

MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at the COPACC Meeting Rooms, Colac on 28 April 2010 at 3.00 pm.

1. OPENING PRAYER

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

AMEN

2. PRESENT

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

Rob Small, Chief Executive Officer

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

3. APOLOGIES

Nil

4. MAYORAL STATEMENT

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

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

Please note that some questions may not be able to be answered at the meeting, these questions will be taken on notice. Council meetings also enable Councillors to debate matters prior to decisions being taken.

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

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

Thank you, now question time. 30 minutes is allowed for question time. I remind you that you must ask a question, if you do not have a question you will be asked to sit down and the next person will be invited to ask a question. This is not a forum for public debate or statements.

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

5. QUESTION TIME

Questions Received in Writing Prior to the Meeting

Ian & Jenny McDougall – Beech Forest

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

1. ***Did the Council receive legal advice before issuing a permit for the holding lanes, the gates and the roadside fences? If so, did the Council comply with the legal advice given or did the Council go against the legal advice on this matter?***

Response:

Legal advice was received on the 6 May 2009, 22 May 2009 and 25 May 2009.

The Council agreed to the gates on the basis that to do so would not be unlawful, and that they would be constructed in a manner that satisfied Council's insurers.

2. ***Did the Council heed the advice of its General Manager of Infrastructure & Services, Mr Neil Allen, or did they go against his advice, thus allowing gates to be put across public roads for the occasional purpose of moving livestock and creating a public liability?***

Response:

The General Manager of Infrastructure & Services presented Council with the legal opinions provided which have been outlined above. The General Manager Infrastructure & Services advice was that although the installation of gates was legal, it did represent a significant risk to Council.

3. ***Were there any plans submitted to Council regarding the construction of these holding lanes, roadside gates and permanent road reserve fencing prior to work commencing?***

Response:

At the on-site meeting on Minchinton Road on 7 April 2009, a gate system was presented to the meeting. That gate system was generally agreed by all parties as an appropriate type gate system that would satisfy the needs. On the 5 May 2009 a letter was received by Mr John and Mrs Dora Griffiths reiterating that they had no objection to the proposed gate crossing and included a drawing of similar gate plans to those circulated at the onsite meeting. The letter showed two (2) gates at each crossing of 3 metres each giving a total span per crossing opening of 6 metres. The current gates are based on have only one gate at each crossing at 14 ft (4.2m) wide. It was assumed that the construction of the gates by Mr Griffith would be roughly in accordance with the plans submitted earlier.

Officers are not aware of any Australian Standards in relation to construction of gates across public roadways for the purpose of moving stock on an intermittent basis. Given that no Standards are available to the Officers knowledge, plans were developed in conjunction with the proponent of the stock crossing. Officers had relied heavily on the proponents farming background for advice in relation to the development of the crossing.

In relation to fencing matters which are outside the stock crossing, Council does have temporary fencing standards which are managed through Local Laws and which require a permit. This is a separate matter to the stock crossing and will be investigated with Local Laws and actioned if required.

4. ***Was there any stipulation by the council or Council representatives on what type of material was to be used in construction of this crossing or fencing of the road verge or how close large posts could be put to the road?***

Response:

In relation to materials used, there are no Australian Standards that officers are aware of for construction of cattle gates across roads. The Agreement developed in consultation with the proponent did specify some materials. Notwithstanding, the posts are required to be of a frangible nature when they are adjacent the road. In this instance, the posts are not to the standard required and this matter must be rectified.

As previously stated, fencing of road reserves is a separate matter and a Local Laws issues which shall be dealt with separately.

5. ***Why was there no consultation or plans shown to all other parties before permission was given for construction to go ahead on Minchinton Road?***

Response:

On the 5 May 2009 a letter was received at Council by Mr John and Mrs Dora Griffiths after an onsite meeting with a number of parties. Mr John and Mrs Dora Griffiths reiterating that they had no objection to the proposed gate crossing and included a drawing of similar gate plans to those circulated at the onsite meeting. The letter showed two (2) gates of 3 metres each giving a total span/crossing opening of 6 metres. It was assumed that the construction of the gates by Mr Griffith would be roughly in accordance with these plans. However, Mr Griffiths has not constructed the gates in accordance with these plans as the current crossings are based on having only one gate at each crossing at 14 ft (4.2m) wide.

In the absence of Australian Standards, officers have relied heavily on the proponents farming experience in relation to developing the gated crossing and as such felt that level of experience would have satisfied the overall farming needs in the area and would have been in line with the discussions of the earlier onsite meeting.

Officers acknowledge that it would appear to be an oversight that other parties were not consulted in regard to permission for the approved plans for the stock crossing. Notwithstanding, the construction of the gates has been highly visible to all parties involved (being constructed on the main access road) and the opportunity to agree amongst affected parties was not taken up.

In summary although the Officers relied on the advice from Mr Griffiths in relation to the design of the gates, the final construction of gates does not comply with the previous plans and advice provided by Mr Griffiths on 5 May 2009.

Damien Dureau – Colac

Questions have been revised taking out preamble.

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

1. Colac Otway Shire Annual Report 2008-2009 (released in October 2009) discloses that Colac Otway Shire's Cash at Bank (referred to as "Cash and cash equivalents") as at 30 June 2009 was \$9.651 million. This is up significantly, from \$6.412 million as at 30 June 2008 and \$6.988million as at 30 June 2007 (as disclosed in Colac Otway Shire's previous 2 Annual Reports), by some \$3 million.

Please now advise as follows:-

- (a) How much of the Cash at Bank balance as at 30 June 2009 of \$9.651 million is attributed to significant amount related to Government grants received in advance?
- (b) How much of the Cash at Bank balance as at 30 June 2009 of \$9.651 million is attributed to Funds required for works carried forward from 2008/2009 to 2009/2010 (ie. carryover of projects)?
- (c) How much of the Cash at Bank balance as at 30 June 2009 of \$9.651 million is attributed to Lower capital spending?
- (d) What is the current, most up to date, end of month Cash at Bank balance figure (ie. What was the figure at 31 March 2010; or, alternatively, at 28 February 2010, if the 31 March 2010 figure is not yet available)?
- (e) What is the projected forecast Cash at Bank balance as at 30 June 2010, or is it still \$3.945 million?
- (f) Has COS overcharged ratepayers in Rates in 2008/2009 and 2009/2010, and if so, by how much, and will that amount be refunded to ratepayers in Rates relief in the next Rate Notices to be issued in approximately September 2010?

1 (a) to 1 (c) and (f) Response:

The \$9.651 million Cash funds are made up as follows:

<i>Apollo Bay Harbour</i>	<i>\$860,000</i>
<i>Trust Deposits</i>	<i>\$316,000</i>
<i>Long Service Leave</i>	<i>\$1.471m</i>
<i>Statutory Reserves</i>	<i>\$642,000</i>
<i>Restricted Reserves</i>	<i>\$2.685m</i>
<i>Grants received in Advance</i>	<i>\$1.27m</i>
<i>Carry Over Items</i>	<i>\$2.407m</i>

This clearly shows that Council does not carry surplus unallocated funds. Council has not overcharged ratepayers.

1 (d) Response

As per the Council 3rd Quarter report the cash at bank balance at the 31 March is \$11.7 million.

1 (e) Response

As per the revised Strategic Resource Plan the expected cash balance is \$6.12 million. This excludes any carry over works or grants that maybe received in advance.

2. Since Council advises “the contents of the Budget document are reviewed on annual basis”, would Council therefore please provide this “Summary Table of Rates and Charges” in the 2010-2011 and future COS Annual Budgets as additional information in the Statutory Disclosures Appendix, so as to return to providing the same level of disclosure, openness, transparency and clarity in this area, as it did prior to 2008/2009?

Response:

As previously advised Council’s Budget document is Based on the Model Budget which is prepared by the Institute of Chartered Accountants in Australia. The Model Budget is reviewed on an annual basis. Council’s Budget document provides the required information the council is required to declare under section 158(1) of the Local Government Act.

Questions Received Verbally at the Meeting

Lyn Foster – FOCL

With reference to an alleged incident involving a Colac Secondary College student and a member of the public, will Council inform parents of the potential danger of children being exposed to inappropriate contact with adults at the new joint use library?

Response:

The Mayor advised that as the matter is under investigation by the police, Council could not comment.

If a liaison is arranged in the joint use library between children and members of the public without parental consent, how can Council guarantee the safety of students?

Response:

The CEO advised that a joint committee to administer the operation of the new joint use library would take into account the safety of all users of the facility.

Is Council going to ignore the dangers to children and wait until an event takes place?

Response:

The CEO stated that the joint management committee will give due consideration to this issue.

Ian McDougall – Beech Forest

In relation to the questions and answers read out earlier in the meeting, wasn’t it the responsibility of Council officers to monitor the installation of the cattle gates on Minchington Road?

Response:

The General Manager, Infrastructure & Services, agreed that the responsibility for overseeing the installation of the gates did rest with Council officers. As the gates were not installed in line with the letter received on the 5 May 2009 from Mr & Mrs Griffiths and as per Council’s understanding, the installation of the gates will be rectified.

The CEO stated that it is the intention of Council to resolve the issue with the farmer and to put the matter right.

Paul David Cross – FOCL

Does the figure of \$5.8M for the construction of the Global Connector include fit out costs?

Response:

General Manager, Corporate & Community Services, advised that the figure includes the installation of fixed fittings with loose fittings to be funded from a separate budget.

How much is the estimated cost of the fit out?

Response:

General Manager, Corporate & Community Services, advised that this figure is yet to be established.

Will the fit out include the cost for all IT equipment and services and has DEECD committed to pay for a proportion of Council's fit out costs?

Response:

General Manager, Corporate & Community Services, advised that this will be worked out between the Colac Secondary College and the Colac Otway Shire. Any funding provided by DEECD will be provided through the college.

Has there been a response to a letter given to Professor Dawkins requesting funds for the fit out costs of the joint use library?

Response:

General Manager, Corporate & Community Services, advised that the cost of fitting out the joint use library has been budgeted for and funding will be provided to the school to meet these expenses.

Is it true that the Colac Otway Shire will match whatever amount DEECD contributes to the fit out costs?

Response:

General Manager, Corporate & Community Services, advised that discussions are ongoing and the Colac Otway Shire's contribution is yet to be determined.

Are the fit out costs included in the \$1.3M budget?

Response:

General Manager, Corporate & Community Services, advised that the Colac Secondary College and the Colac Otway Shire would be working towards keeping fit out costs within the \$1.3M budget.

Will Council be seeking further funding from DPCD for Council's proportion of the fit out costs?

Response:

General Manager, Corporate & Community Services, responded that DPCD have funded the project to the limit of the funding agreement.

P Brown – Kawarren

As the subject of Mr Brown's question related to the safety of bike riders on the Beechy Rail Trail, Cr Chris Smith, citing a conflict of interest on behalf of the Rail Trail operators, left the meeting at 3.21pm.

What adequate measure will Council implement to ensure the safety of all users of the Beechy Rail Trail?

Response:

The CEO stated that Council has conducted an independent safety audit of the trail and is satisfied with the outcomes of that audit. Safety warnings have been installed along the track and the Beechy Rail Train operator's insurance indemnifies Council from any liability. The CEO also advised that it is not unusual for trails or paths to have shared usage.

As there was no adequate warning in my incident with the train, could Council please upgrade safety measures beyond the current standards?

Response:

The CEO advised that standards are in place to cover safety risks and that Council will review the operation of these safety measures.

Cr Chris Smith returned to the meeting at 3.25pm

Maxine Swan – Elliminyt

With reference to the amended special charge scheme for Sinclair Street South, Elliminyt in today's agenda, why can't the charge for a ¼ acre block on this road also be reduced?

Response:

The General Manager, Infrastructure & Services, stated that while Council is sympathetic to the owners of the property, the criteria upon which the scheme is based is on the accessibility of each allotment. The corner allotments in this scheme have the ability to have access from a different road, resulting in a reduced charge for these properties. Property owners will have further opportunity to contest the logic used in this scheme through VCAT.

Will further subdivision of the properties be permitted in the future?

Response:

The General Manager, Infrastructure & Services, responded there is potential for larger allotments to be subdivided in the future. He also reiterated that where allotments have ability for only one access, they are charged at the rate of one benefit unit.

Even when we will not be able to add \$9000 to our property to recover these costs, unlike the larger allotments in that street?

Response:

The General Manager, Infrastructure & Services, advised that this is the standard process for calculating costs.

6. DECLARATION OF INTEREST

Cr Stephen Hart made application to the Council, under Section 79B of the *Local Government Act 1989*, for him to be excused from discussion and decision on Agenda Item OM102804-18 Sale Of Council Land - 50 Main Road Beech Forest (Old Beech Forest Council Depot) on the grounds that he has a conflict of personal interest given that his nephew is an employee of the prospective purchaser of the land.

Councillors approved this application.

Cr Stephen Hart:	OM102804-18 Sale Of Council Land - 50 Main Road Beech Forest (Old Beech Forest Council Depot)
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	79 B Conflicting Personal Interest
Nature of Interest:	Nephew commenced employment as an apprentice chef in March 2010 with the prospective purchaser of the land. Proposed land use is for a bakery/café.

7. CONFIRMATION OF MINUTES

- **Ordinary Council Meeting held on the 24/03/10.**

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

CARRIED 7 : 0

OFFICERS' REPORTS

Chief Executive Officer

OM102804-1 CEO'S PROGRESS REPORT TO COUNCIL

Corporate and Community Services

OM102804-2 SECTION 173 AGREEMENTS
OM102804-3 COLAC OTWAY YOUTH COUNCIL CHARTER
OM102804-4 EXPRESSION OF INTEREST PROCESS TO HOST AUSTRALIA DAY
CELEBRATIONS
OM102804-5 REVIEW OF COUNCIL POLICIES
OM102804-6 PROPOSED NAMING OF ACCESS ROAD IN BEECH FOREST AS
"CLIFF YOUNG DRIVE" AND LAND AS "CLIFF YOUNG PARK"
OM102804-7 INDICATORS OF COMMUNITY STRENGTH
OM102804-8 THIRD QUARTER PERFORMANCE REPORT 2009/2010
OM102804-9 REVIEW OF COUNCIL PLAN

Infrastructure and Services

OM102804-10 LANDFILL LEVIES
OM102804-11 ROAD/RAIL SAFETY INTERFACE AGREEMENTS - UPDATE
OM102804-12 DECLARATION OF ROAD AS UNUSED – ROAD EAST OF 855
CORAGULAC BEEAC ROAD, WARRION
OM102804-13 SPECIAL CHARGE SCHEME - SINCLAIR STREET SOUTH, ELLIMINYT
OM102804-14 ROAD MANAGEMENT PLAN COMPLIANCE REPORT

Sustainable Planning and Development

OM102804-15 COLAC OTWAY SHIRE AND OTWAYS TOURISM INC SERVICE
AGREEMENT REVIEW
OM102804-16 MEMORANDUM OF UNDERSTANDING GEELONG OTWAY TOURISM
OM102804-17 ONDIT QUARRY CONSULTATIVE COMMITTEE
OM102804-18 SALE OF COUNCIL LAND - 50 MAIN ROAD BEECH FOREST (OLD
BEECH FOREST COUNCIL DEPOT)

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion
W = Withdrawal

ITEM	D	W
<p><u>CHIEF EXECUTIVE OFFICER</u></p> <p><u>OM102804-1</u> <u>CEO'S PROGRESS REPORT TO COUNCIL</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council notes the CEO's Progress Report to Council</i></p>	<p>CR BRIAN CROOK CR CHRIS SMITH</p>	

MOVED Cr Stephen Hart seconded Cr Stuart Hart that recommendations to item OM102804-1 CEO's Progress Report to Council be adopted.

CARRIED 7 : 0

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>CORPORATE AND COMMUNITY SERVICES</u></p> <p><u>OM102804-2 SECTION 173 AGREEMENTS</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council notes the change in practice to the signing and sealing of Agreements under Section 173 of the Planning and Environment Act 1987.</i></p>		
<p><u>OM102804-3 COLAC OTWAY YOUTH COUNCIL CHARTER</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council receive and endorse the Colac Otway Youth Council Charter.</i></p>		CR BRIAN CROOK
<p><u>OM102804-4 EXPRESSION OF INTEREST PROCESS TO HOST AUSTRALIA DAY CELEBRATIONS</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council endorses the recommendation by the Australia Day Advisory Committee to adopt an Expression of Interest process as the method to determine the host township for Australia Day celebrations.</i></p>	CR CHRIS SMITH CR BRIAN CROOK	

<p><u>OM102804-5</u> <u>REVIEW OF COUNCIL POLICIES</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <p><i>1. Adopt the following revised policies:</i></p> <p style="padding-left: 40px;"><i>2.6 Customer Service Policy/Guidelines</i></p> <p style="padding-left: 40px;"><i>4.1 Hire of COPACC Policy</i></p> <p style="padding-left: 40px;"><i>5.1 Community Bus Policy</i></p> <p style="padding-left: 40px;"><i>7.3 Risk Management Policy</i></p> <p style="padding-left: 40px;"><i>13.1 Closure of Unused Government Roads; Licensing of an Unused Road or Water Frontage Policy</i></p> <p style="padding-left: 40px;"><i>13.3 Display/Locate Sign/s and Goods on the Footpath/Road Reserve Policy</i></p> <p style="padding-left: 40px;"><i>13.4 Installation and Usage of Stock Underpasses Policy</i></p> <p style="padding-left: 40px;"><i>13.7 Asset Management Policy</i></p> <p style="padding-left: 40px;"><i>13.8 Heavy Vehicle Access Policy</i></p> <p style="padding-left: 40px;"><i>13.9 Event Road Closure Consultation and Communication Policy</i></p> <p style="padding-left: 40px;"><i>18.3 Whistleblowers Protection Act 2001</i></p> <p><i>2. Endorse the draft policy No 4.2 Council Property Leasing Policy for public comment. Public comments to be received until Friday 11 June 2010.</i></p>	<p>CR CHRIS SMITH</p>	
<p><u>OM102804-6</u> <u>PROPOSED NAMING OF ACCESS ROAD IN BEECH FOREST AS "CLIFF YOUNG DRIVE" AND LAND AS "CLIFF YOUNG PARK'</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <p><i>(1) Commence statutory procedures pursuant to clause 5, Schedule 10 of the Local Government Act 1989 to name the access road at the front of the Beech Forest Public Hall as "Cliff Young Drive"</i></p> <p><i>(2) Provide public notice of its intention to name the Council owned land located immediately west of the Public Hall as "Cliff Young Park".</i></p> <p><i>(3) Consider submissions to the proposal received from interested parties at a Council meeting at a time to be arranged in accordance with the provisions of Section 223 of the Local Government Act 1989.</i></p>	<p>CR CHRIS SMITH</p>	

<p><u>OM102804-7 INDICATORS OF COMMUNITY STRENGTH</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council note the report on “Indicators of Community Strength at the Local Government Area level in Victoria 2008”.</i></p>	<p>CR BRIAN CROOK CR CHRIS SMITH</p>	
<p><u>OM102804-8 THIRD QUARTER PERFORMANCE REPORT 2009/2010</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council receive for information the third quarter Performance Report for the three months ending 31 March 2010.</i></p>		
<p><u>OM102804-9 REVIEW OF COUNCIL PLAN</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Endorse the revised 2009-2013 Council Plan and the revised 2010-2014 Strategic Resource Plan and put out for public submissions for a five week period.</i> <i>2. Consider any submissions on the Council Plan and the Strategic Resource Plan at a Special Council Meeting on Wednesday 9 June 2010 at 1.00pm at COPACC.</i> 		<p>CR STEPHEN HART</p>

MOVED Cr Stephen Hart seconded Cr Geoff Higgins that recommendations to items listed in the Consent Calendar, with the exception of items OM102804-3 and OM102804-9, be adopted.

CARRIED 7 : 0

OM102804-3 COLAC OTWAY YOUTH COUNCIL CHARTER

MOVED Cr Brian Crook seconded Cr Stephen Hart that Council, subject to the addition of Clause 4.4 "Youth Council leaders and mentors are required to have a current Working with Children check registered with the Council", endorse the Colac Otway Youth Council Charter.

Carried: 7:0

OM102804-9 REVIEW OF COUNCIL PLAN

MOVED Cr Stephen Hart that:

Council:

- 1. Endorse the revised 2009-13 Council Plan and the revised 2010-2014 Strategic Resource Plan with the following alterations;***
 - a) The Income Statement, Balance Sheet and Cash Flow Statement is to altered to reflect a \$1million reduction in the amount of new borrowings for the Apollo Bay Transfer Station so that the total new borrowings since 1 July 2009 are \$2.1million rather than \$3.1million;***
 - b) A note is to be included in the plan to the effect that the estimated rate income is based on an average rate increase of no more than 5% per annum; and***
 - c) The projected staff (EFT), including vacant positions, is to be adjusted to align with the current Council Plan namely 206 for 2010/11, 207 for 2011/12, 208 for 2012/13 and then, for the added year, 209 for 2013/14. This is instead of the higher EFT numbers in the draft Plan distributed with the agenda, and put it out for public submissions for a five week period;***
- 2. Consider any submissions on the Council Plan and the Strategic Resource Plan at a Special Council Meeting on Wednesday 9 June 2010 at 1pm at COPACC.***

This motion was ruled out of order by the Mayor as it would force the Chief Executive Officer to act illegally.

MOVED Cr Frank Buchanan seconded Cr Brian Crook that:

Council:

- 1. Endorse the revised 2009-2013 Council Plan and the revised 2010-2014 Strategic Resource Plan and put out for public submissions for a five week period.***
- 2. Consider any submissions on the Council Plan and the Strategic Resource Plan at a Special Council Meeting on Wednesday 9 June 2010 at 1.00pm at COPACC.***

Lost 3:4

MOVED Cr Stephen Hart seconded Cr Stuart Hart that:

The issue of the Council Plan be referred to a Councillor Workshop as a matter of urgency.

Carried 4:3

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>INFRASTRUCTURE AND SERVICES</u></p> <p><u>OM102804-10 LANDFILL LEVIES</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council makes provision in future budgets for the increase in landfill levies.</i></p>		<p>CR STEPHEN HART</p>
<p><u>OM102804-11 ROAD/RAIL SAFETY INTERFACE AGREEMENTS - UPDATE</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council empowers the Chief Executive Officer to sign any Safety Interface Agreement(s) on behalf of Council as they become available.</i></p>		
<p><u>OM102804-12 DECLARATION OF ROAD AS UNUSED – ROAD EAST OF 855 CORAGULAC BEEAC ROAD, WARRION</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council resolve to:</i></p> <ol style="list-style-type: none"> <i>1. Not support the application to declare the road described as the road east of Lot 1 LP26583, Parish of Ondit as unused; and</i> <i>2. Instruct the General Manager Infrastructure & Services to write to both the owner of 855 Coragulac Beeac Road and the Department of Sustainability & Environment (DSE) advising of Council's decision to not support the request as it will restrict access to adjoining properties.</i> 		

<p><u>OM102804-13 SPECIAL CHARGE SCHEME - SINCLAIR STREET SOUTH, ELLIMINYT</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council resolves to note the amended schedule for the Declaration of the Sinclair Street South Special Charge Scheme.</i></p>		<p>CR CHRIS SMITH</p>
<p><u>OM102804-14 ROAD MANAGEMENT PLAN COMPLIANCE REPORT</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council receives the Road Management Plan Compliance Report for information.</i></p>	<p>CR CHRIS SMITH</p>	

MOVED Cr Geoff Higgins seconded Cr Stephen Hart that recommendations to items listed in the Consent Calendar, with the exception of items OM102804-10 and OM102804-13, be adopted.

CARRIED 7 : 0

OM102804-10 LANDFILL LEVIES

MOVED Cr Stephen Hart seconded Cr Geoff Higgins that:

Council:

- 1. Makes provision in future budgets for the increase in landfill levies unless it becomes apparent that the levies will not be introduced;**
- 2. Notes its concern in the substantial increase in the levies in light of the fact that actions to further increase recycling rates take time to be effective;**
- 3. Notes that Council is already involved in plans to reduce the amount of waste going to landfill. Some of these plans involve projects which may take a number of years to be ready to receive waste. With that in mind the Chief Executive Officer to write to the Local Member for Polwarth, the current State Minister for the Environment and each Party represented in the Legislative Council explaining Council's concern and suggesting that the proposed levies be delayed as follows:-**
 - i) Levy for 2010/11 should be the same as 2009/10 plus CPI;**
 - ii) Levy for 2011/12 should also be the same as 2009/10 plus two years CPI;**
 - iii) Levy for 2012/13 should be the amounts proposed for 2010/11; and**
 - iv) The levies for each of the subsequent years should be introduced two years later than the current proposal.**

This will allow Councils to continue to work to improve recycling without an unnecessarily excessive cost increase.

Carried 7:0

MOVED Cr Stephen Hart seconded Cr Stuart Hart that:

Council authorises the following resolution to be presented to the Municipal Association of Victoria's May 2010 State Council meeting:

"That the State Government be requested to delay the proposed increase in Landfill levies by two years with the 2010/11 and 2011/12 levies to be based on the 2009/10 levies plus CPI."

The rationale being that there are significant costs of the increased levies and that steps to further increase recycling and reduce the amount of waste to landfill will take time to introduce.

The Chief Executive Officer is to ensure that the MAV is to be notified in time for the May 2010 meeting.

Carried 7:0

OM102804-13 SPECIAL CHARGE SCHEME - SINCLAIR STREET SOUTH, ELLIMINYT

MOVED Cr Chris Smith that:

- 1. Council resolves to note the amended schedule for the Declaration of the Sinclair Street South Special Charge Scheme.**
- 2. The amended schedule for the Declaration of the Sinclair Street South Special Charge Scheme be further revised to reduce the charge for 204 Sinclair Street South to a third of the suggested charge (or \$2885.49) to reflect its significantly smaller size in relation to other properties within the scheme.**

As it was not seconded, the motion was lost.

**MOVED Cr Frank Buchanan seconded Cr Brian Crook that:
Council resolves to note the amended schedule for the Declaration of the Sinclair Street South Special Charge Scheme.**

CARRIED 6 : 1

DIVISION called by Cr Chris Smith

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

Against the Motion: Cr Chris Smith

CONSENT CALENDAROFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></p> <p><u>OM102804-15 COLAC OTWAY SHIRE AND OTWAYS TOURISM INC SERVICE AGREEMENT REVIEW</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Endorse the Colac Otway Shire Evaluation Report February 2010 on the Service Agreement between Colac Otway Shire and Otways Tourism Inc (OT) and the performance of OT in relation to the service agreement.</i> <i>2. Develop a renewed Otways Tourism Service Agreement for a 12 month period to 30 June 2011, including an amount of \$160,000 to be referred to the Council Budget process.</i> <i>2. Review the current model of funding for tourism during the period of the proposed new 12 month service agreement with OT.</i> <i>3. Undertake a review of the Colac Otway Shire vision for tourism through a joint Shire and OT engagement process during the period of the proposed new 12 month service agreement with OT.</i> 		CR STEPHEN HART
<p><u>OM102804-16 MEMORANDUM OF UNDERSTANDING GEELONG OTWAY TOURISM</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council, subject to budget approval, resolve to sign the Memorandum of Understanding from 1 September 2010 to 30 June 2011 with Geelong Otway Tourism.</i></p>	CR STEPHEN HART	

<p><u>OM102804-17 ONDIT QUARRY CONSULTATIVE COMMITTEE</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Notes the current process being followed by the Ondit Quarry Consultative Committee to establish its own terms of reference.</i> <i>2. Acknowledges it does not have responsibility for adopting the terms of reference, and that this is the responsibility of the committee itself.</i> <i>3. Notes the change of procedure in relation to the establishment of the terms of reference for the Ondit Quarry Consultative Committee.</i> 		
<p><u>OM102804-18 SALE OF COUNCIL LAND – 50 MAIN ROAD BEECH FOREST (OLD BEECH FOREST COUNCIL DEPOT)</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Note the submission received following the period of public consultation relating to the sale of Council land – 50 Main Road Beech Forest.</i> <i>2. Endorse the proposed sale of 50 Main Road, Beech Forest by private treaty as per the Sale and Exchange of Council Land Policy and consent to Council Officers proceeding with the sale, including the obtaining of a current valuation.</i> <i>3. Enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the new owner as a condition of the sale.</i> 		CR STUART HART

MOVED Cr Stephen Hart seconded Cr Frank Buchanan that recommendations to items listed in the Consent Calendar, with the exception of items OM102804-15 and OM102804-18, be adopted.

CARRIED 7 : 0

OM102804-15 COLAC OTWAY SHIRE AND OTWAYS TOURISM INC SERVICE AGREEMENT REVIEW

MOVED Cr Stephen Hart seconded Cr Brian Crook that:

Council:

1. **Endorse the Colac Otway Shire Evaluation Report February 2010 on the Service Agreement between Colac Otway Shire and Otways Tourism Inc (OT) and the performance of OT in relation to the service agreement;**
2. **Develop a renewed Otways Tourism Service Agreement for a 12 month period to 30 June 2011, including an amount of \$160,000 to be referred to the Council Budget process;**
3. **Review the current model of funding for tourism during the period of the proposed new 12 month service agreement with OT;**
4. **Undertake a review of the Colac Otway Shire vision for tourism through a joint Shire and OT engagement process during the period of the proposed new 12 month service agreement with OT; and**
5. **Notes its intention to continue with the agreement beyond 30 June 2011 subject to the outcomes of the Regional Tourism Action Plan's proposed restructure of Regional Tourism regions. In the event that the Regional Tourism Action Plan and resulting restructure is not complete by 30 June 2011, Council is to continue the agreement with OT until 30 June 2012 unless there is an exceptional reason as to why this should not occur.**

Carried 7:0

OM102804-18 SALE OF COUNCIL LAND – 50 MAIN ROAD BEECH FOREST (OLD BEECH FOREST COUNCIL DEPOT)

Having been agreed by Councillors to having a conflicting personal interest in this item, Cr Stephen Hart left the meeting at 4.55pm.

Cr Stephen Hart:	OM102804-18 Sale Of Council Land - 50 Main Road Beech Forest (Old Beech Forest Council Depot)
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	79 B Conflicting Personal Interest
Nature of Interest:	Nephew commenced employment as an apprentice chef in March 2010 with the prospective purchaser of the land. Proposed land use is for a bakery/café.

MOVED Cr Stuart Hart seconded Cr Geoff Higgins that:

Council:

1. **Notes the submission received following the period of public consultation relating to the sale of Council land – 50 Main Road, Beech Forest;**
2. **Offer the land for sale to the public by public tender. The tenders are to be assessed not only on price but also on other community benefits of the proposed use; and**
3. **Enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the new owner as a condition of sale.**

LOST 2 : 4

DIVISION called by Cr Chris Smith***For the Motion: Cr Geoff Higgins, Cr Stuart Hart******Against the Motion: Cr Brian Crook, Cr Chris Smith, Cr Frank Buchanan, Cr Lyn Russell******MOVED Cr Frank Buchanan seconded Cr Brian Crook that:******Council:***

- 1. Note the submission received following the period of public consultation relating to the sale of Council land – 50 Main Road Beech Forest.***
- 2. Endorse the proposed sale of 50 Main Road, Beech Forest by private treaty as per the Sale and Exchange of Council Land Policy and consent to Council Officers proceeding with the sale, including the obtaining of a current valuation.***
- 3. Enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the new owner as a condition of the sale.***

CARRIED 4 : 2***DIVISION called by Cr Chris Smith******For the Motion: Cr Brian Crook, Cr Chris Smith, Cr Frank Buchanan, Cr Lyn Russell******Against the Motion: Cr Geoff Higgins, Cr Stuart Hart***

Cr Stephen Hart returned to the meeting at 5.14pm

URGENT BUSINESS

**OM102804-19 MEETING TO DISCUSS THE “ALIGNMENT OF
GEELONG BELLARINE REGION” – REGIONAL
TOURISM ACTION PLAN**

MATTER OF URGENCY - MOVED Cr Stephen Hart that:

Council notes that a meeting is to be held on 7 May 2010 on behalf of Tourism Victoria regarding the Regional Tourism Action Plan. Council resolves to formulate a preferred view on the proposed restructure of Regional Tourism regions. Given the urgency of the matter a steering group is to be formed consisting of Cr Russell, Cr Stephen Hart, Council’s Chief Executive Officer, the Manager of the Economic Development Unit and any other Officers considered appropriate by the CEO to formulate a preferred view on behalf on the Council which can be presented at the meeting.

Cr Stephen Hart withdrew this recommendation.

IN COMMITTEE

MOVED Cr Brian Crook seconded Cr Stuart Hart that pursuant to the provisions of Section 89(2) of the Local Government Act, the meeting be closed to the public and Council move "In-Committee" in order to deal with:

SUBJECT	REASON	SECTION OF ACT
Report From Delegate to Other Bodies – Audit Committee Meeting	this matter deals with personnel matters; AND this matter deals with contractual matters; AND this matter may prejudice the Council or any person	Section 89 (2) (a) (d) (h)
Confidential Memo for Consideration - Financing Key Projects	this matter deals with personnel matters; AND this matter deals with contractual matters; AND this matter deals with a proposed development; AND this matter may prejudice the Council or any person	Section 89 (2) (a) (d) (e) (h)

CARRIED 7 : 0

OUT OF COMMITTEE

MOVED Cr Stephen Hart seconded Cr Frank Buchanan that the meeting move out of committee.

CARRIED 7 : 0

The Meeting Was Declared Closed at 5.27 pm

CONFIRMED AND SIGNED at the meeting held on 26 MAY 2010

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