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**MINUTES** of the *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at the COPACC on 27 October 2010 at 3.00 pm.

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1. OPENING PRAYER

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

**AMEN**

2. PRESENT

Cr 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  
Rick Morrow, Manager Information Services  
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 Verbally at the Meeting**

Paul David Cross – Colac

1. Who represents Colac Otway Shire Council on the Joint Use Library Project Management Group?

#### **Response**

***The CEO advised that the General Manager for Corporate & Community Services, the Manager Recreation Arts & Culture represent Council on this group. At the CEO's request, the General Manager for Infrastructure & Services has also been involved.***

2. With reference to the letter given to members of the Friends of Colac Library (FOCL) on the 14 October 2010 regarding the opening of the Colac Community Library & Learning Centre (CCL&LC), was this letter approved by Council?

#### **Response**

***The CEO advised that as the letter addressed matters that were considered to be of an operational nature, it had been approved by himself.***

3. Without Cr Hart, as the Council representative on the Joint Use Library Committee being aware of this?

#### **Response**

***The CEO responded that this was correct.***

4. With regard to the four security guards in attendance at the opening of the CCL&LC, did the Colac Secondary College contribute to the cost of providing the security?

#### **Response**

***The CEO stated that this question would need to be taken on notice as he did not have that information at hand.***

5. What was the period of time that the four security officers were employed for?

**Response**

***The CEO stated that this question would need to be taken on notice as he did not have that information at hand.***

6. So you wouldn't know the cost?

**Response**

***The CEO stated that he did not know the cost.***

7. Is this a sign of things to come, that despite the agreement entered into between the Colac Otway Shire and the Colac Secondary College, that any costs associated with the CCL&LC that arise in future will be borne by the Colac Otway Shire?

**Response**

***The CEO stated that all operational costs associated with the CCL&LC will be shared between the Colac Otway Shire and the Colac Secondary College as per the agreement.***

**Michael Delahunty – Gerangamete**

1. Do Shire officers make any unsolicited calls to landowners inviting them to enter into Section 173 Agreements?

**Response**

***The General Manager for Sustainable Planning & Development advised that, without knowing the exact circumstances surrounding this question, if an issue had been referred to officers it would not be inappropriate for such a solution to be offered.***

2. Does the Shire have a policy relating to coercion?

**Response**

***The CEO stated that the Shire did have a policy as well as a set of values that drive our operations.***

3. Does the Shire have a policy on interaction with community members where English is not their first language?

**Response**

***The CEO noted that Council had recently put out for public consultation an Access, Equity and Inclusion Plan that would deal specifically with this issue. Also as a local government authority, Council operates under a Code of Practice.***

4. How is that communicated and what is the penalty for any breach?

**Response**

***The CEO stated that he would not make any comments relating to operational matters and invited Mr Delahunty to meet with him to discuss any specific problems.***

5. Section 173 Agreements are a contract requiring the landowner to seek legal advice. Is that advice relayed to landowners during any unsolicited phone calls?

**Response**

***The General Manager for Sustainable Planning & Development stated it would be a reasonable expectation that Council officers would provide that advice to landowners. However he could not say for certain in this case as he was unaware of the specific circumstances.***

**Questions Received in Writing Prior to the Meeting****Mr Bernie Franke – Barramunga**

1. Is Council aware of the extraordinary length of time and the level of bureaucracy now involved in obtaining a permit for the harvesting of timber from privately owned and managed forest in Colac Otway Shire? Our family have been operating a small scale timber production business over the last 30 years and we have had 3 permits granted by Council in the past. We have been trying to get a permit for almost 3 years in order to continue with our business. It is coming to the point where our business is threatened and we have not been able to start implementing our Farm Business Plan because of the uncertainty. We hope to be able to swap our production across to on-farm plantation grown timber in about 15-20 years but we are reliant on our native forest timber for the continuation of our business in the meantime.

**Response:**

1. ***Yes, Council is aware of the time involved in obtaining a planning permit for harvesting timber on private land.***
2. ***Planning provisions relating to Native Timber Harvesting on private land have changed since the introduction by the Victorian State Government of Victoria's Native Vegetation Management – A Framework for Action in 2002 and the completion of the regional Corangamite Native Vegetation Plan in 2003.***
3. ***Planning applications for native timber harvesting have a high level of complexity and require substantial supporting information, such as Flora and Fauna studies to assist in the assessment process.***
4. ***The Department of Sustainability and Environment (DSE) are a referral authority under the planning scheme for planning applications for native timber harvesting and play a major role in the assessment and decision making process of any planning proposal for such a use.***
5. ***Council recognises the challenges presented to landowners who wish to undertake native timber harvesting on their land, however, Council must apply the provisions of the planning scheme and are bound to support the decision of a referral authority under Section 55 of the Planning and Environment Act when they object to planning proposals.***

Mr Franke addressed the Councillors to emphasise the fact that as this matter had been going on for three years it was impacting upon their ability to progress their business.

**Sue & Peter Gambino - Colac**

1. I wish to make a complaint to the Council about our new rubbish bin collections. I'm terribly concerned about the fact that the large green bin for compostable refuse is only collected fortnightly. This is totally absurd when you have kitchen scraps including fish bits, meat bits, bones and chicken bits all wrapped up in newspaper along with vegetable peelings etc. These bins will be absolutely smelly and totally a health hazard, especially during our summer heat and 40 degree heat which we now endure. We've had one 29 degree day last Friday and our bin was revolting. On phoning the Council, I spoke to the receptionist of my concerns. She alerted me to the fact that kitchen scraps were to be wrapped in the least newspaper possible as it was blowing away from the rubbish drop and we could be fined or worse still, left with our unemptied bin out the front.

Are Colac residents aware of this as I don't remember receiving a notice telling how to wrap our scraps or reading a notice in the paper?

2. Also, I hear that the elderly are having difficulty pushing their bins out as they are so heavy. Please rethink and make a sensible decision re collections.

**Response**

***The new waste system introduced by Council, which includes "240Lt Green Organics collection" on a fortnightly collection cycle, has been developed after a Best Value Review by Council (endorsed by Council in September 2009), which incorporated community consultation, and is in line with "Best Practice" principles of Sustainability Victoria and the State Governments "Towards Zero Waste Strategy". The majority of organic waste material recovered throughout Victoria is in the form of garden organics (51%), compared to food organics which makes up only 5% of the total, and is not considered a health hazard or a potential fire threat when collected in an Organics waste bin.***

***The Sustainability Victoria Websites states for Green Organics;***

- ***Of the 79 local governments, 53 different green organics collection services were offered across 45 councils. Of these, 24 were regular council provided collection (i.e. weekly, fortnightly or monthly) while 16 local governments also provided an optional user pays fortnightly collection.***

***Colac Otway Shire Organics fortnightly waste collection is consistent with a range of Councils throughout Victoria, the State Governments Best Practice Guidelines and is not a health or safety hazard.***

***Food waste can be considered as either an organic waste or a putrescible waste.***

***Colac Otway Shire's preferred option in line with the State Governments "Towards Zero Waste Policy" is to see all food waste composted with our Green Waste rather than go to landfill. However, householders may place food waste in the red lidded putrescible garbage bin which is emptied weekly if they choose.***

***Council policy allows elderly or special needs people to have a 120 litre organics and/or recycling bin if required. This is on an as needs basis and each case is assessed individually. A number of small recycle and organics bins are currently***

***being used by elderly residents throughout the Shire. Should a smaller bin be required residents should contact Councils Waste Management officer on 5232 9556***

**Mr James Judd – Colac**

1. Council's continued refusal to read questions in the way they are written and the introduction of red herrings into answers. Means Council is still not prepared to face up to truth or be honest with the community.

**Response**

Council endeavours to be open and honest in all its dealings including questions asked during question time at Council meetings. In certain circumstances, Council will not read out questions. This is in accordance with standing orders.

In one recent case you asked details that related to your personal rates account. We thought it more appropriate to answer this question generally. In another case the submitter asked a question that had previously been answered. Council is clear that it will not respond to questions that have already been asked.

In a recent question you asked when Council would employ staff that had certain qualities. It was felt that the question was inappropriate and was in fact an attack on our CEO since he is the only person that this Council employs according to the Local Government Act. Our CEO is the employer of all other staff. He would be happy to meet with you and discuss this question.

Accordingly, Council is more than willing to be honest and open with its community.

2. At the September meeting you refused to answer a question on moving the library to a place without any services.

Your claim of a set date to open this facility is not any certainty as it requires other matters to occur first.

Including shifting of books from the current location over a proposed shut down of all public services.

It is also relevant on good weather continuing over the entire period.

**Response:**

***At this stage staff are working towards the opening of the New facility on Monday 18 October 2010. The official opening will be 22 October 2010. The opening of the library annexe in part of the existing library will follow as soon as possible after that. This means that all members of the public will have access to quality library services in either location.***

***These are the dates that we will be advertising.***

3. At the September meeting you refused to answer "why instalments were not as close as possible to 4 equal payments."

By claiming no difference between instalments and total charges explain how instalment payers can be required to pay over 50% of the total more than two months before annual payers have to pay anything.

**Response:**

***Ratepayers have the choice of either paying their rates in instalments or by lump sum. This is a choice that Council provides to ratepayers. There is no difference in the total payment by either method. Spreading the costs allows an easier option for some***

**ratepayers. If you are still unsure about this, staff are more than happy to discuss the details with you.**

4. Why is Council so determined to split the community by the library issue? The removal of services for any period is a disgrace as proposed from 4 October until the new facility opens.

Yet the current location is central to all medical, shopping, legal and other services. The new location has no facilities anywhere near the location.

**Response:**

***It was never Council's intention to divide the community on this issue. Only a short period of service removal has been necessary to make changes to the new facility. See earlier comments on this arrangement. Council believes in a majority that this is an excellent facility and the community will benefit from greatly enhanced services at a very reasonable cost. It is not uncommon for parts of any community to resist change. In a democracy we must value the majority view.***

***As noted, at this stage staff are working towards the opening of the new facility on Monday 18 October 2010. The official opening will be 22 October 2010.***

***Staff are trying to minimise the time a Library Service will be unavailable. The new Library Annex will also be finalised as soon as possible.***

5. You refused to answer my question at the September meeting about ownership of the new bins. I asked why using this system as an excuse to increase rates and charges on ratepayers. Not the "waste management" charge only. Explain your justification for increasing all charges and not one levy yet still claiming to own the bins.

**Response:**

***Your question at the September Council meeting regarding ownership of the new Bins was answered as follows; "Cost of the new bins was budgeted for out of the Waste Management Charge and therefore the bins were purchased by Council from Council funds."***

***Justification for any increases in charges was that Council approved increases as part of the Budget Process.***

6. Please explain the breakup of the Municipal charge on ratepayers? All are entitled to know what we are paying for to ensure you are not double or triple charging for any one expense.

**Response:**

***Council is able to levy a municipal charge on each rateable property within the municipality with the exception of farms where a single municipal charge is payable on multiple assessments operated as part of a single farm enterprise.***

***The municipal charge is a flat, identical charge that can be used to offset some of the "administrative costs" of the Council.***

***There is no attempt to double charge. This is a standard process in local government in Victoria supported by Statute.***

7. How do you explain that waste management charges only went up by \$5.00 in 1910/11 (2010/2011?) rates when in your notice of rates and charges you also advise that over 10% of general rates is also needed to cover 'the waste management'?

**Response:****Waste Management Charge**

***The Waste Management charge covers the expenditure incurred for refuse collection, disposal, administrative costs and other associated costs, to those properties who have access to the service.***

***The aim of the charge is to recoup the net cost of the Waste Management collection and disposal services. Service is designed to be self-funding. The charge also incorporates an amount per year for purchase and replacement of bins.***

***With the review of waste services the \$5 increase for 2010/11 was sufficient to meet the costs of Waste Management for the year.***

8. How can Council claim a definite date to open the new library? While it is conditional on other events being fulfilled on time. Yet is only able to give a hoped by date in relation to the Colac Annexe in December 2010. It may be subject to other conditions being performed first. No more than the new facility.

**Response:**

***The difference between the 2 facilities is that the new Library is completed. Staff are now undertaking significant moving of resources and undertaking various processes to ensure that it is operational on the opening date.***

***The Colac Annexe depends on building works. Until the works have commenced the Shire cannot provide any more than hoped by date.***

9. As all facilities require certain conditions to be met before they can operate. How can you claim a set date for the opening of a facility that requires a number of conditions being met first with no actual knowledge that this can happen? No two people have the same requirements on all facilities and services.

**Response:**

***See above.***

10. How far off is the erection of bus shelters in Pollack Street east of Gellibrand Street? We were advised a number of these were to be erected prior to the bus service being provided with no advice that this was conditional on funds being provided or other reasons. Among those who supported this service are many who cannot stand for a long period. Nor do people expect to be exposed to the elements without any protection for a period of time.

**Response:**

***In early 2008, Council received funding from the Department of Transport (DoT) for the installation of bus shelters on the routes of the Colac Town Bus Service. This funding was used to replace a number of old existing shelters and install new shelters at a number of other bus stops. The location of the new shelters was prioritised based on feedback on patronage from the bus operator.***

***At the time of the funding for these shelters, the route along Pollack Street was not included on the town bus service. In late 2008, DoT completed a review of the bus service which involved a number of changes to the existing routes including the incorporation of Pollack Street as part of the service.***

***Around the same as this review, Council received further funding to upgrade of the town service bus stops in order to meet specific requirements for disabled access. This generally involved the construction of a concrete hardstand and provision of tactile ground surface indicators (TGSIs). At no stage has Council made a commitment to install bus shelters in Pollack Street, although consideration could be***



***given dependent on the level of need. The provision of funding for such an undertaking would need to be considered as part of future budget planning as no funding is presently available in 2010/11.***

*As question time had exceeded the 30 minutes set aside, the following questions and answers were not read out by the Mayor during the Council meeting:*

11. Re Pedestrian Safety – when will road markings on roads be reorganised to show the stop line for vehicles the fence line on a street entering another? Not the curb line which enables vehicles to block in full the footpath along another road and any vision of the road.

**Response:**

***Council complies with Industry Standards and endeavours to install intersection control lines where warranted at Give Way or Stop controlled intersections in line with the VicRoads “Traffic Engineering Manual Volume 2”, Chapter 17.1 Markings at Controlled Unsignalised Intersections and will therefore not be reorganising roadmarkings.***

***It is important to note that pedestrians are required to give way to all traffic within the intersection prior to crossing, unless marked otherwise.***

12. Why did Council change the contract to clean the ‘public toilets’ with some other who do not always even check if the toilets are in working order? They sometimes only stop and walk into a toilet then drive off.

**Response:**

***The Contractors appointed to clean the ‘public toilets’ have provided significant financial savings to the rates-payers under the new contract. These Contractors undertake regular cleaning and inspection of the council’s toilets. Council officers conduct regular monitoring of this contract and have found that the contractor undertakes the work required. Specific requests regarding issues with any particular toilets should be lodged with the Council’s Customer Service for investigation.***

***There was also a complaint made with respect to the quality of toilet paper provided in public facilities. The wording of this complaint was not considered appropriate to read out in public. Mr Judd is reminded that inappropriate questions will not be read out during a Council meeting.***

13. Your public notice re Public Holiday in today’s paper. You allow businesses to take a day off and close to the public anytime in the following periods: 2/11/10 to 5/11/10 or 25/12/10 to 31/12/10. No certainty is given to any section of the community of when they will be able to conduct any business for periods of time.

**Response:**

***The declared public holiday in Colac Otway Shire is Friday 5 November being Colac Show Day. This is a day that is gazetted by the State Government and is in lieu of Tuesday 2 November Melbourne Cup Day.***

14. Since when have officers been permitted to use Council letterheads with no address or other contact details on them to reply to queries of council matters?

**Response:**

***It is normal procedure that all letters must be sent on Council letterhead, which includes contact details for our Colac and Apollo Bay offices. Unfortunately, the wrong paper was used in this instance and the mistake was not picked up.***

15. I notice from today's paper a claim that a letter box drop had been completed to advise of opening hours of the facility. Please explain how if this to service the community, only portion received an advice and not the total community?

**Response:**

***The letter box drop was to Colac and surrounding areas and towns.***

16. How is it that when DMS stipulates a specific officer will reply to a communication another officer then replies with no advice of why?

**Response:**

***The standard reply letter from DMS indicates the officer who they believe will be replying.***

***When a reply is prepared an officer who is directly responsible or has more knowledge of the issue may respond instead.***

## 6. DECLARATION OF INTEREST

Cr Stephen Hart:	OM102710-12 Petrol Pricing in Colac and Apollo Bay
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78A
Nature of Interest:	Owens shares in public companies that operate fuel outlets

Cr Stephen Hart:	OM102710-15 Banking Services Tender
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78A
Nature of Interest:	Owens bank shares

Mr Rob Small:	OM102710-15 Banking Services Tender
Nature of Interest:	Owens bank shares

## 7. CONFIRMATION OF MINUTES

- **Ordinary Council Meeting held on the 22/09/10.**

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

***CARRIED 7 : 0***

**OFFICERS' REPORTS****Chief Executive Officer**

- OM102710-1 CEO'S PROGRESS REPORT TO COUNCIL  
OM102710-2 COUNCIL MEETINGS FOR 2011

**Corporate and Community Services**

- OM102710-3 CORANGAMITE REGIONAL LIBRARY CORPORATION (CRLC) DEED OF AMENDMENT  
OM102710-4 COUNCIL ANNUAL REPORT  
OM102710-5 COUNCIL'S INSTRUMENT OF DELEGATION TO STAFF UPDATE  
OM102710-6 INFLUENZA PANDEMIC PLAN  
OM102710-7 FIRST QUARTER PERFORMANCE REPORT TO COUNCIL 2010-2011

**Infrastructure and Services**

- OM102710-8 ROAD MANAGEMENT COMPLIANCE REPORT

**Sustainable Planning and Development**

- OM102710-9 PLANNING SCHEME REVIEW 2010  
OM102710-10 DRAFT BIRREGURRA AND FORREST STRUCTURE PLANS

**General Business**

- OM102710-11 ASSEMBLY OF COUNCILLORS

**Notice of Motion**

- OM102710-12 PETROL PRICING IN COLAC AND APOLLO BAY

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

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>CHIEF EXECUTIVE OFFICER</u></p> <p><b><u>OM102710-1 CEO'S PROGRESS REPORT TO COUNCIL</u></b></p> <p>Department: Executive</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council note the CEO's Progress Report.</i></p>	CR CHRIS SMITH	
<p><b><u>OM102710-2 COUNCIL MEETINGS FOR 2011</u></b></p> <p>Department: Executive</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council:</i></p> <p>1. <i>Confirm the meeting dates, times and venues of 2011 Council meetings as:</i></p> <ul style="list-style-type: none"> <li>* <i>Thursday, 27 January 2011 at 6.00pm, at COPACC, Colac</i></li> <li>* <i>Wednesday, 23 February 2011 at 6.00pm, at Apollo Bay Senior Citizen's Centre, Apollo Bay</i></li> <li>* <i>Wednesday, 23 March 2011 at 3.00pm, at COPACC, Colac</i></li> <li>* <i>Wednesday, 27 April 2011 at 3.00pm, at Gellibrand</i></li> <li>* <i>Wednesday, 25 May 2011 at 3.00pm, at COPACC, Colac</i></li> <li>* <i>Wednesday, 22 June 2011 at 3.00pm, at COPACC, Colac</i></li> <li>* <i>Wednesday, 27 July 2011 at 3.00pm, at COPACC, Colac</i></li> <li>* <i>Wednesday, 24 August 2011 at 3.00pm, at COPACC, Colac</i></li> <li>* <i>Wednesday, 28 September 2011 at 3.00pm, at COPACC, Colac</i></li> <li>* <i>Wednesday, 26 October 2011 at 3.00pm, at Alvie</i></li> <li>* <i>Wednesday, 23 November 2011 at 3.00pm, at</i></li> </ul>		CR STUART HART

<p>* <b><i>Apollo Bay Senior Citizen's Centre, Apollo Bay Wednesday, 21 December 2011 at 3.00pm, at COPACC, Colac</i></b></p>		
<p>2. <b><i>Confirm the date for the Colac Otway Shire Statutory Meeting as the 14 December 2011.</i></b></p>		

***MOVED Cr Brian Crook seconded Cr Stephen Hart that recommendations to items listed in the Consent Calendar, with the exception of item OM102710-2 Council Meetings for 2011, be adopted.***

**CARRIED 7 : 0**

**OM102710-2 COUNCIL MEETINGS FOR 2011**

***MOTION - MOVED Cr Stuart Hart seconded Cr Frank Buchanan:***

***That Council:***

1. ***Confirm the meeting dates, times and venues of 2011 Council meetings as:***
  - \* ***Thursday, 27 January 2011 at 6.00pm, at COPACC, Colac***
  - \* ***Wednesday, 23 February 2011 at 3.00pm, at Apollo Bay Senior Citizen's Centre, Apollo Bay***
  - \* ***Wednesday, 23 March 2011 at 3.00pm, at COPACC, Colac***
  - \* ***Wednesday, 27 April 2011 at 3.00pm, at COPACC, Colac***
  - \* ***Wednesday, 25 May 2011 at 3.00pm, at COPACC, Colac***
  - \* ***Wednesday, 22 June 2011 at 3.00pm, at Birregurra***
  - \* ***Wednesday, 27 July 2011 at 3.00pm, at COPACC, Colac***
  - \* ***Wednesday, 24 August 2011 at 3.00pm, at COPACC, Colac***
  - \* ***Wednesday, 28 September 2011 at 3.00pm, at COPACC, Colac***
  - \* ***Wednesday, 26 October 2011 at 3.00pm, at COPACC, Colac***
  - \* ***Wednesday, 23 November 2011 at 3.00pm, at Apollo Bay Senior Citizen's Centre, Apollo Bay***
  - \* ***Wednesday, 21 December 2011 at 3.00pm, at COPACC, Colac***
2. ***Confirm the date for the Colac Otway Shire Statutory Meeting as the 14 December 2011.***
3. ***Instruct the CEO to bring forward a schedule of visits with smaller communities for consideration at the December Council meeting.***

**CARRIED 7:0**

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

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>CORPORATE AND COMMUNITY SERVICES</u></p> <p><b><u>OM102710-3 CORANGAMITE REGIONAL LIBRARY CORPORATION (CRLC) DEED OF AMENDMENT</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council resolve to write to the CRLC advising that Colac Otway Shire will be considering the Deed of Amendment and possible changes to it prior to formally agreeing to sign and seal the document.</i></p>	CR STEPHEN HART	
<p><b><u>OM102710-4 COUNCIL ANNUAL REPORT</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li><i>1. Notes the completion of the 2009/2010 Annual Report document and process.</i></li> <li><i>2. Notes the Auditor's unqualified reports on the Financial Statements, Standard Statements and Performance Statement.</i></li> <li><i>3. Notes the Annual Report was submitted to the Minister for Local Government by 30 September 2009, as required.</i></li> <li><i>4. Considers and receives the 2009/10 Annual Report as presented to this meeting in accordance with Sections 131 and 134 of the Local Government Act 1989.</i></li> </ol>		CR CHRIS SMITH

<p><b><u>OM102710-5 COUNCIL'S INSTRUMENT OF DELEGATION TO STAFF UPDATE</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the tabled Instrument of Delegation, Colac Otway Shire Council (Council) resolves that –</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the tabled Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.</i></b></li> <li><b><i>2. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.</i></b></li> <li><b><i>3. On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.</i></b></li> <li><b><i>4. The duties and functions set out in the Instrument must be performed and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that may from time to time adopt.</i></b></li> </ol>		
<p><b><u>OM102710-6 INFLUENZA PANDEMIC PLAN</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council adopts the Barwon-South Western Region Plan for Influenza Pandemic (Colac Otway Shire).</i></b></p>	<p><b>CR FRANK BUCHANAN</b></p>	

<p><b><u>OM102710-7</u></b>      <b><u>FIRST QUARTER PERFORMANCE REPORT TO COUNCIL 2010-2011</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council receives for information the first quarter Performance Report for the three months ending 30 September 2010.</i></p>		
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*MOVED Cr Stephen Hart seconded Cr Stuart Hart that recommendations to items listed in the Consent Calendar, with the exception of item OM102710-4 Council Annual Report, be adopted.*

**CARRIED 7 : 0**

**OM102710-4**      **COUNCIL ANNUAL REPORT**

*MOVED Cr Stephen Hart seconded Cr Brian Crook  
That Council:*

- 1. Notes the completion of the 2009/2010 Annual Report document and process.*
- 2. Notes the Auditor's unqualified reports on the Financial Statements, Standard Statements and Performance Statement.*
- 3. Notes the Annual Report was submitted to the Minister for Local Government by 30 September 2009, as required.*
- 4. Considers and receives the 2009/10 Annual Report as presented to this meeting in accordance with Sections 131 and 134 of the Local Government Act 1989.*

**CARRIED 7 : 0**



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

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>INFRASTRUCTURE AND SERVICES</u></p> <p><b><u>OM102710-8 ROAD MANAGEMENT COMPLIANCE REPORT</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></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 Stuart Hart that recommendation to item OM102710-8 Road Management Compliance Report as listed in the Consent Calendar be adopted.***

**CARRIED 7 : 0**

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

D = Discussion

W = Withdrawal

ITEM	D	W
<p><b><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></b></p> <p><b><u>OM102710-9 PLANNING SCHEME REVIEW 2010</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council resolves to adopt the recommendations of the 2010 Planning Scheme Review report and for the report to be submitted to the Minister for Planning in accordance with section 12B (5) of the Planning and Environment Act 1987.</i></p>		
<p><b><u>OM102710-10 DRAFT BIRREGURRA AND FORREST STRUCTURE PLANS</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council undertakes public consultation in relation to the draft Birregurra and Forrest Structure Plans for a minimum period of six weeks, with the submission period ending at the close of business on 17 December 2010.</i></p>	<p><b>CR BRIAN CROOK</b></p> <p><b>CR CHRIS SMITH</b></p> <p><b>CR STEPHEN HART</b></p>	

***MOVED Cr Frank Buchanan seconded Cr Geoff Higgins that recommendations to items listed in the Consent Calendar be adopted.***

**CARRIED 7 : 0**

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

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>GENERAL BUSINESS</u></p> <p><b><u>OM102710-11 ASSEMBLY OF COUNCILLORS</u></b></p> <p>Department: General Business</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council notes the Assembly of Councillors reports for the Central Reserve Advisory Committee meeting of 6 October 2010 and Councillor workshop of 13 October 2010.</i></b></p>	<p>CR STEPHEN HART</p> <p>CR CHRIS SMITH</p>	

***MOVED Cr Stephen Hart seconded Cr Brian Crook that the recommendation to item OM102710-11 Assembly Of Councillors, as listed in the Consent Calendar, be adopted.***

***CARRIED 7 : 0***

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

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>NOTICE OF MOTION</u></p> <p><b><u>OM102710-12      PETROL PRICING IN COLAC AND APOLLO BAY</u></b></p> <p>Department: Notices of Motion</p> <p><b><u>Recommendation</u></b></p> <p><b><i>That Council consider the contents of this Notice of Motion.</i></b></p>	CR BRIAN CROOK	

Cr Stephen Hart:	OM102710-12 Petrol Pricing in Colac and Apollo Bay
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78A
Nature of Interest:	Owns shares in public companies that operate fuel outlets

Cr Stephen Hart, citing a conflict in this item, left the meeting at 4.32pm

**OM102710-12      PETROL PRICING IN COLAC AND APOLLO BAY**

***MOTION - MOVED Cr Brian Crook seconded Cr Frank Buchanan that:***

***Residents of this Shire have for many years been mystified and frustrated at the price of fuel in this area compared to Geelong. It appears that a lack of competition and perhaps excessive profit taking is occurring at the expense of country people. This situation is difficult to understand when we live so close to the fuel refinery process. For years this community has voiced its concerns. There have been numerous newspaper articles and letters to the editor over the years but no real change at the bowser. I believe Council should take a lead and attempt to do something about this injustice on behalf of all ratepayers and residents.***

***I move that:***

***Council, on behalf of this Shire, invite representatives from the following groups to a meeting with Council to explain to us:***

- 1. Why petrol prices in Colac and Apollo Bay are consistently and excessively higher than Geelong?***

- 2. Why is there such little movement on price, or price variation, between competitors?**
- 3. What can be done to rectify this situation?**

***We should seek representation from the ACCC, petrol companies, petrol distributors, owners of local outlets and the federal member for Corangamite, Darren Cheeseman. The results of this discussion will determine Council's direction on the matter.***

**CARRIED 6:0**

Cr Stephen Hart returned to the meeting at 4.46pm

**IN COMMITTEE**

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

<b>SUBJECT</b>	<b>REASON</b>	<b>SECTION OF ACT</b>
Status Of Dicom Awt Operations Pty Ltd Contract - Total Waste Management	this matter deals with contractual matters	Section 89 (2) (d)
Contract Approval - Contract 1019 - Supply, Fitting And Service Of Tyres, Tubes And Automotive Batteries (Mav Tender Tb2517)	this matter deals with contractual matters	Section 89 (2) (d)
Banking Services Tender	this matter deals with contractual matters	Section 89 (2) (d)
Report From Delegate to Other Bodies	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)

**CARRIED 7 : 0**

**OUT OF COMMITTEE**

**MOVED Cr Stephen Hart seconded Cr Geoff Higgins that the meeting move out of committee.**

**CARRIED 7 : 0**

*The Meeting Was Declared Closed at 5.11 pm*

**CONFIRMED AND SIGNED** at the meeting held on 24 NOVEMBER 2010

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