

**MINUTES** of the **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held at the COPACC, Gellibrand Street Colac on 26 April 2012 at 3.00 pm.

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**1. OPENING PRAYER**

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

**AMEN**

**2. PRESENT**

Cr Stephen Hart (Mayor)  
Cr Frank Buchanan  
Cr Brian Crook  
Cr Stuart Hart  
Cr Geoff Higgins  
Cr Lyn Russell  
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  
Maree Redmond, 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 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.

An audio recording of this meeting is being made for the purpose of ensuring the minutes of the meeting are accurate. 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. It is an offence to make an unauthorised recording of the meeting.

Thank you. Now 30 minutes is allowed for question time. Please remember, you must ask a question. If you do not ask a question you will be asked to sit down and the next person will be invited to ask a question. This is not a forum for public debate or statements.

1. Questions received in writing prior to the meeting (subject to attendance and time)
2. Questions from the floor

## 5. QUESTION TIME

### Questions Received in Writing Prior to the Meeting

#### Peter Fillmore – Apollo Bay

In 2009 the RLSSA did an audit on the Apollo bay swimming pool that concerned issues of compliance with OHS standards, accessibility etc. A number of issues were identified and later rectified.

1. What other issues from the RLSSA audit remain to be addressed and at what cost?

**Response:**

***There are a number of items from the RLSSA audit that are still to be addressed. These have not been costed. Council in partnership with the Apollo Bay P-12 School are working through the outstanding items to ensure the facility is a safe environment for the public.***

2. Can I please have a copy of this audit?

**Response:**

***Please note that it is an internal Council document, but a copy could be provided on request.***

The Apollo bay swimming pool is only 23 years old. Many World War 2 memorial pools built in the 1950s are still operating in Victoria.

3. Has there ever been a detailed audit done by a civil engineer or pool builder/renovator on the condition of the AB pool infrastructure? eg. Pool shell, pumps, piping, decks, change rooms etc.

**Response:**

***A detailed audit of the existing Apollo Bay pool has not been undertaken.***

4. If so does it include options and costings?

**Response:**  
**Not applicable.**

5. Can I please have a copy of this audit?

**Response:**  
**Not applicable.**

6. How is the Lavers Hill swimming pool funded and run? eg. Staffing /volunteers, cleaning, maintenance, membership, key system after hours, etc.

**Response:**  
**The Lavers Hill pool is located on Department of Education and Early Childhood Development land and operated by the Lavers Hill P-12 College, in partnership with a Committee of Management. There is an existing Joint-Use Agreement with Council which allows community use of the facility.**

**The facility is managed and maintained by a Lavers Hill P-12 College staff member. Members of the community are able to access the facility via a membership system and accessing a key from a local business.**

7. If Lavers Hill can have this system in place and operating successfully why can't Apollo Bay, with a larger population base, also use a similar structure?

**Response:**  
**This system could be operated in Apollo Bay if a school or private operator was willing to meet the costs of operating this type of facility. Council operated aquatic facilities are subject to the RLSSA Guidelines for Safe Pool Operations which clearly set out the requirements for a safe aquatic facility. Councils are charged with a responsibility for public and occupational health and safety and they must work within a diverse web of standards, State legislation and industry best practice. Of particular importance and relevance is the provision of supervision by lifeguards which other facilities do not necessarily have to meet.**

8. What is the cost of the COS/education dept. annual subsidy of the Lavers Hill pool?

**Response:**  
**Council contributes 40% of maintenance costs for the Lavers Hill pool, up to a maximum of \$10,000 per annum.**

**Council is unable to provide information regarding the cost of pool to the Lavers Hill P-12 College and/or the Department of Education and Early Childhood Development. These organisations can be contacted directly to consider providing this information.**

#### **Jordan Dittloff**

The draft budget for 2012-13 estimates that Council's debt level will increase to 5.26 million over the course of the financial year.

1. What is the estimated cost of servicing this debt over the period covered by the budget?

**Response:**

***The costs of servicing Council's borrowings over the 2012-2013 year are approximately \$332,000.***

The draft budget's observations about the likely need for Council to "own source" future funding and capital works from rates and locally generated revenue over the period of the draft budget and into the foreseeable future.

2. What specific plans does Council have for reduction of current debt levels?

**Response:**

***Council's specific plans relating to the reduction of debt are to minimise borrowing terms wherever possible and to make additional repayment against debt whenever practicable.***

The draft budget states that a working capital ratio of over 150% is an indicator of very low risk, with consist ratios of 200% or more recommended for long term sustainability, going on to observe that the working capital ratio will move from 151% to 134% for the financial year 2012/13.

3. What strategies does Council have for decreasing the current and future liabilities which drag this ratio down, particularly interest bearing liabilities?

**Response:**

***There are no specific strategies to address the working capital ratio, however Council's specific plans relating to the reduction of debt are to minimise borrowing terms wherever possible and to make additional repayment against debt whenever practicable.***

**Questions Received Verbally at the Meeting**

Nil

**6. DECLARATION OF INTEREST**

Nil

**7. CONFIRMATION OF MINUTES**

- Ordinary Council Meeting held on the 28/03/12.

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

***CARRIED 7 : 0***

## **OFFICERS' REPORTS**

### **Chief Executive Officer**

OM122604-1 CEO'S PROGRESS REPORT TO COUNCIL

### **Corporate and Community Services**

- OM122604-2 CORANGAMITE REGIONAL LIBRARY CORPORATION BUDGET 2012/13
- OM122604-3 COLAC OTWAY TENNIS FACILITY AUDIT AND DEVELOPMENT PLAN
- OM122604-4 FINANCIAL REPORTING - BENCHMARKING/PERFORMANCE INDICATORS AND FINANCIAL SUSTAINABILITY INDICATORS
- OM122604-5 COLAC RSL/COLAC TURF CLUB/COLAC GOLF CLUB PROPOSED DEVELOPMENT
- OM122604-6 S86 COMMITTEE OF MANAGEMENT RE-ELECTION OF MEMBERSHIP
- OM122604-7 THIRD QUARTER FINANCIAL PERFORMANCE REPORT 2011-2012
- OM122604-8 THIRD QUARTER PERFORMANCE REPORT JANUARY - MARCH 2012

### **Infrastructure and Services**

OM122604-9 COLAC BOTANIC GARDENS MASTERPLAN

### **General Business**

- OM122604-10 ASSEMBLY OF COUNCILLORS
- OM122604-11 ITEM FOR SIGNING AND SEALING - LETTER OF CONSENT TO TRANSFER - 136 - 144 JENNINGS STREET, COLAC

### **Notices of Motion**

OM122604-12 EXPLORATION FOR COAL SEAM GAS

CONSENT CALENDAROFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<p><b><u>CHIEF EXECUTIVE OFFICER</u></b></p> <p><b><u>OM122604-1      CEO'S PROGRESS REPORT TO COUNCIL</u></b></p> <p>Department: Executive</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council notes the CEO's Progress Report to Council.</i></p>	<p>Cr Chris Smith</p> <p>Cr Lyn Russell</p> <p>Cr Brian Crook</p> <p>Cr Stuart Hart</p> <p>Cr Stephen Hart</p>	

***MOVED Cr Brian Crook seconded Cr Lyn Russell that recommendations to item OM122604-1 - CEO's Progress Report To Council listed in the Consent Calendar be adopted.***

***CARRIED 7 : 0***

**CONSENT CALENDAR****OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><b><u>CORPORATE AND COMMUNITY SERVICES</u></b></p> <p><b><u>OM122604-2      CORANGAMITE REGIONAL LIBRARY CORPORATION BUDGET 2012/13</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council endorses the Corangamite Regional Library Corporation Budget and Council's contribution of \$601,152 for the 2012/2013 financial year and writes to the Corporation advising of Council's approval.</i></p>	Cr Brian Crook	
<p><b><u>OM122604-3      COLAC OTWAY TENNIS FACILITY AUDIT AND DEVELOPMENT PLAN</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council adopts the Colac Otway Tennis Facility Audit and Development Plan.</i></p>		Cr Chris Smith
<p><b><u>OM122604-4      FINANCIAL REPORTING - BENCHMARKING/PERFORMANCE INDICATORS AND FINANCIAL SUSTAINABILITY INDICATORS</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council notes the reports on Benchmarking/Performance Indicators and Victorian Auditor General - Financial Sustainability Indicators.</i></p>		Cr Chris Smith

<p><b><u>OM122604-5</u></b>      <b><u>COLAC RSL/COLAC TURF CLUB/COLAC GOLF CLUB PROPOSED DEVELOPMENT</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Expresses its in-principle support for the relocation of 25 Electronic Gaming Machines (EGM's) from the existing Returned Services League (RSL) premises in Murray Street Colac to the Colac Golf Club/Turf Club site, with the provision of an additional 15 EGM's at that location as part of a proposed facility development by the Colac RSL Sub-Branch, Colac Turf Club and the Colac Golf Club.</i></b></li> <li><b><i>2. Reserves its final position on the additional EGM's until more specific aspects of the proposal are known and more specific applications come before Council for consideration.</i></b></li> <li><b><i>3. Acknowledges that this in-principle support for the additional gaming machines is independent of the consideration of the proposed facility development through the planning permit process.</i></b></li> <li><b><i>4. Advocates to the Victorian Commission for Gambling and Liquor Regulation that the impacts of the proposed additional EGMs forming part of the proposal on social disadvantage in Colac are fully considered.</i></b></li> </ol>		<p><b>Cr Stuart Hart</b></p>
<p><b><u>OM122604-6</u></b>      <b><u>S86 COMMITTEE OF MANAGEMENT RE-ELECTION OF MEMBERSHIP</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Pursuant to section 86 of the Local Government Act 1989, resolves to appoint the following nominated members to the Larpent Public Hall and Colac Municipal Aerodrome Committees of Management until April 2015:</i></b></li> </ol>	<p><b>Cr Chris Smith</b></p>	



<p><i>Larpen Public Hall - Geoff Turner, Helen Ezard, Lachlan Sutherland, Ken Ezard, Wayne Pritchard, Michael Lenahan, Morris Middleton and Bruce Fraser</i></p> <p><i>Colac Municipal Aerodrome - Brendan Reidy, Norm Tann, Ross Higgins, John Callahan, Brian Smith, David Fenn and Michael Murray.</i></p> <p>2. <i>In accordance with section 81 sub-section(2) sub-section(a) of the Local Government Act 1989, resolves to exempt members of the Committee from being required to submit a primary or ordinary conflict of interest return in accordance with this section.</i></p> <p>3. <i>Advises the Committee that a copy of minutes of meetings held be forwarded to Council for its record after each meeting and that a Treasurer's Report be provided on an annual basis.</i></p>		
<p><b><u>OM122604-7</u></b>      <b><u>THIRD QUARTER FINANCIAL PERFORMANCE REPORT 2011-2012</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council receives the third quarter financial performance report 2011-2012.</i></p>		<p><b>Cr Chris Smith</b></p>
<p><b><u>OM122604-8</u></b>      <b><u>THIRD QUARTER PERFORMANCE REPORT JANUARY - MARCH 2012</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council receives the 2011/2012 Third Quarter Performance Report for the three months ending 31 March 2012.</i></p>		<p><b>Cr Chris Smith</b></p>

*MOVED Cr Brian Crook seconded Cr Stuart Hart that recommendations to items listed in the Consent Calendar, with the exception of items OM122604-3 - Colac Otway Tennis Facility Audit And Development Plan, OM122604-4 - Financial Reporting - Benchmarking/Performance Indicators And Financial Sustainability Indicators, OM122604-5 - Colac RSL/Colac Turf Club/Colac Golf Club Proposed Development, OM122604-7 - Third Quarter Financial Performance Report 2011-2012 and OM122604-8 - Third Quarter Performance Report January - March 2012, be adopted.*

**CARRIED 7 : 0**

**OM122604-3 COLAC OTWAY TENNIS FACILITY AUDIT AND DEVELOPMENT PLAN**

**Original Recommendation**

*That Council adopts the Colac Otway Tennis Facility Audit and Development Plan.*

*MOTION - MOVED Cr Chris Smith that Council postpones the adoption of the Colac Otway Tennis Facility Audit and Development Plan until:*

- 1. All submissions are supplied to Councillors.*
- 2. Appropriate endeavours are made to contact non-functioning clubs.*

Motion lapsed due to lack of a seconder.

*MOVED Cr Brian Crook seconded Cr Lyn Russell that Council adopts the Colac Otway Tennis Facility Audit and Development Plan.*

**CARRIED 6 : 1**

*DIVISION called by Cr Stuart Hart*

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

**OM122604-4 FINANCIAL REPORTING - BENCHMARKING/PERFORMANCE INDICATORS AND FINANCIAL SUSTAINABILITY INDICATORS**

**Original Recommendation(s)**

*That Council notes the reports on Benchmarking/Performance Indicators and Victorian Auditor General - Financial Sustainability Indicators.*

**MOTION - MOVED** Cr Chris Smith that Council requires that the following motion passed at the Council meeting on the 28 March 2012 be complied with. The carried motion being, Item OM122803-18 Benchmarking/Performance Indicators be withdrawn from the In-Committee agenda to come back in open Council at a future meeting.

*Motion lapsed due to lack of a seconder.*

**MOVED** Cr Brian Crook seconded Cr Stuart Hart that Council notes the reports on Benchmarking/Performance Indicators and Victorian Auditor General - Financial Sustainability Indicators.

**CARRIED 6 : 1**

**DIVISION** called by Cr Chris Smith

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

*Against the Motion: Cr Chris Smith*

**OM122604-5 COLAC RSL/COLAC TURF CLUB/COLAC GOLF CLUB PROPOSED DEVELOPMENT**

**Original Recommendation(s)**

**That Council:**

- 1. Expresses its in-principle support for the relocation of 25 Electronic Gaming Machines (EGM's) from the existing Returned Services League (RSL) premises in Murray Street Colac to the Colac Golf Club/Turf Club site, with the provision of an additional 15 EGM's at that location as part of a proposed facility development by the Colac RSL Sub-Branch, Colac Turf Club and the Colac Golf Club.**
- 2. Reserves its final position on the additional EGM's until more specific aspects of the proposal are known and more specific applications come before Council for consideration.**
- 3. Acknowledges that this in-principle support for the additional gaming machines is independent of the consideration of the proposed facility development through the planning permit process.**
- 4. Advocates to the Victorian Commission for Gambling and Liquor Regulation that the impacts of the proposed additional EGMs forming part of the proposal on social disadvantage in Colac are fully considered.**

**MOTION - MOVED Cr Stuart Hart that Council notes that;**

- 1. It has not received a fully developed Social and Economic Impact Assessment to outline the affect of increasing the number of Electronic Gaming Machines (EGM's) from 25 to 40.**
- 2. Council has obtained legal advice about this issue, and**
- 3. Consistent with that advice, Council declines to express a view about the proposal until all the relevant applications and documents come before Council.**

Motion lapsed due to lack of a seconder.

**MOVED Cr Frank Buchanan seconded Cr Brian Crook**

**That Council:**

- 1. Expresses its in-principle support for the relocation of 25 Electronic Gaming Machines (EGM's) from the existing Returned Services League (RSL) premises in Murray Street Colac to the Colac Golf Club/Turf Club site, with the provision of an additional 15 EGM's at that location as part of a proposed facility development by the Colac RSL Sub-Branch, Colac Turf Club and the Colac Golf Club.**
- 2. Reserves its final position on the additional EGM's until more specific aspects of the proposal are known and more specific applications come before Council for consideration.**
- 3. Acknowledges that this in-principle support for the additional gaming machines is independent of the consideration of the proposed facility development through the planning permit process.**
- 4. Advocates to the Victorian Commission for Gambling and Liquor Regulation that the impacts of the proposed additional EGMs forming part of the proposal on social disadvantage in Colac are fully considered.**

**CARRIED 5 : 2**

**DIVISION called by Cr Stephen Hart**

**For the Motion: Cr Brian Crook, Cr Geoff Higgins, Cr Chris Smith, Cr Frank Buchanan, Cr Lyn Russell**

**Against the Motion: Cr Stuart Hart, Cr Stephen Hart**

**OM122604-7 THIRD QUARTER FINANCIAL PERFORMANCE REPORT 2011-2012****Original Recommendation(s)**

*That Council receives the third quarter financial performance report 2011-2012.*

**MOTION - MOVED Cr Chris Smith that Council receives the third quarter financial performance report 2011-2012 and notes the Council's deteriorating financial position.**

*Motion lapsed due to lack of a seconder.*

**MOVED Cr Lyn Russell seconded Cr Geoff Higgins**

*That Council receives the third quarter financial performance report 2011-2012.*

**CARRIED 7 : 0**

**OM122604-8 THIRD QUARTER PERFORMANCE REPORT JANUARY - MARCH 2012****Original Recommendation(s)**

*That Council receives the 2011/2012 Third Quarter Performance Report for the three months ending 31 March 2012.*

**MOTION - MOVED Cr Chris Smith that Council receives the 2011/2012 Third Quarter Performance Report for the three months ending 31 March 2012 and notes the deteriorating financial position.**

*Motion lapsed due to lack of a seconder.*

**MOVED Cr Lyn Russell seconded Cr Frank Buchanan**

*That Council receives the 2011/2012 Third Quarter Performance Report for the three months ending 31 March 2012.*

**CARRIED 6 : 1**

**DIVISION called by Cr Chris Smith**

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

**Against the Motion: Cr Chris Smith**

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### Email Letter

<b>From</b> Mark Hayes	<b>Date</b> 12/04/2012	
<b>Direct</b> 03 9288 0533	<b>Email</b> mark.hayes@maddocks.com.au	
<b>To</b> Ian Seuren	<b>Organisation</b> Colac-Otway Shire Council	<b>Email</b> ian.seuren@colacotway.vic.gov.au

Our Ref MRH:5915247

Dear Ian

#### Colac Golf Club Redevelopment

Thankyou for your email of 3 April 2012.

You have instructed us that a number of entities – a sub-branch of the Returned Services League, the Colac Golf Club and the Colac Turf Club – are proposing to undertake a major redevelopment of the site currently occupied by the Colac Golf Club. If it proceeds, such redevelopment may lead to an application for Electronic Gaming Machines to be installed in a new venue. If, in turn, this application succeeds, the number of Electronic Gaming Machines within Council's municipal district is likely to increase.

The three bodies have approached Council and asked for its 'in principle' support. You query whether the giving of such support may impair Council's ability to consider subsequent applications (eg for a planning permit) relating to the redevelopment. You refer to the Victorian Supreme Court's decision in *Winky Pop Pty Ltd v Hobsons Bay CC* [2007] VSC 468.

We doubt that the decision in *Winky Pop* is of specific relevance. As you may know, that case concerned the apprehended bias of an individual Councillor. It did not deal with the apprehended bias of a council arising out of a prior resolution.

That said, cases such as *Bycon Pty Ltd v Moira SC* [1998] VSC 25 confirm that the type of common law principle applied in *Winky Pop* is applicable to collective bodies. In other words, it is possible to find that a council has, by its prior conduct (eg the making of a resolution), done something that might enable a responsible bystander to conclude that the council might not have an open mind about the issue presented to it.

It is possible (although not certain) that, following any resolution expressing in principle support for the redevelopment, the principles of procedural fairness (or natural justice) will apply when Council considers individual applications. Because of this potential, and the fact that reasonably apprehended bias forms part of the principles of procedural fairness, we proceed on the basis that the kind of principle canvassed in *Winky Pop* may have some relevance.

We now reproduce the questions asked of us, and set out our advice. We are, of course, happy to elaborate on anything said below.

[5915247: 9361760\_1]

Interstate offices  
Canberra Sydney  
Affiliated offices around the world through the  
Advoc network - www.advoc.com

Maddocks

1. **Would Council agreeing this proposed project 'in-principle' pre-determine Council's position on this matter in terms of a future planning application?**

We doubt this, although we cannot go so far as to say that there will be no legal risk.

The giving of in principle support necessarily denotes approval at a broad or general level. It would not commonly be regarded as precluding a person who or entity which gave such support from refusing to approve a subsequent or specific application.

That said, we cannot deny an element of risk. To the extent to which Council knows about the proposed applications relating to the Electronic Gaming Machines, there is an argument that the in principle support implicitly extends to *any* application consistent with the generic proposal previously considered.

So, the risk-free approach is to decline to express *any* view (whether in principle or not, and whether supportive or not). If there is no need to express an opinion, the preferable course would be to decline expressing an opinion.

2. **In terms of a Council resolution, is there wording that could provide some kind of confidence to the proponents to move forward with the proposal eg: Council provides in-principle for the proposed development subject to...?**

If Council felt the need to say something, the risk of a successful apprehended bias case would be diminished if there was a qualification allowing Council the right to consider a specific application. The following is an example of a resolution to this effect:

Council expresses its in principle support for the redevelopment proposal but reserves its final position until more specific aspects of the proposal are known and more specific applications come before Council for consideration.

If Council was minded not to express support but rather a lack of opposition, the following resolution could be considered:

Council does not oppose the proposed redevelopment but reserves its final position until more specific aspects of the proposal are known and more specific applications come before Council for consideration.

We reiterate that this is less preferable to not taking a position at all.

We trust that this clarifies the position. If you have any queries or we can be of any further assistance, please let us know.

Yours sincerely  
Maddocks

Transmission authorised by:  
Mark Hayes  
Partner



**CONSENT CALENDAR****OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><b><u>INFRASTRUCTURE AND SERVICES</u></b></p> <p><b><u>OM122604-9 COLAC BOTANIC GARDENS MASTERPLAN</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Exhibits the "Colac Botanic Gardens Masterplan Review 2012" for a six week period and invite comments from the general public.</i></b></li> <li><b><i>2. Formally considers the document for endorsement at a future Council meeting after consideration of comments received.</i></b></li> </ol>	<p>Cr Chris Smith</p> <p>Cr Lyn Russell</p> <p>Cr Brian Crook</p>	

***MOVED Cr Lyn Russell seconded Cr Geoff Higgins that recommendations to item OM122604-9 Colac Botanic Gardens Masterplan listed in the Consent Calendar be adopted.***

***CARRIED 7 : 0***

CONSENT CALENDAROFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<p><b><u>GENERAL BUSINESS</u></b></p> <p><b><u>OM122604-10 ASSEMBLY OF COUNCILLORS</u></b></p> <p>Department: General Business</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council notes the Assembly of Councillors reports for:</i></b></p> <ul style="list-style-type: none"> <li>• <i>Councillor Budget Workshop - 21 March 2012</i></li> <li>• <i>Youth Council - 26 March 2012</i></li> <li>• <i>Councillor Briefing Session - 28 March 2012</i></li> <li>• <i>Colac Aerodrome Meeting - 2 April 2012</i></li> <li>• <i>Colac Marketing Workshop - 4 April 2012</i></li> <li>• <i>Colac Youth &amp; Recreation Club- 4 April 2012</i></li> <li>• <i>Colac Aerodrome Meeting - 10 April 2012</i></li> <li>• <i>Councillor Workshop - 11 April 2012.</i></li> </ul>		<p>Cr Chris Smith</p>
<p><b><u>OM122604-11 ITEM FOR SIGNING AND SEALING - LETTER OF CONSENT TO TRANSFER - 136 - 144 JENNINGS STREET, COLAC</u></b></p> <p>Department: General Business</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council resolves to approve the signing and sealing of the attached letter of execution confirming that there is no objection to the transfer of land and delegate signing to Council's Chief Executive Officer.</i></b></p>		

**OM122604-10 ASSEMBLY OF COUNCILLORS**

***MOVED Cr Brian Crook seconded Cr Geoff Higgins that recommendations to items listed in the Consent Calendar, with the exception of item OM122604-10 - Assembly Of Councillors, be adopted.***

**CARRIED 7 : 0**

**Original Recommendation(s)**

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

- ***Councillor Budget Workshop*** - ***21 March 2012***
- ***Youth Council*** - ***26 March 2012***
- ***Councillor Briefing Session*** - ***28 March 2012***
- ***Colac Aerodrome Meeting*** - ***2 April 2012***
- ***Colac Marketing Workshop*** - ***4 April 2012***
- ***Colac Youth & Recreation Club*** - ***4 April 2012***
- ***Colac Aerodrome Meeting*** - ***10 April 2012***
- ***Councillor Workshop*** - ***11 April 2012.***

***MOVED Cr Lyn Russell seconded Cr Geoff Higgins that Council:***

***1. Notes the Assembly of Councillors reports for:***

- ***Councillor Budget Workshop*** - ***21 March 2012***
- ***Youth Council*** - ***26 March 2012***
- ***Councillor Briefing Session*** - ***28 March 2012***
- ***Colac Aerodrome Meeting*** - ***2 April 2012***
- ***Colac Marketing Workshop*** - ***4 April 2012***
- ***Colac Youth & Recreation Club*** - ***4 April 2012***
- ***Colac Aerodrome Meeting*** - ***10 April 2012***
- ***Councillor Workshop*** - ***11 April 2012.***

***2. Adjusts the date recorded on the Colac Marketing Workshop agenda to reflect the correct date.***

***CARRIED 7 : 0***

CONSENT CALENDAROFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<u>NOTICES OF MOTION</u>		
<p data-bbox="129 577 948 611"><u>OM122604-12 EXPLORATION FOR COAL SEAM GAS</u></p> <p data-bbox="129 663 544 696">Department: Notices of Motion</p> <p data-bbox="129 734 392 768"><u>Recommendation</u></p> <p data-bbox="129 806 871 869"><i>That Council consider the contents of this Notice of Motion.</i></p>		

***MOVED Cr Stuart Hart seconded Cr Geoff Higgins that Colac Otway notes the many legitimate concerns regarding the exploration for coal seam gas and calls on the Victorian Government to institute a moratorium on all new coal seam gas exploration and operations, until there has been a comprehensive investigation into the likely effects of this industry on:***

- a) Pollution of underground and surface water resources.***
- b) The many side effects on adjoining farmland and effects on food security.***
- c) Dislocation of local communities, and including economic impacts.***
- d) Adverse effects on biodiversity and resulting greenhouse gas emissions.***
- e) Adverse effects on tourism and in particular tourism based on our natural environment.***

***AMENDMENT MOVED Cr Chris Smith seconded Cr Brian Crook that Colac Otway notes there are many strong concerns regarding the exploration for coal seam gas and calls on the Victorian Government to institute a moratorium on all new coal seam gas exploration and operations, until there has been a comprehensive investigation into the likely effects of this industry on:***

- a) Pollution of underground and surface water resources.***
- b) The many side effects on adjoining farmland and effects on food security.***
- c) Dislocation of local communities, and including economic impacts.***
- d) Adverse effects on biodiversity and resulting greenhouse gas emissions.***
- e) Adverse effects on tourism and in particular tourism based on our natural environment.***

**CARRIED 7 : 0**

**IN COMMITTEE**

***MOVED Cr Lyn Russell 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:***

<b>SUBJECT</b>	<b>REASON</b>	<b>SECTION OF ACT</b>
Confidential Items for Consideration - Memo to Councillors	this matter may prejudice the Council or any person	Section 89 (2) (h)
Report from Delegate to Other Bodies - Audit Committee Minutes	this matter deals with personnel matters; AND this matter deals with contractual matters; AND this matter deals with legal advice; AND this matter may prejudice the Council or any person	Section 89 (2) (a) (d) (f) (h)
Contract 1214 - Provision of Bill Payment Services (MAV)	this matter deals with contractual matters	Section 89 (2) (d)
Information on difficulties faced with Kerbside Green Waste Disposal and exploring alternative solutions	this matter deals with contractual matters	Section 89 (2) (d)

***CARRIED 7 : 0***

**OUT OF COMMITTEE**

***MOVED Cr Frank Buchanan seconded Cr Lyn Russell that the meeting move out of committee.***

***CARRIED 6 : 0***

*The Meeting Was Declared Closed at 6:04pm*

**CONFIRMED AND SIGNED** at the meeting held on 23 MAY 2012

*SLR*

.....**MAYOR**