# MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at the COPACC on 24 March 2010 at 3.00 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 Brian Crook

Cr Stephen Hart

Cr Stuart Hart

Cr Geoff Higgins

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 Verbally at the Meeting**

#### Lyn Foster – FOCL

With reference to the design plans for the Global Connector Precinct that were provided to the community in December 2007, could you please advise what changes have been made to these plans and whether the most recent design plans are to be made available to the public and if so, when?

The General Manager for Corporate & Community Services advised that there had been some minor changes made to the original design plans and the most recent plans would be made available to the public as soon as possible.

The original design plans had involved each of the three assistant principals being accommodated in other areas of the school. How many assistant principals will now be located in the building and where and how will they be accommodated?

The General Manager for Corporate & Community Services advised that there had been no changes made to the size of the administration area of the building and the accommodation of the assistant principals was a matter for the school to determine.

#### **Dieter Wessner - FOCL**

Last month Council approved the extension of the Corangamite Regional Library Corporation (CRLC) lease until the end of the year. Will the signing and sealing of the CRLC agreement, as per today's agenda, affect these tenancy arrangements?

The Mayor stated that the signing of the agreement with the CRLC would not impact on the tenancy arrangements of the CRLC.

The General Manager for Corporate & Community Services advised that the agreement for the provision of services with the CRLC is a separate issue to the lease arrangements for the location of the CRLC head office.

### **Christine Holm - FOCL**

Has the Colac Otway Shire suggested to the Otway Community College (OCC) that they relocate to the site of the Colac High School.

The CEO responded that no suggestion had been made to the Otway Community College with respect to their relocation to the Colac High School site.

The lease between the OCC and the Colac Otway Shire for the building at 6 Murray Street Colac expires in April 2010, has there been any discussion with the OCC with respect to an extension to the lease.

The Mayor advised that the lease between the OCC and the Colac Otway Shire would be considered during the In-Committee part of today's Council meeting.

### **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** Given limitations and problems now with the BWFC Swimming Pool in adequately meeting the community's needs:-
  - (a) Does Council have any plans to provide a larger say Olympic 8-lane or 10-lane, 25-metre width Olympic-width size / 50-metre length ("long course") Olympic-length size Swimming Pool in Colac in the foreseeable future?
  - (b) Does Council have any plans to increase the size (in length and/or width extra lanes) of the existing BWFC Swimming Pool in the foreseeable future; and if so, would there be sufficient space to do so; and what would be the estimated total project cost?
  - (c) Does Council have any plans to build a new Swimming Pool in Colac in the foreseeable future; and if so, would it be an outdoor pool; where might such a facility be located; and what would be the estimated total project cost?
  - (d) What does Council envision is the long-term future exactly of the current BWFC Swimming Pool; and please confirm that this is a major consideration in all Council deliberations on any major developments at BWFC in the meantime
    - (ie. Sports Stadium Redevelopment, Warm Water Hydrotherapy Exercise Pool Development, etc.)?

#### Response:

Council has no plans to provide a larger Swimming Pool or extend the current Swimming Pool.

- 2. At the 22 July 2009 Council Meeting, Council voted to adopt Colac Otway Shire Annual Budget 2009/2010(with amendment motion), which provided for a maximum of new Debt Borrowings under the Budget of \$3.1 million, and which stated was comprised as follows:-
  - (i) \$1.5 million An amount towards the cost of a new, replacement Apollo Bay Waste Transfer Station
  - (ii) \$1.3 million Colac Otway Shire's estimate of its total contribution to the Global connector construction at Colac Secondary College
  - (iii) \$0.3 million An amount towards the cost of a potential Land purchase

In *The Colac Herald, Monday 18 January 2010*, Colac Otway Shire placed a Tender Notice, for Contract No. 1001, inviting tenders from financial institutions by 10 February 2010, for provision of a \$3 million loan to finance capital expenditure for (i) and (ii) above.

The Agenda for the Council Meeting of 24 February 2010, page 10, and an article in *The Colac Herald, Wednesday 17 February 2010*, provided that due to Colac Otway Shire's "cash flow" and "healthy cash balances at present", it would be re-issuing an "amended tender" for a lesser amount "shortly" for provision of a \$2 million loan "to cover the costs of constructing" (i) and (ii) above.

- 2.1 Please advise of the breakdown of this \$2 million loan borrowings figure as follows:-
  - (a) How much of this \$2 million loan borrowings figure is attributed to (i) above?
  - **(b)** How much of this \$2 million loan borrowings figure is attributed to (ii) above?
  - (c) How much of this \$2 million loan borrowings figure is attributed to (iii) above?

### Response:

Actual amounts still to be established.

#### 6. DECLARATION OF INTEREST

Cr Stephen Hart:	OM102403-9 Proposed National Heritage Listing Of The Great Ocean Road
Nature of Disclosure:	Direct
Nature of Interest:	Owns property fronting Great Ocean Road. Heritage listing may affect obligations

Cr Lyn Russell declared a direct interest in In-Committee Agenda Item OM102403-16

Colin Hayman declared an interest in In-Committee Agenda Item OM102403-18

### **7.** CONFIRMATION OF MINUTES

Ordinary Council Meeting held on the 24/02/10.

MOVED Cr Geoff Higgins seconded Cr Frank Buchanan that Council confirm the above minutes.

# OFFICERS' REPORTS

# **Chief Executive Officer**

OM102403-1 CEO'S PROGRESS REPORT TO COUNCIL

# **Corporate and Community Services**

OM102403-2	PROPOSED MINOR AMENDMENT OF POSTAL LOCALITY
	BOUNDARIES
OM102403-3	AUDIO RECORDING OF COUNCIL MEETINGS POLICY
OM102403-4	BEEAC SKATE PARK PETITION
OM102403-5	VICTORIAN AUDITOR GENERAL'S REPORT "TENDERING AND
	CONTRACTING IN LOCAL GOVERNMENT"
OM102403-6	COLAC OTWAY SHIRE HEATWAVE PLAN

# **Infrastructure and Services**

OM102403-7 CONTRACT APPROVAL/ENDORSEMENT - CONTRACT 0914 - EASTERN RESERVE NETBALL FACILITY REDEVELOPMENT

# **Sustainable Planning and Development**

OM102403-8	REVIEW INTO URBAN GROWTH POTENTIAL IN APOLLO BAY
OM102403-9	PROPOSED NATIONAL HERITAGE LISTING OF THE GREAT OCEAN
	ROAD

# **General Business**

OM102403-10	ITEM FOR SIGNING & SEALING - SECTION 173 AGREEMENT, 1-19
	COSTIN STREET, APOLLO BAY
OM102403-11	ITEM FOR SIGNING & SEALING - CORANGAMITE REGIONAL LIBRARY
	CORPORATION AGREEMENT

### **OFFICERS' REPORT**

D = Discussion W = Withdrawal

ITEM	D	W
CHIEF EXECUTIVE OFFICER	CR BRIAN	
OM102403-1 CEO'S PROGRESS REPORT TO COUNCIL	CROOK CR CHRIS SMITH CR FRANK	
Department: Executive	BUCHANAN	
Recommendation(s)		
That Council notes the CEO's Progress Report to Council		

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

# **OFFICERS' REPORT**

D = Discussion W = Withdrawal

ITEM	D	W
CORPORATE AND COMMUNITY SERVICES		
OM102403-2 PROPOSED MINOR AMENDMENT OF		
POSTAL LOCALITY BOUNDARIES		
Department: Corporate and Community Services		
Recommendation(s)		
That Council;		
1. Commence statutory procedures to propose the following changes to locality boundaries within the Shire:		
(a) Irrewarra to Warncoort - amend existing boundary (ie: Bourkes Rd) westwards to be a line commencing at the western boundary of 175 McKays Rd, continuing south to bisect part of 160 McKays Rd and part of 75 Bourkes Rd, before joining the northern boundary of 115 Bourkes Rd, then heading west to the western junction of the property and then following the western boundary of that property southwards to the Princes Hwy.		
(b) Warncoort to Yeo – amend the existing locality boundary (ie Colac-Forrest Road) eastwards to be a line commencing at Collyers Rd, running south along the eastern boundary of 715 Colac-Forrest Rd (being C/A 86A Parish of Yeo) and continuing southwards to bisect 865 Colac Forrest Rd, by following the eastern boundary of Lot 1 TP709731, until it meets the Colac Forrest Road.		
(c) Carlisle River to Gellibrand - amend the existing State Government locality boundary westwards and adopt Council's locality boundary, which runs generally north/south from Carlisle-Gellibrand Rd in the north, along Cricket Pitch Rd to Tuckers Orchard Rd in the south and then following the existing State Government locality boundary.		
2. A further report to be presented back to Council prior to adopting any new boundaries.		

OM102403	-3 AUDIO RECORDING OF COUNCIL MEETINGS POLICY		CR STEPHEN HART
Departmen	t: Corporate and Community Services		
Recomme	endation(s)		
	cil adopt the revised Policy No 18.6 Audio of Council Meetings Policy.		
OM102403	-4 BEEAC SKATE PARK PETITION	CR BRIAN CROOK	
Departmen	t: Corporate and Community Services	CR CHRIS SMITH	
Recomme	endation(s)		
That Coul	ncil:		
rela	eives the petition from the Beeac Community ating to the seeking of Council support to erect a te/bike park within the township of Beeac.		
Bee	tes to the head petitioner and students from the eac Primary School thanking them for their iative.		
mee	evides a further report to a future Council eting on a possible process to further estigate the Beeac Skate Park Facility.		
OM102403	-5 VICTORIAN AUDITOR GENERAL'S REPORT "TENDERING AND CONTRACTING IN LOCAL GOVERNMENT"	CR STEPHEN HART	
Departmen	t: Corporate and Community Services		
Recomme	endation(s)		
That Coul	ncil:		
Rep	te the report on the Victorian Auditor General's port "Tendering and Contracting in Local vernment".		
	nsider the adoption of the draft Procurement icy as soon as possible.		

OM102403-6 COLAC OTWAY SHIRE HEATWAVE PLAN		CR STEPHEN HART	
Department: Corporate and Community Services			
Recommendation(s)			
That Council adopt the Colac Otway Shire Heatwave Plan.			
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MOVED Cr Stuart Hart seconded Cr Geoff Higgins that recommendations to items listed in the Consent Calendar, with the exception of items OM102403-3 and OM102403-6, be adopted.

CARRIED 7:0

### OM102403-3 AUDIO RECORDING OF COUNCIL MEETINGS POLICY

MOVED Cr Stephen Hart seconded Cr Stuart Hart that:

Council resolves to adopt the revised Policy 18.6 Audio Recordings of Council Meetings Policy with the following correction to the draft attached to the agenda:

The words "3 months" at Point 6.3.2 Retention is to be replaced with the words "four years".

CARRIED 6:1

DIVISION called by Cr Stuart Hart

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

#### OM102403-6 COLAC OTWAY SHIRE HEATWAVE PLAN

MOVED Cr Stephen Hart seconded Cr Stuart Hart that:

Council resolves to adopt the Colac Otway Shire Heatwave Plan with the following change to the draft attached to the agenda:

Under the heading "Decreasing Risks" on page 68 in the agenda, the word "Avoid" is to be inserted in front of the words "Excessive alcohol intake" so that it reads "Avoid excessive alcohol intake".

### **OFFICERS' REPORT**

D = Discussion W = Withdrawal

ITEM	D	W
INFRASTRUCTURE AND SERVICES		
OM102403-7 CONTRACT  APPROVAL/ENDORSEMENT - CONTRACT 0914 - EASTERN RESERVE NETBALL FACILITY REDEVELOPMENT	CR CHRIS SMITH	
Department: Infrastructure		
Recommendation(s)		
That Council:		
1. Endorses the awarding by delegation of the Chief Executive Officer for Contract 0914 for Eastern Reserve Netball Facility Redevelopment to Lake & Land Pty Ltd at their revised tender price of \$269,338.30 (including GST); and		
2. Delegates to the Chief Executive Officer authority to sign and place under Council seal contract documents following award of Contract 0914.		

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

# **OFFICERS' REPORT**

D = Discussion W = Withdrawal

ITEM	D	W
SUSTAINABLE PLANNING AND DEVELOPMENT  OM102403-8 REVIEW INTO URBAN GROWTH  POTENTIAL IN APOLLO BAY		CR STEPHEN HART
Department: Sustainable Planning and Development		
Recommendation(s)		
<ol> <li>That Council:         <ol> <li>Notes the objectives of the review into Urban Growth Potential in Apollo Bay and nominates Councillor (insert name of Councillor) to participate on the project steering committee.</li> </ol> </li> <li>Recommends the allocation of \$20,000 to the 2010/2011 budget process for the review into Urban Growth Potential in Apollo Bay.</li> </ol>		
OM102403-9 PROPOSED NATIONAL HERITAGE LISTING OF THE GREAT OCEAN ROAD		CR BRIAN CROOK
Department: Sustainable Planning and Development		
Recommendation(s)  That Council:		
1. Write to the Australian Heritage Council expressing support for the inclusion of the Great Ocean Road and Scenic Environs on the National Heritage List.		
2. Express in its letter of support the need to avoid referral of actions under the Environment Protection and Biodiversity Conservation Act related to day to day management of the road and adjoining land, and for actions which are largely covered by existing planning controls, and that this should be reflected in the detail of any final listing proposal.		

### OM102403-8 REVIEW INTO URBAN GROWTH POTENTIAL IN APOLLO BAY

### MOVED Cr Stephen Hart seconded Cr Geoff Higgins:

#### That Council:

- 1. Notes the objectives of the review into Urban Growth Potential in Apollo Bay and nominates Councillors Geoff Higgins and Frank Buchanan to participate on the project steering committee.
- 2. Recommends the allocation of \$20,000 to the 2010/2011 budget process for the review into Urban Growth Potential in Apollo Bay.

### CARRIED 7:0

# OM102403-9 PROPOSED NATIONAL HERITAGE LISTING OF THE GREAT OCEAN ROAD

Having declared a conflict of interest with respect to this item, Cr Stephen Hart left the meeting at 3.41pm

	OM102403-9 Proposed National Heritage Listing Of The Great	
Cr Stephen Hart:	Ocean Road	
Nature of	Direct	
Disclosure:		
Nature of Interest:	Owns property fronting Great Ocean Road. Heritage listing may affect obligations	

#### MOVED Cr Brian Crook seconded Cr Frank Buchanan

### **That Council:**

- 1. Write to the Australian Heritage Council expressing support for the inclusion of the Great Ocean Road and Scenic Environs on the National Heritage List.
- 2. Express in its letter of support the need to avoid referral of actions under the Environment Protection and Biodiversity Conservation Act related to day to day management of the road and adjoining land, and for actions which are largely covered by existing planning controls, and that this should be reflected in the detail of any final listing proposal.

#### CARRIED 6:0

Cr Stephen Hart returned to the meeting at 3.45pm.

# **OFFICERS' REPORT**

D = Discussion W = Withdrawal

	ITEM	D	W
GENERAL BUS	<u>INESS</u>		
OM102403-10	ITEM FOR SIGNING & SEALING - SECTION 173 AGREEMENT, 1-19 COSTIN STREET, APOLLO BAY		
Department: Ge	neral Business		
Recommendati	on(s)		
1-19 Costin Stro and Arthur Vict	gn and seal the Section 173 Agreement for eet, Apollo Bay, between Colac Otway Shire for Noseda covenanting Certificate of Title Folio 243 subject to:		
Permit ti be devel Guidelin	to be developed in accordance with the hat are within the Industrial 1 Zone are to loped in accordance with the Design es required and endorsed as part of n 5 in the planning permit;		
works si endorse cost of t of Comp obligatio	landscaping and associated landscaping hown on the Landscape Master Plan d with the Permit will be undertaken at full he Owner prior to the issue of a Statement bliance and thereafter it shall be the Owners on to maintain such landscaping and works to the satisfaction of the responsible		
the Land Permit d individu lots may relevant	vision of landscaping in accordance with discape Master Plan endorsed with the loes not exempt further landscaping on al lots. Further landscaping of individual still be required as a condition of any Planning Permit and is always to be to the tion of the responsible authority;		
the Plan carries t land for concrete metres s metres c	ch lot created as a result of registration of of Subdivision authorised by the Permit he restriction that there shall be no use of the purposes of a waste transfer station or e batching plant within the area of eighty south of Montrose Avenue or within eighty of the western boundary of the subject land of Planning Permit PP327/2005-2.		

OM102403-11 ITEM FOR SIGNING & SEALING - CORANGAMITE REGIONAL LIBRARY CORPORATION AGREEMENT	CR CHRIS SMITH CR STEPHEN HART	
Department: General Business	ПАКТ	
Recommendation(s)		
That Council sign and seal the Corangamite Regional Library Corporation Agreement for the period up to 30 June 2013.		

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

### **IN COMMITTEE**

### 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
Barwon Regional Waste Management Group Tender Evaluation Update	this matter deals with contractual matters; AND this matter includes a resolution to close the meeting to members of the public	Section 89 (2) (d) (i)
Waste Management Services Contract	this matter deals with contractual matters	Section 89 (2) (d)
Audit Committee Independent Member	this matter deals with contractual matters; AND this matter may prejudice the Council or any person	Section 89 (2) (d) (h)
Lease 6 Murray Street Colac	this matter deals with contractual matters; AND this matter may prejudice the Council or any person	Section 89 (2) (d) (h)
Contract No. 0916 – Supply Of Crushed Rock, Sealing Aggregate And Pavement Materials	this matter deals with contractual matters	Section 89 (2) (d)
Contract Approval Contract 1002 - Supply & Delivery Of Grader Contract 1003 - Supply & Delivery Of 14 Tonne Tip Truck & Dog Trailer	this matter deals with contractual matters	Section 89 (2) (d)
Vision Super Update	this matter deals with contractual matters; AND this matter may prejudice the Council or any person	Section 89 (2) (d) (h)
Lakeside	this matter deals with legal advice	Section 89 (2) (f)
Drawing down of Council Loans	this matter may prejudice the Council or any person	Section 89 (2) (h)

Moved by Cr Stuart Hart and seconded by Cr Stephen Hart that Item OM102403-20 Drawing Down of Council Loans be withdrawn from the In-Committee Agenda and brought into open Council with the identity of the auditors providing the advice to be kept confidential.

### 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 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
Barwon Regional Waste Management Group Tender Evaluation Update	this matter deals with contractual matters; AND this matter includes a resolution to close the meeting to members of the public	Section 89 (2) (d) (i)
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Contract Approval Contract 1002 - Supply & Delivery Of Grader Contract 1003 - Supply & Delivery Of 14 Tonne Tip Truck & Dog Trailer	this matter deals with contractual matters	Section 89 (2) (d)
Vision Super Update	this matter deals with contractual matters; AND this matter may prejudice the Council or any person	Section 89 (2) (d) (h)
Lakeside	this matter deals with legal advice	Section 89 (2) (f)
Drawing Down Of Council Loans	this matter may prejudice the Council or any person	Section 89 (2) (h)

CARRIED 4:3

# **OUT OF COMMITTEE**

MOVED Cr Brian Crook seconded Cr Geoff Higgins that the meeting move out of committee.

CARRIED 7:0

The Meeting Was Declared Closed at 5.27pm

CONFIRMED AND SIGNED at the meeting held on 28 APRIL 2010

Lyn & Russell MAYOR