this matter deals with contractual matters	Section 89 (2) (d)
Chief Executive Officer Contract Renewal Process	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)

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

Council officers, Jack Green, Neil Allen, Colin Hayman and Rhonda Deigan left the meeting at 4.35 pm.


OUT OF COMMITTEE

MOVED Cr Stephen Hart seconded Cr Lyn Russell that the meeting move out of committee.

CARRIED 7 : 0

The Meeting Was Declared Closed at 4.40 pm

CONFIRMED AND SIGNED at the meeting held on 21 DECEMBER 2011

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

