COLAC OTWAY SHIRE COUNCIL
ORDINARY MEETING OF COUNCIL

MINUTES of the ***ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL*** held at the COPACC Meeting Rooms on 22 July 2015 at 4.00pm.

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
Paula Gardiner, A/General Manager, Infrastructure & Services
Doug McNeill, A/General Manager, Sustainable Planning & Development
Rhonda Deigan, Executive Officer

APOLOGIES

NIL

3. DECLARATION OF INTEREST

Pursuant to Sections 77, 78 and 79 of the Local Government Act 1989, direct and indirect conflict of interest must be declared prior to debate on specific items within the agenda; or in writing to the Chief Executive Officer before the meeting. Declaration of indirect interests must also include the classification of the interest (in circumstances where a Councillor has made a Declaration in writing, the classification of the interest must still be declared at the meeting), ie:

a) direct financial interest
b) indirect interest by close association
c) indirect interest that is an indirect financial interest
d) indirect interest because of conflicting duties
e) indirect interest because of receipt of an applicable gift
f) indirect interest as a consequence of becoming an interested party
g) indirect interest as a result of impact on residential amenity

h) conflicting personal interest.

A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.

Councillors are also encouraged to declare circumstances where there may be a perceived conflict of interest.

Cr Russell:	OM152207-7 Bromfield Street Road Discontinuance to facilitate proposed supermarket and retail development
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Owns shares in Wesfarmers and Woolworths

Cr Hart:	OM152207-7 Bromfield Street Road Discontinuance to facilitate proposed supermarket and retail development
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Owns Wesfarmers shares who own Coles. Coles has a direct interest which gives Cr Hart an indirect interest

Cr Hart:	OM152207-10 Draft Domestic Waste Water Management Plan
Nature of Disclosure:	Direct Interest
Nature of Interest:	Approximately 8800 properties are affected by the draft plan of which Cr Hart jointly owns two. 209, or thereabouts, have been identified at highest risk and may not be able to be developed. As one of Cr Hart's is in the group of 209, his interest exceeds that which generally applies to most properties.

Cr Delahunty:	OM152207-9 Amendment C78 – Wyuna Estate
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Produced a geo-technical report for the development

Cr Delahunty:	OM152207-10 Draft Domestic Waste Water Management Plan
Nature of Disclosure:	Direct Interest
Nature of Interest:	Owns/involved with more titles than general

Cr Delahunty:	OM152207-11 Planning & Building Statistical Reports
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Owns company that has an item in reports

Cr Smith:	OM152207-10 Draft Domestic Waste Water Management Plan
Nature of Disclosure:	Not disclosed
Type of Indirect Interest:	Not disclosed
Nature of Interest:	Owns land at Swan Marsh that has a septic system

4. WELCOME & ACKNOWLEDGEMENT OF COUNTRY

Colac Otway Shire acknowledges the traditional 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.

5. QUESTION TIME

Question time runs to ensure that everyone gets the chance to ask their questions, but also that we stick to the question time guidelines to be fair to everyone who would like to ask a question. If we have meetings where a number of people would like to ask questions, it may be that we need to allocate two questions per person until we get through the group, and then if time permits we can come back for a second round and anyone who would like to, can ask more questions.

Please note that it is not often possible for officers to provide a response at the meeting so I encourage you to make an appointment to meet with Councillors or Council officers should a more detailed response is needed than that which can be given here today."

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.

Questions received in writing prior to the meeting

James Judd

1. Now new rules have been introduced in a near western region council relating to questions in writing, that these can be submitted until 15 minutes prior to meeting time, will the Colac Otway Shire consider reducing the time prior to a meeting questions must be submitted?

Response:
The change to question time at the City of Warrnambool is part of a review undertaken. The cut off time for questions to be amended to 15 minutes is a proposal only at this stage. The proposal is that all questions are in writing.

For this Council the deadline for the submission of questions in writing for Council meetings is included in Council's Local Law 4 – Governance. The deadline for questions in writing provides opportunity for responses to be prepared for the Council meeting.

2. What are the State Government forecasts for Colac's population by 2031 as this projection has been released for near cities plus what is the estimated number of extra jobs required to be provided or is Colac expecting a zero population increase over the following 19 years to 2050.

Response:
In 2014 the Victorian State Government released Victoria in the Future 2014 which projects that the population for the Colac Otway Shire local government area in 2031 will be 22,461. Colac is the largest township within the Shire, and currently has approximately 58% of the Shire's population. ID Forecast provides the Colac Otway Shire with population and economic statistics, and projects that the population for Colac would be approximately 13,701 in 2031. This equates to a population increase of 0.5% per annum to 2026, increasing to a population increase of 0.6% per annum from 2026. Council is currently preparing a Colac Economic Development and Land Use Strategy which will examine the employment needs of Colac over the period to 2031, and ways in which future jobs to match increased population growth can be achieved.

3. Has Council yet received any advice on the education standards on the Colac population, how this compares between 2006 and 2011?

Response:
There are multiple documents by various agencies that document Year 12 attainment levels, NAPLAN results, and the Australian Early Development Census. For example, the Beyond the Bell Regional Action Plan 2015-2017 states that Year 12 attainment for persons of 20-24 years improved from 54.2% in 2006 up to 57.2% in 2011. Although encouraging, this figure is well below the Victorian rates for Year 12 attainment of 71.5% in 2006 and 74.4% in 2011. The Beyond the Bell project's key aim is to improve the rate of Year 12 attainment over a 10 years period.

4. While Council claims that old bins for organics will not be emptied if put out but only those marked "Property of Colac Otway Shire", how are people supposed to put out organic rubbish if the new bin unusable and a replacement not received? We can be prosecuted if we allow rubbish to pile up on property as this is an attraction for vermin.

Response:
Property owners should report damaged or broken bins to Colac Otway Shire Council as soon as practicable so that this can be investigated and steps taken to remedy the situation. Special arrangements can be made with the Council contractors to vary the normal collection practice should circumstances be such that there is no alternative but to use the old organics bin.

Questions from the floor

Stuart Hart

1. What provision has Council made for the coming global financial collapse in September 2015?

Response:
The General Manager for Corporate & Community Services advised that Council had adopted the 2015/2016 budget taking into account all known financial conditions at that time.

2. Is Council aware that this seven year financial collapse cycle has been going for 42 years and will certainly happen in September this year?

Response:
The Mayor advised that he was not aware of the seven year financial collapse cycle.

3. Is Council aware of the new bail-in legislation about to be legislated soon after the financial collapse?

Response:
The General Manager for Corporate & Community Services advised that he was not aware of the legislation.

4. Will Council have an influx of $25 million in rate income by the end of this year?

Response:
The CEO advised that was correct.

5. If the bail-in legislation is passed, banks will have the ability to indefinitely "borrow" bank deposits so I hope that Council makes provision to safeguard its $25 million deposit.

Response:
The Mayor thanked Mr Hart for his comments and advised that appropriate action would be taken when details of the legislation are known.

6. How many distressed ratepayers do we have these days, that is those people who cannot pay their rates and Council is taking action to sell their properties?

Response:
The General Manager for Corporate & Community Services advised that Council is not in the process of selling any properties and that there are policies in place to recover any unpaid rates.

7. Could I have statistics on unpaid rates please?

Response:
The General Manager for Corporate & Community Services advised that information on outstanding rates was available in Council's Annual Report and would be made available to Mr Hart.

Helen Paatsch – Colac

1. Given the increased movement of businesses away from Murray Street, has Council considered that the Princes Highway could remain the thoroughfare through Colac as part of forward projections on the need for a truck by-pass or an alternative route for Colac?

Response:
The Acting General Manager for Sustainable Planning & Development advised that as part of the Economic Development Strategy being developed by Council, there will be a focus placed on industrial, commercial and retail development within Colac. At this stage it is considered that Murray Street is still a healthy retail strip. The community will be invited to provide comment on the draft Economic Development Strategy.

Leigh Barrett – Colac

1. Was the General Manager for Infrastructure and Services, Phil Corluka, sacked?

Response:
The Mayor advised that this was not correct.

2. Can I ask why he left?

Response:
The Mayor advised that he could not make comment on an operational matter.

3. In the interests of openness and transparency, and given Mr Corluka's role with Council, could Council have put something in the paper explaining his departure for the benefit of the community?

Response:
The CEO advised that it would be inappropriate to comment publicly on employee related issues.

4. Is Council now going to have four General Managers?

Response:
The CEO advised that there would not be four General Managers.

Alan Billing – Larpent

1. In developing the revised Procurement Policy, what consultation was undertaken with local businesses?

Response:
The General Manager for Corporate & Community Services advised that the Procurement Policy is a governance policy and as such does not require community consultation. As per the Council report a further review of the policy is intended to be undertaken in 2016 in line with the GROW and Beyond the Bell projects and in line with the new Economic Development Strategy.

Leigh Barrett

1. Why won't the waste contractors empty my old organics bin?

Response:
The Acting General Manager for Infrastructure and Services advised that residents are requested to use the new organics bin.

2. I asked questions at the previous meeting about the replacement of the organic bins and I have not yet received any answers.

Response:
The Mayor read aloud the response which was to have been tabled at the meeting.

1. What is the impact of replacing the 8,000 organic bins on Council's carbon footprint? What is the net cost benefit of this significant investment of $800,000? What would the impact be on the proposed rate increase if the bins had not been replaced and the impact be of a zero increase in employment?

Response:
The carbon footprint of embedded energy in products that we purchase and use is not included within the scope of Council's direct carbon emissions that are calculated and tracked. Generally emissions associated with the embedded energy used to manufacture products are not available in a standardized way, which makes it difficult for calculation purposes.

It is to be noted that all old organics bins can either be reused by ratepayers, residents and community organisations, or recycled.

The organic bins were 17 years old and Council considered them to be at the end of their useful lives. The total cost of replacing the organic bins was $386,630.00, which was considerably under budget. Council had been reserving funds for this over a number of years. These funds were sourced from operating surpluses generated and savings identified over multiple years which have accumulated in reserve. As such it is not possible to identify a specific direct effect on an individual rate increase arising from this process. It is Council's intent to continue to reserve funds where possible, and appropriate, for waste management improvement and renewal purposes.

A zero increase in employment would result in a minimum increase in expense of 3.6% p.a, in line with Council's Enterprise Bargain Agreement (EBA). This would equate to approximately $615,000 on the 2014/15 forecast result. However the 3.6% does not take into consideration grading movements as allowed under the EBA which would approximately add another 1.4% to the total employee benefits cost, bringing the total increase to approximately $700,000.

It should be noted that the increase in employment benefits for the 2015/16 budget also includes an amount of $260,000 to re-staff the Blue Water Fitness Centre. This will bring the staffing level at the facility back to the point it was at before being closed for redevelopment.

3. Will the results of the Community Satisfaction Survey be made available to the public?

Response:
The CEO advised that the survey results had been on Council's website for a number of weeks.

6. TABLING OF RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS

These responses will not be read out but will be included in the minutes of this meeting.

Jane Olds

1. My questions relate to a request from the South Colac Football Netball club to install netball posts on two of the Elliminyt tennis courts and the removal of tennis nets from courts at Gellibrand, Irrewarra/Beeac, Alvie and Western Eagles reserves.

Officer response:
The South Colac Sports Club has made a request to install removable netball goal posts at the Elliminyt tennis courts. This would be for the purpose of team warm ups for home matches. Council, along with Tennis Victoria and Netball Victoria, believe this is a reasonable request and will not impact on tennis participation. These works will occur in the 2015/16 financial year.

There have been netball court developments at the Gellibrand, Irrewarra (Warrowie), Alvie and Irrewillipe recreation reserves over the past eight years. Tennis lines and nets have not been re-installed on these courts due to there being no demand or request from local communities. However, following the recent completion of court redevelopment works at the Gellibrand Recreation Reserve, the Gellibrand Tennis Club, which doesn't currently compete in formal competitions, has requested line marking and tennis nets be installed at Gellibrand for social tennis.

Simon Arundell

1. What would the time delay be, in the event of an outbreak of foot and mouth disease in Australia, in the woodchips being replaced with concrete?

Response:
The CEO advised that the question would need to be taken on notice.

The Victorian Government's Biosecurity Strategy indicates that If foot-and-mouth disease were to be found anywhere in Australia, in addition to the enormous and probably sustained emergency response required, it would cause:

- ***immediate prohibition of the export of most meat, livestock and dairy products***
- ***loss of export revenue of $9 billion in the first year***
- ***a 3.5 per cent decrease in national gross domestic product (GDP)***
- ***a 1 per cent increase in unemployment***
- ***severe disruption to regional and rural communities and tourism in all areas***
- ***recovery costs of billions.***

In these circumstances it is impossible to predict when, or even if, the Colac saleyards would be required to replace the woodchips in the livestock pens.

2. Does Council realise that they are handing over thousands of dollars hand over fist in replacing the organics bin when only 8% of bins are faulty? Why are they all being replaced at a cost of $800,000?

Response:

The recycling bins were 17 years old and Council considered them to be at the end of their useful lives. The total cost of replacing the organic bins was $386,630, which was considerably under budget. Council had been reserving funds for this over a numbers of years. These funds were sourced from operating surpluses generated and savings identified over multiple years which have accumulated in reserve.

It is Council's intent to continue to reserve funds where possible and appropriate for waste management improvement and renewal purposes.

Leigh Barrett – Colac

Response read aloud by the Mayor during question time.

7. PETITIONS/JOINT LETTERS (if required)

Nil

8. CONFIRMATION OF MINUTES

- **Ordinary Council Meeting held on the 24/06/15.**

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

AMENDMENT - MOVED Cr Michael Delahunty seconded Cr Chris Smith that the minutes be revised to acknowledge that the request for a Councillor Code of Conduct Panel hearing made by Cr Delahunty in relation to the Mayor and Deputy Mayor remains active.

LOST 2 : 5

DIVISION called by Cr Chris Smith

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

AMENDMENT - MOVED Cr Chris Smith seconded Cr Michael Delahunty that the minutes of this meeting reflect clearly today's discussion.

The Mayor ruled the motion out of order as the minutes of Ordinary Council meetings do not record discussions. The motion was withdrawn by Cr Smith.

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

CARRIED 5 : 2

DIVISION called by Cr Terry Woodcroft

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

As per Governance Local Law No 4, clause 34:

34. Objection to Confirmation of Minutes

(1) If a Councillor is dissatisfied with the accuracy of the minutes, then he or she must:

(a) state the item or items with which he or she is dissatisfied; and

(b) propose a motion clearly outlining the alternative wording to amend the minutes.

(2) Except where sub-clause (1) applies, no vote shall be recorded against a motion to adopt the minutes.

9. PRESENTATION OF REPORTS

OM152207-1 CEO'S PROGRESS REPORT TO COUNCIL

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

MOVED Cr Brian Crook seconded Cr Terry Woodcroft

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

CARRIED 7 : 0

OM152207-2 RE-ELECTION OF S86 COMMITTEES OF MANAGEMENT

AUTHOR:	Colin Hayman	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Corporate & Community Services	FILE REF:	F11/3291

Original Recommendation

That Council:

1. ***Pursuant to section 86 of the Local Government Act 1989, resolves to appoint the following nominated members to the Alvie Recreation Reserve, Irrewillipe Hall and Reserve, Municipal Aerodrome and the Pirron Yallock Recreation Reserve Committees of Management until 25 July 2018:***

Alvie Recreation Reserve	***Peter Delahunty, Damien Fleming, John Miller, Noel McKay, Barry Parker, Peter Holland, Neil Cook, Tony Pennock***
Irrewillipe Hall and Reserve	***John Ladhams, Tim Ryan, Paul Theodore, Don Henderson, Tony Cirillo, Doug Phillips, Phil Riches, Kevin McNabb, Matthias Weis, Steve Theodore, Jim Carson, John Sherman, H. Uwland***
Municipal Aerodrome	***Brendan Reidy, Norm Tann, Ross Higgins, John Callahan, Brian Smith, David Fenn, Michael Murray***
Pirron Yallock Recreation Reserve	***Kevin Boyd, Elaine Menzies, Fiona Castles, John Sherman, Jarrod Phillips, Mick Rafaniello, Ian Gill, Bead McGuane***

2. ***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.***

3. ***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.***

MOVED Cr Terry Woodcroft seconded Cr Lyn Russell

That Council:

1. ***Pursuant to section 86 of the Local Government Act 1989, resolves to appoint the following nominated members to the Alvie Recreation Reserve, Irrewillipe Hall and Reserve, Municipal Aerodrome and the Pirron Yallock Recreation Reserve Committees of Management until 25 July 2018:***

Alvie Recreation Reserve	***Peter Delahunty, Damien Fleming, John Miller, Noel McKay, Barry Parker, Peter Holland, Neil Cook, Tony Pennock***
Irrewillipe Hall and Reserve	***John Ladhams, Tim Ryan, Paul Theodore, Don Henderson, Tony Cirillo, Doug Phillips, Phil Riches, Kevin McNabb, Matthias Weis, Steve Theodore, Jim Carson, John Sherman, H. Uwland***
Municipal Aerodrome	***Brendan Reidy, Norm Tann, Ross Higgins, John Callahan, Brian Smith, David Fenn, Michael Murray***
Pirron Yallock Recreation Reserve	***Kevin Boyd, Elaine Menzies, Fiona Castles, John Sherman, Jarrod Phillips, Mick Rafaniello, Ian Gill, Bede McGuane***

2. ***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.***

3. ***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

OM152207-3 CORORROOKE OPEN SPACE LANDSCAPE MASTER PLAN

AUTHOR:	Ian Seuren	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F14/821

MOVED Cr Terry Woodcroft seconded Cr Lyn Russell

That Council:

1. ***Endorses the Cororooke Open Space Landscape Master Plan.***

2. ***Notes that any works outlined in the Cororooke Open Space Landscape Master Plan would be subject to consideration via future budget processes and analysis of all Council priorities.***

CARRIED 7 : 0

OM152207-4 REVIEW OF PROCUREMENT POLICY

AUTHOR:	Colin Hayman	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Corporate & Community Services	FILE REF:	11/96037

Original Recommendation(s)

That Council adopts the revised Procurement Policy No. 3.2.

MOTION - MOVED Cr Chris Smith:

That Council puts out for six weeks, for community consultation, the Procurement Policy No. 3.2.

This motion lapsed due to the lack of a seconder.

MOTION - MOVED Cr Stephen Hart seconded Cr Brian Crook:

That Council adopts the revised Procurement Policy No. 3.2.

CARRIED 6 : 1

DIVISION called by Cr Stephen Hart

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

OM152207-5 JOINT LETTER RESPONSE - REQUEST TO UPGRADE MURRAY STREET, COLAC

AUTHOR:	Paula Gardiner	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Infrastructure & Services	FILE REF:	F11/1890

Original Recommendation(s)

That Council:

1. ***Writes to the joint letter writers advising of those actions which Council will be undertaking in the short term.***

2. ***Includes the suggestions which are not able to be actioned in the planning for the Colac CBD and Entrances Project.***

MOTION - MOVED Cr Michael Delahunty seconded Cr Chris Smith:

That Council writes to the joint letter writers advising them that they will work with the CBD business community to implement beautification of that area using up to $30,000 of the $300,000 allocated in the 2015/2016 budget for the CBD & Entrances project.

LOST 2 : 5

DIVISION called by Cr Chris Smith

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

MOTION - MOVED Cr Lyn Russell seconded Cr Brian Crook:

That Council:

1. ***Writes to the joint letter writers advising of those actions which Council will be undertaking in the short term.***

2. ***Includes the suggestions which are not able to be actioned in the planning for the Colac CBD and Entrances Project.***

3. ***Requests a Council report be presented to Council in October 2015 to outline what works can be undertaken within the existing budget.***

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

OM152207-6 WASTE SERVICES CONTRACT EXTENSION

AUTHOR:	Janet Forbes	ENDORSED:	Paula Gardiner
DEPARTMENT:	Infrastructure & Services	FILE REF:	F11/2286

Original Recommendation(s)

That Council:

1. ***Approves the contract extension to R & J Spence, up to 5 September 2020.***
2. ***Approves the contract extension to Mastec Australia Pty Ltd, up to 5 September 2020.***

MOTION - MOVED Cr Terry Woodcroft seconded Cr Brian Crook:

That Council:

1. ***Approves the contract extensions to R & J Spence (trading as Spence Waste), up to 5 September 2020.***
2. ***Approves the contract extension to Mastec Australia Pty Ltd, up to 5 September 2020.***

CARRIED 7 : 0

OM152207-7 BROMFIELD STREET ROAD DISCONTINUANCE TO FACILITATE PROPOSED SUPERMARKET AND RETAIL DEVELOPMENT

AUTHOR:	Clive Brooker	ENDORSED:	Paula Gardiner
DEPARTMENT:	Infrastructure & Services	FILE REF:	F15/6023

Cr Hart:	OM152207-7 Bromfield Street Road Discontinuance to facilitate proposed supermarket and retail development
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Owns Wesfarmers shares who own Coles. Coles has a direct interest which gives Cr Hart an indirect interest

Cr Russell:	OM152207-7 Bromfield Street Road Discontinuance to facilitate proposed supermarket and retail development
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Own shares in Wesfarmers and Woolworths

Having declared a conflict of interest in this item, Crs Hart and Russell left the meeting at 5.56pm.

Original Recommendation(s)

That Council:

1. ***Gives public notice of its intention to discontinue a portion of the Government road abutting the land at 140–150 Bromfield Street, Colac (Certificate of Title Volume 9655 Folio 071 (land in Consolidation Plan 161552L) and Volume 9654 Folio 974 (Lot B on Plan of Subdivision 202154M).***

2. ***If submissions are received, gives seven (7) days' notice, by placement of a public notice in local media of its intention to consider any submissions received at the General Council Meeting on Wednesday, 23 September 2015 at COPACC at 4.00pm. Formal advice of the time and place of the meeting will be provided to those parties wanting to be heard in support of their submissions.***

3. ***If required, makes a final decision following preparation of a report by the General Manager Infrastructure and Leisure after consideration of submissions received by Council at its meeting on Wednesday, 23 September 2015.***

4. ***In the event that no submissions are received, authorises the Chief Executive Officer, or her delegate, to do all things required to discontinue a portion of the Government road abutting the land at 140–150 Bromfield Street, Colac***

(Certificate of Title Volume 9655 Folio 071 (land in Consolidation Plan 161552L) and Volume 9654 Folio 974 (Lot B on Plan of Subdivision 202154M).

MOTION - MOVED Cr Michael Delahunty seconded Cr Chris Smith:

That Council:

1. ***Gives public notice of its intention to discontinue a portion of the Government road abutting the land at 140–150 Bromfield Street, Colac (Certificate of Title Volume 9655 Folio 071 (land in Consolidation Plan 161552L) and Volume 9654 Folio 974 (Lot B on Plan of Subdivision 202154M).***

2. ***If submissions are received, gives seven (7) days' notice, by placement of a public notice in local media of its intention to consider any submissions received at the General Council Meeting on Wednesday, 23 September 2015 at COPACC at 4.00pm. Formal advice of the time and place of the meeting will be provided to those parties wanting to be heard in support of their submissions.***

3. ***Makes a final decision following preparation of a report by the General Manager Infrastructure and Leisure after consideration of any submissions received by Council at its meeting on Wednesday, 23 September 2015.***

CARRIED: 5 : 0

Cr Hart and Cr Russell returned to the meeting at 6.10pm.

OM152207-8 BLUEWATER FITNESS CENTRE REDEVELOPMENT PROJECT - PROGRESS REPORT

AUTHOR:	Adam Lehmann	ENDORSED:	Paula Gardiner
DEPARTMENT:	Infrastructure & Services	FILE REF:	F13/7721

Original Recommendation(s)

That Council notes the monthly status report for the Bluewater Fitness Centre Redevelopment Project covering the period to 1 June 2015 to 30 June 2015.

MOTION - MOVED Cr Michael Delahunty seconded Cr Chris Smith:

That Council notes with concern the monthly status report for the Bluewater Fitness Centre Redevelopment Project covering the period to 1 June 2015 to 30 June 2015.

LOST 2 : 5

DIVISION called by Cr Chris Smith

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

MOTION - MOVED Cr Brian Crook seconded Cr Terry Woodcroft:

That Council notes the monthly status report for the Bluewater Fitness Centre Redevelopment Project covering the period to 1 June 2015 to 30 June 2015.

CARRIED 5 : 2

DIVISION called by Cr Stephen Hart

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

OM152207-9 AMENDMENT C78 - WYUNA ESTATE

AUTHOR:	Suzanne Barker	ENDORSED:	Doug McNeill
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/3291

Cr Delahunty:	OM152207-9 Amendment C78 – Wyuna Estate
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Produced a geo-technical report for the development

Having declared a conflict of interest in this item, Cr Delahunty left the meeting at 6.45pm.

Original Recommendation(s)

That Council:

1. ***Seeks authorisation from the State Planning Minister to prepare Planning Scheme Amendment C78 which seeks to:***
   - ***Amend Clause 21.03 Settlement - Colac Settlement Framework to include Lot 1 on TP326494Q and part of Lot 2 PS529787 (the subject land) within the town's settlement boundary;***
   - ***Rezone the subject land from Farming Zone to General Residential Zone Schedule 1;***
   - ***Remove the existing Significant Landscape Overlay Schedule 1 from the subject land; and***
   - ***Apply a Design and Development Overlay Schedule 17 over the subject land to control fencing which adjoins a public reserve.***

2. ***Exhibits Amendment C78 for a minimum period of six weeks seeking written submissions.***

MOTION - MOVED Cr Chris Smith seconded Cr Lyn Russell:

That Council:

1. ***Seeks authorisation from the State Planning Minister to prepare Planning Scheme Amendment C78 which seeks to:***
   - ***Amend Clause 21.03 Settlement - Colac Settlement Framework to include Lot 1 on TP326494Q and part of Lot 2 PS529787 (the subject land) within the town's settlement boundary;***
   - ***Rezone the subject land from Farming Zone to General Residential Zone Schedule 1;***
   - ***Remove the existing Significant Landscape Overlay Schedule 1 from the subject land; and***
   - ***Apply a Design and Development Overlay Schedule 17 over the subject land to control fencing which adjoins a public reserve.***

2. ***Exhibits Amendment C78 for a minimum period of six weeks seeking written submissions.***

3. ***Enters into a S173 Agreement with the landowner that recognises that the former Colac-Beech Forest rail line would form future public open space associated with subdivision of the land.***

CARRIED : 6 : 0

OM152207-10 DRAFT DOMESTIC WASTEWATER MANAGEMENT PLAN

AUTHOR:	Blaithin Butler	ENDORSED:	Doug McNeill
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F14/5663

Cr Hart:	OM152207-10 Draft Domestic Waste Water Management Plan
Nature of Disclosure:	Direct Interest
Nature of Interest:	Approximately 8800 properties are affected by the draft plan of which Cr Hart jointly owns two. 209, or thereabouts, have been identified at highest risk and may not be able to be developed. As one of Cr Hart's properties is in the group of 209, his interest exceeds that which generally applies to most properties.

Cr Delahunty:	OM152207-10 Draft Domestic Waste Water Management Plan
Nature of Disclosure:	Direct Interest
Nature of Interest:	Owns/involved with more titles than general

Cr Smith:	OM152207-10 Draft Domestic Waste Water Management Plan
Nature of Disclosure:	Not disclosed
Type of Indirect Interest:	Not disclosed
Nature of Interest:	Owns land at Swan Marsh that has a septic system

Having declared a conflict of interest in this item, Crs Hart & Smith left the meeting at 6.58pm.

Having declared a conflict of interest in the previous item, Cr Delahunty remained absent from the meeting.

The Mayor adjourned the meeting from 6.58pm to 7.03pm.

MOVED Cr Lyn Russell seconded Cr Terry Woodcroft

That Council authorises officers to publicly exhibit the draft Domestic Wastewater Management Plan for eight weeks from 3 August 2015 to 28 September 2015.

CARRIED 4 : 0

Cr Smith returned to the meeting at 7.17 pm.

Cr Hart returned to the meeting at 7.18pm.

OM152207-11 PLANNING & BUILDING STATISTICAL REPORTS

AUTHOR:	Jane Preston-Smith	ENDORSED:	Doug McNeill
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/3291

Cr Delahunty:	OM152207-11 Planning & Building Statistical Reports
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Owns company that has an item in reports

Having declared a conflict of interest in the previous item, Cr Delahunty remained absent from the meeting.

MOVED Cr Lyn Russell seconded Cr Brian Crook

That Council notes the Planning and Building statistical reports for the months of March, April, May and June 2015.

CARRIED 6 : 0

Cr Delahunty returned to the meeting at 7.21pm.

OM152207-12 MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE

AUTHOR:	Lucy Vesey	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	11/96660

MOVED Cr Terry Woodcroft seconded Cr Lyn Russell

That Council notes the Minutes of the Old Beechy Rail Trail Committee for 30 March 2015.

CARRIED 7 : 0

OM152207-13 ASSEMBLY OF COUNCILLORS

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

MOVED Cr Lyn Russell seconded Cr Stephen Hart

That Council notes the Assembly of Councillors reports for:

- ***Councillor Briefing*** ***17 June 2015***
- ***Saleyards Advisory Committee*** ***19 June 2015***
- ***Audit Committee Chairperson's Report to Council*** ***22 June 2015***
- ***Councillor Briefing*** ***24 June 2015***
- ***Councillor Briefing*** ***8 July 2015***

CARRIED 7 : 0

OM152207-14 ITEM FOR SIGNING AND SEALING - REVOCATION OF A LAND ACQUISITION NOTICE - 45 POUND ROAD BEECH FOREST

AUTHOR:	Clive Brooker	ENDORSED:	Paula Gardiner
DEPARTMENT:	Infrastructure & Services	FILE REF:	F15/6022

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council resolves to authorise the CEO to sign and seal a letter to the Titles Office requesting that the land acquisition application, number R514719Y, be cancelled.

CARRIED: 7 : 0

OM152207-15 ALTERNATIVE HEAVY VEHICLE ROUTE FOR PRINCES HIGHWAY (CR MICHAEL DELAHUNTY)

Original Recommendation

That Council consider the contents of this Notice of Motion.

MOTION - MOVED Cr Michael Delahunty seconded Cr Chris Smith:

That Council

1. ***Instructs our representative on the Colac 2050 Project Control Group to seek clarification, through the Group, from VicRoads, as to the long term location of an alternative heavy vehicle route for the Princes Highway.***

2. ***Acknowledges that this request is in line with the Council Plan 2013-2017 Key Strategic Action, Transport Network, which states "The potential for significant road freight volumes will impact on the liveability and tourist values across the Shire. Response to this may need to include; Supporting VicRoads to develop alternative truck route for Colac".***

AMENDMENT - MOVED Cr Stephen Hart seconded Cr Brian Crook:

That the following be added as point 3:

3. ***Reiterates that consistent with the decision of Council on 23 May 2012, "that Council does not accept any alternative routes to Murray Street where the alternative routes are in residential areas and/or close to any school".***

CARRIED 5 : 2

DIVISION called by Cr Stephen Hart

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

AMENDMENT - MOVED Cr Stephen Hart seconded Cr Brian Crook:

That the following be added as point 4:

4. ***Reiterates that consistent with the decision of Council on 27 June 2012, "that Council abandons any further investigation of the Rail Corridor as part of this study".***

CARRIED 5 : 2

DIVISION called by Cr Stephen Hart

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

MOTION - MOVED Cr Michael Delahunty seconded Cr Chris Smith:

That Council

1. ***Instructs our representative on the Colac 2050 Project Control Group to seek clarification, through the Group, from VicRoads, as to the long term location of an alternative heavy vehicle route for the Princes Highway.***

2. ***Acknowledges that this request is in line with the Council Plan 2013-2017 Key Strategic Action, Transport Network, which states "The potential for significant road freight volumes will impact on the liveability and tourist values across the Shire. Response to this may need to include; Supporting VicRoads to develop alternative truck route for Colac".***

3. ***Reiterates that consistent with the decision of Council on 23 May 2012, "that Council does not accept any alternative routes to Murray Street where the alternative routes are in residential areas and/or close to any school".***

4. ***Reiterates that consistent with the decision of Council on 27 June 2012, "that Council abandons any further investigation of the Rail Corridor as part of this study".***

LOST 0 : 7

MOTION - MOVED Cr Stephen Hart seconded Cr Brian Crook:

That Council

1. ***Reiterates that consistent with the decision of Council on 23 May 2012, "that Council does not accept any alternative routes to Murray Street where the alternative routes are in residential areas and/or close to any school".***

2. ***Reiterates that consistent with the decision of Council on 27 June 2012, "that Council abandons any further investigation of the Rail Corridor as part of this study".***

CARRIED 5 : 2

DIVISION called by Cr Stephen Hart

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

OM152207-16 REPORT FROM DELEGATE TO OTHER BODIES - AUDIT COMMITTEE MINUTES

Original Recommendation

That Council receives for information the unconfirmed summary minutes of the Colac Otway Shire Audit Committee Meeting dated 18 March 2015.

MOTION - MOVED Cr Stephen Hart seconded Cr Lyn Russell:

That Council receives for information the unconfirmed summary minutes of the Colac Otway Shire Audit Committee Meeting dated 22 June 2015.

CARRIED 7 : 0

DIVISION called by Cr Stephen Hart

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

Against the Motion: Nil

IN COMMITTEE

MOVED Cr Lyn Russell seconded Cr Stephen Hart

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*
Minutes of the 24 June 2015 In-Committee Meeting	this matter deals with personnel matters; AND this matter deals with contractual matters; AND this matter may prejudice the Council or any person	Section 89 (2) (a) (d) (h)
COPACC Cinema Lease	this matter deals with contractual matters; AND this matter deals with legal advice	Section 89 (2) (d) (f)
Waste Services Contract Extension	this matter deals with contractual matters	Section 89 (2) (d)

CARRIED 7 : 0

Cr Smith left the meeting at 8.55pm.

OUT OF COMMITTEE

Resolution

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft that Council move "Out-of-Committee".

CARRIED 6 : 0

The Meeting Was Declared Closed at 8.56pm

CONFIRMED AND SIGNED *at the meeting held on 26 AUGUST 2015*

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