COLAC OTWAY SHIRE COUNCIL
ORDINARY MEETING OF COUNCIL

MINUTES of the ***ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL*** *held at the Birregurra Public Hall on 26 August 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 Services
Ingrid Bishop, General Manager, Infrastructure & Leisure Services
Brydon King, General Manager, Development & Community Services
Jennifer Wood, Manager, Governance & Customer Service
Maree Redmond, 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 Hart:	OM152608-7 Lavers Hill Community Fire Refuge - Transfer Of Land To CFA
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78E
Nature of Interest:	The purpose of the land transfer is for the construction of a fire refuse. This may affect the residential amenity of a house I jointly own at 15 Lavers Hill Cobden Road, Lavers Hill.

Cr Woodcroft:	OM152608-9 Saleyards Local Law
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78B
Nature of Interest:	I believe my primary employer has a direct interest in the matter.

Cr Smith:	OM152608-14 Licence Agreements Old Beechy Rail Trail 2015
Nature of Disclosure:	Direct Interest
Type of Indirect Interest:	78H
Nature of Interest:	Personal Interest – owns land as part of Licence Agreement

Cr Delahunty:	OM152608-16 Minutes of Colac Community Library and Learning Centre Joint Committee
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78
Nature of Interest:	Spouse on School Board.

4. *WELCOME & ACKNOWLEDGEMENT OF COUNTRY*

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.

5. QUESTION TIME

Question time commenced at 4.05pm

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

Leigh Barrett

1. ***Would you please bring the ratepayers and residents of the shire up to date with the progress of finishing the two second hand transportable buildings at Pirron Yallock Recreational Reserve which are replacing the original club rooms.***

    a. ***What was the cost of the 2nd transportable building including transport and delivery onsite before any work was undertaken on it?***

Response:
The General Manager for Infrastructure & Leisure Services advised that the cost of the second transportable building was $14,200.00 Exc GST. This included supply and delivery.

b. What is the total cost of the project so far including the two reports from Yttrupp Consulting Engineers, the second of which condemned the original club rooms?

Response:
The General Manager for Infrastructure & Leisure Services advised that the total cost of the project so far is $317,325.00 Exc GST. The total cost paid to Yttrupp Consulting Engineers for their advice on the project was $3585.00 Exc GST

c. What will happen to the memorial stone commemorating the opening of the reserve on the 14th of February, 1976 by the Hon CEC BURGIN, MLA, the Colac Herald on the 18th February, 1976 reported "Reserve opening a social success ".

Response:
The General Manager for Infrastructure & Leisure Services advised that the memorial stone was removed by the user group prior to construction. The user group will reinstate the stone at a more suitable location once the project works are complete. This is deemed to be part of the user groups in kind contribution.

d. What is the estimated total cost of the project?

Response:
The General Manager for Infrastructure & Leisure Services advised that the approximate cost of the project is $320,000.00.

e. When is the official opening date?

Response:
The General Manager for Infrastructure & Leisure Services advised that Council is working with the Committee of Management to coordinate an appropriate opening date for the new facility.

<u>James Judd</u>

1. Why has the Colac Otway Shire Council such a poor number of entries in Seniors Week activities listed for Seniors Festival 2015 including the most expensive regional Council concert listed plus three one day sports events with no provision to supply transport to any event? It is also noted that no free morning teas are to be provided this year.

Response:
The General Manager for Development and Community Services advised that traditionally only a few of the local Seniors Week activities are promoted on the State Government Seniors Online website. The Older Person & Abilities Support Services Unit advertises locally to ensure that residents have access to all these popular events. Flyers containing all information about this year's Seniors Week activities have been mailed and delivered to numerous locations across the shire and are available from Council's Colac & Apollo Bay offices and also on our website. There is also an advertisement x 2 in the Colac Herald, Apollo Bay and Birregurra Newsletters promoting these events.

Free morning teas are always provided across the shire and this year will be held in Colac, Apollo Bay, Gellibrand, Birregurra, Beeac and Forrest. .

Catering and venue hire costs for our Country Concert have dictated the ticket price for locals to see Honey B & the Stingers. Most other Councils have no cost to the venue hire for concerts they put on during Seniors Week. Council's Seniors Week activities do not include any sports events.

2. ***What portion of the 4.9% increase in Council rates and charges for the 2015-2016 year was covered by the catch-up penalty on properties rezoned prior to the last budget when only half the increase passed on?***

Response:
The General Manager for Corporate Services advised that the average increase in rates and charges for al properties was 4.9%. There is no 'catch-up penalty' included in any rate or charge raised by Council.

As part of a review of its rating differential levels Council resolved to rate all residential properties within the localities of Colac, Colac East, Colac West and Elliminyt at the same level, being the Residential-Colac rate differential. Prior to this some larger properties within these zones were rated at the Residential-Balance of Shire rate which was 85% of the Residential-Colac rate.

Council phased the implementation of the differential change over two years. There were 374 properties in this category.

The difference in total rates levied upon these properties in 2015-16 at 100% of the Residential-Colac rate compared to 2014-15 when they were levied at 92.5% of the Residential-Colac rate is $45,068.

3. ***If Council only made decisions on 83 planning applications over a three month period as outlined in service snapshot sent out with the 2015-2016 rate notice, what were the total number of applications waiting a decision before the planning department on:***
   a. ***31 March 2015***
   b. ***30 June 2015?***

   Over what period of time were the applications lodged?

Response:
The General Manager for Development & Community Services advised that the total number of planning permit applications lodged with Council but not determined on 31 March 2015 was 60, and on 30 June 2015 it was 58. These applications had been lodged mainly in 2014/15, with the oldest having been lodged in 2012.

4. ***Instead of Council persisting in hiring of outside advisors to advise on matters relating to Council expenses, why do you not put matters before your own staff to produce plans and make them aware of community views provided to Council? Advisors do not have to live with the consequence of their ideas if not acceptable to the community who have no chance to express their views to them on what must be attended to or how much is paid to a body of advisors. This is only a waste of Council's funds that delays other urgent work.***

Response:
The General Manager for Corporate Services advised that the Council uses a range of methods as part of its operations. Decisions on whether to use outside advisors on certain projects are made on a case by case basis depending on the nature of the project, the skills required and staff resourcing.

Questions Received Verbally at the Meeting

Yvonne Francis – Apollo Bay

1. ***In relation to Binns Track - Who is logging there, are the trees protected by the Great Otway National Park and who repairs the road?***

2. ***What action is Colac Otway Shire taking in relation to the Marriner's Falls closure by the Victorian Government?***

Response:
The General Manager for Infrastructure & Leisure Services advised that she would take the questions on notice.

Joyce Cook - Beeac

1. ***In reference to the Lake Beeac Walking Track on page 80, paragraph 6 makes reference to Bevan Street. Where is Bevan Street?***

Response
The General Manager for Development & Community Services advised that he would take the question regarding the name "Bevan" Street on notice. The stage 2 plans submitted in the report indicate a further stage to Mack Street and Bevan Street is a further stage on the map. That part of the program is a long way off, if at all.

2. ***Why have the plans been changed from the details agreed with Rob Small prior to his retirement?***

Response:
The General Manager for Development & Community Services advised that the detailed design listed in the agenda indicates there is a need to keep the footpath 4 metres back from the lake to manage some of the interface issues with the waterline. The overall intent of the outcome is still considered consistent with some of the previous positions that were provided by Mr. Small.

Mr Wesner - Colac

1. ***Can you tell me what happened to the survey into the library annexe from 3 months ago?***

Response:
The General Manager for Corporate Services advised that over the last three or four months that process has continued and the draft report will be received from the consultant and will then come to a Council meeting to be considered by Council.

2. ***Will you publicise the outcome of the survey?***

Response:
The General Manager for Corporate Services advised a complete copy of the report which will include the survey results which will come to Council and will include everything that has been done regarding the survey.

Victoria Moore - Gerangamete

1. ***Why did four Councillors vote in favour of the most expensive option put on the table by the tenderer before the contract was signed knowing full well the shire did not have the money to pay for it and then took out a loan of $1m on behalf of the ratepayers of this shire that the ratepayers now have to service with absolutely no disclosure at all? Finally under pressure tabling this document at the March Council meeting 2004 which reviews the process, then In-Committee not in front of the ratepayers, releasing attachment 1 with numerous items blacked out including all the figures. So that the ratepayers are still not in possession of the facts, we were not informed, we were not consulted we were not involved, there was no collaboration and we certainly do not feel empowered.***

Response:
The General Manager for Corporate Services advised Councillors went through a tender process and appointed a contractor. In terms of Council requesting a report on the process, certain items were blacked out as part of what we saw were confidential as part of that process. Council will be reviewing the report to see if there were parts of the report previously blacked out that can be made open to the community.

2. ***How does that abide by your Community Consultation statement?***

Response:
The General Manager for Corporate Services advised what was released to the public was what we felt was appropriate in terms of what the resolution of Council was. We were trying to inform Council as much as possible but the report will be reviewed to see if further information can be provided to the public.

3. ***Why without consultation with the ratepayers of the shire did you decide to go ahead and take out a loan on our behalf of $1m knowing beforehand you did not have the money to pay for the option you chose which was before the signing of the contract.***

Response:
The CEO advised that it is not possible for officers to answer that question because it was in fact a decision of the Council.

The Mayor took the question on notice but noted that the project being undertaken and heading towards conclusion is a huge success for this shire. Our commitment will be a very small fraction of the total funds committed. Something like 1/6th of the funds. The rest has been funded by the Federal and State Governments. We have already seen a portion of that development opened, the gymnasium area, which has had a huge impact on the people who have accessed that. As we get closer there will be other sections opened in due course. I for one am very proud to say that I was part of the Council that said yes to that funding and I stand by that.

Simon Arundell

1. ***How may Councillors read the weekly times? How many read the Stock & Land? Are you aware that agents are already expressing concern that the yards stink? Are you aware that the rotting matter on the floor can carry contagious diseases right across southern Australia? Are you aware that this disease is possible?***

Response:
The Mayor advised he did read the Weekly Times and was well connected to Stock Agents. He advised he has heard from stock agents that the saleyards works and the roof were a huge improvement. Agents have said they wouldn't have the clientele they have now without the softer flooring and he was not getting the same feedback as Mr Arundell from some of the key players of the stock agents association in Colac.

2. ***Are you aware that I received a letter from the Shire of Colac about this same matter virtually brushing it off. Are you aware that if Foot and Mouth got into this country there would be thousands out of jobs. Colac would close down, Bulla would be closed, the abattoirs would be closed and this would happen for months. Are you aware that the Mayor wrote a letter about vaccination? There are a growing number of diseases being transferred by cattle to other cattle.***

Response:
The Mayor stated the entry point in the northern parts of Australia. We are talking our neighbours and the feral pigs in the Northern Territory and Queensland. That's why we have such strong AQIS laws in Australia. What you are saying is correct and we know that it would have terrible consequences and we have a part to play but we are not responsible for that.

3. ***I got your lovely community paper and I really don't wish to receive it. Would this be nothing more than a propaganda sheet put out by Rae Street?***

Response:
The Mayor stated this is an explanation of what this organisation does for its ratepayers and the other page showed a snapshot in general terms of what $100 of rates pays for, and it is a large step forward to inform the community.

Question time closed at 4.35pm

MOTION - MOVED Cr Michael Delahunty seconded Cr Chris Smith that Council extend question time for a further 15 minutes.
lost 3 : 4

DIVISION called by Cr Chris Smith

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

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

Nil

7. CONFIRMATION OF MINUTES

- ***Ordinary Council Meeting held on the 22/07/15.***

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

CARRIED 7 : 0

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.*

8. PRESENTATION OF REPORTS

OM152608-1 CEO'S PROGRESS REPORT TO COUNCIL

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

MOVED Cr Lyn Russell seconded Cr Brian Crook

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

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

OM152608-2 LOCAL GOVERNMENT RATES CAPPING & VARIATION FRAMEWORK REVIEW

AUTHOR:	Colin Hayman	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Corporate Services	FILE REF:	F15/5962

Original Recommendation

That Council endorses the submission incorporating responses to the recommendations from the Local Government Rates Capping & Variation Framework Review being forwarded to the Essential Services Commission.

Amendment - Moved Cr Brian Crook seconded Cr Lyn Russell:

That Council:

1. ***Endorses the submission incorporating responses to the recommendations from the Local Government Rates Capping & Variation Framework Review being forwarded to the Essential Service Commission.***

2. ***Recommends the ESC delivers a differential model of rate capping, acknowledging the inequity of the proposed draft and the adverse impact it will have on delivery of services and infrastructure maintenance and renewal, especially roads and bridges.***

Amendment - Moved Cr Stephen Hart seconded Cr Chris Smith to add point 3:

Notes that the submission is to state as part of the Executive Summary that Colac Otway Shire agrees in principle with Rate Capping.

LOST 1 : 6

DIVISION called by Cr Chris Smith

For the Motion: Cr Stephen Hart

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

Moved Cr Brian Crook seconded Cr Lyn Russell

That Council:

1. ***Endorses the submission incorporating responses to the recommendations from the Local Government Rates Capping & Variation Framework Review being forwarded to the Essential Service Commission.***

2. ***Recommends the ESC delivers a differential model of rate capping, acknowledging the inequity of the proposed draft and the adverse impact it will have on delivery of services and infrastructure maintenance and renewal, especially roads and bridges.***

CARRIED 4 : 3

DIVISION called by Cr Chris Smith

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

OM152608-3 MATCHING FUNDING OPPORTUNITIES

AUTHOR:	Colin Hayman	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Corporate Services	FILE REF:	F15/5785

Original Recommendation

That Council:

1. ***Endorses the use of $200,000 in the budget as a matching contribution against other Government funding programs.***

2. ***Notes that if Council is successful with receiving funding that the additional matchingcontribution will be funded from savings in the Workcover premium and the balance from surplus funds from 2014/15.***

3. ***Notes that the quarterly financial reports to Council will provide details of the reallocation of the funds.***

MOVED Cr Brian Crook seconded Cr Terry Woodcroft

That Council:

1. ***Endorses the use of $200,000 in the budget as a matching contribution against other Government funding programs.***

2. ***Notes that if Council is successful with receiving funding that the additional matching contribution will be funded from savings in the Workcover premium and the balance from surplus funds from 2014/15.***

3. ***Notes that the quarterly financial reports to Council will provide details of the reallocation of the funds.***

AMENDMENT - MOVED Cr Chris Smith seconded Cr Stephen Hart

To add point four that Council:

4. ***Notes that before any decisions are made on any projects that it be reported to Council for endorsement.***

CARRIED 4 : 3

DIVISION called by Cr Chris Smith

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

Against the Motion: Cr Brian Crook, Cr Michael Delahunty, Cr Frank Buchanan

MOVED Cr Brian Crook seconded Cr Terry Woodcroft

That Council:

1. ***Endorses the use of $200,000 in the budget as a matching contribution against other Government funding programs.***

2. ***Notes that if Council is successful with receiving funding that the additional matching contribution will be funded from savings in the Workcover premium and the balance from surplus funds from 2014/15.***

3. ***Notes that the quarterly financial reports to Council will provide details of the reallocation of the funds.***

4. ***Notes that before any decisions are made on any projects that it be reported to Council for endorsement.***

CARRIED 6 : 1

DIVISION called by Cr Chris Smith

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

Against the Motion: Cr Michael Delahunty

OM152608-4 AUTHORISATION OF OFFICER (PLANNING AND ENVIRONMENT ACT)

AUTHOR:	Colin Hayman	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Corporate Services	FILE REF:	11/96474

MOVED Cr Michael Delahunty seconded Cr Terry Woodcroft

That Council:

1. ***Appoints Brydon King General Manager Development and Community Services as an authorised officer pursuant to the Planning and Environment Act 1987.***

2. ***Notes that the Instrument of Appointment and Authorisation comes into force immediately the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it.***

3. ***Delegates to the Chief Executive Officer authority to sign and place under Council Seal the Instrument of Appointment and Authorisation.***

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

OM152608-5 UPDATE S6 INSTRUMENT OF DELEGATION - COUNCIL TO MEMBERS OF STAFF

AUTHOR:	Colin Hayman	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Corporate Services	FILE REF:	11/96474

MOVED Cr Terry Woodcroft seconded Cr Lyn Russell

That Council, in the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the tabled Instrument of Delegation, resolves that:

1. ***There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the tabled Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.***

2. ***The Chief Executive Officer is authorised to affix the Common Seal to the Instrument. The Instrument comes into force immediately the Common Seal of Council is affixed.***

3. ***On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.***

4. ***The duties and functions set out in the Instrument must be performed and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that may from time to time be adopted.***

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

OM152608-6 CONTRACT 1527 - PROVISION OF A WEBSITE CONTENT MANAGEMENT SYSTEM

AUTHOR:	Andrew Kavanagh	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate Services	FILE REF:	F11/3291

MOVED Cr Terry Woodcroft seconded Cr Lyn Russell

That Council:

1. ***Awards Contract 1527 for Provision of a Website Content Management System to Seamless CMS Pty Ltd at the lump sum tender price of $69,990 (excluding GST) per annum, subject to CPI adjustment, for a period of three years and with further option to extend the contract annually.***

2. ***Delegates to the Chief Executive Officer authority to sign and place under Council seal the contract documents following award of Contract 1527.***

CARRIED 7 : 0

OM152608-7 LAVERS HILL COMMUNITY FIRE REFUGE - TRANSFER OF LAND TO CFA

AUTHOR:	Clive Brooker	ENDORSED:	Ingrid Bishop
DEPARTMENT:	Infrastructure & Leisure Services	FILE REF:	11/96302

Cr Hart:	*OM152608-7 Lavers Hill Community Fire Refuge - Transfer Of Land To CFA*
Nature of Disclosure:	*Indirect Interest*
Type of Indirect Interest:	*78E*
Nature of Interest:	*The purpose of the land transfer is for the construction of a fire refuse. This may affect the residential amenity of a house I jointly own at 15 Lavers Hill Cobden Road, Lavers Hill.*

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

MOVED Cr Lyn Russell seconded Cr Michael Delahunty

That Council:

1. ***Endorses the transfer of that parcel of land described as Lot 12, LP 6159 on Title Volume 7112 Folio 221 to the CFA for no consideration.***

2. ***Undertakes the formal process of transferring ownership of the above parcel only after the successful completion of the planning approval for the construction of the Fire Refuge.***

3. ***Requests the Chief Executive Officer write to the CFA expressing Council's satisfaction with the outcome of the site selection process for the Community Fire Refuge and formally offering to gift the parcel of the land described as Lot 12, LP 6159 on Title Volume 7112 Folio 221to the CFA for that purpose.***

4. ***Authorises its 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 transfer of land.***

5. ***Requests the Chief Executive Officer to write to the Pitt family to advise them of Councils decision to transfer title to the land donated by them in 1991to the CFA, for the purpose of providing a Community Fire Refuge in Lavers Hill and thanking them for their generous support.***

CARRIED 6 : 0

Cr Stephen Hart returned to Council Chambers at 6:11 PM

OM152608-8 BLUEWATER FITNESS CENTRE REDEVELOPMENT PROJECT - PROGRESS REPORT

AUTHOR:	Adam Lehmann	ENDORSED:	Ingrid Bishop
DEPARTMENT:	Infrastructure & Leisure Services	FILE REF:	F13/7721

Original Recommendation

That Council notes the monthly status report for the Bluewater Fitness Centre Redevelopment Project covering the period to 1 July 2015 to 31 July 2015.

Revised Recommendation

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 July 2015 to 31 July 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

MOVED Cr Brian Crook seconded Cr Lyn Russell

That Council notes the monthly status report for the Bluewater Fitness Centre Redevelopment Project covering the period to 1 July 2015 to 31 July 2015.

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

OM152608-9 SALEYARDS LOCAL LAW

AUTHOR:	Tony White	ENDORSED:	Brydon King
DEPARTMENT:	Development & Community Services	FILE REF:	F11/3291

Cr Woodcroft:	OM152608-9 Saleyards Local Law
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78B
Nature of Interest:	I believe my primary employer has a direct interest in the matter.

Having declared a conflict of interest in this item, Cr Woodcroft left Council Chambers at 6:45 PM

MOVED Cr Lyn Russell seconded Cr Brian Crook

That Council:

1. ***That Council allows the Colac Livestock Selling Centre Local Law No.5 to sunset on 23 September 2015.***

2. ***Requests a report to the 23 September 2015 Council meeting detailing alternative management policies for the Colac Regional Saleyards.***

CARRIED 4 : 2

DIVISION called by Cr Chris Smith

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

Against the Motion: Cr Chris Smith, Cr Michael Delahunty

Cr Woodcroft returned to Council Chambers at 7:02 PM

OM152608-10 LAKE BEEAC FORESHORE WALKING TRACK

AUTHOR:	Katrina Kehoe	ENDORSED:	Brydon King
DEPARTMENT:	Development & Community Services	FILE REF:	F15/101

MOVED Cr Lyn Russell seconded Cr Brian Crook

That Council:

1. ***Endorses the draft Stage One pathway plans for public consultation.***

2. ***Places the draft Stage One pathway plans on exhibition for a period of six (6) weeks commencing 4 September 2015 and concluding 6 October 2015.***

3. ***Supports extending the area of land managed by Council beyond the current over the former landfill area to link to Burnett/Wallace Street and Buchanan Street. Note that Council currently maintains this land.***

4. ***Advises DELWP and the Beeac community that Council does not intend to extend the pathway from Buchanan Street to Beal Street (Stage two) or to take on Committee of Management over this area of land.***

5. ***Assists the Beeac Progress Association in an advocacy role should they wish to pursue the pathway from Buchanan Street to Beal Street (Stage Two) in the future.***

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

OM152608-11 AUSTRALIA DAY AWARD GUIDELINES

AUTHOR:	Hege Eier	ENDORSED:	Brydon King
DEPARTMENT:	Development & Community Services	FILE REF:	F15/4287

MOVED Cr Terry Woodcroft seconded Cr Brian Crook

That Council adopts the revised Australia Day Award Guidelines and Nomination Form.

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

OM152608-12 ASSEMBLY OF COUNCILLORS

AUTHOR:	Rhonda Deigan	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Executive	FILE REF:	F15/5960

MOVED Cr Stephen Hart seconded Cr Lyn Russell

That Council notes the Assembly of Councillors reports for:

- ***Councillor Briefing*** ***15 July 2015***
- ***Great South Coast Food & Fibre Forum*** ***21 July 2015***
- ***Councillor Briefing*** ***22 July 2015***
- ***Councillor Briefing*** ***29 July 2015***
- ***Councillor Briefing*** ***5 August 2015***
- ***Councillor Briefing*** ***12 August 2015***

CARRIED 7 : 0

OM152608-13 MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE

AUTHOR:	Lucy Vesey	ENDORSED:	Ingrid Bishop
DEPARTMENT:	Infrastructure & Leisure Services	FILE REF:	11/96660

MOVED Cr Lyn Russell seconded Cr Brian Crook

That Council notes the Minutes of the Old Beechy Rail Trail Committee for 1 June 2015.

CARRIED 7 : 0

OM152608-14 LICENCE AGREEMENTS OLD BEECHY RAIL TRAIL 2015

AUTHOR:	Lucy Vesey	ENDORSED:	Ingrid Bishop
DEPARTMENT:	Infrastructure & Leisure Services	FILE REF:	11/96660

Cr Smith:	*OM152608-14 Licence Agreements Old Beechy Rail Trail 2015*
Nature of Disclosure:	*Direct Interest*
Type of Indirect Interest:	*78H*
Nature of Interest:	*Personal Interest. Owns land as part of Licence Agreement.*

Having declared a conflict of interest in this item, Cr Smith left the meeting at 7.18pm.

MOVED Cr Terry Woodcroft seconded Cr Lyn Russell

That Council signs and seals the licence agreements between S Gardiner & M Gardiner, R J Maxwell, C J & M J Smith, Midway Plantations Pty Ltd, D & P Jukes, D Colless and Colac Otway Shire Council for licence of Land Occupancy (Beechy Line Rail Trail.)

CARRIED 6 : 0

Cr Chris Smith returned to Council Chambers at 7:19 PM

OM152608-15 MINUTES FROM YOUTH COUNCIL MEETINGS

AUTHOR:	Maree Redmond	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Executive	FILE REF:	F15/7377

MOVED Cr Lyn Russell seconded Cr Brian Crook

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

- ***15 June 2015***
- ***22 June 2015***
- ***20 July 2015***
- ***3 August 2015.***

CARRIED 7 : 0

OM152608-16 MINUTES OF COLAC COMMUNITY LIBRARY AND LEARNING CENTRE JOINT COMMITTEE

AUTHOR:	Colin Hayman	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Corporate Services	FILE REF:	11/96218

Cr Delahunty:	*OM152608-16 Minutes of Colac Community Library and Learning Centre Joint Committee*
Nature of Disclosure:	*Indirect Interest*
Type of Indirect Interest:	*78*
Nature of Interest:	*Spouse on School Board.*

Having declared a conflict of interest in this item, Cr Delahunty left the meeting at 7.20pm.

MOVED Cr Stephen Hart seconded Cr Lyn Russell

That Council notes the minutes of the Colac Community Library and Learning Centre (CCLLC) Joint Committee for 13 May 2015.

CARRIED 6 : 0

Cr Delahunty returned to Council Chambers at 7.21 PM

MATTER OF URGENCY - MOVED Cr Stephen Hart seconded Cr Michael Delahunty that the issue of the notification of road closures resulting from the Gran Fondo cycling event be treated as a matter of urgent business.

CARRIED 7: 0

URGENT ITEM OF BUSINESS - NOTIFICATION OF ROAD CLOSURES RESULTING FROM THE GRAN FONDO CYCLING EVENT

AUTHOR:	Colin Hayman	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Corporate Services	FILE REF:	F15/9436

Original Recommendation(s)

That Council:

1. ***Notes that residents in Apollo Bay, Marengo and possibly Forrest and other areas have not received notification of the road closures associated with the Gran Fondo cycling event to be held in September 2015.***

2. ***Understands that it is a permit condition that the event organiser sends notifications and that the event organiser has informed Council this has been done.***

3. ***Asks, in light of the lack of notification being received, for the Council Chief Executive Officer to take steps such as placing notices in the Otway Light, Apollo Bay Newsheet, Birre Mail and in Council's Facebook site about the road closures as well as encouraging the event organisers to ensure notification is delivered,***

4. ***Notes that whilst the immediate concern is to ensure the community is properly informed, this issue may need to be considered before such an event is to be undertaken in the future.***

REVISED RECOMMENDATION - MOVED Cr Stephen Hart seconded Cr Michael Delahunty

That Council:

1. ***Understands that residents in Apollo Bay, Marengo and possibly Forrest and other areas have not received notification of the road closures associated with the Gran Fondo cycling event to be held in September 2015.***

2. ***Understands that it is a permit condition that the event organiser sends notifications and that the event organiser has informed Council this has been done.***

3. ***Asks, in light of the lack of notification being received, for the Council Chief Executive Officer to request the organisers to take steps such as placing notices in the Otway Light, Apollo Bay Newsheet, Birre Mail and in Council's Facebook site about the road closures as well as encouraging the event organisers to ensure notification is delivered,***

4. ***Notes that whilst the immediate concern is to ensure the community is properly informed, this issue may need to be considered before such an event is to be undertaken in the future.***

CARRIED 7 : 0

IN COMMITTEE

Original Recommendation

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 In-Committee Council Meeting held on 22 July 2015	*this matter deals with contractual matters; AND this matter may prejudice the Council or any person.*	*Section 89 (2) (d) & (h)*
Contract 1527 - Provision of a Website Content Management System	*this matter deals with contractual matters*	*Section 89 (2) (d)*
Colac Regional Saleyards Kattle Gear Report	*this matter deals with contractual matters; AND this matter may prejudice the Council or any person*	*Section 89 (2) (d) (h)*

MOVED Cr Stephen Hart seconded Cr Lyn Russell

That Council deal with the Kattle Gear Report in open Council and then 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 to consider Minutes of In-Committee Council Meeting held on 22 July 2015 and Contract 1527 - Provision of a Website Content Management System.

CARRIED 7 : 0

OM152608-18 COLAC REGIONAL SALEYARDS KATTLE GEAR REPORT

AUTHOR:	Tony White	ENDORSED:	Brydon King
DEPARTMENT:	Development & Community Services	FILE REF:	11/96582

Original Recommendation(s)

That Council:

1. ***Notes the Kattle Gear report and provides it to the Colac Livestock Selling Centre Advisory Committee as an advisory document only subject to it being accompanied by a progress report against the recommendations in the report and communication to the Committee that the report is advisory in nature only and Council is restricted under the Local Government Act and other constraints as to how it invests in capital works.***

2. ***Supports the response to infrastructure proposals in the Kattle Gear report as per attachment 2.***

MOTION - MOVED Cr Michael Delahunty seconded Cr Chris Smith that:

Council notes the Kattle Gear report and provides it to the Colac Livestock Selling Centre Advisory Committee.

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 Chris Smith seconded Cr Michael Delahunty that:

Council notes the Kattle Gear report and provides it to the Colac Livestock Selling Centre Advisory Committee and the community as an advisory document.

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

MOVED Cr Lyn Russell seconded Cr Brian Crook

That Council:

1. ***Notes the Kattle Gear report and supports its public release and provides it to the Colac Livestock Selling Centre Advisory Committee as an advisory document only subject to it being accompanied by a progress report against the recommendations in the report and communication to the Committee that the report is advisory in nature only and Council is restricted under the Local Government Act and other constraints as to how it invests in capital works.***

2. ***Supports the response to infrastructure proposals in the Kattle Gear report as per attachment 2.***

CARRIED 5 : 2

DIVISION called by Cr Lyn Russell

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

Cr Chris Smith left Council Chambers at 7:59 PM

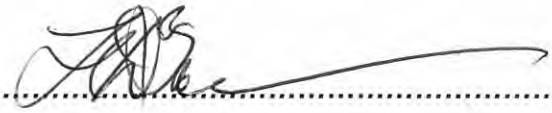
OUT OF COMMITTEE

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft that the meeting move out of committee.

CARRIED 6 : 0

The Meeting Was Declared Closed at 8.00pm

CONFIRMED AND SIGNED at the meeting held on 23 SEPTEMBER 2015



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