

**MINUTES** of the **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held at the COPACC Meeting Rooms on 17 December 2014 at 5.00pm.

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**1. OPENING PRAYER**

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

**AMEN**

**2. PRESENT**

Cr Frank Buchanan (Mayor)  
Cr Brian Crook  
Cr Michael Delahunty  
Cr Stephen Hart  
Cr Lyn Russell  
Cr Chris Smith  
Cr Terry Woodcroft

Sue Wilkinson, Chief Executive Officer  
Colin Hayman, General Manager, Corporate & Community Services  
Phil Corluka, General Manager, Infrastructure & Services  
Doug McNeill, A/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 descendants 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.

Before I move on to question time, in accordance with S49 of Local Law 4, I ask that any person addressing the chair, show respect for the position of Mayor and refer to me as Mr Mayor. I will not respond to any Councillor, Council officer or member of the community who refuses to observe this request.

From this time, in accordance with Local Law 4, agenda items will be considered as follows:

1. I will introduce the item and invite Councillors to ask questions of the relevant officers
2. I will then call for a mover, a seconder and if there is any Councillor who wishes to oppose the motion.
3. If the motion is not opposed, discussion will occur prior to the vote being taken.
4. The mover will be invited to speak to the motion, followed by the seconder and then, if required, the Councillor who opposed the motion.
5. Remaining Councillors will be given the opportunity to speak for or against the motion.
6. The mover will then be given the right of reply (if the motion has been opposed) before the motion is put to the vote.
7. There will be no further discussion of the item once the vote has been declared.

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. When will Council give a firm undertaking to provide open space in the near vicinity of an authorised subdivision of land once it allows cash to be paid instead of land provided plus limit the time after authorising a subdivision for sale until land is found and available for use not wait until an area is built up and objections received about no open space?

#### ***Response:***

***Council's Public Open Space Strategy provides guidance on the acquisition of public open space through residential subdivision. It is not practical or functional to request***

**land as open space at all times. Council will continue to determine ways to fill the gaps within the existing public open space network into the future as opportunities arise.**

2. Why did Council ignore making sure notices were inserted in the press in advance of when the 2<sup>nd</sup> instalment of rate payments fell due on 20 November 2014? One insertion is not valid. Reminders must appear a number of times in advance of the due date. The due date was a non-working day this year due to the current mail delivery from all places outside the local region having to go to Melbourne for sorting before being sent to Colac. This could add an extra week to the time for mail to be received. If because of poor notice being given payments are late, Council should avoid charging interest on a late payment and refund any charged.

**Response:**

**Council provides individual instalment reminder notices to all ratepayers who are paying by the instalment method with 28 days notice of the due date. The reminder notices are printed by Council's contractor and then directly posted via Australia Post. Whilst Council has no control over postal delivery times, Council considers that 28 days notice is more than sufficient to cover postage time.**

**Any interest charged on overdue rate payments is levied in line with Council's Debt Management Policy and Section 172 of the Local Government Act 1989.**

**Council considers that it provides sufficient notice of each rate instalment date. It is the onus of the individual to ensure that they comply with such notice.**

3. Is the Council, or are Council Officers, now considering any change in how it charges sporting or community groups for use of sports grounds under Council management?

**Response:**

**Council sets its Fees and Charges as part of its annual budget process each year. All Fees and Charges are set upon the basis of balancing cost recovery with the user's capacity to pay and appropriate market forces.**

**Council has adopted a Recreation Reserves Fees and Charges Policy at its October 2013 Meeting. Any fees charged to sporting or community groups will be set in line with this policy and the general budget principles.**

4. When will Council check footpaths in urban Colac and issue instructions to remove overhanging growth? The footpath is blocked by noxious weeds and other growth from the old High School site in Murray Street. Noxious weeds must be removed and not only growth reduced or sprayed and left to grow again. Council is liable to make sure by-laws are obeyed and not demand others contact a third party first. This matter has been the cause of very many letters over years to Council.

**Response:**

**Council encourages landholders to manage vermin and noxious weeds on their property but does not have any legal authority to order land owners to control weeds on their land. The State Government has the power to issue notices to landowners for certain declared weeds, but they do this to protect environmental assets and have a very strategic approach in which they target large geographic areas at a time. Weeds in townships are generally not seen as a strategic priority by the State Government.**

***In response to previous concerns you have raised about the weeds growing at the school site, Council Officers have contacted the relevant State Government department which has resulted in action to cut back the weeds growing through the fence line. We have again on this occasion contacted the Department to express your concerns.***

**Leigh Barrett**

1. Would you please bring the ratepayers and residents of the Colac Otway Shire up to date with the progress of finishing the second hand transportable building at Pirron Yallock Recreational Reserve which is to replace the original club rooms.

***Response:***

***The upgrade of the clubroom facilities at Pirron Yallock Recreation Reserve is being done in 2 stages. This is in response to an Emergency Order and a Building Notice which were issued by the Municipal Building Surveyor in September 2012. The Emergency order restricted public use of the building due to wide range of issues which posed a significant risk to the safety of the public. The 1<sup>st</sup> stage involved the purchase and establishment of the new clubroom on site (re-locatable building).***

***The 2<sup>nd</sup> stage encompasses the provision of amenity and change room facilities. The re-locatable club room building was delivered and established on site earlier this calendar year. Tenders are currently being sought to complete the 2<sup>nd</sup> stage of the project including final fit-out.***

2. How much did the remedial work cost to correct the foundations that the builder incorrectly laid down and did not match the building that was placed on site?

***Response:***

***The footing plans were provided by the engineering company contracted to the building manufacturer, BRB Modular. The footings were located according to the plans. When the building was delivered to the site it was discovered that the location of the supporting posts, did not match the footing plans. The costs incurred to rectify this were less than \$20,000.***

3. Did the builder mentioned above do the remedial work?

***Response:***

***No. The contractor engaged to prepare the footings did not have the available resources to undertake the works required to resolve the issues with the alignment of the footings with the stump locations. A local building contractor was engaged to complete the remedial works.***

4. Who is bearing the cost of the remedial works for the foundations?

***Response:***  
***Council.***

5. What tenders have been let out for the completion of the club rooms?

***Response:***

***No tenders have currently been let to complete the remaining works for this project. Council is currently seeking costings for the supply and fit-out of an amenities building which will be in addition to the current building on site.***

6. Will the refurbished club rooms be finished to Australian Standards and Commercial Standards as that was the standard of refurbishment required for the concrete block club rooms that was condemned by P J Yttrup & Associates - Consulting Engineers? Also this was how the figure of \$600,000 was arrived at and justified for its refurbishment. I am quoting in essence what was said by the Colac Otway Shire building co-ordinator from our conversation at our site meeting 12 noon 15 Sept 2014, at Pirron Yallock Recreational Reserve.

**Response:**

***The completed clubroom and associated amenities will be constructed to comply with current Australian Standards and the Building Code of Australia (BCA).***

7. What is the total final cost of the completed supply and refurbishment of the second hand transportable building to be used for club rooms on the Pirron Yallock Recreational Reserve?

**Response:**

***The budget for the supply and refurbishment of the clubrooms is \$320,000 (of which council will contribute \$170,000). At this stage of the project it is not possible to determine the total final cost of the proposed works, however Council's expectation is that the project will be completed within budget***

***The second hand re-locatable building currently on site was purchased for \$94,454 (excl. GST). The estimated cost to purchase, re-locate, re-erect on site, re-connect and upgrade of internal facilities of this re-locatable building is \$199,670.***

***Stage 2 of the works comprises the sourcing and purchase of a second re-locatable building to serve as the amenities block. Council is currently seeking a suitable building for this purpose. The completion of the project is dependent on the availability of the second re-locatable building but it is expected that the project will be completed by mid 2015.***

**Sarah Handscomb - Birregurra**

Ms Handscomb submitted a number of questions relating to the 2014/2015 Small Town Improvements Program (STIP) allocations for Birregurra. As this item is being considered as part of today's meeting, these questions will be taken on notice and responded to based on the outcomes of the resolution adopted by Council.

A copy of the responses provided to Mrs Handscomb will be tabled at the January 2015 Council meeting and recorded in the minutes of that meeting.

**Questions Received Verbally at the Meeting**

**Ian Court - Birregurra**

1. With respect to the STIP allocation to Birregurra for the construction of a footpath, can the STIP \$20,000 allocation be rolled over into next year's budget to be considered as part of the 2015/2015 budget to construct the footpath? Is an aggregate or gravel footpath an option as a cheaper alternative to a concrete pathway? The community group is currently looking at another project in the main street to spend the \$20,000, which has run into some issues, would Council consider an alternative proposal should that be too controversial?

**Response:**

The CEO advised Mr Court that given that his questions related to an item that is being considered as part of today's meeting in relation to the STIP program, these questions will be taken on notice and responded to based on the outcomes of the resolution adopted by Council.

A copy of the responses provided to Mr Court will be tabled at the January 2015 Council meeting and recorded in the minutes of that meeting.

**Alan Smith – Colac**

1. With reference to Steve Bayley's June 2014 report, was it a peer review of Wayne Knight's report or a second opinion?

**Response:**

***The General Manager for Infrastructure and Services advised that the report was a second opinion which was being used as a basis for works currently underway on the trees at the Memorial Square.***

2. If it was a second opinion, then why wasn't Steve Bayley asked to look at the tree, south 7 on Murray Street, which on the 11 August 2014 as a result of a probe to 900mm, showed the presence of red ant mud in front of the General Manager for Infrastructure and Services and the Manager for Capital Works. Why is that tree still standing when it is obviously rotten, obviously leaning and the roots are suspect?

**Response:**

***The General Manager for Infrastructure and Services advised that a numbers of trees had been inspected with Mr Smith and during subsequent conversations, Mr Smith has been advised that Council is following the recommendations of the arborist, Steve Bayley. The June 2014 report provided by the arborist had identified urgent actions, and these works were completed in October and November 2014. A further report is being prepared by Steve Bayley and is expected to be provided to Council by Christmas.***

**Jenny Handscomb – Birregurra**

1. Would Council read out the questions received in writing from Sarah Handscomb, given that Mr Court was permitted to read out his questions on the same item?

***The CEO read out the following questions submitted in writing by Ms Handscomb.***

1. What justification is there to proceed with the proposed Pathway project (shared bike/pedestrian path) from Main St to the Railway Station when it is not identified as a priority in any strategic COS documentation, and in addition, does not have broad community support, as evidenced by the petition presented at the November Council meeting?
2. Is Council aware that the need for a footpath ( as opposed to a shared bike/pedestrian pathway) to the railway station is a top priority for the community, for the safety of pedestrians; The evidence for which is supported by the recommendations in numerous COS strategic documents; as well as the petition signed by 175 residents of the town?
3. As matter of procedure, is Council permitted to elect to carry over the 2013/2014 Birregurra STIP grant allocation to 2015/16 financial year to fund a specific project?

4. Can Council elect to allocate the 2014/15 STIP funding to initiate a staged construction over time of the desired 1.5 metre wide aggregate footpath to the station; Using the same strategy as Council wished to use for the initial pathway 3 metre wide project which was rejected .
5. Was the start of the proposed Tiger Rail Trail, (for which the feasibility study was recently completed) anticipated to begin at the Birregurra Railway Station?
6. The STIP guidelines request that if the preferred project outlay is more than the published grant amount then a letter is requested to be written to the CEO. In the light of the community's repeated requests for a footpath, and petition for a footpath (as opposed to a shared bike/pedestrian path) would COS consider allocating the necessary funds from its budget to facilitate this project?
7. Is Council aware of the numerous complaints received by Main St traders, made by visitors to the town who were shocked to find they had to walk on the road to Main St, upon arrival on a specially organised outing coordinated by a historical train society?

**Elizabeth Ryan - Birregurra**

1. When can I expect to receive a satisfactory response to my email of 15 August 2014 regarding bus safety on the intersection of Cape Otway Road, Conns Lane and Whoorel Station Road?

***Response:***

***The General Manager for Infrastructure and Services advised that he would take the question on notice.***

2. Why is the Birregurra Community Action Group considered the "go-to" group for Birregurra?

***Response:***

***The Mayor advised that the question would be taken on notice.***

**Simon Arundell – Bungador**

1. Will Council revise its "wish list" so that rate increases will be kept down to a level that is within the community's ability to pay?

***Response:***

***The Mayor advised that the 2015/2016 budget process has just commenced and that while at this stage it is unclear what the rate increase will be, Council will be looking to obtain the best value for ratepayers and to keep the rate increase as low as possible.***

2. With reference to the Pirron Yallock Recreation Reserve, will there be a public enquiry into the expenditure on the new clubrooms?

***Response:***

***The Mayor advised that the question would be taken on notice.***

3. With reference to the carpet in COPACC, is all of it going to be replaced?

**Response:**

**The General Manager for Infrastructure and Services advised that tenders had been sought for the replacement of carpet at COPACC.**

4. Were local tradesperson given a chance to put in a tender?

**Response:**

**The General Manager for Infrastructure and Services advised that advertisements had been placed in local newspapers and local trades were able to tender for the work.**

5. What will happen to the old carpet?

**Response:**

**The General Manager for Infrastructure and Services advised that the tender included the cost of removing the old carpet.**

6. How much will it cost to cart the old carpet away?

**Response:**

**The General Manager for Infrastructure and Services advised that he did not have the breakdown of costs at hand and would take the question on notice.**

**Alan Smith – Colac**

1. Why did Council put on its website on 5 December 2013 that there would be cabling in three of the trees in the Memorial Square in the New Year and to this day there is no cabling in any of the trees in the Square and why did Council tell the Ombudsman at the same time that there would be remediation and weight reduction works on the tree opposite the National Bank when to date it has only been pruned and there has been no massive weight reduction?

**Response:**

**The General Manager for Infrastructure and Services advised that Council had responded to a number of enquiries from the Ombudsman with respect to the management of the Memorial Square trees. The Ombudsman has been in support of Council's actions with respect to each of these enquiries.**

**Tabling of a Joint Letter**

Letter received from residents of Amiet's Road, Wyelangta requesting works to reduce the amount of dust caused by vehicles travelling on the road.

**6. DECLARATION OF INTEREST**

Cr Delahunty:	OM141712-4 Draft G21 & AFL Barwon Regional Strategy
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78A
Nature of Interest:	Conducted Geotech investigation into the Alvie Football Ground

Cr Delahunty:	OM141712-7 2014/2015 Small Town Improvement Program – Replacement Proposals for Apollo Bay & Birregurra
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78A
Nature of Interest:	Conducted Geotech investigation for proposed viewing platform in Apollo Bay



## **7. CONFIRMATION OF MINUTES**

- **Special Council Meeting held on the 19/11/14**
- **Ordinary Council Meeting held on the 26/11/14.**

***MOVED Cr Stephen Hart seconded Cr Brian Crook that Council confirm the above minutes.***

***CARRIED 7 : 0***

## **OFFICERS' REPORTS**

### **Chief Executive Officer**

- OM141712-1 CEO'S PROGRESS REPORT TO COUNCIL
- OM141712-2 JOINT STATEMENT IN SUPPORT OF ASYLUM SEEKERS LIVING IN THE COMMUNITY

### **Corporate and Community Services**

- OM141712-3 DRAFT TIGER RAIL TRAIL FEASIBILITY STUDY
- OM141712-4 DRAFT G21 AND AFL BARWON REGIONAL STRATEGY

### **Infrastructure and Services**

- OM141712-5 BLUEWATER FITNESS CENTRE REDEVELOPMENT PROJECT - PROGRESS REPORT
- OM141712-6 ROAD DEVIATION - 185 BUSTY ROAD, APOLLO BAY

### **Sustainable Planning and Development**

- OM141712-7 2014/2015 SMALL TOWN IMPROVEMENT PROGRAM - REPLACEMENT PROPOSALS FOR APOLLO BAY AND BIRREGURRA
- OM141712-8 ENDORSEMENT OF MUNICIPAL EMERGENCY MANAGEMENT PLAN
- OM141712-9 NEIGHBOURHOOD SAFER PLACES DESIGNATION

### **General Business**

- OM141712-10 ASSEMBLY OF COUNCILLORS
- OM141712-11 MINUTES FROM YOUTH COUNCIL MEETINGS
- OM141712-12 MINUTES OF THE OLD BEECHY RAIL TRAIL

CHIEF EXECUTIVE OFFICER

<u>ITEM</u>	
<u>OM141712-1</u>	<u>CEO'S PROGRESS REPORT TO COUNCIL</u>
<u>OM141712-2</u>	<u>JOINT STATEMENT IN SUPPORT OF ASYLUM SEEKERS LIVING IN THE COMMUNITY</u>

**OM141712-1****CEO'S PROGRESS REPORT TO COUNCIL**

AUTHOR:	Rhonda Deigan	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Executive	FILE REF:	F11/3291

***MOVED Cr Terry Woodcroft seconded Cr Lyn Russell  
That Council notes the CEO's Progress Report to Council.***

***CARRIED 7 : 0***

**OM141712-2 JOINT STATEMENT IN SUPPORT OF ASYLUM SEEKERS  
LIVING IN THE COMMUNITY**

AUTHOR:	Rhonda Deigan	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Executive	FILE REF:	F11/3291

***MOVED Cr Lyn Russell seconded Cr Brian Crook***

***That Council:***

- 1. Endorses the Joint Statement in support of Asylum Seekers living in the Community***
- 2. Writes to the City of Greater Dandenong advising them of this decision.***

***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***

**CORPORATE AND COMMUNITY SERVICES**

<b>ITEM</b>	
<b><u>OM141712-3</u></b>	<b><u>DRAFT TIGER RAIL TRAIL FEASIBILITY STUDY</u></b>
<b><u>OM141712-4</u></b>	<b><u>DRAFT G21 AND AFL BARWON REGIONAL STRATEGY</u></b>

OM141712-3

**DRAFT TIGER RAIL TRAIL FEASIBILITY STUDY**

AUTHOR:	Ian Seuren	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F13/8896

***MOVED Cr Brian Crook seconded Cr Stephen Hart***

***That Council endorses the draft Tiger Rail Trail Feasibility Study to be placed on public exhibition beyond the minimum 6 week period in accordance with Council's Community Engagement Policy 2010, until 22 January 2015.***

**MOTION - MOVED Cr Brian Crook seconded Cr Terry Woodcroft:**

***That Council:***

- 1. Endorses the draft Tiger Rail Trail Feasibility Study to be placed on public exhibition beyond the minimum 6 week period in accordance with Council's Community Engagement Policy 2010, until 22 January 2015.***
- 2. Notes, in exhibiting this draft study, that the section from Barwon Downs to Birregurra be abandoned.***

**VOTE 3 : 3**

***In accordance with casting vote guidelines, the Mayor used his casting vote to vote in the negative and deferred the item to the 17 December 2014 Ordinary Council meeting.***

**MOTION - MOVED Cr Brian Crook seconded Cr Stephen Hart:**

***That Council:***

- 1. Endorses the draft Tiger Rail Trail Feasibility Study to be placed on public exhibition beyond the minimum 6 week period in accordance with Council's Community Engagement Policy 2010, until 13 February 2015.***
- 2. Acknowledges in exhibiting this draft study, that the proposed section from Barwon Downs to Birregurra is not considered feasible at this point in time and should not be progressed.***
- 3. Agrees that it does not develop a trail through private land without prior landowner consent in writing.***

***AMENDMENT - MOVED Cr Chris Smith that the wording in point 2 be changed from "not considered feasible at this point" to "not considered feasible, according to the report, at this point".***

***The amendment lapsed due to the lack of a seconder.***

**MOTION - MOVED Cr Brian Crook seconded Cr Stephen Hart:**

**That Council:**

- 1. Endorses the draft Tiger Rail Trail Feasibility Study to be placed on public exhibition beyond the minimum 6 week period in accordance with Council's Community Engagement Policy 2010, until 13 February 2015.**
- 2. Acknowledges in exhibiting this draft study, that the proposed section from Barwon Downs to Birregurra is not considered feasible at this point in time and should not be progressed.**
- 3. Agrees that it does not develop a trail through private land without prior landowner consent in writing.**

**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**



**OM141712-4 DRAFT G21 AND AFL BARWON REGIONAL STRATEGY**

AUTHOR:	Ian Seuren	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	11/96721

Cr Delahunty:	OM141712-4 Draft G21 & AFL Barwon Regional Strategy
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78A
Nature of Interest:	Conducted Geotech investigation into the Alvie Football Ground

***Having declared a conflict of interest in this item, Cr Delahunty left the meeting at 6.03pm.***

**Original Recommendation(s)**

***That Council endorses the draft G21 and AFL Barwon Regional Strategy to be placed on public exhibition beyond the minimum 6 week period in accordance with Council's Community Engagement Policy 2010, from 20 December 2014 until 7 February 2015.***

***MOTION - MOVED Cr Brian Crook seconded Cr Lyn Russell:***

***That Council:***

- 1. Endorses the draft G21 and AFL Barwon Regional Strategy to be placed on public exhibition beyond the minimum 6 week period in accordance with Council's Community Engagement Policy 2010, from 20 December 2014 until 7 February 2015.***
- 2. Notes that any works outlined in the draft G21 and AFL Barwon Regional Strategy would be subject to consideration via future budget processes and analysis of various priorities and this qualification must be included in the final document.***

***CARRIED 6 : 0***

***Cr Delahunty returned to the meeting at 6.14pm.***

**INFRASTRUCTURE AND SERVICES**

<b>ITEM</b>	
<b><u>OM141712-5</u></b>	<b><u>BLUEWATER FITNESS CENTRE REDEVELOPMENT PROJECT - PROGRESS REPORT</u></b>
<b><u>OM141712-6</u></b>	<b><u>ROAD DEVIATION - 185 BUSTY ROAD, APOLLO BAY</u></b>

**OM141712-5****BLUEWATER FITNESS CENTRE REDEVELOPMENT  
PROJECT - PROGRESS REPORT**

AUTHOR:	Adam Lehmann	ENDORSED:	Phil Corluka
DEPARTMENT:	Infrastructure & Services	FILE REF:	F13/7721

***MOVED Cr Brian Crook seconded Cr Terry Woodcroft***

***That Council notes the monthly status report for the Blue Water Fitness Centre Redevelopment Project covering the period from 1 November 2014 to 30 November 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***

**OM141712-6 ROAD DEVIATION - 185 BUSTY ROAD, APOLLO BAY**

AUTHOR:	Adam Lehmann	ENDORSED:	Phil Corluka
DEPARTMENT:	Infrastructure & Services	FILE REF:	CLF11/7

**Original Recommendation(s)**

***That Council, in respect of the proposed road exchange/deviation of the identified section of Busty Road, Apollo Bay and pursuant to section 206 and clause 2 of Schedule 10 of the Local Government Act 1989, resolves:***

- 1. To give public notice as required under sections 207a and 223 of the Local Government Act 1989 allowing anyone to make a submission in relation to the proposed deviation in which the Council proposes to exchange the Government Road for land upon which Busty Road has been constructed.***
- 2. To hear and consider any submissions received pursuant to Section 223 of the Local Government Act 1989 at a Special Council meeting to be held on 18 February 2015, if required. This consultation period has allowed additional time to accommodate the Christmas/New Year period.***
- 3. To receive a further report should any submissions be received in relation to the proposed land exchange/deviation; and in the event that no submissions are received:***
  - a. Directs that a notice, pursuant to the provisions of clause 2(3) of Schedule 10 of the Local Government Act 1989, be published in the Victoria Government Gazette***
  - b. That any easements, rights or interests required to be created or saved over the government road by any authority be done so and not be affected by the land exchange/deviation***
  - c. That the Government Road, once deviated, be transferred and consolidated to the adjoining owner of the land to the east of the road, being the registered proprietor of 185 Busty Road, Apollo Bay in exchange for land upon which the made portion of Busty Road traverses 180 Busty Road, Apollo Bay.***
- 4. That Council's seal be affixed to any transfer or transfers of freehold land and to any other documents to which Council's seal is required to be affixed in connection with the road deviation and land exchange.***
- 5. That the General Manager Infrastructure and Services be delegated the power to sign all other documents relating to the deviation/exchange.***

**MOTION - MOVED Cr Michael Delahunty seconded Cr Terry Woodcroft:**

**That Council, in respect of the proposed road exchange/deviation of the identified section of Busty Road, Apollo Bay and pursuant to section 206 and clause 2 of Schedule 10 of the Local Government Act 1989, resolves:**

- 1. To give public notice as required under sections 207a and 223 of the Local Government Act 1989 allowing anyone to make a submission in relation to the proposed deviation in which the Council proposes to exchange the Government Road for land upon which Busty Road has been constructed.**
- 2. To hear and consider any submissions received pursuant to Section 223 of the Local Government Act 1989 at a Special Council meeting to be held on 18 February 2015, if required. This consultation period has allowed additional time to accommodate the Christmas/New Year period.**
- 3. To receive a further report should any submissions be received by 4 February 2015 in relation to the proposed land exchange/deviation; and in the event that no submissions are received:**
  - a. Directs that a notice, pursuant to the provisions of clause 2(3) of Schedule 10 of the Local Government Act 1989, be published in the Victoria Government Gazette**
  - b. That any easements, rights or interests required to be created or saved over the government road by any authority be done so and not be affected by the land exchange/deviation**
  - c. That the Government Road, once deviated, be transferred and consolidated to the adjoining owner of the land to the east of the road, being the registered proprietor of 185 Busty Road, Apollo Bay in exchange for land upon which the made portion of Busty Road traverses 180 Busty Road, Apollo Bay.**
- 4. That Council's seal be affixed to any transfer or transfers of freehold land and to any other documents to which Council's seal is required to be affixed in connection with the road deviation and land exchange.**
- 5. That the General Manager Infrastructure and Services be delegated the power to sign all other documents relating to the deviation/exchange.**

**CARRIED 7 : 0**

**SUSTAINABLE PLANNING AND DEVELOPMENT**

<b>ITEM</b>	
<b><u>OM141712-7</u></b>	<b><u>2014/2015 SMALL TOWN IMPROVEMENT PROGRAM - REPLACEMENT PROPOSALS FOR APOLLO BAY AND BIRREGURRA</u></b>
<b><u>OM141712-8</u></b>	<b><u>ENDORSEMENT OF MUNICIPAL EMERGENCY MANAGEMENT PLAN</u></b>
<b><u>OM141712-9</u></b>	<b><u>NEIGHBOURHOOD SAFER PLACES DESIGNATION</u></b>

**OM141712-7            2014/2015 SMALL TOWN IMPROVEMENT PROGRAM  
- REPLACEMENT PROPOSALS FOR APOLLO BAY  
AND BIRREGURRA**

AUTHOR:	Katrina Kehoe	ENDORSED:	Doug McNeill
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	11/95454

Cr Delahunty:	OM141712-7 2014/2015 Small Town Improvement Program – Replacement Proposals for Apollo Bay & Birregurra
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78A
Nature of Interest:	Conducted Geotech investigation for proposed viewing platform in Apollo Bay

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

**Original Recommendation**

***That Council:***

- 1. Approves the public viewing deck as the replacement proposal for Apollo Bay in 2014/2015, subject to a maintenance management agreement.***
- 2. Conducts a further community consultation on the alternative Birregurra streetscape improvement project during December 2014 and January 2015, and considers a report outlining the results of the consultation at the March 2015 Council meeting.***
- 3. Notes the petition and writes to the organiser of the petition advising that:***
  - a. Council acknowledges that the construction of a footpath along Roadknight Street is a priority for the Birregurra community.***
  - b. There is no funding available for the construction of a footpath at this time and any future consideration would need to be in the context of Council's future budget processes.***
  - c. Council will continue to seek future external grant opportunities to fund the Roadknight Street footpath.***

**MOTION - MOVED Cr Chris Smith:****That Council:**

- 1. Approves the public viewing deck as the replacement proposal for Apollo Bay in 2014/2015, subject to a maintenance management agreement.**
- 2. Allocates \$20,000 towards the Birregurra path from the main street, starting at the town end, to the railway station as a staged construction.**

**The motion lapsed due to the lack of a seconder.**

**In accordance with Local Law 4 (Part 59), Cr Crook requested that he be permitted to put a motion to the vote in two separate parts. The Mayor agreed to this request.**

**MOTION 1 - MOVED Cr Brian Crook seconded Cr Stephen Hart:**

**That Council approves the public viewing deck as the replacement proposal for Apollo Bay in 2014/2015, subject to a maintenance management agreement.**

**CARRIED 6 : 0**

**As Cr Delahunty's conflict of interest related specifically to the Apollo Bay part of this item (Motion 1), he returned to the meeting at 6.40pm for the next motion (Motion 2) which related to Birregurra.**

**MOTION 2 - MOVED Cr Brian Crook seconded Cr Terry Woodcroft:****That Council:**

- 1. Allows the Birregurra community to submit an alternative proposal to use the \$20,000 which was carried forward from the 2013/2014 budget subject to Council approval of the specific project. A proposal should be received at Council offices by the end of January 2015, to allow the STIP referral processes to be followed and a report to be presented to the March 2015 Council meeting.**
- 2. Notes the petition and writes to the organiser of the petition advising that:**
  - a. Council acknowledges that the construction of a footpath along Roadknight Street is a priority for the Birregurra community.**
  - b. There is no funding available for the construction of a footpath at this time and any future consideration would need to be in the context of council's future budget processes.**
  - c. Council will continue to seek future external grant opportunities to fund the Roadknight Street footpath.**



**AMENDMENT - MOVED Cr Chris Smith seconded Cr Michael Delahunty that the wording in point 2b. be changed from "a footpath" to "the entire footpath".**

**CARRIED 7 : 0**

**AMENDMENT - MOVED Cr Chris Smith seconded Cr Michael Delahunty that the wording in point 2 be changed to include the petition preamble and the number of signatures collected.**

**LOST 2 : 5**

**PROCEDURAL MOTION - MOVED Cr Stephen Hart that Item OM141712-7 2014/2015 Small Town Improvement Program – Replacement Proposals for Apollo Bay & Birregurra lay on the table.**

**LOST 3 : 4**

**MOTION 2 - MOVED Cr Brian Crook seconded Cr Terry Woodcroft:**

**That Council:**

- 1. Allows the Birregurra community to submit an alternative proposal to use the \$20,000 which was carried forward from the 2013/2014 budget subject to Council approval of the specific project. A proposal should be received at Council offices by the end of January 2015, to allow the STIP referral processes to be followed and a report to be presented to the March 2015 Council meeting.**
- 2. Notes the petition and writes to the organiser of the petition advising that:**
  - a. Council acknowledges that the construction of a footpath along Roadknight Street is a priority for the Birregurra community.**
  - b. There is no funding available for the construction of the entire footpath at this time and any future consideration would need to be in the context of council's future budget processes.**
  - c. Council will continue to seek future external grant opportunities to fund the Roadknight Street footpath.**

**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**

**MOTION 3 - MOVED Cr Chris Smith seconded Cr Stephen Hart:**

***That Council notes the petition containing 225 signatures that states:***

***“We, the undersigned, petition the Colac Otway Shire Council to fund the construction of a footpath from Main Street to the Railway Station, along Roadknight Street.***

***We request that the funding that has already been allocated to Birregurra under the Shire’s Small Town Improvement Program (STIP) for this purpose be retained, and directed towards the construction of a footpath.***

***We do not support Council’s proposal to redirect these funds to finance changes and additions to the Birregurra Main Street Heritage Precinct.***

***In addition, we ask that any future proposals for alterations and additions to the Main Street Heritage Precinct, undergo thorough consultation with Council’s Heritage Advisor and all affected stakeholders.”***

**CARRIED 7 : 0**

**OM141712-8 ENDORSEMENT OF MUNICIPAL EMERGENCY  
MANAGEMENT PLAN**

AUTHOR:	Wendie Fox	ENDORSED:	Doug McNeill
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/2688

***MOVED Cr Terry Woodcroft seconded Cr Michael Delahunty***

***That Council endorses the Colac Otway Shire Municipal Emergency  
Management Plan.***

***CARRIED 7 : 0***

**OM141712-9 NEIGHBOURHOOD SAFER PLACES DESIGNATION**

AUTHOR:	Stewart Anderson	ENDORSED:	Doug McNeill
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F14/6149

***MOVED Cr Lyn Russell seconded Cr Michael Delahunty***

***That Council:***

- 1. Endorses the area as described and detailed within the Neighbourhood Safer Place Site Assessment Report which is located within the Rex Norman Reserve, Gellibrand as a designated Neighbourhood Safer Place.***
- 2. Endorses the area as described and detailed within the Neighbourhood Safer Place Site Assessment Report which is located within the Birregurra Park, Birregurra as a designated Neighbourhood Safer Place.***
- 3. Endorses the area as described and detailed within the Neighbourhood Safer Place Site Assessment Report which is located within the Beeac Tennis Courts, Beeac as a designated Neighbourhood Safer Place.***

***CARRIED 7 : 0***

GENERAL BUSINESS

<u>ITEM</u>	
<u>OM141712-10</u>	<u>ASSEMBLY OF COUNCILLORS</u>
<u>OM141712-11</u>	<u>MINUTES FROM YOUTH COUNCIL MEETINGS</u>
<u>OM141712-12</u>	<u>MINUTES OF THE OLD BEECHY RAIL TRAIL</u>

**OM141712-10 ASSEMBLY OF COUNCILLORS**

AUTHOR:	Rhonda Deigan	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Executive	FILE REF:	F14/6031

***MOVED Cr Stephen Hart seconded Cr Terry Woodcroft***

***That Council notes the Assembly of Councillors reports for:***

- Friends of the Colac Botanic Gardens 13 November 2014***
- Councillor Workshop 19 November 2014***
- Colac Regional Saleyards Advisory Committee 21 November 2014***
- Councillor Briefing Session 26 November 2014***
- Councillor Workshop 3 December 2014***
- Central Reserve Advisory Committee 3 December 2014.***

***CARRIED 7 : 0***

**OM141712-11 MINUTES FROM YOUTH COUNCIL MEETINGS**

AUTHOR:	Rhonda Deigan	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Executive	FILE REF:	11/96640

***MOVED Cr Stephen Hart seconded Cr Lyn Russell***

***That Council notes the minutes arising from Youth Council meeting held on:***

- ***6 October 2014***
- ***20 October 2014***
- ***3 November 2014***
- ***17 November 2014.***

***CARRIED 7 : 0***

**OM141712-12 MINUTES OF THE OLD BEECHY RAIL TRAIL**

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

***MOVED Cr Brian Crook seconded Cr Terry Woodcroft***

***That Council notes the Minutes of the Old Beechy Rail Trail Committee for 6 October 2014.***

***CARRIED 7 : 0***



**IN COMMITTEE**

**MOTION - MOVED Cr Stephen Hart 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 at 7.41pm and Council move "In-Committee" in order to deal with:**

<b>SUBJECT</b>	<b>REASON</b>	<b>SECTION OF ACT</b>
Minutes of In-Committee Council Meeting held on 26 November 2014	this matter deals with contractual matters; AND this matter may prejudice the Council or any person.	Section 89 (2) (d) & (h)

**CARRIED 7 : 0**

**OUT OF COMMITTEE**

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

**CARRIED 7 : 0**

*The Meeting Was Declared Closed at 7.42 pm*

**CONFIRMED AND SIGNED** at the meeting held on 28 JANUARY 2015



.....MAYOR

