

**MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL*** held at the COPACC Meeting Rooms on 28 January 2015 at 4.00pm.

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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 Frank Buchanan (Mayor)  
Cr Brian Crook  
Cr Michael Delahunty  
Cr Stephen Hart  
Cr Lyn Russell  
Cr Chris Smith  
Cr Terry Woodcroft

Sue Wilkinson, Chief Executive Officer  
Colin Hayman, General Manager, Corporate & Community Services  
Phil Corluka, General Manager, Infrastructure & Services  
Doug McNeill, A/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 descendants here today.

Colac Otway Shire encourages community input and participation in Council decisions. Council meetings provide an opportunity for the community to ask Council questions, either verbally at the meeting or in writing.

Please note that Council may not be able to answer some questions at the meeting. These will be answered later.

Council meetings enable Councillors to debate matters prior to decisions being made. I ask that we all behave in a courteous manner.

All Council and Committee meetings are audio recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings.

Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy.

In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

Council will not use or disclose the recordings for any other purpose. It is an offence to make an unauthorised recording of the meeting.

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**

#### **James Judd**

1. When will Council cease changing the design of the heading under what it inserts Council notices? People are entitled to know that notices will appear under one fixed design so they are able to locate them without searching everything and reading all non valid notices printed. To make sure it is not a Council notice with emphasis on something else.

#### ***Response:***

***In most cases, Council inserts its notices under the one design, which has the same botanical graphic that appears on Council's letterhead.***

***There are occasional exceptions to this, when we advertise for a special purpose, such as Australia Day, or our annual Fire Ready reminders. When advertisements appear on anything other than the standard Council template, it is because we wish the information to stand out in its own right.***

2. Now that land on the north east corner of Main Street and Airey's Street in Elliminyt is on the market and some already sold, has Council yet issued a request for cash in lieu of land? If not, when is Council going to issue a request and stipulate a date payment must be made by?

#### ***Response:***

***The relevant condition on the planning permit (ref. PP258/2013-2) requires the payment of a cash contribution for open space prior to statement of compliance being issued for Stage 2 of the subdivision. The payment will***

***therefore be required when statement of compliance for that stage is sought, and statement of compliance will not be issued until the payment is received.***

3. The fact that many in the community pay no attention to use by dates on foods, how is this Council, that supplies multiple number of frozen foods at a time under Meals on Wheels, going to make sure food is consumed during the period it is supposed to be eaten by?

***Response:***

***Part of our extensive service in the delivery of Meals on Wheels is that when meals are delivered to clients by either Colac Otway Shire's Volunteers or Staff, monitoring of food storage and expiry dates are viewed.***

***Any soup, main meal or sweet that is found to be past its due date is removed from the client's home and returned to the Older Persons & Ability Support Service.***

***The Older Persons & Ability Support Service's Assessment Staff would, as a matter of course, follow up with the client to investigate the reason why this has occurred.***

***The responsibility of monitoring the expiry date on meals also lies with the client, their carer or family member.***

***The Older Persons & Ability Support Services Unit manages its responsibility in every aspect of food handling and storage by applying Best Practice Principles.***

4. How can Council officers claim residents can carry out works at their own expense when Council adds another condition that means meeting additional expenses only when meeting extra conditions set by Council? Insurance can be very expensive and hard to get the coverage required.

***Response:***

***Council requires that any works undertaken on a road must be covered by a Public Risk insurance policy with a minimum cover of \$10,000,000 indemnifying the Colac Otway Shire against claims for damage or injury arising from the work.***

5. On what basis did Council arrive at a figure of \$10 million to carry out a study into the by-pass road since an estimate has been made by an official channel of only from \$5 million to \$10 million for the study?

***Response:***

***As VicRoads is the responsible Road Authority for the investigation of any future by-pass of Colac, the preliminary estimates (of \$10 million) for planning and investigation studies was provided by them. Council has not provided or calculated any estimates associated with a study into the by-pass road.***

## Questions Received Verbally at the Meeting

### Simon Arundell - Bungador

1. Does Council realise that the use of woodchips in the saleyards will shorten the life of the saleyards in half due to the fact that they have never been built to put woodchips in and all the steel posts will corrode away at ground level?

**Response:**

***The General Manager for Infrastructure & Services stated that Council had been going through an exercise to identify the best flooring treatment for the Colac Regional Saleyards. This has included working very closely with the advisory committee and a trial of woodchip flooring over a six month period. The feedback received from the advisory committee and users has indicated overwhelming support for the woodchips. There is now a process in place to extend the use of the woodchips across the whole of the saleyards.***

2. Is this Council aware that people can no longer go to the Pakenham saleyards, where woodchips are being used, due to the dust from the wood that irritates their lungs and that every year they clean around every post and coat it with fish oil? Would this Council be prepared to trial the use of bitumen emulsion on the concrete flooring in three or four of its pens to measure the impact of this on the cattle's feet and to prevent rust occurring in the yards?

**Response:**

***The General Manager for Infrastructure & Services stated that he had contacted the supplier of the bitumen emulsion, EMI Downer, who had advised that the product had not previously been used in saleyards.***

3. Why won't Council try the product?

**Response:**

***The General Manager for Infrastructure & Services stated that while the product might provide protection, it has not previously been used in saleyards.***

4. Could you please provide the total cost of using woodchips over the period of a year, including regular maintenance and the replacement of poles versus the cost of using the bitumen emulsion.

**Response:**

***The General Manager for Infrastructure & Services stated that he would take the question on notice and provide the costs for both options.***

5. With respect to the Pirron Yallock Recreation Reserve, when will a ramp be installed at the new clubrooms in order to comply with Australian and Commercial Standards and allow access for all abilities?

**Response:**

***The General Manager for Infrastructure & Services stated that the design work for the new clubrooms is being finalised.***

6. Will the design work include the installation of a ramp?

**Response:**

***The General Manager for Infrastructure & Services stated that a ramp would be included in the designs for the new clubrooms.***

7. Why were steps installed if they were not compliant with Australian and Commercial Standards?

***Response:***

***The General Manager for Infrastructure & Services stated that the steps were installed to allow access to the building during building works.***

8. Are the old clubrooms to be kept?

***Response:***

***The General Manager for Infrastructure & Services stated that the future of the clubrooms has not been determined by the committee of management.***

9. What will be the cost of making the old building compliant with Australian and Commercial Standards if they are to be used for any other purpose such as indoor cricket?

***Response:***

***The General Manager for Infrastructure & Services stated that as there has been no decision made on the future of the old building, it would not be possible to provide that figure.***

10. Please explain the difference in the advice previously given by Council that it would cost between \$500,000 to \$600,000 to repair the old building compared to the quotes by independent builders of \$120,000?

***Response:***

***The General Manager for Infrastructure & Services stated that details had previously been provided with respect to the cost of carrying out necessary refurbishments to ensure that the building would comply with the conditions of the emergency order placed on it.***

11. Has a costing been done yet on fixing up the old building?

***Response:***

***The General Manager for Infrastructure & Services stated that no costing would be undertaken until a decision has been made on the future of the building.***

12. Who misled the previous Mayor by giving an incorrect description on the state of the building, in particular, the state of the verandah, roof and electrical wiring?

***Response:***

***The General Manager for Infrastructure & Services stated that the information provided to Councillors was based on the emergency order placed on the building in 2012 restricting members of the public using the building. The***

**order identified a number of safety issues associated with the structural integrity of the building and other public safety issues.**

13. With respect to the Apollo Bay carpark, is it true that a consultant was employed to design the carpark lines?

**Response:**

**The General Manager for Infrastructure & Services stated that a consultant had been employed to design the layout of the carpark.**

14. Why couldn't someone employed at Rae Street be able to draw up the carpark?

**Response:**

**The General Manager for Infrastructure & Services stated that the consultant had been employed to develop a full design for the carpark which included a whole range of activities.**

15. Can you advise the cost of the consultant?

**Response:**

**The General Manager for Infrastructure & Services stated that the question would be taken on notice.**

16. Why can't the public attend briefing sessions?

**Response:**

**The Mayor advised that Councillor Briefing Sessions provided Councillors the opportunity to discuss a range of issues and to ask questions of Council officers.**

17. Why can't it be run like a Council meeting with members of the public asked to leave the briefing session for confidential items?

**Response:**

**The General Manager for Corporate and Community Services stated that the public is kept informed of what is discussed at briefing sessions and these sessions provide Councillors with the opportunity to speak openly amongst themselves and with Council officers.**

#### **Questions taken on Notice at Previous Meetings**

##### **Sarah Handscomb - Birregurra**

1. What justification is there to proceed with the proposed Pathway project (shared bike/pedestrian path) from Main St to the Railway Station when it is not identified as a priority in any strategic COS documentation, and in addition, does not have broad community support, as evidenced by the petition presented at the November Council meeting?

**Response:**

**The Birregurra Township Community Infrastructure Plan 2012, pages 28 and 29, Item 4.4, Proposal 1 is "construction of a shared paved bicycled and pedestrian footpath to the train station".**

**To be eligible to apply for an external State Government grant, the proposal needs to be a shared pathway, not a standard width 1.5m footpath, which is seen to be the responsibility of Councils.**

2. Is Council aware that the need for a footpath (as opposed to a shared bike/pedestrian pathway) to the railway station is a top priority for the community, for the safety of pedestrians; The evidence for which is supported by the recommendations in numerous COS strategic documents; as well as the petition signed by 175 residents of the town?

**Response:**

**Yes, Council is aware of the support for a path along Roadknight Street as identified in the Birregurra Township Community Infrastructure Plan 2012. This support has been expressed both formally and informally to councillors and council officers.**

3. As matter of procedure, is Council permitted to elect to carry over the 2013/2014 Birregurra STIP grant allocation to 2015/16 financial year to fund a specific project?

**Response:**

**Council has the capacity to carry over funding, at its discretion, however Council decided at its meeting on 17 December 2014, when considering the petition on this matter not to carry forward the funds for the purpose of the pathway and instead resolved to offer the opportunity for the Birregurra community to lodge an alternative proposal to spend the \$20,000 funds.**

4. Can Council elect to allocate the 2014/15 STIP funding to initiate a staged construction over time of the desired 1.5 metre wide aggregate footpath to the station; Using the same strategy as Council wished to use for the initial pathway 3 metre wide project which was rejected .

**Response:**

**As noted in relation to the previous question, Council has resolved at its 17 December 2014 Council meeting not to spend the \$20,000 STIP funds on the Roadknight Street pathway.**

**Council does not support the construction of an aggregate path along Roadknight Street. Any path is required to comply with the Disability Discrimination Act, that is 'the surface of the path must be accessible to all abilities'. A path made of aggregate will have greater maintenance costs and reduced all-abilities accessibility.**

**A path made of exposed aggregate concrete on the other hand, is one of the highest cost materials for footpath construction and as such could take many stages or many years to incrementally deliver. These stages would have limited utility and would be at the expense of other projects in the Shire that may bring more benefits to more residents and ratepayers. Council did explore a staged approach with the State government as a last resort but this was ultimately unsuccessful.**

5. Was the start of the proposed Tiger Rail Trail, (for which the feasibility study was recently completed) anticipated to begin at the Birregurra Railway Station?

**Response:**

**The Tiger Rail Trail feasibility study process has not concluded but a number of routes from Birregurra were examined and the section from Barwon Downs to Birregurra was considered one of the least viable of the sections examined due to a range of cost and engineering issues.**

6. The STIP guidelines request that if the preferred project outlay is more than the published grant amount then a letter is requested to be written to the CEO. In the light of the community's repeated requests for a footpath, and petition for a footpath (as opposed to a shared bike/pedestrian path) would COS consider allocating the necessary funds from its budget to facilitate this project?

**Response:**

**The STIP Guidelines accept "proposals up to \$25,000 for consideration. If more than \$25,000 is required from Council to complete the project, a letter should be written to the Chief Executive Officer requesting special consideration".**

**Ultimately any proposal that exceeds the guidelines will have budgetary ramifications and will be determined by Councillors in that context. As noted above, Council has responded to the petition by resolving at the 17 December 2014 meeting not to allocate the \$20,000 funds to the pathway.**

7. Is Council aware of the numerous complaints received by Main St traders, made by visitors to the town who were shocked to find they had to walk on the road to Main St, upon arrival on a specially organised outing coordinated by a historical train society?

**Response:**

**Council is not aware of the number or nature of complaints about having to walk on a road, although with 1632 km of regional roads in the Otway Shire and only 133km of footpath walking on the road is not an uncommon experience as is the case in most rural shires.**

**Simon Arundel**

1. With reference to the Pirron Yallock Recreation Reserve, will there be a public enquiry into the expenditure on the new clubrooms?

**Response:**

**The project is currently being delivered in line with the allocated budget. Council sees no need to undertake an enquiry, internal or public, into the expenditure associated with this project.**

2. With reference to the carpet in COPACC, is all of it going to be replaced?

**Response:**

**The General Manager for Infrastructure and Services advised that tenders had been sought for the replacement of carpet at COPACC.**

Further information provided by officers:



**It is proposed to remove the existing floor coverings and replace with new carpet in the following areas:**

- **COPACC foyer;**
- **Administration offices;**
- **Meeting rooms, including Meeting Room 1, Meeting Room 2 and the Green Room;**
- **Rehearsal room**
- **Access corridors**

3. Were local tradesperson given a chance to put in a tender?

**Response:**

**The General Manager for Infrastructure and Services advised that advertisements had been placed in local newspapers and local trades were able to tender for the work.**

4. What will happen to the old carpet?

**Response:**

**The General Manager for Infrastructure and Services advised that the tender included the cost of removing the old carpet.**

5. How much will it cost to cart the old carpet away?

**Response:**

**The General Manager for Infrastructure and Services advised that he did not have the breakdown of costs at hand and would take the question on notice.**

Response is as follows:

**A lump sum tender was requested to complete the specified works. A breakdown of costs for individual activity areas such as waste disposal are not able to be determined.**

**Elizabeth Ryan – Birregurra**

1. When can I expect to receive a satisfactory response to my email of 15 August 2014 regarding bus safety on the intersection of Cape Otway Road, Conns Lane and Whoorel Station Road?

**Response:**

**Following your request that Council investigate the construction of a dedicated bus pull-off at the existing school bus stop on Cape Otway Road, Council officers contacted the local School Bus Coordinator (SBC) and visited the site. The SBC confirmed that two children are presently registered for collection at the stop at the intersection of Whoorel Station Road and Cape Otway Road. You have also confirmed that one of those children, your youngest, will finish secondary school at the end of 2015. This means that unless additional children are registered for collection from this stop, from 2016 onwards one child only will be using this bus stop.**

**Currently, there is no constructed pull off at the stop. The bus pulls up in the mouth of the intersecting road. This enables the bus to be clear of the through**

**traffic and provides a reasonably safe area to pick up and drop off passengers. Traffic along the intersecting roads is light and allowing the bus to continue to stop at this location does not create an unreasonable hazard or undue delays to traffic. The sight distances along Cape Otway Road at this location are good as the road is straight and flat in both directions with no overhanging vegetation or other obstructions interrupting driver's vision.**

**To create a bus pull off at this location would require significant works to be undertaken at a relatively high cost. It is Council's opinion that constructing a pull off at this location would not significantly improve amenity or safety of this bus stop, therefore it is not presently considered a high priority for Council's limited budget. This also takes into account the number of students using this stop both now and possibly into the future.**

**However, it is recognised that traffic volumes have increased along Cape Otway Road since the commencement of the duplication works along the Princes Highway between Waurin Ponds and Winchelsea and that vehicle numbers can be expected to increase further when the duplication between Winchelsea and Colac begins. It is also understood that this area is prone to fog at certain times of the year. In order to improve driver awareness, it is planned to install warning signage in the vicinity of the bus stop by erecting "School Bus Stop Ahead" signs on all approaches to the intersection.**

2. Why is the Birregurra Community Action Group considered the "go-to" group for Birregurra?

**Response**

**Council values input from all community members and strives to engage as many people as possible through various means, particularly for major projects and initiatives. Comments and opinions of the Birregurra Community Group are valued by Council because the group has a broad membership base and has sub groups covering Landcare/Gardens, Age Friendly Community, Birregurra Arts, CWA, Business & Tourism, Cycling/Walking and Festivals/Markets.**

**Ian Court**

1. With respect to the STIP allocation to Birregurra for the construction of a footpath, can the STIP \$20,000 allocation be rolled over into next year's budget to be considered as part of the 2015/2015 budget to construct the footpath?

**Response:**

**Council noted that a petition was received in support of the Roadknight Street footpath. Rather than carrying the funds over indefinitely, Council resolved to seek alternative proposals as per the resolution below. It is a potential course of action for Council to carryover such funds if it so chooses, however such a course of action would be balanced with other alternate competing projects in the Shire.**

**Council acknowledges that a footpath along Roadknight Street Birregurra is a priority for the community and the proposal will be referred to our capital works budget for consideration, where it will be weighed against other footpath priorities throughout the Shire. It should be noted that the relatively small budget available within the Shire for new footpaths has to be allocated to the entire Shire and priorities are usually allocated in areas with high foot traffic or**

**significant risk mitigation benefits. Council remains also committed to exploring other funding opportunities to support the path.**

2. Is an aggregate or gravel footpath an option as a cheaper alternative to a concrete pathway?

**Response:**

**A less-expensive gravel pathway unfortunately is a less viable alternative option for Council to consider, because it does not meet the standards for ongoing universal access, and costs more to maintain in the long-term.**

3. The community group is currently looking at an another project in the main street to spend the \$20,000, which has run into some issues, would Council consider an alternative proposal should that be too controversial?

**Response:**

**As you are aware, at the Council meeting on 17 December 2014 Council resolved:**

**That Council:**

1. **Allows the Birregurra community to submit an alternative proposal to use the \$20,000 which was carried forward from the 2013/2014 budget subject to Council approval of the specific project. A proposal should be received at Council offices by the end of January 2015, to allow the STIP referral processes to be followed and a report to be presented to the March 2015 Council meeting.**
2. **Notes the petition and writes to the organiser of the petition advising that:**
  - a. **Council acknowledges that the construction of a footpath along Roadknight Street is a priority for the Birregurra community.**
  - b. **There is no funding available for the construction of the entire footpath at this time and any future consideration would need to be in the context of council's future budget processes.**
  - c. **Council will continue to seek future external grant opportunities to fund the Roadknight Street footpath.**

## **6. DECLARATION OF INTEREST**

Nil

## **7. CONFIRMATION OF MINUTES**

- **Ordinary Council Meeting held on the 17/12/14.**

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

**CARRIED 7 : 0**

## **OFFICERS' REPORTS**

### **Chief Executive Officer**

OM152801-1 CEO'S PROGRESS REPORT TO COUNCIL

### **Corporate and Community Services**

OM152801-2 DRAFT G21 REGIONAL TENNIS STRATEGY  
OM152801-3 2014-15 SECOND QUARTER FINANCIAL REPORT  
OM152801-4 OPERATIONAL PLAN SECOND QUARTER PERFORMANCE  
REPORT  
OCTOBER-DECEMBER 2014  
OM152801-5 DEBT MANAGEMENT AND RECOVERY POLICY  
OM152801-6 AIRE RIVER DRAINAGE SCHEME

### **Infrastructure and Services**

OM152801-7 BLUEWATER FITNESS CENTRE REDEVELOPMENT PROJECT -  
PROGRESS REPORT  
OM152801-8 RESPONSE TO PETITION - DUST CONTROL ON AMIETS  
ROAD, WYELANGTA  
OM152801-9 CONTRACT 1422 - RICHMOND STREET RECONSTRUCTION

### **General Business**

OM152801-10 ASSEMBLY OF COUNCILLORS

### **Notices of Motion**

OM152801-11 CONTAINER DEPOSIT LEGISLATION  
OM152801-12 ENFORCEMENT OF NOXIOUS WEED CONTROL ON PRIVATE  
LAND

### **Reports from Delegates to Other Bodies**

OM152801-13 REPORT FROM DELEGATE TO OTHER BODIES - AUDIT  
COMMITTEE  
MINUTES

**CHIEF EXECUTIVE OFFICER**

<b>ITEM</b>	
<b><u>OM152801-1</u></b>	<b><u>CEO'S PROGRESS REPORT TO COUNCIL</u></b>

**OM152801-1****CEO'S PROGRESS REPORT TO COUNCIL**

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

***MOVED Cr Lyn Russell seconded Cr Terry Woodcroft  
That Council notes the CEO's Progress Report to Council.***

***CARRIED 7 : 0***

**CORPORATE AND COMMUNITY SERVICES**

<b>ITEM</b>	
<b><u>OM152801-2</u></b>	<b><u>DRAFT G21 REGIONAL TENNIS STRATEGY</u></b>
<b><u>OM152801-3</u></b>	<b><u>2014-15 SECOND QUARTER FINANCIAL REPORT</u></b>
<b><u>OM152801-4</u></b>	<b><u>OPERATIONAL PLAN SECOND QUARTER PERFORMANCE REPORT OCTOBER-DECEMBER 2014</u></b>
<b><u>OM152801-5</u></b>	<b><u>DEBT MANAGEMENT AND RECOVERY POLICY</u></b>
<b><u>OM152801-6</u></b>	<b><u>AIRE RIVER DRAINAGE SCHEME</u></b>

OM152801-2

**DRAFT G21 REGIONAL TENNIS STRATEGY**

AUTHOR:	Ian Seuren	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	11/96721

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

1. ***Endorses the draft G21 Regional Tennis Strategy to be placed on public exhibition for a minimum 6 week period in accordance with Council's Community Engagement Policy 2010, with a consistent release date in line with all other G21 Councils.***
2. ***Notes that any works outlined in the draft G21 Regional Tennis Strategy would be subject to consideration via future budget processes and analysis of various priorities and this qualification must be included in the final document.***

**MOTION - MOVED Cr Michael Delahunty seconded Cr Stephen Hart:****That Council:**

1. ***Endorses the draft G21 Regional Tennis Strategy to be placed on public exhibition for a minimum 6 week period in accordance with Council's Community Engagement Policy 2010, with a consistent release date in line with all other G21 Councils.***
2. ***Notes that any works outlined in the draft G21 Regional Tennis Strategy would be subject to consideration via future budget processes and analysis of various priorities and this qualification must be included in the final document.***
3. ***Notes that during the public exhibition period that specific consultation will be arranged with the communities, Cressy, Eurack and Lavers Hill which may have an interest in the proposed declassifying of existing tennis courts.***

**AMENDMENT - MOVED Cr Chris Smith seconded Cr Terry Woodcroft:**

***That the wording in point 3 be changed to include the words "and explanation" after "specific consultation".***

**CARRIED 7 : 0****MOTION - MOVED Cr Michael Delahunty seconded Cr Stephen Hart:****That Council:**

1. ***Endorses the draft G21 Regional Tennis Strategy to be placed on public exhibition for a minimum 6 week period in accordance with Council's***



***Community Engagement Policy 2010, with a consistent release date in line with all other G21 Councils.***

- 2. Notes that any works outlined in the draft G21 Regional Tennis Strategy would be subject to consideration via future budget processes and analysis of various priorities and this qualification must be included in the final document.***
- 3. Notes that during the public exhibition period that specific consultation and explanation will be arranged with the communities, Cressy, Eurack and Lavers Hill which may have an interest in the proposed declassifying of existing tennis courts.***

**CARRIED 7 : 0**

**OM152801-3****2014-15 SECOND QUARTER FINANCIAL REPORT**

AUTHOR:	Ashley Roberts	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F11/3291

***MOVED Cr Terry Woodcroft seconded Cr Brian Crook***

***That Council receives and notes the second quarter financial performance report for 2014-2015.***

***CARRIED 7 : 0***

**OM152801-4****OPERATIONAL PLAN SECOND QUARTER  
PERFORMANCE REPORT OCTOBER-DECEMBER  
2014**

AUTHOR:	Margaret Giudice	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F11/3291

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

***That Council receives the 2014/2015 Operational Plan Second Quarter Performance Report for the three months ending 31 December 2014.***

***CARRIED 7 : 0***

**OM152801-5****DEBT MANAGEMENT AND RECOVERY POLICY**

AUTHOR:	Ashley Roberts	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F14/3798

**Original Recommendation(s)**

***That Council adopts the Debt Management and Recovery Policy.***

***MOTION - MOVED Cr Chris Smith:***

***That this item be deferred until Council can be appropriately informed as to the level of debt in the appropriate categories.***

***The motion lapsed due to the lack of a seconder.***

***MOTION - MOVED Cr Michael Delahunty seconded Cr Stephen Hart:***

***That Council adopts the Debtor Management and Debt Recovery Policy.***

***CARRIED 6 : 1***

***DIVISION called by Cr Chris Smith***

***For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Terry Woodcroft, Cr Michael Delahunty, Cr Frank Buchanan***

***Against the Motion: Cr Chris Smith***

**OM152801-6****AIRE RIVER DRAINAGE SCHEME**

AUTHOR:	Colin Hayman	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Corporate & Community Services	FILE REF:	11/96139

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

***That Council:***

- 1. Dissolves the Section 86 Aire River Drainage Committee.***
- 2. Ends the Aire River (Special Charge) Drainage Scheme from 1 July 2015.***
- 3. Writes to the Corangamite CMA and applicable landowners advising of the dissolution of the Section 86 Aire River Drainage Committee and the end of the Aire River (Special Charge) Drainage Scheme.***

***CARRIED 7 : 0***

**INFRASTRUCTURE AND SERVICES**

<b>ITEM</b>	
<b><u>OM152801-7</u></b>	<b><u>BLUEWATER FITNESS CENTRE REDEVELOPMENT PROJECT - PROGRESS REPORT</u></b>
<b><u>OM152801-8</u></b>	<b><u>RESPONSE TO PETITION - DUST CONTROL ON AMIETS ROAD, WYELANGTA</u></b>
<b><u>OM152801-9</u></b>	<b><u>CONTRACT 1422 - RICHMOND STREET RECONSTRUCTION</u></b>

**OM152801-7****BLUEWATER FITNESS CENTRE REDEVELOPMENT  
PROJECT - PROGRESS REPORT**

AUTHOR:	Adam Lehmann	ENDORSED:	Phil Corluka
DEPARTMENT:	Infrastructure & Services	FILE REF:	F13/7721

***MOVED Cr Terry Woodcroft seconded Cr Brian Crook***

***That Council notes the monthly status report for the Blue Water Fitness Centre Redevelopment Project covering the period to 1 December 2014 to 31 December 2014.***

***CARRIED 6 : 1***

***DIVISION called by Cr Brian Crook***

***For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Terry Woodcroft, Cr Michael Delahunty, Cr Frank Buchanan***

***Against the Motion: Cr Chris Smith***

OM152801-8

**RESPONSE TO PETITION - DUST CONTROL ON  
AMIETS ROAD, WYELANGTA**

AUTHOR:	Adam Lehmann	ENDORSED:	Phil Corluka
DEPARTMENT:	Infrastructure & Services	FILE REF:	F14/6388

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

- 1. Permits residents to coordinate application of dust suppression agents at their own expense providing that they are able to satisfy insurance and safety requirements.***
- 2. Liaises with the relevant timber companies to request them to minimise the impacts of their operations on residents along Amiets Road, including taking reasonable action to minimise dust resulting from timber cartage.***
- 3. Writes to the signatories of the petition to inform them of Council's resolution.***

***MOTION - MOVED Cr Chris Smith seconded Cr Stephen Hart:******That Council:***

- 1. Acknowledges that Council may have used less than satisfactory materials on Amiets Road and will move to fix the issue before next summer.***
- 2. Liaises with the relevant timber companies to request them to minimise the impacts of their operations on residents along Amiets Road, including taking reasonable action to minimise dust resulting from timber cartage.***
- 3. Writes to the signatories of the petition to inform them of Council's resolution.***

**LOST 2 : 5*****DIVISION called by Cr Stephen Hart******For the Motion: Cr Chris Smith, Cr Stephen Hart******Against the Motion: Cr Brian Crook, Cr Lyn Russell, Cr Terry Woodcroft, Cr Michael Delahunty, Cr Frank Buchanan******MOTION - MOVED Cr Michael Delahunty seconded Cr Brian Crook:******That Council:***

- 1. Liaises with the relevant timber companies to request them to minimise the impacts of their operations on residents along Amiets Road, including taking reasonable action to minimise dust resulting from timber cartage.***
- 2. Writes to the signatories of the petition to inform them of Council's resolution.***
- 3. Writes to PolyCom inviting them to conduct a trial of their product on Amiets Road.***



**CARRIED 5 : 2**

***DIVISION called by Cr Chris Smith***

***For the Motion: Cr Brian Crook, Cr Lyn Russell, Cr Terry Woodcroft, Cr Michael Delahunty, Cr Frank Buchanan***

***Against the Motion: Cr Chris Smith, Cr Stephen Hart***

OM152801-9

**CONTRACT 1422 - RICHMOND STREET  
RECONSTRUCTION**

AUTHOR:	Roger Fox	ENDORSED:	Phil Corluka
DEPARTMENT:	Infrastructure & Services	FILE REF:	F14/8907

***MOVED Cr Terry Woodcroft seconded Cr Brian Crook***

***That Council:***

- 1. Awards Contract 1422 for Richmond Street Reconstruction to R Slater & Sons Pty Ltd at the lump sum tender price of \$622,641.40 (excluding GST)***
- 2. Delegates to the Chief Executive Officer authority to sign and place under Council seal the contract documents following award of Contract 1427.***

***CARRIED 7 : 0***

**OM152801-10 ASSEMBLY OF COUNCILLORS**

AUTHOR:	Rhonda Deigan	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Executive	FILE REF:	F14/6031

***MOVED Cr Stephen Hart seconded Cr Terry Woodcroft***

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

- ***Mooleric Road Quarry Proposal*** ***10 November 2014***
- ***Mooleric Road Quarry Proposal*** ***25 November 2014***
- ***Mooleric Road Quarry Proposal*** ***9 December 2014***
- ***Councillor Workshop*** ***10 December 2014***
- ***Friends of Colac Botanic Gardens*** ***11 December 2014***
- ***Colac Regional Saleyards Advisory Committee*** ***12 December 2014***
- ***Councillor Briefing Session*** ***17 December 2014***

***CARRIED 7 : 0***

**NOTICES OF MOTION**

<b>ITEM</b>	
<b><u>OM152801-11</u></b>	<b><u>CONTAINER DEPOSIT LEGISLATION</u></b>
<b><u>OM152801-12</u></b>	<b><u>ENFORCEMENT OF NOXIOUS WEED CONTROL ON PRIVATE LAND</u></b>

**OM152801-11      CONTAINER DEPOSIT LEGISLATION (CR STEPHEN HART)****Original Recommendation**

***That Council consider the contents of this Notice of Motion.***

**MOTION - MOVED Cr Stephen Hart seconded Cr Terry Woodcroft:**

***That Council:***

- 1. Notes that the following resolution was passed at the Council meeting on 26 May 2009 regarding support for "container deposit legislation".***

***"MOVED Cr Stephen Hart seconded Cr Lyn Russell that Council aims to minimise litter and to pursue cost effective methods of reuse and recycling of waste materials. Council resolves to:***

- 1. Support the introduction of a container deposit scheme in Victoria, or throughout Australia;***
- 2. Write to the State and Federal Environment Ministers with copies to our local State and Federal Members of Parliament to urge them to implement a container deposit scheme because of the financial, social and environmental benefits; and***
- 3. Actively promote the issue in the community, without incurring any undue cost to Council.***

***CARRIED 7 : 0".***

- 2. Confirms its support, consistent with the resolution of 26 May 2009, for the introduction of container deposit scheme in Victoria.***
- 3. Noting the change in Governments at the Federal and State level since 26 May 2009, asks the Chief Executive Officer to write to the State and Federal Environment Ministers with copies to our local State and Federal Members of Parliament to urge them to implement a container deposit scheme because of the financial, social and environmental benefits.***
- 4. Calls on the Council to promote the issue where that can be done without incurring any undue cost to Council. With this in mind, the Chief Executive Officer is asked to take all reasonable steps to have a resolution supportive of container deposit legislation lodged with the Municipal Association of Victoria (MAV) for consideration at the next MAV State Council meeting.***

**CARRIED 7 : 0**

**OM152801-12          ENFORCEMENT OF NOXIOUS WEED CONTROL ON PRIVATE LAND (CR STEPHEN HART)****Original Recommendation**

*That Council consider the contents of this Notice of Motion.*

**That Council:**

- 1. Notes that the enforcement of noxious weed control on private land is a State Government responsibility.**
- 2. Notes that the lack of effective enforcement and control of noxious weeds over many years has resulted in many rural properties becoming increasingly infested with noxious weeds.**
- 3. Instructs Council's Chief Executive Officer to write to relevant State Members of Parliament including the Government, the member for Polwarth and all representatives in the Western Region, to request proper enforcement of the requirement to control noxious weeds on private land.**
- 4. Instructs the Council's Chief Executive to pursue this matter at all relevant forums, such as Great South Coast Group, where that does not incur undue costs for Council.**
- 5. Consistent with point 4, instructs Council's Chief Executive Officer to take all reasonable steps to elicit the support of the Municipal Association of Victoria by providing an appropriately worded resolution for consideration at the next Municipal Association of Victoria State Council meeting.**

**MOTION - MOVED Cr Stephen Hart seconded Cr Terry Woodcroft:**

**That Council:**

- 1. Notes that the enforcement of noxious weed control on private land is a State Government responsibility.**
- 2. Notes that the lack of effective enforcement on private land and control of noxious weeds on crown land over many years has resulted in many rural areas becoming increasingly infested with noxious weeds.**
- 3. Requests the Council's Chief Executive Officer to write to relevant State Members of Parliament including the Government, the member for Polwarth and all representatives in the Western Region, to request proper enforcement of the requirement to control noxious weeds on private land and to also increase the resourcing of weed control on Crown land.**
- 4. Requests the Council's Chief Executive to pursue this matter at all relevant forums, such as Great South Coast Group, where that does not incur undue costs for Council.**
- 5. Consistent with point 4, requests the Council's Chief Executive Officer to take all reasonable steps to elicit the support of the Municipal Association**

*of Victoria by providing an appropriately worded resolution for consideration at the next Municipal Association of Victoria State Council meeting.*

6. *Calls on the State Government to appropriately deal with noxious weeds on State Government controlled land.*

**AMENDMENT - MOVED Cr Chris Smith:**

*That a point 7 be added which states:*

*"Deals with noxious weeds on Council controlled land in a more appropriate manner.*

*The motion lapsed due to the lack of a seconder.*

**MOTION - MOVED Cr Stephen Hart seconded Cr Terry Woodcroft:**

*That Council:*

1. *Notes that the enforcement of noxious weed control on private land is a State Government responsibility.*
2. *Notes that the lack of effective enforcement on private land and control of noxious weeds on crown land over many years has resulted in many rural areas becoming increasingly infested with noxious weeds.*
3. *Requests the Council's Chief Executive Officer to write to relevant State Members of Parliament including the Government, the member for Polwarth and all representatives in the Western Region, to request proper enforcement of the requirement to control noxious weeds on private land and to also increase the resourcing of weed control on Crown land.*
4. *Requests the Council's Chief Executive to pursue this matter at all relevant forums, such as Great South Coast Group, where that does not incur undue costs for Council.*
5. *Consistent with point 4, requests the Council's Chief Executive Officer to take all reasonable steps to elicit the support of the Municipal Association of Victoria by providing an appropriately worded resolution for consideration at the next Municipal Association of Victoria State Council meeting.*
6. *Calls on the State Government to appropriately deal with noxious weeds on State Government controlled land.*

**CARRIED 6 : 1**

**DIVISION called by Cr Chris Smith**

**For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Terry Woodcroft, Cr Michael Delahunty, Cr Frank Buchanan**

**Against the Motion: Cr Chris Smith**

**REPORTS FROM DELEGATES TO OTHER BODIES**

<b>ITEM</b>	
<b>OM152801-13</b>	<b><u>REPORT FROM DELEGATE TO OTHER BODIES - AUDIT COMMITTEE MINUTES</u></b>



**OM152801-13      REPORT FROM DELEGATE TO OTHER BODIES -  
AUDIT COMMITTEE MINUTES**

***MOVED Cr Stephen Hart seconded Cr Michael Delahunty***

***That Council receives for information the unconfirmed summary minutes of the Colac Otway Shire Audit Committee Meeting dated 3 December 2014.***

***CARRIED 7 : 0***

**IN COMMITTEE**

**MOVED Cr Lyn Russell seconded Cr Michael Delahunty 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>
Minutes of In-Committee Council Meeting held on 17 December 2014	this matter deals with contractual matters; AND this matter may prejudice the Council or any person.	Section 89 (2) (d) & (h)
Audit Committee - Appointment of Independent Member	this matter deals with contractual matters; AND this matter may prejudice the Council or any person	Section 89 (2) (d) (h)
Contract No. 1422 - Richmond Street Reconstruction	this matter deals with contractual matters	Section 89 (2) (d)

**CARRIED 7 : 0**

**Cr Smith left the meeting at 6.21pm.**

**OUT OF COMMITTEE**

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

**CARRIED 6 : 0**

*The Meeting Was Declared Closed at 6.27 pm*

**CONFIRMED AND SIGNED** at the meeting held on 25 FEBRUARY 2015

  
.....MAYOR