

MINUTES of the **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held at the COPACC Meeting Rooms on 18 December 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

Rob Small, Chief Executive Officer
Colin Hayman, General Manager, Corporate & Community Services
Adam Lehmann, Acting 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 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

James Judd

1. If a youth councillor broke the Youth Council Charter by asking the Mayor a question, why has Council so soon after this outburst found it needed to submit a revised Youth Council Charter to Council for approval as this revised charter was not valid at the time the claim was made that the charter was broken?

Response

The proposed change to the Youth Council Charter involves an additional clause relating to mentors and does not have any direct relationship with the incident referred to by Mr Judd.

2. When will Council cease putting very expensive requirements on community groups that want to use the Memorial Square for an activity? The requirement to take out insurance to indemnify Council for any costs incurred is far too heavy for small, non-commercial groups.

Response;

Council, by applying good governance procedures, will not cease this practice, as it minimises the risk exposure faced by Council in the event of an incident occurring in connection with an activity not organised or managed by Council that becomes a claim for damages. There is no requirement for event organisers insurance to "indemnify Council", rather the insurance policy is required to be suitable for the purpose of the event/activity and to be for a minimum amount proportionate to the risk of the event. Should an event organiser not have adequate insurance and Council be required to cover the costs associated with a claim, this would adversely affect Council's budget.

Council and its insurer recognise the impost insurance can place on some community groups and the MAV, in conjunction with Jardine Lloyd Thompson, have developed "Local Community Insurance Services", which is designed to offer low cost insurance to not for profit groups, while still ensuring that Council is protected. Information on this service is available from Council's website and brochures are available from our Customer Service Centres.

3. The objection to this Council's borrowing funds, then saying because it is low in comparison with an adjoining municipality, what is the total rates and charges income of both municipalities so a valid comparison can be made?

Council does benchmarking of the 16 large Shire Councils on an annual basis. The benchmarking compares a large range of data including loans and rates. It is important to note that although indicators show the differences between municipalities, they do not explain why the differences have arisen. Differences may arise for many reasons, such as policy choices, geographic and demographic factors, population density and external funding decisions.

Alan Smith - Colac

1. Why have there been no signs of warning in the park when we have had 3 branches fall in less than a month, and wind gusts to 64 KPH?

Response:

An arborist's inspection has been commissioned and received. Trees of real concern have either been weight reduced, felled or protected by webbing enclosures. Signs will be put in place as appropriate.

2. Why, when the arborists report shows trees N05,N06,N09 and S07 recommended for removal by the arborist are they not posted with warning signs so that locals and travellers are made aware of the danger?
3. Indeed, why are they still standing when the arborist has recommended removal? If they are to be removed in a year or two why put the public at risk, would it not be better all round to remove them immediately? This would have the replacements growing sooner. Indeed the young elms in Centre Circle East show what could have been done earlier.
4. Why is the tree R07 still standing when it nearly killed a member of the public on the 11-11-2013?

Response (Q2 – Q4):

One of the trees has been felled and three others, which will be removed in the new year, have been cordoned off with webbing barriers.

5. Why waste money treating tree R07 when it is rotted white-anted and showing a large crack in the old centre of the tree when viewed from North and South? This crack appears to be the result of the eastern half of the tree slowly falling towards the east.

Response:

It is our view that the arborist's recommendation is the right one.

6. How is Council going to protect the population from the danger of this tree falling? It would need a permanent barrier erected in a 16 metre radius around.

Response:

Appropriate signage will be used. We will otherwise be guided by the arborist's report.

7. Indeed how is Council going to safeguard visitors to the park in the foreseeable future as all the old trees that were lopped off at 4-6 metres are weak at that spot, and have limbs extending up to 17m above this weakness? For example the tree S14. It has two huge limbs growing from the old cut-off site. These started as suckers and are now approx. 15 metres high but are only attached limpet like to the large rotting hollows at 4m as Identified by the arborist.
8. And why are these two limbs being left at this height when a tree close by, in similar condition, fell on the running track of the Six Day Race in 2005?
9. How is the Council going to protect visitors to the Square when they would really have to put guards around all the lopped trees at a radius equal to the height of said trees? This would cover the area of the toilets, all barbeques, bus stop, taxi zone and most parking adjacent to the Square. As well, as remove a large percentage of the Square from pedestrian use.
10. Why, when trees S10 and N07, whose branches dropped the last two weeks, showed the centre of both branches as suffering from Bacterial Wetwood been left standing? When what really caused the branches to fall is the brown, dead, wetwood affected centre of the branches. The brown wood has died, caused by water damage. On tree S10, by water seeping into the wound on the tree that was caused at an earlier time, by the limb being forced down and to the left. As can clearly be seen by looking at the wound on the tree. The wound shows that the damage was done quite a while before the fall, as the bark on the top right hand side of the break has formed a callous/scab. Leaving only a small section of the left and lower limb to keep it alive. The brown wood being dead will not bend. That is what caused the falls.
11. Tree N07's fallen branch also had a brown centre. Caused by water seeping into an old break-off of a small limb about one metre above the broken end of the branch. As these two trees are obviously suffering from wetwood, and wetwood is characterised by early yellowing of leaves=S07 and Dieback of crown = N15.
12. Has the Council plans to protect the public from these dead limbs? At a height of 17> metres above ground level these dead branches pose a significant threat to public safety.
13. And I repeat my question from an earlier Council meeting. Can you please give me a definitive answer? Where do Council draw a line in the sand as to the amount of trauma they expect the public to bear when clearly 5-6 near fatalities in the last 10 years has not caused Council to put the safety of the public over the amenity of the trees? Is it injury? Is it paraplegia? Is it Quadraplegia? Or is it death? Because

when I am told by a Councillor two days after the 11-11-2013 event that "People have to accept the risk" Something is drastically wrong in Council putting amenity before public safety

Response (Q7 – Q13):

Council is being guided by the independent qualified arborist's recommendations.

14. When, after 10 years of arborists reports that have consistently shown to under-risk the danger posed by the dying and diseased Elms, is Council going to employ an independent arborist. I know that the arborist is a certified arborist and is well respected in the area. Nor am I implying that he is not working to the best of his ability. But after 10 years of near fatal events surely it is time for another opinion

Response:

Council does employ the services of an independent arborist in who we have full confidence.

Questions Received Verbally at the Meeting

Marc-Jean Seran – Colac

1. Which right, under the Human Rights Charter, do you have to suppress and stop a ratepayer and a business owner to publicly voice his opinion, to publicly voice his concerns, after Council has been able to kill our business of a caravan and cabin park by promoting and enabling free camping in the Shire?

Response:

The CEO advised that the item posted on Council's facebook page contained incorrect information and misrepresented Council's position. As the owner of the facebook page, it is Council's right to determine what remains on the page. Everyone has the right to free speech, however if it is determined that a report such as the one posted by Mr Seran has as many inaccuracies and unchallenged allegations, it will be removed from Council's facebook page. Council staff were instructed to remove the comment from facebook immediately.

Alan Smith

1. Can I please be provided with a copy of the transcript for the question and answer section?

Response:

The Mayor advised that all the questions and answers from today's meeting will be included in the minutes for this meeting. A copy of the answers provided to Mr Smith's questions submitted in writing will also be provided to him.

Simon Arundell – Bungador

1. Would you have faith in a CEO and a management system that can sign off on a project and then suddenly finds out it needs an extra \$2 million?

As this question was followed by a series of derogatory statements against the Mayor and Council staff, Mr Arundell was asked to return to his chair and his question was disregarded.

Tony Webber – Otway Forum

1. Has Council received a submission from the Otway Coast Permaculture Group with respect to the Heathfield Reserve?

Response:

The General Manager for Corporate and Community Services advised that Council had received the submission.

2. At the October 2013 Council meeting, it was said that the Heathfield Reserve would be discussed at the December 2013 Council meeting and as it is not on the agenda can we please have an explanation?

Response:

The General Manager for Corporate and Community Services advised that after the October 2013 Council meeting, Council had requested a submission from the Otway Coast Permaculture Group and did not receive one until 9 December 2013. As the draft agenda had already been put together it was too late to include the submission. However a copy of the submission has been forwarded to all Councillors for consideration and it will be discussed by the Heathfield Estate Reserve Community Reference Group.

3. So it will be included in the agenda for the January 2014 Council meeting?

Response:

The General Manager for Corporate and Community Services explained that the submission will need to be discussed by the Heathfield Estate Reserve Community Reference Group as it is different than what had originally been proposed by the permaculture group. The submission had been sent to committee members and their responses will need to be considered. Therefore it cannot be guaranteed that it will come to Council in January 2014.

6. DECLARATION OF INTEREST

Cr Woodcroft:	OM131812-2 & OM131812-16 Colac Otway Youth Council
Nature of Disclosure:	Direct
Nature of Interest:	Adult mentors for Youth Council are mentioned in the agenda item and has served Colac Otway Shire in the capacity of adult mentor all year.

7. CONFIRMATION OF MINUTES

- **Ordinary Council Meeting held on the 27/11/13.**

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

CARRIED 7 : 0

OFFICERS' REPORTS**Chief Executive Officer**

OM131812-1 CEO'S PROGRESS REPORT TO COUNCIL
OM131812-2 COLAC OTWAY YOUTH COUNCIL

Corporate and Community Services

OM131812-3 REVIEW OF COUNCIL LEASING POLICY
OM131812-4 UPDATE ON BLUEWATER FITNESS CENTRE REDEVELOPMENT
OM131812-5 LICENCE AGREEMENTS OLD BEECHY RAIL TRAIL
OM131812-6 GREAT OCEAN ROAD CLOSURE FOR EVENTS GUIDELINES REVIEW
OM131812-7 FRAUD CONTROL PLAN

Infrastructure and Services

OM131812-8 ROAD MANAGEMENT PLAN REVIEW

Sustainable Planning and Development

OM131812-9 PLANNING SCHEME AMENDMENT C79 - IMPLEMENTATION OF NEW
STATE RESIDENTIAL ZONES

General Business

OM131812-10 ASSEMBLY OF COUNCILLORS
OM131812-11 MINUTES FROM YOUTH COUNCIL MEETINGS

Notices of Motion

OM131812-12 COMMISSIONER FOR RED TAPE
OM131812-13 PASSENGER TRAIN SERVICES

CHIEF EXECUTIVE OFFICER

ITEM	
<u>OM131812-1</u>	<u>CEO'S PROGRESS REPORT TO COUNCIL</u>
<u>OM131812-2</u>	<u>COLAC OTWAY YOUTH COUNCIL</u>

OM131812-1 CEO'S PROGRESS REPORT TO COUNCIL

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

***MOVED Cr Brian Crook seconded Cr Michael Delahunty
That Council notes the CEO's Progress Report to Council.***

CARRIED 7 : 0

OM131812-2 COLAC OTWAY YOUTH COUNCIL

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

Cr Woodcroft:	OM131812-2 & OM131812-16 Colac Otway Youth Council
Nature of Disclosure:	Direct
Nature of Interest:	Adult mentors for Youth Council are mentioned in the agenda item and he has served Colac Otway Shire in the capacity of adult mentor all year.

Having declared a conflict of interest in this item, Cr Woodcroft left the meeting at 5.25pm.

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

- 1. Notes the report and acknowledges the achievements and activities of the 2013 Colac Otway Youth Council.***
- 2. Endorses the Colac Otway Shire Youth Council Charter for presentation to the 2014 Colac Otway Shire Youth Council for its review.***

MOTION - MOVED Cr Stephen Hart seconded Cr Brian Crook:

That Council notes the report and acknowledges the achievements and activities of the 2013 Colac Otway Youth Council.

AMENDMENT - MOVED Cr Chris Smith seconded Cr Michael Delahunty:

That an additional point be added:

- 2. Acknowledges the efforts of all Youth Councillors listed in this report and ensures all receive recognition for their work.***

CARRIED 6 : 0

MOTION - MOVED Cr Stephen Hart seconded Cr Brian Crook:

That Council:

- 1. Notes the report and acknowledges the achievements and activities of the 2013 Colac Otway Youth Council.***
- 2. Acknowledges the efforts of all Youth Councillors listed in this report and ensures all receive recognition for their work.***

CARRIED 6 : 0

MOTION - MOVED Cr Stephen Hart seconded Cr Brian Crook:

That Council refers the Colac Otway Shire Youth Council Charter to a Councillor Workshop for further discussion.

AMENDMENT - MOVED Cr Chris Smith:

That all Council suggestions regarding the Youth Council Charter are to be given to the 2014 Youth Council for comment before any adoption.

This motion lapsed due to the lack of a seconder.

MOTION - MOVED Cr Stephen Hart seconded Cr Brian Crook:

That Council refers the Colac Otway Shire Youth Council Charter to a Councillor Workshop for further discussion.

CARRIED 5 : 1

DIVISION called by Cr Chris Smith

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

Against the Motion: Cr Chris Smith

Cr Woodcroft returned to the meeting at 5.47pm.

CORPORATE AND COMMUNITY SERVICES

ITEM	
<u>OM131812-3</u>	<u>REVIEW OF COUNCIL LEASING POLICY</u>
<u>OM131812-4</u>	<u>UPDATE ON BLUEWATER FITNESS CENTRE REDEVELOPMENT</u>
<u>OM131812-5</u>	<u>LICENCE AGREEMENTS OLD BEECHY RAIL TRAIL</u>
<u>OM131812-6</u>	<u>GREAT OCEAN ROAD CLOSURE FOR EVENTS GUIDELINES REVIEW</u>
<u>OM131812-7</u>	<u>FRAUD CONTROL PLAN</u>

OM131812-3**REVIEW OF COUNCIL LEASING POLICY**

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

MOVED Cr Michael Delahunty seconded Cr Frank Buchanan

That Council adopts the revised Council Property Leasing Policy – No. 4.2.

CARRIED 7 : 0

OM131812-4 UPDATE ON BLUEWATER FITNESS CENTRE REDEVELOPMENT

AUTHOR:	Colin Hayman	ENDORSED:	Rob Small
DEPARTMENT:	Corporate & Community Services	FILE REF:	11/96582

Original Recommendation(s)

That Council notes the report on the progress of the redevelopment of the Bluewater Fitness Centre.

MOTION - MOVED Cr Stephen Hart seconded Cr Michael Delahunty:

That Council:

- 1. Notes that the report on the progress of the redevelopment of the Bluewater Fitness Centre fails to disclose the full text of the resolution adopted by the Council on 23 October 2013 in the "In-Committee" meeting regarding the Bluewater Fitness Centre project.***
- 2. Directs the Chief Executive Officer to release the full text of the resolution adopted by the Council on 23 October 2013 in the "In Committee" meeting regarding the Bluewater Fitness Centre project including the record of how each Councillor voted.***
- 3. Directs that this be disclosed by close of business on Thursday, 19 December 2013.***
- 4. Acknowledges, with concern, that Council's "In-Committee" decision on 23 October 2013 to proceed with spending \$12 million on the Bluewater Fitness Centre project, instead of ensuring the project was within the \$10 million available budget, is likely to lead to even higher rates, higher debt and less funds available for basic infrastructure such as roads and footpaths.***

LOST 3 : 4

DIVISION called by Cr Stephen Hart

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

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

MOTION - MOVED Cr Chris Smith seconded Cr Stephen Hart:

That Council conducts a full internal enquiry into the cost overruns of the Bluewater Fitness Centre contract and reports these findings to the 26 February 2014 Council meeting.

CARRIED 5 : 2

DIVISION called by Cr Chris Smith

For the Motion: Cr Chris Smith, Cr Stephen Hart, Cr Michael Delahunty, Cr Lyn Russell, Cr Terry Woodcroft

Against the Motion: Cr Brian Crook, Cr Frank Buchanan

OM131812-5 LICENCE AGREEMENTS OLD BEECHY RAIL TRAIL

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

MOVED Cr Chris Smith seconded Cr Brian Crook

That Council signs and seals the licence with A Poklar, R Towers, C Espinoza, N Espinoza, L Espinoza, Midway Plantations Pty Ltd, C Cooper, L Szulik and Colac Otway Shire Council for licence of Land Occupancy (Beechy Line Rail Trail.)

CARRIED 7 : 0

OM131812-6 GREAT OCEAN ROAD CLOSURE FOR EVENTS GUIDELINES REVIEW

AUTHOR:	Vicki Jeffrey	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F11/3291

Original Recommendation(s)

That Council adopts the 'Guidelines for considering the closure of the Great Ocean Road to conduct events'.

Cr Crook left the meeting at 6.35pm

MOTION - MOVED Cr Stephen Hart seconded Cr Chris Smith:

That Council:

- 1. Adopts the "Guidelines for considering the closure of the Great Ocean Road to conduct events" provided that the following changes are made:***
 - a. In relation to "Number of events permitted yearly" the events be limited to no more than two per year and the exception clause for the "Great Victorian Bike Ride" be removed.***
 - b. In relation to "Duration of events" the closure of the Great Ocean Road for an event be limited to no greater than "7 hours in one day" rather than the "8 hours" contained in the guidelines attached to the agenda.***
- 2. Unless these changes are agreed, that Council does not agree to "Guidelines for considering the closure of the Great Ocean Road to conduct events".***

Cr Crook returned to the meeting at 6.37pm.

LOST 3 : 4

DIVISION called by Cr Stephen Hart

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

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

MOTION - MOVED Cr Frank Buchanan seconded Cr Brian Crook:

That Council adopts the 'Guidelines for considering the closure of the Great Ocean Road to conduct events'.

AMENDMENT - MOVED Cr Stephen Hart seconded Cr Chris Smith:

That the following wording be added:

“provided that the duration of events is reduced to no greater than seven hours in one day for any section of the road.”

LOST 3 : 4

DIVISION called by Cr Stephen Hart

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

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

Council’s events officer provided Council with an explanation of the process for the approval of road closures for events involving the Great Ocean Road.

MOTION - MOVED Cr Frank Buchanan seconded Cr Brian Crook:

That Council adopts the ‘Guidelines for considering the closure of the Great Ocean Road to conduct events’.

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

OM131812-7**FRAUD CONTROL PLAN**

AUTHOR:	Colin Hayman	ENDORSED:	Rob Small
DEPARTMENT:	Corporate & Community Services	FILE REF:	11/95592

***MOVED Cr Stephen Hart seconded Cr Michael Delahunty
That Council adopts the Fraud Control Plan.***

CARRIED 7 : 0

INFRASTRUCTURE AND SERVICES

ITEM
<u>OM131812-8 ROAD MANAGEMENT PLAN REVIEW</u>

OM131812-8**ROAD MANAGEMENT PLAN REVIEW**

AUTHOR:	Adam Lehmann	ENDORSED:	Rob Small
DEPARTMENT:	Infrastructure & Services	FILE REF:	11/95398

MOVED Cr Brian Crook seconded Cr Frank Buchanan

That Council:

- 1. Adopts the revised Road Management Plan (Version 3.0) which has been drafted in accordance with the requirements of Division 5 of the Road Management Act 2004.***
- 2. Publishes a notice of the adoption of the Road Management Plan in the Victoria Government Gazette and the Colac Herald stating the following as required by Section 55 of the Road Management Act 2004, that:***
 - a) The Road Management Plan has been adopted on 18 December 2013.***
 - b) The Road Management Plan and Register of Municipal Public Roads may be inspected or obtained from Council's Customer Service Centres and website.***

CARRIED 7 : 0

SUSTAINABLE PLANNING AND DEVELOPMENT

ITEM	
<u>OM131812-9</u>	<u>PLANNING SCHEME AMENDMENT C79 - IMPLEMENTATION OF NEW STATE RESIDENTIAL ZONES</u>

OM131812-9**PLANNING SCHEME AMENDMENT C79 -
IMPLEMENTATION OF NEW STATE RESIDENTIAL ZONES**

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

MOVED Cr Brian Crook seconded Cr Terry Woodcroft

That Council resolves to request the Minister for Planning to exercise the power under section 20(4) of the Planning and Environment Act 1987 to exempt himself from notice and prepare, adopt and approve Amendment C79.

CARRIED 7 : 0

GENERAL BUSINESS

ITEM	
<u>OM131812-10</u>	<u>ASSEMBLY OF COUNCILLORS</u>
<u>OM131812-11</u>	<u>MINUTES FROM YOUTH COUNCIL MEETINGS</u>

OM131812-10

ASSEMBLY OF COUNCILLORS

AUTHOR:	Rhonda Deigan	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	F13/6530

MOVED Cr Michael Delahunty seconded Cr Frank Buchanan

That Council notes the Assembly of Councillors reports for:

- ***Friends of Botanic Gardens Advisory Committee*** ***17 October 2013***
- ***Councillor Workshop*** ***13 November 2013***
- ***Friends of Botanic Gardens Advisory Committee*** ***14 November 2013***
- ***Councillor Workshop*** ***20 November 2013***
- ***Councillor Briefing Session*** ***27 November 2013***
- ***Councillor Workshop*** ***4 December 2013.***

CARRIED 7 : 0

OM131812-11 MINUTES FROM YOUTH COUNCIL MEETINGS

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

MOVED Cr Brian Crook seconded Cr Frank Buchanan

That Council notes the unconfirmed minutes arising from Youth Council meeting held on 4 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

NOTICES OF MOTION

<u>ITEM</u>	
<u>OM131812-12</u>	<u>COMMISSIONER FOR RED TAPE</u>
<u>OM131812-13</u>	<u>PASSENGER TRAIN SERVICES</u>

**OM131812-12 COMMISSIONER FOR RED TAPE (CR FRANK
BUCHANAN)**

Recommendation

That Council consider the contents of this Notice of Motion.

Original Recommendation

That the Colac Otway Shire Council invites the Commissioner for Red Tape to Colac to discuss with Councillors and Council officers the increasing complexity of regulations and the impact they have on other Government agencies and also our community.

MOTION - MOVED Cr Frank Buchanan seconded Cr Michael Delahunty:

That the Colac Otway Shire Council invites the Commissioner for Red Tape to Colac to discuss with Councillors and Council officers the increasing complexity of regulations and the impact they have on Council, Government agencies and also our community.

CARRIED 7 : 0

OM131812-13 PASSENGER TRAIN SERVICES (CR BRIAN CROOK)**Original Recommendation**

That Council consider the contents of this Notice of Motion.

MOTION - MOVED Cr Brian Crook seconded Cr Terry Woodcroft:

That Council:

- 1. Writes to the G21 Transport Pillar and G21 Board requesting that the priority of passenger train services between Geelong and Warrnambool be raised from a tier three to a tier one priority and that the Board consider this issue as a priority project in 2014 due to its significance for Colac Otway Shire and Great South Coast Shires.**
- 2. Writes to The Great South Coast Board and member councils seeking their support for this motion and urge them to also write to the Transport Pillar and G21 Board.**

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
Contract Approval Contract 1330 - Design & Construct - Lyness Road Bridge	this matter deals with contractual matters	Section 89 (2) (d)
Report from Delegate to Other Bodies - Audit Committee Minutes	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)
Colac Otway Shire Youth Council	this matter may prejudice the Council or any person	Section 89 (2) (h)

Cr Woodcroft:	OM131812-2 & OM131812-16 Colac Otway Youth Council
Nature of Disclosure:	Direct
Nature of Interest:	Adult mentors for Youth Council are mentioned in the agenda item and has served Colac Otway Shire in the capacity of adult mentor all year.

Having declared a conflict of issue with respect to the Colac Otway Youth Council, Cr Woodcroft left the meeting during discussion on this item at 7.35pm.

CARRIED 5 : 1

DIVISION called by Cr Frank Buchanan

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

Against the Motion: Cr Chris Smith

Cr Woodcroft returned to the meeting at 7.39pm.

OUT OF COMMITTEE

MOVED Cr Michael Delahunty seconded Cr Stephen Hart that the meeting move out of committee.

CARRIED 7 : 0

The Meeting Was Declared Closed at 7.51 pm

CONFIRMED AND SIGNED at the meeting held on 22 JANUARY 2014

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

