

MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at the Apollo Bay Senior Citizen's Centre on 27 November 2013 at 5.00 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 Lyn Russell (Mayor)
Cr Brian Crook
Cr Michael Delahunty
Cr Stephen Hart
Cr Frank Buchanan
Cr Chris Smith
Cr Terry Woodcroft

Jack Green, Acting Chief Executive Officer
Colin Hayman, General Manager, Corporate & Community Services
Adam Lehmann, Acting General Manager, Infrastructure & Services
Doug McNeill, Acting General Manager, Sustainable Planning & Development
Rhonda Deigan, Executive Officer

3. APOLOGIES

Rob Small, Chief Executive Officer

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 community input and participation in Council decisions. Council meetings provide an opportunity for the community to ask Council questions, either verbally at the meeting or in writing.

Please note that Council may not be able to answer some questions at the meeting. These will be answered later.

Council meetings enable Councillors to debate matters prior to decisions being made. I ask that we all behave in a courteous manner.

All Council and Committee meetings are audio recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings.

Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy.

In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

Council will not use or disclose the recordings for any other purpose. It is an offence to make an unauthorised recording of the meeting.

Thank you. Now 30 minutes is allowed for question time. Please remember, you must ask a question. If you do not ask a question you will be asked to sit down and the next person will be invited to ask a question. This is not a forum for public debate or statements.

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

5. QUESTION TIME

Questions Received in Writing Prior to the Meeting

Bernie Franke - Barramunga

1. In which year did Council become aware that some Otway blocks were considered to be unsuitable for development under the domestic wastewater rules adopted within the local planning scheme?

Response:

There has always been potential for some properties in the declared water catchments of the Otways to be unsuitable for development due to potential contamination of the drinking water supply. State Government guidelines specify requirements relating to new development in water catchments, and limit the density of development which may be permitted. Council Planning Officers encourage land owners to speak with the relevant water authority prior to purchasing land or lodging a planning permit for development to seek advice on these requirements, and to indicate whether an application may be supported.

Questions Received Verbally at the Meeting

Yvonne Francis – Apollo Bay

1. Will Council consider adding Montrose Avenue to the footpath strategy for Apollo Bay?

Response:

The Mayor advised that the request for a footpath in Montrose Avenue, Apollo Bay, was listed as an item for discussion in the Council agenda for today's meeting.

Tony Webber – Otway Forum

1. Is Council going to debate the Apollo Bay Harbour Plan at the December Council meeting?

Response:

The Acting CEO advised that it would be most unlikely that the report for the Apollo Bay Harbour Plan would be prepared in time for the December 2013 Council meeting.

Ben Wilminck – Apollo Bay

1. As per an article in the Weekly Times, it is now Council's responsibility to maintain the weeds in the front of landowners' properties so why is Council spraying the weeds in the drains and not grading them?

Response:

The Acting CEO advised that Councils have been asked to prepare a weed control plan to determine what their weed control works will include. Council is currently working on a plan to determine what weed control works it can undertake within existing resources.

The Acting General Manager, Infrastructure & Services, advised that the spraying of weeds in drains is completed in the lead up to further grading works.

2. What about when the drains are within a catchment overlay? Are they allowed to spray drains in a catchment overlay?

Response:

The Acting General Manager Infrastructure and Services advised that there were no restrictions on the spraying of weeds in drains within a catchment overlay.

3. Council has sent notices to landholders reminding them of their responsibilities with respect to the slashing of grass in the lead up to the fire season, how is Council going to undertake the slashing of grass in laneways within the timelines given to landholders?

Response:

The Mayor advised that there had been a late start to Council's slashing program this year due to the wet conditions. However, slashing has started in the north of the Shire where conditions are the driest and the fire danger high. An extra tractor and slasher is being used and is working towards the south of the Shire.

6. DECLARATION OF INTEREST

Cr Delahunty:	OM132711-8 Final Colac Otway Shire Heritage Strategy
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78
Nature of Interest:	Dry stones walls on parent's property at Alvie

Cr Delahunty:	OM132711-11 Proposed Rezoning – Planning Scheme Amendment C78 – Wyuna Estate
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78A
Nature of Interest:	Prepared an EMO report for land under consideration for amendment C78

Cr Russell:	OM132711-8 Final Colac Otway Shire Heritage Strategy
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78
Nature of Interest:	Brother-in-law and sister-in-law own a farm with extensive stone walls

7. CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on the 23/10/13
- Statutory Council Meeting held on the 13/11/13.

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

CARRIED 7 : 0

OFFICERS' REPORTS

Chief Executive Officer

- OM132711-1 COUNCILLOR CODE OF CONDUCT
- OM132711-2 CEO'S PROGRESS REPORT TO COUNCIL

Corporate and Community Services

- OM132711-3 NEW COUNCIL POLICY
- OM132711-4 REVISED INSTRUMENT OF DELEGATION OLD BEECHY RAIL TRAIL
- OM132711-5 LICENCE TO OCCUPY CROWN LAND - BIRREGURRA GOLF CLUB
- OM132711-6 S86 COMMITTEE OF MANAGEMENT

Infrastructure and Services

- OM132711-7 PETITION - FOOTPATH CONSTRUCTION - MONTROSE AVENUE, APOLLO BAY

Sustainable Planning and Development

- OM132711-8 FINAL COLAC OTWAY SHIRE HERITAGE STRATEGY
- OM132711-9 COLAC OTWAY CARBON NEUTRAL ROADMAP 2013
- OM132711-10 DRAFT TOURISM DIRECTIONAL SIGNAGE POLICY
- OM132711-11 PROPOSED REZONING - PLANNING SCHEME AMENDMENT C78 - WYUNA ESTATE
- OM132711-12 PLANNING SCHEME AMENDMENT C75 (OPEN SPACE STRATEGY IMPLEMENTATION) - CONSIDERATION OF SUBMISSIONS
- OM132711-13 ENDORSEMENT OF FINAL G21 REGIONAL GROWTH PLAN IMPLEMENTATION PLAN

General Business

- OM132711-14 MINUTES FROM YOUTH COUNCIL MEETINGS
- OM132711-15 ITEM FOR SIGNING & SEALING - STOCK UNDERPASS - ROSSMOYNE ROAD, COLAC WEST
- OM132711-16 ASSEMBLY OF COUNCILLORS
- OM132711-17 MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE
- OM132711-18 MINUTES FROM THE COLAC COMMUNITY LIBRARY & LEARNING CENTRE JOINT COMMITTEE MEETING

Notices of Motion

- OM132711-19 REGIONAL AUSTRALIA COMPETITIVENESS INDEX

Reports from Delegates to Other Bodies

- OM132711-20 MUNICIPAL ASSOCIATION OF VICTORIA - STATE COUNCIL MEETING

Rob Small
Chief Executive Officer

CHIEF EXECUTIVE OFFICER

<u>ITEM</u>	
<u>OM132711-1</u>	<u>COUNCILLOR CODE OF CONDUCT</u>
<u>OM132711-2</u>	<u>CEO'S PROGRESS REPORT TO COUNCIL</u>

OM132711-1 COUNCILLOR CODE OF CONDUCT

AUTHOR:	Colin Hayman	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	F12/7416

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That all Councillors sign the Councillor Code of Conduct at the Council Meeting on 27 November 2013.

CARRIED 6 : 1

DIVISION called by Cr Chris Smith

For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Terry Woodcroft, Cr Michael Delahunty, Cr Frank Buchanan

Against the Motion: Cr Chris Smith

All Councillors, with the exception of Cr Smith, signed the Councillor Code of Conduct.

OM132711-2

CEO'S PROGRESS REPORT TO COUNCIL

AUTHOR:	Rhonda Deigan	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	F11/3291

MOVED Cr Brian Crook seconded Cr Frank Buchanan

That Council notes the CEO's Progress Report to Council.

CARRIED 7 : 0

CORPORATE AND COMMUNITY SERVICES

<u>ITEM</u>	
<u>OM132711-3</u>	<u>NEW COUNCIL POLICY</u>
<u>OM132711-4</u>	<u>REVISED INSTRUMENT OF DELEGATION OLD BEECHY RAIL TRAIL</u>
<u>OM132711-5</u>	<u>LICENCE TO OCCUPY CROWN LAND - BIRREGURRA GOLF CLUB</u>
<u>OM132711-6</u>	<u>S86 COMMITTEE OF MANAGEMENT</u>

OM132711-3 NEW COUNCIL POLICY

AUTHOR:	Colin Hayman	ENDORSED:	Rob Small
DEPARTMENT:	Corporate & Community Services	FILE REF:	11/96037

MOVED Cr Brian Crook seconded Cr Frank Buchanan

That Council endorses Policy No. 12.7 – Events for release for community consultation for a period of 8 weeks – 6 December 2013 to 31 January 2014.

CARRIED 6 : 1

DIVISION called by Cr Chris Smith

For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Terry Woodcroft, Cr Michael Delahunty, Cr Frank Buchanan

Against the Motion: Cr Chris Smith

**OM132711-4 REVISED INSTRUMENT OF DELEGATION OLD BEECHY
RAIL TRAIL**

AUTHOR:	Jodie Fincham	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F11/3291

MOVED Cr Brian Crook seconded Cr Frank Buchanan

That Council endorses the revised Instrument of Delegation for the Old Beechy Rail Trail.

CARRIED 7 : 0

OM132711-5

LICENCE TO OCCUPY CROWN LAND - BIRREGURRA GOLF CLUB

AUTHOR:	Paul Carmichael	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F11/3291

Original Recommendation(s)**That Council:**

1. ***Seeks consent of the Minister for Environment & Primary Industries to the granting of a Licence to the Birregurra Golf Club to occupy the land used as the Birregurra golf course, being Crown Allotments 6, 7 and 8, Township of Birregurra.***
2. ***Signs and seals all relevant documents.***
3. ***Continues to maintain the land identified as RS3080 being Crown Land abutting Main street (on the western side of the river).***

MOTION - MOVED Cr Stephen Hart seconded Cr Frank Buchanan:**That Council:**

1. ***Seeks consent of the Minister for Environment & Primary Industries (DEPI) to the granting of a Licence to the Birregurra Golf Club to occupy the land used as the Birregurra golf course, being Crown Allotments 6, 7 and 8, Township of Birregurra.***
2. ***Notes that subject to DEPI approval for the issue of the licence being obtained, Council grants the Licence to the Birregurra Golf Club to occupy the land as the Birregurra Golf Club and signs and seals all relevant documents.***
3. ***Continues to maintain the land identified as RS3080 being Crown Land abutting Main Street (on the western side of the river).***

CARRIED 7 : 0

OM132711-6 S86 COMMITTEE OF MANAGEMENT

AUTHOR:	Colin Hayman	ENDORSED:	Rob Small
DEPARTMENT:	Corporate & Community Services	FILE REF:	11/96442

MOVED Cr Frank Buchanan seconded Cr Michael Delahunty

That Council:

- Pursuant to section 86 of the Local Government Act 1989, resolves to appoint the following nominated members to the Barwon Downs Hall, Cressy Hall and Chapple Vale Hall Committees of Management until 26 November 2016:**

Barwon Downs Hall	Peter Mitchell, Fay Callahan, Albert Halliday, Sandy Batten, Robert Halliday, John James
Cressy Hall	Ian Nelson, John Humphrey, Deborah Thompson, Alma Smart, Ross Alexander, Rex Wellman, Ashley Nelson, Jan Nelson, Murray Horne
Chapple Vale Hall	Alistair MacDonald, Russell Mahoney, Jo MacDonald, Emma Ferrari, Chris Robbins, Jenny Ferrari, Hayley Ferrari, Sheryl Mahoney, Kate Kondys

- In accordance with section 81 sub-section(2) sub-section(a) of the Local Government Act 1989, resolves to exempt members of the Committee from being required to submit a primary or ordinary conflict of interest return in accordance with this section.**
- 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 on an annual basis.**

CARRIED 7 : 0

INFRASTRUCTURE AND SERVICES

<u>ITEM</u>	
<u>OM132711-7</u>	<u>PETITION - FOOTPATH CONSTRUCTION - MONTROSE AVENUE, APOLLO BAY</u>

OM132711-7

PETITION - FOOTPATH CONSTRUCTION - MONTROSE AVENUE, APOLLO BAY

AUTHOR:	Paula Gardiner	ENDORSED:	Adam Lehmann
DEPARTMENT:	Infrastructure & Services	FILE REF:	11/95454

MOVED Cr Frank Buchanan seconded Cr Stephen Hart

That Council writes to the organiser of the petition informing them that Council supports the construction of a footpath along Montrose Avenue and it will be included for consideration in the development of the draft Apollo Bay Commuter Footpath Strategy.

CARRIED 7 : 0

SUSTAINABLE PLANNING AND DEVELOPMENT

<u>ITEM</u>	
<u>OM132711-8</u>	<u>FINAL COLAC OTWAY SHIRE HERITAGE STRATEGY</u>
<u>OM132711-9</u>	<u>COLAC OTWAY CARBON NEUTRAL ROADMAP 2013</u>
<u>OM132711-10</u>	<u>DRAFT TOURISM DIRECTIONAL SIGNAGE POLICY</u>
<u>OM132711-11</u>	<u>PROPOSED REZONING - PLANNING SCHEME AMENDMENT C78 – <u>WYUNA ESTATE</u></u>
<u>OM132711-12</u>	<u>PLANNING SCHEME AMENDMENT C75 (OPEN SPACE STRATEGY IMPLEMENTATION) - CONSIDERATION OF SUBMISSIONS</u>
<u>OM132711-13</u>	<u>ENDORSEMENT OF FINAL G21 REGIONAL GROWTH PLAN IMPLEMENTATION PLAN</u>

OM132711-8

FINAL COLAC OTWAY SHIRE HERITAGE STRATEGY

AUTHOR:	Gemma Browning	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/3291

Cr Delahunty:	OM132711-8 Final Colac Otway Shire Heritage Strategy
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78
Nature of Interest:	Dry stones walls on parent's property at Alvie

Cr Russell:	OM132711-8 Final Colac Otway Shire Heritage Strategy
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78
Nature of Interest:	Brother-in-law and sister-in-law own a farm with extensive stone walls

Having declared a conflict of interest in this item, Crs Lyn Russell and Michael Delahunty left the meeting at 5.40pm. Deputy Mayor Cr Frank Buchanan took the Chair for this item.

Original Recommendation(s)

That Council:

- 1. Adopts the Colac Otway Shire Heritage Strategy.***
- 2. Proceeds with the preparation and exhibition of a planning scheme amendment to introduce a Schedule to Clause 52.37 of the Colac Otway Planning Scheme to protect dry stone walls across the Shire.***
- 3. Requests the Planning Minister to authorise the preparation of the amendment.***
- 4. Considers budget requests for the following projects through the annual budget process:***
 - Undertaking a study to identify, assess and document places of Aboriginal or natural significance***
 - Undertaking Conservation Management Plans for Council owned buildings and other historic assets***
 - Establish a Heritage Financial Assistance Program to assist land owners in funding restoration work to heritage buildings and structures.***

MOTION - MOVED Cr Brian Crook seconded Cr Terry Woodcroft:

That Council defers the Colac Otway Shire Heritage Strategy to the budget process.

This item was withdrawn by Cr Crook with the agreement of Cr Woodcroft.

MOTION - MOVED Cr Stephen Hart seconded Cr Brian Crook:

That Council:

- 1. Adopts the Colac Otway Shire Heritage Strategy.***
- 2. Instructs the Chief Executive Officer that there is to be no further work on the implementation of items within the strategy, that require budget allocation, without Council approval.***

CARRIED 4 : 1

DIVISION called by Cr Chris Smith

For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Terry Woodcroft, Cr Frank Buchanan

Against the Motion: Cr Chris Smith

Crs Russell and Delahunty returned to the meeting at 5.56pm and the Mayor continued to Chair the meeting.

OM132711-9

COLAC OTWAY CARBON NEUTRAL ROADMAP 2013

AUTHOR:	Dora Novak	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/3291

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council:

- 1. Extends Council's Carbon Neutral Target to 2020.***
- 2. Supports the implementation of priority carbon emission reduction initiatives to be implemented subject to funding (internal and external) in the areas of:***
 - Fleet (fuel)***
 - Buildings (fabric and electricity consumption)***
 - Public Lighting (council owned and metered).***

CARRIED 5 : 2

DIVISION called by Cr Chris Smith

For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Terry Woodcroft, Cr Frank Buchanan

Against the Motion: Cr Chris Smith, Cr Michael Delahunty

OM132711-10 DRAFT TOURISM DIRECTIONAL SIGNAGE POLICY

AUTHOR:	Katrina Kehoe	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/3417

Original Recommendation(s)

That Council adopts the Colac Otway Shire Council Tourism Directional Signing Policy.

MOTION - MOVED Cr Chris Smith seconded Cr Terry Woodcroft:

That Council does not adopt the Colac Otway Shire Council Tourism Directional Signing Policy.

Point of Order: During discussion on this item, Cr Buchanan identified that he had a conflict of interest in this item and left the meeting at 6.20pm.

Cr Buchanan:	OM132711-10 Draft Tourism Directional Signage Policy
Nature of Disclosure:	Direct
Nature of Interest:	Directional signage to his property

LOST 1 : 5

DIVISION called by Cr Chris Smith

For the Motion: Cr Chris Smith

Against the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Terry Woodcroft, Cr Michael Delahunty

MOTION - MOVED Cr Stephen Hart seconded Cr Michael Delahunty that:

That Council adopts the Colac Otway Shire Council Tourism Directional Signing Policy.

CARRIED 5 : 1

DIVISION called by Cr Chris Smith

For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Terry Woodcroft, Cr Michael Delahunty

Against the Motion: Cr Chris Smith

Cr Buchanan returned to the meeting at 6.29pm

**OM132711-11 PROPOSED REZONING - PLANNING SCHEME
AMENDMENT C78 - WYUNA ESTATE**

AUTHOR:	Don Lewis	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/3291

Cr Delahunty:	OM132711-11 Proposed Rezoning – Planning Scheme Amendment C78 – Wyuna Estate
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78A
Nature of Interest:	Prepared an EMO report for land under consideration for amendment C78

Having declared a conflict of interest in this item, Cr Delahunty left the meeting at 6.30pm.

MOVED Cr Stephen Hart seconded Cr Brian Crook

That Council:

- 1. Seeks authorisation from the State Planning Minister to prepare Planning Scheme Amendment C78.***
- 2. Exhibits Amendment C78 for a minimum period of six weeks seeking written submissions.***

CARRIED 6 : 0

Cr Delahunty returned to the meeting at 6.37pm.

OM132711-12 PLANNING SCHEME AMENDMENT C75 (OPEN SPACE STRATEGY IMPLEMENTATION) - CONSIDERATION OF SUBMISSIONS

AUTHOR:	Don Lewis	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/3291

MOVED Cr Brian Crook seconded Cr Frank Buchanan

That Council:

- 1. Supports submissions 1-4 made to Amendment C75 following its public exhibition.***
- 2. Not support (in part or fully) submissions 5, 6 and 7 to Amendment C75.***
- 3. Amends the exhibited schedule to clause 52.01 of the Colac Otway Planning Scheme by inserting words which clarify that the requirement does not apply to subdivisions not creating any additional lots; and***
- 4. Refers all submissions to Amendment C75 to an independent planning panel.***

CARRIED 6 : 1

DIVISION called by Cr Chris Smith

For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Terry Woodcroft, Cr Michael Delahunty, Cr Frank Buchanan

Against the Motion: Cr Chris Smith

**OM132711-13 ENDORSEMENT OF FINAL G21 REGIONAL GROWTH
PLAN IMPLEMENTATION PLAN**

AUTHOR:	Doug McNeill	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/2194

MOVED Cr Brian Crook seconded Cr Frank Buchanan

That Council endorses the G21 Regional Growth Plan – Implementation Plan October 2013.

CARRIED 7 : 0

GENERAL BUSINESS

<u>ITEM</u>	
<u>OM132711-14</u>	<u>MINUTES FROM YOUTH COUNCIL MEETINGS</u>
<u>OM132711-15</u>	<u>ITEM FOR SIGNING & SEALING - STOCK UNDERPASS - ROSSMOYNE ROAD, COLAC WEST</u>
<u>OM132711-16</u>	<u>ASSEMBLY OF COUNCILLORS</u>
<u>OM132711-17</u>	<u>MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE</u>
<u>OM132711-18</u>	<u>MINUTES FROM THE COLAC COMMUNITY LIBRARY & LEARNING CENTRE JOINT COMMITTEE MEETING</u>

OM132711-14 MINUTES FROM YOUTH COUNCIL MEETINGS

AUTHOR:	Rhonda Deigan	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	11/96640

MOVED Cr Frank Buchanan seconded Cr Stephen Hart

That Council notes the minutes arising from Youth Council meetings held on:

- 7 October 2013***
- 21 October 2013.***

CARRIED 7 : 0

**OM132711-15 ITEM FOR SIGNING & SEALING - STOCK UNDERPASS -
ROSSMOYNE ROAD, COLAC WEST**

AUTHOR:	Rhonda Deigan	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	11/95455

MOVED Cr Terry Woodcroft seconded Cr Frank Buchanan

That Council signs and seals the Stock Underpass Agreement between Colac Otway Shire Council and R. K. Hawtin for a stock underpass under Rossmoyne Road, Colac West.

CARRIED 7 : 0

OM132711-16 ASSEMBLY OF COUNCILLORS

AUTHOR:	Rhonda Deigan	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	11/96433

MOVED Cr Stephen Hart seconded Cr Frank Buchanan

That Council notes the Assembly of Councillors reports for:

- Friends of the Colac Botanic Gardens 12 September 2013***
- Councillor Briefing Session 23 October 2013***
- Australia Day Advisory Committee 6 November 2013***
- Councillor Workshop 6 November 2013***

CARRIED 7 : 0

OM132711-17

MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE

AUTHOR:	Jodie Fincham	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F11/3291

MOVED Cr Terry Woodcroft seconded Cr Frank Buchanan

That Council notes the Minutes and Executive Officer Report of the Old Beechy Rail Trail Committee for 5 August 2013.

CARRIED 7 : 0

OM132711-18 MINUTES FROM THE COLAC COMMUNITY LIBRARY & LEARNING CENTRE JOINT COMMITTEE MEETING

AUTHOR:	Colin Hayman	ENDORSED:	Rob Small
DEPARTMENT:	Corporate & Community Services	FILE REF:	11/96219

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council:

- 1. Notes the minutes, arising from the Colac Community Library & Learning Centre Joint Committee meeting held on 14 August 2013.***
- 2. Notes the resignation of Mrs Helen Paatsch from the Colac Community Library & Learning Centre Joint Committee.***
- 3. Notes the appointment of Mr Russell Adams to the Colac Community Library & Learning Centre Joint Committee.***

CARRIED 7 : 0

NOTICES OF MOTION

<u>ITEM</u>	
<u>OM132711-19</u>	<u>REGIONAL AUSTRALIA COMPETITIVENESS INDEX</u>

**OM132711-19 REGIONAL AUSTRALIA COMPETITIVENESS INDEX (CR
MICHAEL DELAHUNTY)**

Original Recommendation:

That Council consider the contents of this Notice of Motion.

MOVED Cr Michael Delahunty seconded Cr Chris Smith

That Council:

- 1. Views with concern the results of the Regional Australia Competitiveness Index, produced by the Regional Australia Institute, which ranked Colac Otway Shire at 520 with respect to the 560 Local Government Areas within Australia.***
- 2. Undertakes a strategic review of the 10 Regional Australia Institute themes of assessment in light of our region's significant geological, natural and built environmental assets with an aim of understanding and addressing constraints to competitiveness.***

LOST 2 : 5

DIVISION called by Cr Michael Delahunty

For the Motion: Cr Chris Smith, Cr Michael Delahunty

Against the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Terry Woodcroft, Cr Frank Buchanan

REPORTS FROM DELEGATES TO OTHER BODIES

ITEM
OM132711-20 Municipal Association of Victoria - State Council Meeting

OM132711-20

**MUNICIPAL ASSOCIATION OF VICTORIA - STATE
COUNCIL MEETING**

MOVED Cr Stephen Hart seconded Cr Michael Delahunty

That Council notes the report from the Council's Municipal Association of Victoria Delegate regarding the State Conference and State Council.

CARRIED 7 : 0

IN COMMITTEE

MOVED Cr Frank Buchanan seconded Cr Brian Crook:

That pursuant to the provisions of Section 89(2) of the Local Government Act, the meeting be closed to the public and Council move "In-Committee" in order to deal with:

SUBJECT	REASON	SECTION OF ACT
Disclosure of Bluewater Fitness Centre Contract Resolution and Memo	this matter deals with contractual matters; AND this matter deals with a proposed development; AND this matter may prejudice the Council or any person	Section 89 (2) (d) (e) (h)
Confidential Memo & Emails for Consideration - 2014 Colac Otway Shire Australia Day Award Nominations/Bluewater Fitness Centre Redevelopment	this matter deals with personnel matters; AND this matter deals with contractual matters; AND this matter deals with legal advice; AND this matter may prejudice the Council or any person	Section 89 (2) (a) (d) (f) (h)
Contract 1325 - Supply and Delivery Of Street Sweeper	this matter deals with contractual matters	Section 89 (2) (d)
Contract 1326 - Supply and Delivery of Tip Truck and Dog Trailer	this matter deals with contractual matters	Section 89 (2) (d)
Australia Day Awards 2014	this matter may prejudice the Council or any person	Section 89 (2) (h)
Item for Signing and Sealing - Assignation of Lease – Lake Colac Caravan Park	this matter deals with contractual matters; AND this matter may prejudice the Council or any person	Section 89 (2) (d) (h)
Item for Signing and Sealing - Assignation of Lease - Forrest Caravan Park	this matter deals with contractual matters; AND this matter may prejudice the Council or any person	Section 89 (2) (d) (h)

CARRIED 4 : 3

DIVISION called by Cr Stephen Hart

For the Motion: Cr Brian Crook, Cr Lyn Russell, Cr Terry Woodcroft, Cr Frank Buchanan

Against the Motion: Cr Chris Smith, Cr Stephen Hart, Cr Michael Delahunty

Crs Crook and Woodcroft were absent from the In-Committee meeting between 8.25pm and 8.27pm.

OUT OF COMMITTEE

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

CARRIED 7 : 0

The Meeting Was Declared Closed at 8.25 pm

CONFIRMED AND SIGNED at the meeting held on 18 DECEMBER 2013

Lyn. E. Russell.
.....MAYOR

