

**MINUTES of the MEETING OF SPECIAL COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held at the COPACC Meeting Rooms, Colac on 19 September 2012 at 1.00 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 and Community Services  
Neil Allen, General Manager, Infrastructure and Services  
Jack Green, General Manager, Sustainable Planning and 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 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.

Questions asked today must relate to the Special Council Meeting Agenda.

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

### Sue Laws – Wye River

1. How will Council ensure that the corral located at the bottom of McRae Road (at the end of the Service Road) in Wye River remains a temporary corral, with bins returned to properties and not a permanent, smelly eyesore, when one of the five residents along the service road has written to the Wye River and Separation Creek Waste Consultative Group stating “Tenants will not participate in taking bins down the street, or collecting them and bringing them back. I suspect our bins will instead stay there”?
2. How will the trial of a corral at the bottom of McRae Road (at the end of the Service Road) in Wye River be assessed and why has a resident’s meeting of those affected not been called?

#### **Response:**

**The CEO advised that Council officers had revised the recommendations in the Council report to provide for a street by street assessment on available options. With respect to the use of corrals, it had been Council’s intention to have permanent bins situated there for residents to use. There had not been any expectation that residents would be required to wheel their bins down to the corrals.**

### Peter Jacob – Separation Creek

1. With respect to the proposed turning circle at the end of Sarsfield Street, has Council looked at any other alternatives?

#### **Response:**

**The CEO advised that Council is open to listening to alternatives from the community. The piece of land in question is owned by DSE and they have indicated that they would be happy for it to be used for a turnaround.**

2. When will the street meetings be held?

#### **Response:**

**The CEO advised that street meetings would be held within the next fortnight to discuss options with residents.**

3. Who will you contact?

**Response:**

**The CEO stated that the consultative group had offered to facilitate the meetings and that people who had previously attended the public meetings and registered their contact details would be contacted.**

**Rex Brown – Wye River**

1. While the Wye River/Separation Creek Waste Consultative Group are happy to facilitate the meetings, it cannot tell residents what to do. How does the CEO see the consultation being done?

**Response:**

**The CEO responded that he thought that staff would work with residents to determine a time that is convenient for the meetings to be held which might involve a letterbox drop or email to residents. The consultative group would be kept informed of meeting details.**

2. Could Council write to the people on the distribution list seeking permission for the consultative group to use the list to facilitate their communication with residents?

**Response:**

**The CEO stated that this was a reasonable request.**

**Cheryl Smith – Wye River**

1. Given the amount of work and funding required to address the issues with respect to the waste collection in Wye River and Separation Creek, when can residents expect to see a schedule of works to be published?

**Response:**

**The CEO stated that he did not believe that the works would be that onerous, however any expenditure would need to fit within Council's budget. Street meetings would need to be conducted before staff would be in a position put together a list of the required works and associated timelines.**

**Andrew Patterson – Separation Creek**

1. With respect to the ongoing problem of bins being left out, has Council considered engaging with a contractor to bring the bins in?

**Response:**

**The CEO advised that this could be explored further and that Council would be happy to facilitate this if such a contractor was available.**

**Matt Bradshaw – Forrest**

1. With reference to the report on Neighbourhood Safer Places (NSP), is Council aware that the property referred to in Forrest has been purchased with a view to future development and has Council considered any other options for a Neighbourhood Safer Place in Forrest?

**Response:**

**The General Manager, Sustainable Planning & Development, advised that Project Taskforce 23 had been commissioned to inspect and evaluate potential sites in Forrest, Barwon Downs and Carlisle River where no NSP sites have previously been identified. Taskforce 23 had recommended one site in each of the three towns for further investigation and the report today is the outcome of those investigations.**

**From an economic development perspective, Council is excited at the prospect of future plans for the development of the site in Forrest.**

**Yvonne Sheppard – Wye River**

1. With reference to the revised recommendations for the Wye River and Separation Creek Waste Services Review report, can the CEO please confirm that the corral near the shop in Morley Avenue is off the table?

**Response:**

**The CEO confirmed that it was.**

**6. DECLARATION OF INTEREST**

Colin Hayman	SC121909-1 Defined Benefit Superannuation Liability
Nature of Disclosure:	Member of the Vision Super Defined Benefit Superannuation Scheme

## **OFFICERS' REPORTS**

### **Chief Executive Officer**

SC121909-1      DEFINED BENEFIT SUPERANNUATION LIABILITY

### **Corporate and Community Services**

SC121909-2      CERTIFICATION OF 2011/2012 FINANCIAL STATEMENTS

### **Infrastructure and Services**

SC121909-3      WYE RIVER AND SEPARATION CREEK WASTE SERVICES

### **Sustainable Planning and Development**

SC121909-4      ADOPTION OF PLANNING SCHEME AMENDMENT C65 (PART 1)

SC121909-5      COLAC OTWAY FIRE MANAGEMENT PLAN

SC121909-6      NEIGHBOURHOOD SAFER PLACES - TASKFORCE 23 -  
RECOMMENDATION REPORTS

**Rob Small**  
**Chief Executive Officer**

**SC121909-1      DEFINED BENEFIT SUPERANNUATION LIABILITY**

AUTHOR:	Rob Small	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	CLF11/8

**Original Recommendation(s)*****That Council:***

- 1.      Receives this report on Defined Benefits Superannuation Liability.***
- 2.      Notes the actions by other Councils and instructs the CEO to take whatever measures are reasonable to minimise the impost of this call on Council's Defined Benefit Superannuation liability.***

***MOTION - MOVED Cr Brian Crook seconded Cr Stuart Hart:******That Council:***

- 1.      Notes its concern about the financially unsustainable repeated calls to top up the Vision Super Defined Benefits Superannuation Scheme.***
- 2.      Notes the actions of Glenelg and Moyne Shires.***
- 3.      Instructs the CEO to gather information from all relevant sources and have a report for the new Council to consider, including the ability to withdraw from the Defined Benefits Superannuation Scheme.***
- 4.      Calls for an independent review of Vision Super's investment strategy.***
- 5.      Calls for a listing of Vision Super Board members who are members of the Defined Benefits Superannuation Scheme.***
- 6.      Instructs the CEO to bring a report to the November 2012 Council meeting on this matter.***

***Carried 7 : 0***

**SC121909-2 CERTIFICATION OF 2011/2012 FINANCIAL STATEMENTS**

AUTHOR:	Brett Exelby	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	11/96311

**Resolution**

***MOVED Cr Brian Crook seconded Cr Stuart Hart***

***That Council:***

- 1. Adopts the 2011/2012 Financial Statements 'In-Principle' in accordance with Section 131(7) Local Government Act 1989.***
- 2. Adopts the 2011/2012 Standard Statements 'In-Principle' in accordance with Section 131(7) Local Government Act 1989.***
- 3. Adopts the 2011/2012 Performance Statement 'In-Principle' in accordance with Section 132(6) Local Government Act 1989.***
- 4. Pursuant to Section 131(8) and Section 132(7) of the Local Government Act 1989, Council authorises Councillors Stephen Hart and Stuart Hart to certify the 2011/2012 Statements in their final form after any changes recommended or agreed to, by the auditors, have been made.***

**CARRIED 7 : 0**

**SC121909-3 WYE RIVER AND SEPARATION CREEK WASTE SERVICES**

AUTHOR:	Ranjani Jha	ENDORSED:	Neil Allen
DEPARTMENT:	Infrastructure & Services	FILE REF:	11/96300

**Original Recommendation(s)*****That Council:***

1. ***Adopts the GHD Report "Colac Otway Shire Council – Garbage Collection Safety Review for Wye River and Separation Creek – 5 September 2012" and undertakes the following;***
  - a. ***Develop an implementation plan in conjunction with short term, medium term and long term priorities to undertake works identified in the report.***
  - b. ***Refers the works recommended in the GHD report to Council's Capital Works Program for consideration on a priority basis.***
  - c. ***Continues to review, kerbside collection in high risk areas, as identified in the GHD report.***
2. ***Negotiates with the current Waste Contractor to introduce a smaller custom built collection truck as soon as practicable to minimise risks.***
3. ***Ceases immediately the kerbside collection in Morley Avenue Slashers Bypass, being rated as "Intolerable Risk" and undertake the following:***
  - a. ***At Morley Avenue Top end - adjoining the entrance to Bird Track construct a corral to allow the waste collection truck to reverse at this location to collect the bins.***
  - b. ***At the junction of McRae Road and Slashers Bypass construct a turnaround area.***
  - c. ***At Morley Avenue lower end – construct a corral on the road reserve (vacant land) just off the Great Ocean Road. This will allow the waste collection truck to collect the bins from this corral.***
4. ***Commences resheeting works under the Maintenance Program at McRae Road top end to rectify the deep erosion problem that exists in the unsealed section of this road, being a public road. In addition Council will need to:***
  - a. ***Ascertain from the waste contractor, that the location next to or near 15 McRae Road will be suitable for turning of the waste truck in a safe manner.***



- b. Construct a corral midway on McRae Road allowing bringing of waste to this corral facility.*
- 5. Trials a corral at McRae Road bottom end (Service Road), at the junction of Morley Avenue and McRae Road in the median strip, in order for the residents of the McRae Service Lane to bring their bins to the pickup area. After the provision of this corral, the truck ceases to enter into the McRae Service Lane in order to avoid the long reversing that is currently required.*
- 6. Ceases kerbside waste collection in Sturt Court immediately due to safety concerns and the lack of a turning facility at the end of Sturt Court and undertakes the following:*
  - a. Not agree to the request for manual collection due to OH&S and hygiene issues and the risks associated with manual handling.*
  - b. Construction of a small corral at the top of Sturt Court and advise residents that they can also use the corral at the start of Morley Avenue.*
  - c. Continue to pursue options with residents in relation to construction of safe turning facilities at the end of the street.*
- 7. Widens an existing concrete turnaround area at the end of Dunoon Road.*
- 8. Constructs a turnaround area at the end of Sarsfield Street (Crown Reserve) to enable safe turning of the waste collection truck. Council to ensure the gates are to remain open or be removed. Council to facilitate discussions with DSE and accept the responsibility for the construction and future maintenance costs of the turnaround area.*
- 9. Constructs a defined bin placement area/small corral at the base of Bass Avenue in Separation Creek in order to organise bins which are deposited in this area for collection by the waste collection truck.*
- 10. Continues to work with members of the Community Consultative Group, Council officers and waste collection contractor for ongoing implementation of the preferred hybrid option. This will include focussing on localised solutions, and proposing alternative arrangements where short term solutions are not feasible.*
- 11. Advises residents in writing where kerbside collection will no longer occur that they need to take their waste/recycling to a corral, prior to removing the service.*
- 12. Reverts to normal kerbside collections on those roads where it is being temporarily ceased after the risk implementations measures are satisfactory resolved.*

**Resolution**

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

**That Council:**

1. **Adopts the GHD Report "Colac Otway Shire Council – Garbage Collection Safety Review for Wye River and Separation Creek – 5 September 2012" and undertakes the following;**
  - a. **Develop an implementation plan in conjunction with short term, medium term and long term priorities to undertake works identified in the report.**
  - b. **Refers the works recommended in the GHD report to Council's Capital Works Program for consideration on a priority basis.**
  - c. **Continues to review, kerbside collection in high risk areas, as identified in the GHD report.**
  - d. **Holds meetings with residents of streets where collections are dangerous or problematic as determined in consultation with the consultative group, with a view to determining local options.**
2. **Negotiates with the current Waste Contractor to introduce a smaller custom built collection truck as soon as practicable to minimise risks.**
3. **Following an individual street meeting held to determine suitable alternative arrangements, ceases the kerbside collection in Morley Avenue Slashers Bypass section, being rated as "Intolerable Risk".**
4. **Commences resheeting works under the Maintenance Program at McRae Road top end to rectify the deep erosion problem that exists in the unsealed section of this road, being a public road. In addition Council will need to:**
  - a. **Ascertain from the waste contractor, that the location next to or near 15 McRae Road will be suitable for turning of the waste truck in a safe manner.**
  - b. **Determine interim options through street meetings.**
5. **Discusses turnaround options with residents of Sturt Court or appropriate alternatives to the current unsafe practices.**
6. **Widens an existing concrete turnaround area at the end of Dunoon Road.**
7. **Constructs a turnaround area at the end of Sarsfield Street (Crown Reserve) to enable safe turning of the waste collection truck. Council to ensure the gates are to remain open or be removed. Council to facilitate discussions with DSE and accept the responsibility for the construction and future maintenance costs of the turnaround area.**
8. **Constructs a defined bin placement area/small corral at the base of Bass Avenue in Separation Creek in order to organise bins which are**

*deposited in this area for collection by the waste collection truck.*

- 9. Continues to work with members of the Community Consultative Group, localised street landowners, Council officers and waste collection contractor for ongoing implementation of the preferred option to collect as many bins as possible from the kerb. This will include focussing on localised solutions, and proposing alternative arrangements where short or long term solutions are not immediately feasible.*
- 10. Reverts to normal kerbside collections on those roads where it is being temporarily ceased in consultation with local property owners in those streets, after the risk implementation measures are satisfactory resolved.*

**CARRIED 7 : 0**

**SC121909-4 ADOPTION OF PLANNING SCHEME AMENDMENT C65 (PART 1)**

AUTHOR:	Don Lewis	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/3115

**Resolution**

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

***That Council adopts Amendment C65 (Part 1) as exhibited and forwards the amendment to the Planning Minister for approval.***

**CARRIED 7 : 0**

**SC121909-5 COLAC OTWAY FIRE MANAGEMENT PLAN**

AUTHOR:	Mark Gunning	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/2382

**Resolution**

***MOVED Cr Brian Crook seconded Cr Lyn Russell***

***That Council adopts the Colac Otway Fire Management Plan.***

***CARRIED 7 : 0***

**SC121909-6 NEIGHBOURHOOD SAFER PLACES - TASKFORCE 23 -  
RECOMMENDATION REPORTS**

AUTHOR:	Wendie Fox	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/2382

**Resolution**

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

**That Council:**

- 1. Endorses the Barwon Downs Neighbourhood Safer Place Recommendation Report that recommends not establishing a Neighbourhood Safer Place due to the large disparity between the actual identified costs and the indicative funding offered by State Government to establish this Neighbourhood Safer Place.**
- 2. Endorses the Forrest Neighbourhood Safer Place Recommendation Report that recommends not establishing a Neighbourhood Safer Place due to the large disparity between the actual identified costs and the indicative funding offered by State Government to establish this Neighbourhood Safer Place.**
- 3. Endorses the Carlisle River Neighbourhood Safer Place Recommendation Report that recommends not establishing a Neighbourhood Safer Place due to the large disparity between the actual identified costs and the indicative funding offered by State Government to establish this Neighbourhood Safer Place.**
- 4. Approves the drafting of a letter to the Fire Services Commissioner advising of Council's decision and attaching the three Recommendation Reports.**
- 5. Requests in the above letter an opportunity to seek further conversations with the Fire Services Commissioner as to what additional resources and/or alternative bushfire safety solutions may be able to be explored in these three towns to assist in mitigating the bushfire risk.**

**CARRIED 7 : 0**

## IN COMMITTEE

**Resolution**

***MOVED Cr Lyn Russell seconded Cr Frank Buchanan 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>
Waste Management Services Contract 0912 - Variation To Contract For Kerbside Collection	this matter deals with contractual matters	Section 89 (2) (d)
Contract 1208 - Architectural Services - Bluewater Fitness Centre Redevelopment	this matter deals with contractual matters	Section 89 (2) (d)
Contract Approval - Contract 1231 - Apollo Bay Library Extension	this matter deals with contractual matters	Section 89 (2) (d)
Contract Approval - Contract 1232 - Central Reserve Oval Redevelopment	this matter deals with contractual matters	Section 89 (2) (d)
Contract Approval - Contract 1235 - Design & Construct - Barham River Rd and Upper Gellibrand Rd Bridges	this matter deals with contractual matters	Section 89 (2) (d)
Contract Approval - Contract 1236 - Design & Construct - Carlisle Valley Rd and Ganes Access Bridges	this matter deals with contractual matters	Section 89 (2) (d)
Contract Approval Contract 1237 - Bituminous Sealing Works	this matter deals with contractual matters	Section 89 (2) (d)

**CARRIED 7 : 0**

## OUT OF COMMITTEE

**Resolution**

***MOVED Cr Lyn Russell seconded Cr Stuart Hart that the meeting move out of committee.***

**CARRIED 7 : 0**

*The Meeting Was Declared Closed at 2.59 pm*

**CONFIRMED AND SIGNED** at the meeting held on 24 OCTOBER 2012

.....*SLM*.....**MAYOR**