MINUTES of the ***ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL*** held at the Apollo Bay Senior Citizens Centre, Apollo Bay on 24 February 2010 at 6.00 pm.

---

1. OPENING PRAYER

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

AMEN

2. PRESENT

Cr Lyn Russell (Mayor)
Cr Frank Buchanan
Cr Stephen Hart
Cr Stuart Hart
Cr Geoff Higgins
Cr Brian Crook
Cr Chris Smith

Rob Small, Chief Executive Officer

Colin Hayman, General Manager, Corporate & Community Services
Neil Allen, General Manager, Infrastructure & Services
Jack Green, General Manager, Sustainable Planning & Development
Rhonda Deigan, Executive Officer

3. APOLOGIES

Nil

4. MAYORAL STATEMENT

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present and welcomes any descendents here today.

Colac Otway Shire encourages active community input and participation in Council decisions. Council meetings provide one of these opportunities as members of the community may ask questions to Council either verbally at the meeting or in writing.

Questions made in writing will be addressed if received within two days of the Council meeting. Please note that some questions may not be able to be answered at the meeting, these questions will be taken on notice. Council meetings also enable Councillors to debate matters prior to decisions being taken.

I ask that we all show respect to each other and respect for the office of an elected representative.

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982.'

Thank you, now question time. 30 minutes is allowed for question time.

I remind you that you must ask a question, if you do not have 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
2. Questions from the floor

5. QUESTION TIME

Questions Received in Writing Prior to the Meeting

Damien Dureau – Colac

Would you please provide me with answers in writing to the following questions:-

1.1 At the 16 December 2009 Council Meeting, Council voted to submit the funding application to the Federal Government in January 2010. The Agenda for the Council Meeting of 27 January 2010, page 53, provided that that funding application was to be submitted by14 January 2010.

(a) Please confirm that 14 January 2010 was the closing date for submitting an application under this Federal Government program, and please also advise on what date COS submitted their application?

RESPONSE:
The closing date of the Regional and Local Community Infrastructure Program – Strategic Projects (RLCIP-SP) Federal Government Funding Program was 14 January 2010.
The application submitted to this program for the Redevelopment of the Bluewater Fitness Centre was submitted on 12 January 2010.

(b) By what date will COS know of the result of their funding application under this Federal Government program?

RESPONSE:
We have been provided with advice that an announcement may be made in April or May of this year.

1.2 Please confirm the final breakdown of the $8.5 million total project cost is as follows:-

(a) $6 million for the BWFC Sports Stadium Redevelopment, and if not, what is the correct estimated cost of this component of the total project?

RESPONSE
The cost breakdown as included in the application is as follows:

- **$6million BWFC Stadium Redevelopment**
- **$2.5million Warm Water Pool Development**

(b) $2.5 million for the Warm Water Hydrotherapy Exercise Pool Development, and if not, what is the correct estimated cost of this component of the total project?

RESPONSE
Refer above

1.3(a) Please confirm that the funding application submitted by COS to the Federal Government under this program in January 2010 was for the entire total project, inclusive of both Stage 1 (BWFC Sports Stadium Redevelopment) and Stage 2 (Warm Water Hydrotherapy Exercise Pool Development).

RESPONSE
The application submitted on 12 January 2010 has requested $7,726,000 from this Federal Government Funding Program.

(b) Please confirm that this $7.726 million amount requested is exclusive of, and prior to, any Victorian State Government funding?

RESPONSE
The $7,726,000 requested from Federal Government is exclusive of any State Government funding.

(c) How much of this $7.726 million was requested for the BWFC Sports Stadium Redevelopment, alone?
(If this figure is inclusive of Victorian State Government funding, what is the breakdown between Federal Government funding requested and Victorian State Government funding requested for the BWFC Sports Stadium Redevelopment?)

RESPONSE
Refer response to Question 1.2 a) and 1.3 b) above.

(d) How much of this $7.726 million was requested for the Warm Water Hydrotherapy Exercise Pool Development, alone?
(If this figure is inclusive of Victorian State Government funding, what is the breakdown between Federal Government funding requested and Victorian State Government funding requested for the Warm Water Hydrotherapy Exercise Pool Development?)

RESPONSE
Refer response to Question 1.2 a) and 1.3 b) above.

1.4 Department of Planning and Community Development (DPCD) - Sport and Recreation Victoria (SRV) Major Facilities Funding Program - Community Facilities Funding Program - $500,000 maximum available (based on a $1 (DPCD) to $2 (Other) contribution arrangement)

(a) Please confirm that these two $500,000 maximum amounts are not one and the same, but instead are separate and distinct?

RESPONSE
The funding application included a confirmed contribution of $674,000 from the Department of Education and Early Childhood Development (which are conditional funds) and $100,000 from the Colac Otway community.

(b) If these two $500,000 maximum amounts are separate and distinct, will COS be applying for up to $1 million, or only up to $500,000 from the Victorian State Government in funding for the BWFC Sports Stadium Redevelopment component?

RESPONSE
Refer above response.

(c) If these two $500,000 maximum amounts are separate and distinct, and if COS will only be applying for up to $500,000 from the Victorian State Government in funding for the BWFC Sports Stadium Redevelopment component, please advise will that funding application be made to DEECD or will it be made to DPCD/SRV; and please also advise as to why then the Department not being applied to for funding by COS will not be being applied to for funding for the BWFC Sports Stadium Redevelopment component?

RESPONSE
No formal applications have been submitted to the Department of Planning and Community Development at this stage for this proposed project.

(d) Please advise how much are the maximum amounts that COS is able to apply for in funding for the Warm Water Hydrotherapy Exercise Pool component from the Victorian State Government, from each of DEECD (if any) and DPCD, and please confirm that COS will be applying for that funding from each of those 2 Departments?

RESPONSE
This requires further research as to available funding options, programs, timelines and criteria in relation to the actual project and this would be undertaken in partnership with various State Government Departments to determine suitability of the application to funding options.

1.5(a) Did Stratcorp Consulting Pty Ltd ever provide their Bluewater Fitness Centre Sports Stadium Feasibility Study "Final Report" to COS, and if so, when was it dated; and why didn't Council receive and endorse it instead of the "Draft Report" at the 16 December 2009 Council Meeting?

RESPONSE
Council received the Stratcorp Bluewater Fitness Centre Stadium Feasibility Study in December 2009.

(b) If Stratcorp Consulting Pty Ltd never provided their Bluewater Fitness Centre Sports Stadium Feasibility Study "Final Report" to COS, why did that occur?

RESPONSE
Refer above answer.

(c) Which organization carried out the "Bluewater Fitness Centre Warm Water Pool Feasibility Study" (ie. was it someone other than Stratcorp Consulting Pty Ltd?); and what date was the "Draft Report" dated, and what date was the "Final Report" dated?

RESPONSE
Melvin Recreation Management Consultants undertook the Hydrotherapy Pool Feasibility Study and the Final Draft is dated May 2005.

(d) Why didn't Council receive and endorse the "Bluewater Fitness Centre Warm Water Pool Feasibility Study" together with the "Bluewater Fitness Centre Sports Stadium Feasibility Study – Draft Report" as the basis for the funding application to be submitted to the Federal Government in January 2010, at the 16 December 2009 Council Meeting?

RESPONSE
Council have received both documents.

1.6(a) Stage 1 – BWFC Sports Stadium Redevelopment, and in what proportion they would be shared with DEECD, and if so, how much are those projected costs for each party?

RESPONSE
This information is contained in the Stratcorp Report.

(b) Stage 2 – Warm Water Hydrotherapy Exercise Pool, and in what proportion they would be shared with DEECD (if at all), and if so, how much are those projected costs for each party?

RESPONSE
Any major redevelopment or new major developments of the existing BWFC would activate in a new Joint Use Agreement which would consider/determine the arrangements regarding costs, maintenance, management etc. These aspects would also be confirmed before commencement or commitment from any of the parties towards the project.

Questions Received Verbally at the Meeting

Paul David Cross – Publicity Officer FOCL

Why did Council carry out a review of Local Law 4 when it is not due to expire until 2015 and when the only changes proposed relate to Question Time, both written and verbal?

RESPONSE
The CEO advised that the review of Local Law 4 had been undertaken in line with the review of all Council policies, as is usually the case, and that a number of other changes, in addition to Question Time, had been proposed.

With reference to the recommendation in agenda item OM102402-3, how can Council adopt in good faith the proposed Local Law 4 when it is seeking to erode the community's ability to participate 'in the government of the Council' through its proposed changes to Question Time?

RESPONSE
The Mayor responded that Local Law 4 is to be debated by Councillors today.

With reference to the automatic recording of Councillor votes in Council minutes, doesn't Council think that an automatic division of votes will make Councillors more accountable and transparent in their decision making?

RESPONSE
The Mayor reiterated that Local Law 4 is to be debated by Councillors today.

Why has Council chosen to adopt Local Law 4 in Apollo Bay at a meeting to be held after 6.00pm?

RESPONSE
The Mayor advised that Local Law 4 had been released for public submission for a 6 week period prior to it being discussed at today's Council meeting.

Janine McKenzie – Apollo Bay

Can Council please help get the Apollo Bay pool back on track through assisting in the establishment of a pool committee?

RESPONSE
The CEO advised that the Council is aware of the issues with the Apollo Bay pool and is working actively with the school to address those issues. Further, Council would be supportive of the establishment of a committee which would enable a forum for community input.

Would council consider a levy for the pool to get it back up to scratch?

RESPONSE
The CEO stated that the Council needs to look at the issue holistically and explore all available options in consultation with the community.

Could you please explain what process was involved in the formation of the Lavers Hill Pool Committee?

RESPONSE
The Mayor suggested that Ms McKenzie meet with Cr Stephen Hart to discuss this process.

Nereda Rink – Apollo Bay Pony Club

Is the Colac Otway Shire supportive of the Apollo Bay Pony Club's plans to relocate to the Heathfield Estate?

RESPONSE
The CEO advised that the Council would work with community representatives to examine the issue and that it considers the Apollo Bay Pony Club an important component in these discussions.

Christine Holm – FOCL

As per the resolution at the Special Council Meeting of 10 February 2010, will Council confirm that it will allocate 100 square metres to the establishment of a library sub-branch at the current Gellibrand Street location?

RESPONSE
The Mayor advised that, as per the resolution, approximately 100 square metres will be allocated to the library sub-branch.

Are you able to advise what is the earliest and latest amount of time that it will be open after the Joint Use Library opens?

RESPONSE
The CEO noted that partitioning would need to be installed and the library sub-branch fitted out prior to its opening. As the exact timeframe is unknown at this stage, the question would be taken on notice and a more accurate schedule will be provided in due course.

Does Council intend to retain ownership of 6 Murray Street, Colac?

RESPONSE
The Mayor advised that no decision had been made on the future of 6 Murray Street, Colac.

Norma Begley – Apollo Bay

Can Council please tell us when we can form a committee to advance a swimming pool group in Apollo Bay?

RESPONSE
The CEO advised that while the Council would welcome the opportunity to talk over the issue further, the Apollo Bay College would also need to be involved in discussions.

When might these discussions take place?

RESPONSE
The Mayor suggested that Ms Begley contact the Colac Otway Shire to make an appointment with the Mayor and CEO.

Lyn Foster – FOCL

With reference to the Notice of Motion in today's Council Meeting Agenda, does Council have any plans to: leave the Corangamite Regional Library Corporation (CRLC) independent of any decision made by the Warrnambool City Council; withdraw from the CRLC if Warrnambool withdraws; or remain in the CRLC if Warrnambool leaves and takes the Moyne Shire with them?

RESPONSE
The Mayor advised that Colac Otway Shire's membership of the Corangamite Regional Library Corporation had not been discussed.

The CEO reported that no decision had been made by the Warrnambool City Council regarding its membership of the Corangamite Regional Library Corporation and that no definitive date had been scheduled to make a decision.

Tony Webber – Otway Forum

When will the carpark between the Apollo Bay Community Bank and Iluka be sealed?

RESPONSE
General Manager for Sustainable Planning & Development advised that while no date for the works has yet been determined, a meeting had been held with property owners and Council is currently in the process of finalizing details.

Could Council please investigate the apparent privatization of the Council carpark between Hardy and Moore Streets?

RESPONSE
General Manager for Sustainable Planning & Development advised that Council staff would investigate the matter and provide a response to Mr Webber.

Could Council please explain why planning permit applications are no longer appearing in the Apollo Bay Newssheet?

RESPONSE
General Manager for Sustainable Planning & Development stated that as a result of privacy legislation, Council has experienced difficulty in being able to publicise some planning issues and while Council is not responsible for the Apollo Bay Newssheet he would follow the matter up.

6. DECLARATION OF INTEREST

Cr Stephen Hart:	OM102402-16 – Municipal Association of Victoria Procurement TC4322 Telecommunications Tender – Fixed Services
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78A – Indirect financial interest
Nature of Interest:	Owns Telstra Shares

Rob Small	OM102402-16 – Municipal Association of Victoria Procurement TC4322 Telecommunications Tender – Fixed Services
Nature of Disclosure:	Indirect

Colin Hayman	OM102402-16 – Municipal Association of Victoria Procurement TC4322 Telecommunications Tender – Fixed Services
Nature of Disclosure:	Indirect

7. CONFIRMATION OF MINUTES

- **Ordinary Council Meeting held on the 27/01/10.**
- **Special Council Meeting held on the 10/2/10**

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

CARRIED 7 : 0

OFFICERS' REPORTS

Chief Executive Officer

OM102402-1	CEO'S PROGRESS REPORT TO COUNCIL
OM102402-2	MEMORANDUM OF UNDERSTANDING BETWEEN G21 GEELONG REGIONAL ALLIANCE AND THE COLAC OTWAY SHIRE

Corporate and Community Services

OM102402-3	LOCAL LAW NO 4 2009 - 'COUNCIL MEETING PROCEDURES AND COMMON SEAL'
OM102402-4	COUNCIL COMMUNITY FUNDING PROGRAMS 2010-2011
OM102402-5	CORANGAMITE REGIONAL LIBRARY CORPORATION - REGIONAL ADMINISTRATION OFFICE (CRLC)

Infrastructure and Services

OM102402-6	DONATION OF LAND – 10 LAVERS HILL COBDEN ROAD, LAVERS HILL
OM102402-7	DECLARATION OF ROAD AS UNUSED – ROAD EAST OF 30 MAHONEYS ROAD, ELLIMINYT
OM102402-8	STRUCTURAL ASSESSMENT OF COUNCIL BRIDGES
OM102402-9	PROPOSED ROAD CLOSURE – ROAD ABUTTING 49 QUEEN STREET, COLAC

Sustainable Planning and Development

OM102402-10	COLAC OTWAY SHIRE AND OTWAYS TOURISM INC SERVICE AGREEMENT REVIEW

General Business

OM102402-11	ITEM FOR SIGNING & SEALING - SECTION 173 AGREEMENT, 6234 GREAT OCEAN ROAD, APOLLO BAY
OM102402-12	ITEM FOR SIGNING & SEALING - SECTION 173 AGREEMENT, 288 SUNNYSIDE ROAD, WONGARRA
OM102402-13	ITEM FOR SIGNING AND SEALING - SECTION 173 AGREEMENT - 44-54 GRANT STREET, FORREST

Notice of Motion

OM102402-14	CORANGAMITE REGIONAL LIBRARY CORPORATION (CRLC) - HEAD OFFICE

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion
W = Withdrawal

ITEM	D	W
CHIEF EXECUTIVE OFFICER **OM102402-1 CEO'S PROGRESS REPORT TO COUNCIL** Department: Executive ***Recommendation(s)*** ***That Council receive the CEO's progress Report to Council for information.***		
OM102402-2 MEMORANDUM OF UNDERSTANDING BETWEEN G21 GEELONG REGIONAL ALLIANCE AND THE COLAC OTWAY SHIRE Department: Executive ***Recommendation(s)*** ***That Council sign the new Memorandum of Understanding between G21 and the Colac Otway Shire for the period of 2010 to 2014.***	**CR BRIAN CROOK**	

MOVED Cr Brian Crook seconded Cr Geoff Higgins that recommendations to items listed in the Consent Calendar be adopted.

CARRIED 7 : 0

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion
W = Withdrawal

ITEM	D	W
CORPORATE AND COMMUNITY SERVICES		
OM102402-3 LOCAL LAW NO 4 2009 - 'COUNCIL MEETING PROCEDURES AND COMMON SEAL'		**CR STEPHEN HART**
Department: Corporate and Community Services		
Recommendation(s)		
1. ***That having considered the written submission and other issues, Council now makes Local Law No 4 2009 – Council Meeting Procedures and Common Seal.***		
2. ***The Local Law to commence on 1 March 2010. The purposes and general purport of the Local Law is:***		
a) ***provide a mechanism to facilitate good governance and leadership by Council for the local community through its formal meeting procedure to ensure the primary objective and facilitating objectives set out under Section 3C of the Local Government Act 1989 are achieved;***		
b) ***regulate and control the use of Council's Common Seal;***		
c) ***regulate and control the election of Mayor, Deputy Mayor and Chairperson of any Special Committees;***		
d) ***regulate proceedings at Council Meetings, Special Committee Meetings, Advisory Committee Meetings and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of this Local Law are to apply;***		
e) ***promote and encourage community participation in the government of the Council; and***		
f) ***revoke Local Law No 4 of 2005 – Processes of Municipal Government and Local Law No 4A of 2006.***		

OM102402-4 COUNCIL COMMUNITY FUNDING PROGRAMS 2010-2011 Department: Corporate and Community Services ***Recommendation(s)*** ***That Council:*** ***1. Endorse the 2010/2011 Community Funding Program process up to the current funding levels as follows:*** ***Recreation Facilities $70,000*** ***Community Projects $40,000*** ***COPACC Assistance $ 7,500*** ***Festival and Support Scheme*** ***Established Events $60,000*** ***2. Endorse the Council Community Funding Program and Festival and Events Support Scheme guidelines and application forms as attached.*** ***3. Acknowledge that the increased funding request be considered under the 20010/2011 budgetary process as follows;*** ***Recreation Facilities from $70,000 to $80,000*** ***Community Projects $40,000 remains*** ***COPACC Assistance from $7,500 to $10,000*** ***Festival and Support Scheme $60,000 remains (including funding for established events seed funding for new events.)***		**CR CHRIS SMITH**
OM102402-5 CORANGAMITE REGIONAL LIBRARY CORPORATION – REGIONAL ADMINISTRATION OFFICE (CRLC) Department: Corporate and Community Services ***Recommendation(s)*** ***1. That the Corangamite Regional Library Corporation be advised that their request to remain in its current location at the rear of the current library (105 Gellibrand Street) until 30 September 2010 is approved.*** ***2. That in light of the move of staff to the Joint Use Library that discussions are held with the Corangamite Regional Library Corporation to establish their short term and medium term accommodation requirements.***		**CR STEPHEN HART**

3. That the location of the Corangamite Regional Library Corporation's regional administration office be further discussed in conjunction with investigations on required office space for shire staff and the 2010/11 Budget process.		

OM102402-3 LOCAL LAW NO 4 2009 - 'COUNCIL MEETING PROCEDURES AND COMMON SEAL'

MOVED Cr Stephen Hart seconded Cr Stuart Hart that:

Council resolves:

1. ***That having considered the written submission and other issues, Council now makes Local Law 4 2009 – Council Meeting Procedures and Common Seal with the following changes to the draft attached to the agenda for the 24 February 2010 meeting:***

   a) ***Clause 48 is to read:***

   "In the event of an equality of votes, the Chairperson has a casting vote except in cases where the Act provides that a matter is to be determined by lot.

   Council has guidelines for the Chairperson with respect to their exercising a casting vote at Council meetings and Planning Committee meetings. Council's expectation is that the guidelines will be followed.

   Council acknowledges that the chairperson is always free to exercise the casting vote as he/she sees fit, notwithstanding the expectations mentioned above."

   b) ***Point 3 in Schedule 2 is to have the word "Written" inserted at the start of the sentence so it reads "Written questions are to be lodged to the Chief Executive Officer 2-6 Rae Street, Colac by 5pm on the Monday preceding the scheduled meeting."***

   This change is so it is clear that only written questions need to be provided in advance.

2. ***The Local Law to commence on 1 March 2010. The purposes and general purport of the Local Law is:***
   a) ***provide a mechanism to facilitate good governance and leadership by Council for the local community through its formal meeting procedure to ensure the primary objective and facilitating objectives set out under Section 3C of the Local Government Act 1989 are achieved;***
   b) ***regulate and control the use of Council's Common Seal;***
   c) ***regulate and control the election of Mayor, Deputy Mayor and Chairperson of any Special Committees;***

d) regulate proceedings at Council Meetings, Special Committee Meetings, Advisory Committee Meetings and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of this Local Law are to apply;
e) promote and encourage community participation in the government of the Council; and
f) revoke Local Law No 4 of 2005 – Processes of Municipal Government and Local Law No 4A of 2006.

3. Council approves the following guidelines for the exercising of the casting vote at Council meetings and Planning Committee meetings:

Council's expectation is that in the event of an item first coming before Council having an equality of votes that the chairperson will generally vote in the negative unless there is an imminent deadline that requires an immediate decision.

Council's expectation is that the item should then be listed for the next Ordinary Council meeting. If there is an equality of votes when the item is re-presented to Council, then the expectation is that the chairperson will use the casting vote to finally resolve the matter.

Council acknowledges that the chairperson is always free to exercise the casting vote as he/she sees fit, notwithstanding the expectations outlined above.

CARRIED 5 : 2

DIVISION called by Cr Stuart Hart

For the Motion: Cr Brian Crook, Cr Geoff Higgins, Cr Stephen Hart, Cr Stuart Hart, Cr Lyn Russell
Against the Motion: Cr Chris Smith, Cr Frank Buchanan

OM102402-4 COUNCIL COMMUNITY FUNDING PROGRAMS 2010-2011

MOVED Cr Chris Smith that:

Council:

1. Endorse the 2010/2011 Community Funding Program process up to the funding levels as follows:

Recreation Facilities	*$80,000*
Community Projects	*$50,000*
COPACC Assistance	*$10,000*
Festival and Support Scheme	
Established Events	*$70,000*

2. Endorse the Council Community Funding Program and Festival and Events Support Scheme guidelines and application forms as attached.

3. ***Acknowledge that the increased funding request be considered under the 2010/2011 budgetary process as follows;***

Recreation Facilities	***from $80,000 to $100,000***
Community Projects	***from $50,000 to $60,000***
COPACC Assistance	***remains $10,000***
Festival and Support Scheme	***from $70,000 to $80,000***

(including funding for established events seed funding for new events.)

As no one seconded the motion, the motion lapsed.

MOTION - MOVED Cr Stephen Hart seconded Cr Frank Buchanan that:

Council:

1. ***Endorse the 2010/2011 Community Funding Program process up to the current funding levels as follows:***

Recreation Facilities	***$70,000***
Community Projects	***$40,000***
COPACC Assistance	***$ 7,500***
Festival and Support Scheme	
Established Events	***$60,000***

2. ***Endorse the Council Community Funding Program and Festival and Events Support Scheme guidelines and application forms as attached.***

3. ***Acknowledge that the increased funding request be considered under the 20010/2011 budgetary process as follows;***

Recreation Facilities	***from $70,000 to $80,000***
Community Projects	***$40,000 remains***
COPACC Assistance	***from $7,500 to $10,000***
Festival and Support Scheme	***$60,000 remains***

(including funding for established events seed funding for new events.)

CARRIED 6 : 1

DIVISION called by Cr Chris Smith

For the Motion: Cr Brian Crook, Cr Geoff Higgins, Cr Frank Buchanan, Cr Stephen Hart, Cr Stuart Hart, Cr Lyn Russell
Against the Motion: Cr Chris Smith

OM102402-5 CORANGAMITE REGIONAL LIBRARY CORPORATION – REGIONAL ADMINISTRATION OFFICE (CRLC)

MOVED Cr Stephen Hart seconded Cr Stuart Hart that:

Council instructs the Chief Executive Officer to advise the Corangamite Regional Library Corporation that their request to remain in its current location at the rear of the current library (105 Gellibrand Street) until 30 September 2010 is approved and that a lease period be offered until 31 December 2010.

CARRIED 7: 0

MOVED Cr Stephen Hart seconded Cr Geoff Higgins that:

Council notes that:
The Corangamite Regional Library Corporation (CRLC) currently occupies part of the Council owned building in Gellibrand Street, Colac for their head office. The CRLC pay $30,000 per annum rent. Council wishes to offer the CRLC a more secure arrangement for their head office.

Council's Chief Executive Officer is to write to the CRLC to ask whether they would be interested in a lease for the area currently occupied for CRLC office functions initially until 30 June 2016 with the CRLC having an option to extend the lease for an additional five years to 30 June 2021. Council's view is that any such lease should include the following terms:
1. Continuation of the current rental with no increase during the lease term, and
2. The option of the CRLC to terminate the lease without penalty on written notice to Council should they no longer require the office space.

In addition, the Chief Executive Officer is to ensure that any lease has appropriate terms to allow for re-negotiation, should the CRLC be restructured or should Council leave the CRLC.

The Chief Executive Officer is to ensure that all legislative requirements are adhered to and to inform the CRLC that final approval of the lease by Council is subject to the these requirements, including those in the Local Government Act, being adhered to by the Council.

The Chief Executive Officer is to ensure that the proposed lease is advertised and public comment invited even if the terms of the proposed lease would not normally require that such a process be followed.

LOST 3 : 4

DIVISION called by Cr Stephen Hart

For the Motion: Cr Geoff Higgins, Cr Stephen Hart, Cr Stuart Hart
Against the Motion: Cr Brian Crook, Cr Chris Smith, Cr Frank Buchanan, Cr Lyn Russell

MOVED Cr Frank Buchanan seconded Cr Brian Crook that:

The CEO is to negotiate with the Corangamite Regional Library Corporation about their future accommodation and work with them in order to achieve secure and appropriate medium to long term accommodation.
CARRIED 7: 0

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion
W = Withdrawal

ITEM	D	W
INFRASTRUCTURE AND SERVICES **OM102402-6 DONATION OF LAND – 10 LAVERS HILL COBDEN ROAD, LAVERS HILL** Department: Infrastructure ***Recommendation(s)*** ***That Council resolve to:*** 1. ***Accept the offer of land at 10 Lavers Hill Cobden Road (Lot 12, LP 615)9;*** 2. ***Instruct the Chief Executive Officer to write to the Pitt family formally accepting their gift of land and thanking them for their kind donation;*** 3. ***Make all necessary legal arrangements to effect the land transfer at Council cost; and*** 4. ***At a suitable time in the future, erect a commemorative plaque on site to acknowledge the gifting of land as a celebration of the original pioneers and settlers in the area and in particular the Webster family.***		**CR STEPHEN HART**
OM102402-7 DECLARATION OF ROAD AS UNUSED – ROAD EAST OF 30 MAHONEYS ROAD, ELLIMINYT Department: Infrastructure ***Recommendation(s)*** ***That Council resolve:*** 1. ***To give public notice of its intention to declare the section of road described as the road adjoining Crown Allotment 29, Section M, Parish of Elliminyt as unused in accordance with Section 223 of the Local Government Act 1989;*** 2. ***Subject to a six week notification period, Council hear and consider submissions should any be received. All***		

submissions are to be considered in accordance with Section 223 of the Local Government Act 1989. The Special Council Meeting, if required, will be held on Wednesday 12 May 2010 at 1.00pm in the COPACC Meeting Room. Formal advice of the time and place of the meeting will be provided to those parties wanting to be heard in support of their written submission and will be advertised in local media;

3. If submissions are received, a final decision shall be made by Council following preparation of a report by the General Manager Infrastructure and Services based on the recommendations of the Special Committee to the Council meeting of 23 June 2010; and

4. If no submissions are received and subject to Council complying with its statutory requirements, instruct the Chief Executive Officer to advise the Department of Sustainability and Environment of Council's formal consent to the declaration of the subject section of road as unused.

OM102402-8 STRUCTURAL ASSESSMENT OF COUNCIL BRIDGES

Department: Infrastructure

Recommendation(s)

That Council:

1. Endorse the proposal to implement the following load limits:

Bridge No.	Road Name	Load Limit
CS058	Carlisle Valley Road	35 tonnes
CS048	Barham River Road	8 tonnes
CS047	Barham River Road	10 tonnes

Subject to complying with Section 223 of the Local Government Act 1989 and a six week notification period:

a. Council is to hear and consider submissions should any be received. All submissions are to be considered in accordance with Section 223 of the Local Government Act 1989. The Special Council Meeting, if required, will be held on Wednesday 12 May 2010 at 1.00 pm in the COPACC Meeting Room. Formal advice of the time and place of the meeting will be provided to those parties wanting to be heard in support of their written submission and will be advertised in local media;

b. If no submissions or objections are received, instruct the CEO to implement the load limits as recommended; and ***c. If required a final decision shall be made by Council following preparation of a report by the General Manager Infrastructure and Services based on the recommendations to the Council meeting of 23 June 2010.*** ***2. Refer the work to rehabilitate each of the structures to Council's Capital Works and Major Projects Program for detailed costing and prioritisation within the relevant renewal program.***		
OM102402-9 PROPOSED ROAD CLOSURE – ROAD ABUTTING 49 QUEEN STREET, COLAC Department: Infrastructure ***Recommendation(s)*** ***That Council resolve to:*** ***1. Discontinue the section of road separating 49 Queen Street (Lot 1 TP173744) and 74 Dennis Street (PC367529) via a notice published in the Victorian Government Gazette; and*** ***2. Following advertising of the statutory notice, receive a further report in relation to the future use, and sale or long term lease of the land.***		

MOVED Cr Geoff Higgins seconded Cr Brian Crook that recommendations to items listed in the Consent Calendar, with the exception of item OM102402-6, be adopted.

CARRIED 7 : 0

OM102402-6 DONATION OF LAND – 10 LAVERS HILL COBDEN ROAD, LAVERS HILL

MOVED Cr Stephen Hart seconded Cr Frank Buchanan that:

Council resolve to:

1. ***Accept the offer of land at 10 Lavers Hill Cobden Road (Lot 12, LP 615)9;***
2. ***Instruct the Chief Executive Officer to write to the Pitt family formally accepting their gift of land and thanking them for their kind donation;***
3. ***Make all necessary legal arrangements to effect the land transfer at Council cost;***
4. ***At a suitable time in the future, erect a commemorative plaque on site to acknowledge the gifting of land as a celebration of the original pioneers and settlers in the area and in particular the Webster family; and***
5. ***Instruct the Chief Executive Officer to write to the Otway CFA Unit to invite them to enter into a long lease of up to 50 years, at a nominal rental, so that the CFA's use of the site is secured for the long term and there is documentary evidence of their right to occupy the site subject to the requirements under the Local Government Act.***

CARRIED 7: 0

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion
W = Withdrawal

ITEM	D	W
SUSTAINABLE PLANNING AND DEVELOPMENT		
OM102402-10 COLAC OTWAY SHIRE AND OTWAYS TOURISM INC SERVICE AGREEMENT REVIEW Department: Sustainable Planning and Development ***Recommendation(s)*** ***That Council:*** ***1. Endorses the Colac Otway Shire Evaluation Report February 2010 on the Service Agreement between Colac Otway Shire and Otways Tourism Inc and the performance of Otways Tourism Inc in relation to the Service Agreement;*** ***2. Exhibits the Evaluation Report for a period of 6 weeks for public consultation; and*** ***3. Receives a further report, once the 6 week consultation period is completed, with recommendations regarding the future relationship between Colac Otway Shire and Otways Tourism Inc.***		**CR STUART HART**

OM102402-10 COLAC OTWAY SHIRE AND OTWAYS TOURISM INC SERVICE AGREEMENT REVIEW

MOVED Cr Stuart Hart seconded Cr Stephen Hart that Council:

1. Notes the Colac Otway Shire Evaluation Report February 2010 on the Service Agreement between Colac Otway Shire and Otways Tourism Inc and the performance of Otways Tourism Inc in relation to the Service Agreement;

2. Exhibits the Evaluation Report for a period of 6 weeks for public consultation; and

3. Receives a further report, once the 6 week consultation period is completed, with recommendations regarding the future relationship between Colac Otway Shire and Otways Tourism Inc.

CARRIED 7: 0

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion
W = Withdrawal

ITEM	D	W
GENERAL BUSINESS **OM102402-11 ITEM FOR SIGNING & SEALING - SECTION 173 AGREEMENT, 6234 GREAT OCEAN ROAD, APOLLO BAY** Department: General Business ***Recommendation(s)*** ***That Council*** ***1. Sign and seal the Section 173 Agreement for 6234 Great Ocean Road, Apollo Bay between the Colac Otway Shire and Nigel Henry Mark Strauss convenanting Certificate of Title Volume 10915 Folio 798 that:*** ***a) no further subdivision of the land takes place to create any additional lots;*** ***b) no more dwellings be constructed on the land; and*** ***c) vegetation be maintained in accordance with the approved landscaping plan.***		
OM102402-12 ITEM FOR SIGNING & SEALING - SECTION 173 AGREEMENT, 288 SUNNYSIDE ROAD, WONGARRA Department: General Business ***Recommendation(s)*** ***That Council*** ***1. Sign and seal the Section 173 Agreement for 288 Sunnyside Road Wongarra between the Colac Otway Shire and Arnold Barker, Kenneth James Barker and Karl Ernest Barker Certificate of Title Volume 9212 Folio 043, Lot 13 Plan of Subdivision 128817; and*** ***that the 173 Agreement should record on the title that "The shed must not be converted into or be used as a habitable dwelling as defined in the Planning Scheme or be used for commercial purposes."***		

OM102402-13 ITEM FOR SIGNING AND SEALING - SECTION 173 AGREEMENT - 44-54 GRANT STREET, FORREST Department: General Business ***Recommendation(s)*** ***That Council sign and seal the Section 173 Agreement for 44-54 Grant Street, Forrest between Colac Otway Shire and Geoffrey James Speirs covenanting Certificate of Title Volume 8584 Folio 123 and that the land be managed in accordance with an approved Land Management Plan as endorsed as part of Planning Permit PP49/09.***		

MOVED Cr Frank Buchanan seconded Cr Stephen Hart that recommendations to items listed in the Consent Calendar be adopted.

CARRIED 7 : 0

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion
W = Withdrawal

ITEM	D	W
NOTICE OF MOTION **OM102402-14 CORANGAMITE REGIONAL LIBRARY CORPORATION (CRLC) - HEAD OFFICE** Department: Notices of Motion ***Recommendation*** ***That Council consider the contents of this Notice of Motion.***		

MOVED Cr Stephen Hart that:

Council notes that: The Corangamite Regional Library Corporation (CRLC) currently occupies part of the Council owned building in Gellibrand Street, Colac for their head office. The CRLC pay $30,000 per annum rent. Council wishes to offer the CRLC a more secure arrangement for their head office.

Council's Chief Executive Office is to write to the CRLC to ask whether they would be interested in a lease for the area currently occupied for CRLC office functions initially until 30 June 2016 with the CRLC having an option to extend the lease for an additional five years to 30 June 2021. Council's view is that any such lease should include the following terms:

1. ***Continuation of the current rental with no increase during the lease term, and***
2. ***The option of the CRLC to terminate the lease without penalty on written notice to Council should they no longer require the office space.***

In addition, the Chief Executive Officer is to ensure that any lease has appropriate terms to allow for re-negotiation, should the CRLC be restructured or should Council leave the CRLC.

The Chief Executive Officer is to ensure that all legislative requirements are adhered to and to inform the CRLC that final approval of the lease by Council is subject to the these requirements, including those in the Local Government Act, being adhered to by the Council.

The Mayor advised that as this matter had been voted on at agenda item OM102402-5, there would be no further discussion in relation to this motion.

IN COMMITTEE

MOVED Cr Stephen Hart seconded Cr Geoff Higgins 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*
Confidential Memo Regarding Meeting Procedure Local Law For Consideration	***this matter deals with legal advice***	***Section 89 (2) (f)***
Municipal Association of Victoria procurement TC4322 Telecommunications Tender - Fixed Services	***this matter deals with contractual matters***	***Section 89 (2) (d)***
Colac Municipal Aerodrome - Signing And Sealing Of Two (2) New Hangar Leases	**this matter deals with contractual matters**	**Section 89 (2) (d)**

CARRIED 7 : 0

OUT OF COMMITTEE

MOVED Cr Stephen Hart seconded Cr Geoff Higgins that the meeting move out of committee.

CARRIED 7 : 0

The Meeting Was Declared Closed at 8.15 pm

CONFIRMED AND SIGNED *at the meeting held on 24 MARCH 2010*

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