

MINUTES of the **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held at the COPACC on 15 December 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 Brian Crook (Mayor)
Cr Frank Buchanan
Cr Lyn Russell
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
Doug McNeill, Manager, Planning & Building
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. This is not a forum for public debate or statements.

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

5. QUESTION TIME

Questions Received Verbally at the Meeting

Victoria Moore – Gerangamete

In light of a recent article in the Colac Herald regarding a bus operator's complaint with respect to the state of the existing public toilet, could the Shire consider a new public toilet for the north-east corner of the Memorial Square?

Why was the shopping complex located at the corner of Bromfield and Hesse Streets permitted to proceed without public toilet facilities given that the nearest public toilet is the comfort station located in Hesse Street and is difficult for parents with young children to access from that location?

Are Councillors aware that there is no public toilet with hot water and soap in Colac?

Response:

The Mayor thanked Ms Moore for her suggestions which would be taken on board and considered in line with budget considerations.

Questions Received in Writing Prior to the Meeting

Mr James Judd – Colac

1. 2 days equals 48 hours.

This is not close of business on Monday before the meeting is only the second day before the meeting not 2 days.

Amend your details contained in meeting agendas to stipulate the truth and not 2 days before the meeting.

Response:

As indicated the meeting agendas are available on the Monday before the meeting. The agendas are available Monday mornings both in hard copy where requested and on Council's website.

2. How can you advise bus services as "year round" when it is only for a limited time of under 10 months duration.

Two of five services advertised on Friday 3/12/2010 are in this position with no advice that they are subject to change from the period stated.

Response:

To avoid confusion with summer timetables, two current Transport Connections bus trials are advertised as 'Year Round' as they offer weekly connections to Colac for local communities for an initial trial period of 1 year. The initial starting date has not been advertised with each update i.e. 1 July 2009 (Apollo Bay Wednesday bus) and 5 February 2010 (Lavers Hill - Beech Forest Friday bus)

Transport Connections bus trials are reviewed by the Department of Transport on an advertised 'use it or lose it' data collection basis. In response to these reviews, timetable updates occur, and the dates included are the updated period so travellers know that the timetable they are using is the most recent.

Damien Dureau - Colac

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

1. **Re: New, replacement Apollo Bay Waste Transfer Station** (completed November 2010)

- (a) What was the **actual final total capital cost** (including the land site purchase, and earthworks, etc.)?

Response:

The project still has some minor outstanding invoices to be paid, however, the total final cost of this project inclusive of land purchase, planning and development, legal, design and the building contract, is projected to be \$3,112,800.

- (b) How much of the amount at 1(a) above, came from:-
 - (i) Colac Otway Shire Council (COSC)'s **own direct funds** (including loan borrowings)?

Response:

All but the \$200,000 Grant from Sustainability Victoria has been funded from Councils own direct funds.

- (ii) Government Grant - Sustainability Victoria?

Response:

Government Grant – Sustainability Victoria \$200,000

2. **Re: Entire Building at Colac Secondary College** formerly referred to as **Global Connector** (completed October 2010)

- (a) What was the **actual final total capital cost** (including the total interior fit-out costs)?

- (b) How much of the amount at 2(a) above, came from:-
 - (i) COSC's **own direct funds** (including loan borrowings)?
 - (ii) Government Grant - Federal Government (Department of Infrastructure, Transport, Regional Development and Local Government)?

- (iii) **Government Grants - DPCD?**
- (iv) **Government Grant - DEECD?**
- (v) **Post Compulsory Education Provider (and please specify the name of the actual funding source)?**

Response:

Council's contribution to the construction of the new facility is \$2.921m as per the Joint Use Agreement.

- **State Government Grants of \$1.5m**
- **Federal Government Grant of \$272,000**
- **Shire Funds of \$1.149m**

As previously advised Council will contribute \$151,000 towards furniture and fittings. The total Shire's contribution of \$1.3 million is to be funded from Loan borrowings.

3. **Re: Lakeside Estate - former Waste Disposal site at Bruce Street, Colac (listed as a Report item in COSC Ordinary Meeting Minutes 24 March 2010)**

- (a) **I understand that this matter is addressed "In-Committee", but is this matter still ongoing, or has it finally been resolved?**

Response:

The matter has been dealt with "In-Committee", but has been finalised.

- (b) **If this matter is not yet resolved please confirm that when it is finally resolved that COSC will then make public disclosure of the details.**

Response:

Further details are being sought from Council's solicitors.

4. **Re: New COSC Loan Borrowings of \$3.1 million (approved in COSC Annual Budget 2009/2010 (with amendment motion))**

Response:

Note, that as at 30 November 2010 only \$2,000,000 of the approved \$3,100,000 has been borrowed. This was borrowed in the 2009/10 financial year and Council will borrow the remaining \$1,100,000 as it is required.

The interest rate for the balance of the \$1.1million is at November 2010 to provide an indication of projected payments.

- (a) **What is the projected total interest payments on the \$1.5 million borrowings component for the "Apollo Bay Waste Transfer Station"; and what is the projected loan term in number of years, and the implied interest rate?**

Response

**Fixed interest rate of 7.70% over a ten (10) year term for \$700,000
Projected total interest payments are \$305,884.96**

**Fixed interest rate of 7.81% over a ten (10) year term for \$800,000
Projected total interest payments are \$355,129.26**

Total projected interest payments are \$661,014.22

- (b) What is the **projected total interest payments** on the \$1.3 million borrowings component for the "**Entire Building at Colac Secondary College formerly referred to as Global Connector**"; and what is the projected loan term in number of years, and the implied interest rate?

Response:

Fixed interest rate of 7.70% over a ten (10) year term for \$1,300,000

Projected total interest payments are \$568,072.07

- (c) What is the **projected total interest payments** on the \$0.3 million borrowings component for the "**potential land purchase**"; and what is the projected loan term in number of years, and the implied interest rate?

Response:

Fixed interest rate of 7.81% over a ten (10) year term for \$300,000

Projected total interest payments are \$133,173.47

5.

- (a) Please confirm that as per clauses **13.4(a)**, **13.4(b)**, **14.2(a)** and **14.2(b)** of the "**Development and Joint Use Agreement**" for the "**Entire Building at Colac Secondary College formerly referred to as Global Connector**" that COSC will be paying for 50% of both "the operating costs" and "all maintenance and repair costs" of the "**Entire Building at Colac Secondary College formerly referred to as Global Connector**", including, *inter alia*:-
- (i) School Administration and Reception Area;
 - (ii) School Staff Room Area;
 - (iii) School Offices, Sick Bays, etc. Area.
- (b) What is the **estimated annual total** of "the operating costs" and "all maintenance and repair costs" (as defined under the "Development and Joint Use Agreement" at **5(a)** above) of the "**Entire Building at Colac Secondary College formerly referred to as Global Connector**"; and hence, what is COSC's **estimated annual half-share** of those costs?

Response:

Council will be paying 50% of the operating costs for the Colac Community Library and Learning Centre. Annual costs are yet to be determined.

- (c) Please confirm that as per clauses **13.6(a)** and **14.2(c)** and *Item 13(b) of the Schedule* of the "**Development and Joint Use Agreement**" for the "**Entire Building at Colac Secondary College formerly referred to as Global Connector**" that, although considered and dealt with separately to "the operating costs" and "all maintenance and repair costs" (referred to at **Question 5(a)** above), COSC will also be paying for 50% of the **building insurance cost** for the "**Entire Building at Colac Secondary College formerly referred to as Global Connector**", including, *inter alia*:-
- (i) School Administration and Reception Area;
 - (ii) School Staff Room Area;
 - (iii) School Offices, Sick Bays, etc. Area.

Response:

Council will be paying 50% of the building insurance costs for the Colac Community Library and Learning Centre.

- (d) What is the estimated annual total of the building insurance cost (referred to at Question 5(c) above) for the "Entire Building at Colac Secondary College formerly referred to as Global Connector"; and hence, what is COSC's estimated annual half-share of that cost?

Response:

The annual premium is yet to be calculated.

6. DECLARATION OF INTEREST

Rob Small, Chief Executive Officer	OM101512-13 CEO's Employment Conditions
Nature of Interest:	Relates to his employment contract.

Colin Hayman, General Manager Corporate & Community Services	OM101512-8 End of Financial Year Management Report 2009/2010
Nature of Interest:	Member of Vision Super and has provided input into the report

7. CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on the 24/11/10
- Statutory Council Meeting held on the 8/12/10

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

CARRIED 7 : 0

OFFICERS' REPORTS

Chief Executive Officer

OM101512-1 CEO'S PROGRESS REPORT TO COUNCIL

Corporate and Community Services

OM101512-2 FINANCIAL SUSTAINABILITY REPORT
 OM101512-3 APOLLO BAY SENIORS CITIZEN CENTRE - LEASE RENEWAL
 OM101512-4 REVIEW OF INSTRUMENT OF DELEGATION - OLD BEECHY RAIL TRAIL

General Business

OM101512-5 ASSEMBLY OF COUNCILLORS

Notices of Motion

OM101512-6 BIRREGURRA STRUCTURE PLAN
 OM101512-7 BIRREGURRA STRUCTURE PLAN

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion
W = Withdrawal

ITEM	D	W
<p><u>CHIEF EXECUTIVE OFFICER</u></p> <p><u>OM101512-1 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 CHRIS SMITH</p>	

MOVED Cr Stuart Hart seconded Cr Geoff Higgins that recommendations to items OM101512-1 CEO's Progress Report to Council as listed in the Consent Calendar be adopted.

CARRIED 7 : 0

CONSENT CALENDAROFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>CORPORATE AND COMMUNITY SERVICES</u> <u>OM101512-2 FINANCIAL SUSTAINABILITY REPORT</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council receives the Financial Sustainability report.</i></p>		
<p><u>OM101512-3 APOLLO BAY SENIORS CITIZEN CENTRE – LEASE RENEWAL</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council signs and seals the lease of the Apollo Bay Senior Citizens Centre for a further 5 year period with Otway Health and Community Services at a lease fee of \$1 per annum.</i></p>		
<p><u>OM101512-4 REVIEW OF INSTRUMENT OF DELEGATION – OLD BEECHY RAIL TRAIL</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. Signs and seals the revised Instrument of Delegation for the Old Beechy Rail Trail Committee.</i> <i>2. In accordance with Section 81(2A) of the Local Government Act 1989, resolves to exempt members of the committee from being required to submit a Primary or Ordinary "Register of Interest" return.</i> <i>3. Adopts the "Use of the Old Beechy Rail Trail by Recreational Vehicles" Policy.</i> 		CR STEPHEN HART

MOVED Cr Lyn Russell seconded Cr Geoff Higgins that recommendations to items listed in the Consent Calendar, with the exception of item OM101512-4 Review Of Instrument Of Delegation – Old Beechy Rail Trail, be adopted.

CARRIED 7 : 0

OM101512-4 REVIEW OF INSTRUMENT OF DELEGATION – OLD BEECHY RAIL TRAIL

MOTION - MOVED Cr Stephen Hart seconded Cr Stuart Hart that:

Council:

- 1. Resolves to inform each owner of private land used in the trail of the new draft policy and invite them to comment until 14 February 2011; and**
- 2. Defers any change to the existing delegation to the Beechy Rail Trail Committee until this process is complete.**

CARRIED 5 : 2

DIVISION called by Cr Chris Smith

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

Against the Motion: Cr Chris Smith, Cr Frank Buchanan

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion
W = Withdrawal

ITEM	D	W
<p><u>GENERAL BUSINESS</u></p> <p><u>OM101512-5 ASSEMBLY OF COUNCILLORS</u></p> <p>Department: General Business</p> <p><u>Recommendation(s)</u></p> <p><i>That Council notes the Assembly of Councillors reports for the:</i></p> <ul style="list-style-type: none"> • <i>24 November 2010 Councillor Briefing Session</i> • <i>18 November 2010 Municipal Emergency Management Planning Committee</i> • <i>26 November 2010 Australia Day Advisory Committee</i> • <i>1 December 2010 Pre-Statutory Council Meeting</i> • <i>3 December 2010 PP173/2010 – 23 Iluka Avenue Wye River</i> • <i>8 December 2010 Councillor Workshop.</i> 		

MOVED Cr Lyn Russell seconded Cr Stephen Hart that recommendations to item OM101512-5 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>NOTICES OF MOTION</u></p> <p><u>OM101512-6 BIRREGURRA STRUCTURE PLAN</u></p> <p>Department: Notices of Motion</p> <p><u>Recommendation</u></p> <p><i>That Council consider the contents of this Notice of Motion.</i></p>		<p>CR STEPHEN HART</p>
<p><u>OM101512-7 BIRREGURRA STRUCTURE PLAN</u></p> <p>Department: Notices of Motion</p> <p><u>Recommendation</u></p> <p><i>That Council consider the contents of this Notice of Motion.</i></p>		<p>CR STEPHEN HART</p>

Cr Stephen Hart was granted leave to withdraw items OM101512-6 Birregurra Structure Plan and OM101512-7 Birregurra Structure Plan in order to move the recommendations contained within the late report prepared by officers in response to the Notices of Motion. This report was circulated after the preparation and distribution of the agenda.

**OM101512-6 & 7 REFER TO NOTICES OF MOTION - BIRREGURRA
STRUCTURE PLAN**

MOTION - MOVED Cr Stephen Hart seconded Cr Lyn Russell that:

That Council:

1. *Receives a petition as presented on the Birregurra Structure Plan and considers this petition as part of the Council report.*
2. *Extends the exhibition period of the draft Birregurra Structure Plan until 30 June 2011.*
3. *Immediately begins the process of engaging a planning and urban design consultant to undertake a Neighbourhood Character Study for Birregurra.*

- 4. Requests the Chief Executive Officer explore options to secure State Government funding to carry out the Neighbourhood Character Study for Birregurra as proposed in this report.**
- 5. Establishes a community reference group with scope to discuss and consider the Neighbourhood Character Study and draft Structure Plan.**
- 6. Notes that the closing date for submissions to the Forrest Structure Plan is Friday 17 December 2010, and that an officer report will be presented to Council early in 2011.**
- 7. Considers allocation of funds in the 2011/12 budget necessary to complete the Neighbourhood Character Study and Birregurra Structure Plan.**

CARRIED 7:0

IN COMMITTEE

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

SUBJECT	REASON	SECTION OF ACT
End of Financial Year Management Report 2009/2010	this matter may prejudice the Council or any person	Section 89 (2) (h)
2011 Australia Day Award Recipients	this matter may prejudice the Council or any person	Section 89 (2) (h)
Contract Approval Contract 1026 – Civic Hall Alterations	this matter deals with contractual matters	Section 89 (2) (d)
Contract Approval (Mav Tender MB8210) Contract 1033 – Provision Of Marketing Services	this matter deals with contractual matters	Section 89 (2) (d)
Apollo Bay Harbour Main Breakwater Remediation Works - Tender Evaluation Report	this matter deals with contractual matters	Section 89 (2) (d)
CEO's Employment Conditions	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

Council Officers were asked to leave the meeting at 4.47pm for the consideration of item OM101512-13.

Cr Chris Smith left the meeting at 4.47pm

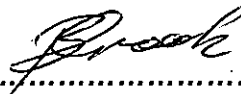
OUT OF COMMITTEE

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

CARRIED 6 : 0

The Meeting Was Declared Closed at 5.05 pm

CONFIRMED AND SIGNED at the meeting held on 27 JANUARY 2011



.....MAYOR

