

MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at the COPACC, Gellibrand Street Colac on 22 August 2012 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 Stephen Hart (Mayor)
Cr Frank Buchanan
Cr Brian Crook
Cr Stuart Hart
Cr Geoff Higgins
Cr Lyn Russell
Cr Chris Smith

Rob Small, Chief Executive Officer
Colin Hayman, General Manager, Corporate & Community Services
Ranjani Jha, Acting 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 community input and participation in Council decisions. Council meetings provide an opportunity for the community to ask Council questions, either verbally at the meeting or in writing.

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

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

An audio recording of this meeting is being made for the purpose of ensuring the minutes of the meeting are accurate. In some circumstances the recording may be disclosed, such as

where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982. It is an offence to make an unauthorised recording of the meeting.

Thank you. Now 30 minutes is allowed for question time. Please remember, you must ask a question. If you do not ask a question you will be asked to sit down and the next person will be invited to ask a question. This is not a forum for public debate or statements.

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

5. QUESTION TIME

Questions Received in Writing Prior to the Meeting

James Judd – Colac

1. The rate and Council charges rebate on properties. Is it only allowable on property owned and occupied by eligible pensioners or is it allowable on rental property as long as occupied by eligible pensioner member of the community? If full rates are payable on rental properties this could inflate rent charges in a community with many long term pensioner renters.

Response:

The pensioner rates concession is granted in accordance with the Dept of Human Services' guidelines, which provides for the concession to be granted to an eligible pensioner for their principal place of residence where they are responsible for the payment of the municipal rates. Generally this is for properties owned by the pensioner.

Pensioners renting a property are generally not responsible for the rates and therefore not eligible for the concession. They may however be eligible for rental assistance from Centrelink.

Assistance directly from Centrelink to the pensioner is considered a better option than providing a rates concession to the landlord as there is no guarantee the landlord will decrease the rent as a result of receiving the concession.

2. How can Council explain its acceptance of a budget and rate changes for 2012-2013 year before the revaluations have gone to an official Council meeting for acceptance? Please refer to your listing of proposed items going to Council on Wednesday 22 August 2012.

Response:

Refer to the Council Report "adoption of 2012 General Revaluation" in today's Agenda.

3. Please justify how come rate notices received prior to August 2012 Council meeting included 2012 revaluations, while the item on page 41 of the agenda states "when adopted" the valuations will be used for rates?

Response:

Refer to the Council Report "adoption of 2012 General Revaluation" in today's Agenda.

4. When will Council make sure it's A-Z Waste Guide only includes actual statements of what can be placed in bins, not an item far too big to fit into any bin and much larger than any building nook? Re stoves sometimes known as cooking ovens have been in use for centuries and are large items and you do not say broken down.

Response:

Council has updated the 2012/13 A – Z Waste Guide taking into account information received from SKM Regional recyclers. It is acknowledged that some of the items mentioned in the guide may be too big to be disposed of directly in the approved waste bins however the colour code may provide useful information indicating if the waste is garbage, recyclable, or green waste.

Council appreciates the positive comments received and will update the A – Z Waste Calendar further next year to discard those items that may be too large to be disposed of in approved waste bins.

Notwithstanding the information contained in the waste guide, residents are reminded that any waste bin placed out for collection must not exceed 80 kilograms in weight (including contents), nor should any bin be overfilled thereby preventing the lid from being completely closed down.

Ken Widdowson - Forrest

1. Is the Council willing to support an urgent motion at this meeting requesting the executive to take whatever steps necessary to move the Police Office and Lock-Up to the site nominated, which was given to the township of Forrest for community use on the closure of the railways in 1972 without further delay?

Response:

Council staff have been examining this matter for some time. Finding a suitable location has been difficult.

The last endeavour was to examine a site on the Council depot land in Blundy Street. It appears with the aspirations of the Men's Shed group that this is not possible.

In order to consider locating the former police building to this site, the issues that need to be addressed are Council's own Open Space Strategy and the provisions of the Local Government Act 1989. Specifically, the Local Government Act requires that any tenure over 10 years will require public notice of this intention to be advertised. This process should not be pre-empted.

The most expeditious way to progress this matter would be for Council to treat the matter as urgent business.

Russell Adams – Colac

1. What was the financial cost of producing the Botanic Gardens Masterplan and where did this funding come from?

Response:

The final cost of the Colac Botanic Gardens Masterplan was \$14,789 (ex. GST). Funding for this was included in Council's 2010/11 Capital Works and Major Projects Programme.

2. When the Colac Lake was dry why was there no effective measure taken to stop the carp returning to the lake?

Response:

Council worked through the Dry Lake Working Group to try to take measures to try to stop carp reinfesting the lake once it refilled. A range of options were explored but most were not feasible for a variety of reasons. For example the use of a chemical agent to kill the carp was considered but this was found to be an illegal practice. The one option that was supported by the group involved a labour intensive project where a series of temporary weirs would be established to enable the water to be systematically drained from sections of the creek to enable all the carp to be removed. While this approach was considered feasible it was very costly. Council submitted a grant application to the State Government for funding to carry out the work but it was not supported. In lieu of this Council left a barrier in Barongarook Creek to try to catch larger carp but this was never going to stop carp entering the lake during large rainfall events that resulted in the barrier being pushed over.

Now that carp are back in Lake Colac Council is talking to carp experts about other options. The most significant is the development of a biological control. When this control is ready for field trials Council will give careful consideration to putting forward Lake Colac as a suitable trial site.

3. What is being done to restock the lake with fish suitable for catching and eating and what is the timeline for this if there is a plan?

Response:

Council is working with the Geelong Regional Angling Association on getting Lake Colac restocked with a suitable species. Where licences exist this can be done fairly quickly but where there is no existing licence then there is a lengthy process that must be followed before any restocking can take place. Local fisherman have a licence to restock the lake with eels and intend to do so when they believe it is economically viable. In the interim Council will continue to go through the process of trying to identify another suitable species, gain appropriate licences and source sufficient numbers of fish to restock the lake. Council and Geelong Angling Association have already engaged an ecologist to undertake work to identify potentially suitable species. The next step is to get feedback on the suitability of these species from the State Government's Translocation Evaluation Panel. Although Council is committed to working through the process unfortunately it is expected to take years rather than months to get Lake Colac restocked with a suitable fish species other than eels.

Gary Owen – Forrest

1. On Wednesday 27 June I took time off from running my business and drove to Birregurra to attend the Council meeting to listen to my questions and answers being read out in public as was stated they would be in an email from Rhonda Deigan to myself received by me on 29 May at 9.02am. Why were my questions and answers not read out at the June Council meeting?

Response:

In the email referred to above, Mr Owen was advised "that the questions you have submitted in writing will be addressed at the June Council meeting.....". It is generally the practice for the Mayor to read out questions submitted in writing during Question Time, especially if the author is present. However given the significant amount of questions submitted, and the large gallery in attendance at the June Council meeting, the Mayor made the decision to allow the gallery to ask questions

from the floor first. Although an additional 15 minutes was allowed for question time there was no time left at the end of Question Time to read out those questions submitted in writing. As the Mayor explained at the time, all questions submitted in writing would be included in the minutes arising from the meeting. Mr Owen has also received a written response to these questions. This was an exceptional meeting in both the large number of items on the agenda, the size of the gallery and the quantity of questions submitted in writing.

2. What are the current requirements with regard to parking associated with the Forrest Brewery?

Response:

Under the planning permit issued for the operation of the brewery at 26 Grant Street Forrest, Condition 4 requires a minimum of four car spaces to be provided on the site itself. In making its decision to support the application, Council resolved to waive the balance of the car parking requirement for the use. Condition 13 of the permit required the applicant to make a cash contribution of \$10,000 to Council to assist with funding of construction of the informal public car parking area at the front of the premises in the road reserve. The formalisation of this car park is in the process of being finalised by Council.

3. Given the fact that the Forrest Brewery has a Liquor Licence for 223 patrons, which could equate to 100 or more cars requiring parking space. What action will Council take to enforce the law when cars are illegally parked on the right hand side of the service road facing north and on the grassy verge between the service and main roads?

Response:

As per the onsite meeting held 24 July 2012, with Councillor Smith and Council Officers alternate traffic management methods were discussed, including the erection of additional signage and the possibility of improved wording. An investigation is being undertaken to determine the most appropriate signage ensuring compliance with the requirements of the Road Safety Road Rules 2009. Once the investigation is completed and alterations are made where deemed necessary then compliance measures will be implemented where breaches are observed by Council's Local Laws Officers.

4. Why were there no restrictions placed on the number of people attending the Forrest Brewery for purchase and tastings of beers associated with the Brewery?

Response:

Condition 18 of the permit requires that the number of restaurant seats does not exceed 50 without further Council approval. There was no restriction placed on the number of patrons of the facility related to the brewery component. Conditions 5-7 on the permit seek to limit the scale/area of the brewery component and limit the volume of product developed to ensure it is maintained at a small scale and does not become the dominant activity on the site. The description of the permit itself indicates that the approved use is for a "café/restaurant with ancillary microbrewery....", which clearly indicates that the brewery aspect of the use must always be ancillary or a secondary use to the restaurant. Condition 8 further states that the brewing aspect of the use must cease if the café use of the site ceases. The permit has therefore been framed with the intention of maintaining the brewery as the less dominant use of the site to ensure it keeps faith with what was intended when the permit was issued, and with the Planning Scheme provisions.

5. How does council intend to ensure that the micro brewery is the "less dominant" activity on the site in order to maintain compliance with their permit?

Response:

It is the responsibility of the land owner and/or operator of the use to ensure that the microbrewery is maintained as the less dominant (or ancillary) activity and to accord with the planning permit requirements. Council also has an enforcement responsibility under the Planning and Environment Act 1987, and will investigate any genuine complaints about the operation of the facility.

6. What benefit, other than for the brewery and its patrons, will the alleged "public car park" have for other local business operators, residents and visitors to Forrest?

Response:

The formalisation of a public car park at the intersection of Grant Street and Turner Drive will have a number of benefits to local business operators, residents, and visitors to Forrest. These benefits include the provision of a car parking facility that will reduce the ad hoc approach to parking within the area and improved road safety by formalising the entry and exit movement of vehicles from the service road onto Grant Street.

Additional benefits provided by the works relate to the visual improvement within the town and along Grant Street.

The improvement of parking in this area has been identified within the Forrest Community Infrastructure Plan, and Council believes this project meets the objectives of this Plan.

It is acknowledged and identified within the Community Infrastructure Plan that significant improvement works can be carried out within the township of Forrest. Formalisation of the on-street parking adjacent the Forrest Brewery is the first step towards improving the streetscape in Forrest and Council will continue to actively seek grant funding opportunities to develop the streetscape further and deliver other infrastructure projects within the township of Forrest as identified within the Community Infrastructure Plan.

7. Where in the Forrest Brewery's planning permit does it state that the required number of car spaces, pertaining to having 223 people attend their establishment, has been waived?

Response:

The permit description (ie What the Permit Allows) refers to the waiver of car parking. An assessment of car parking issues was included in the planning officer's report which was considered by the Planning Committee when it determined to approve the use.

8. What are the specifications for the treatment plant that has been installed at the Forrest Brewery?

Response:

The waste water treatment system installed to service the brewery and restaurant has been approved by Council and is considered appropriate to meet the requirements of the use.

Warwick Balcombe – Colac

Re: Old Tip Site, paddock and vacant land fronting Lake Colac

1. Would the Council be interested in the land being grazed with cattle or sheep to keep the grass down? Being a farmer and adjoin the land in Chapel Street, one would be able to watch the stock and water, also I realise there would have to be some fencing and water work done.

Response:

Currently the Bruce Street Landfill site is under a strict monitoring program ensuring that no environmental risks exist. The Environment Protection Authority (EPA) is yet to remove the Pollution Abatement Notice, therefore the site is not available for general public or stock grazing usage. The monitoring program will continue indefinitely until environmental safety is totally ensured.

Carole Kanngieser – Apollo Bay

1. When was the last inspection done on Apollo Bay's footpaths and kerbs?

Response:

Last inspection was on 8 & 9 May 2012.

2. How many repairs were identified?

Response:

Eleven (11) footpath defects were recorded and all defects were the responsibility of service authorities. These generally relate to the reinstatement of Council infrastructure following the completion of service installation works (i.e. property connection pits, etc). Defects related to the condition of Council's roads, footpaths, kerb & channel are measured against specific maintenance performance criteria as detailed in Council's Road Management Plan. Only those defects/hazards which do not meet these standards are reported to our maintenance team for a response.

3. When were they repaired?

Response:

The eleven (11) defects that were identified have been reported to the relevant service authorities and will be checked at the next programmed inspection to determine if reinstatement works have been completed Council's satisfaction.

4. Who repaired them?

Response:

In this instance, the reinstatement of Council assets following service authority works are undertaken by subcontractors working on behalf of the relevant service authority.

5. How much did they cost to repair?

Response:

In this instance, the repairs will be at the expense of the service authorities responsible.

6. How often are the footpaths and kerb inspected?

Response:

Footpath inspections in Apollo Bay are carried out 4 times per year. Kerb & Channel

is inspected as part of the road inspections and these are undertaken twice yearly. All inspections are carried out in line with Council's Road Management Plan.

7. Which paths are going to be upgraded with the \$33,500 that Mr Rob Small has announced that he will spend in Apollo Bay?

Response:

Council intends to undertake renewal works in Jillian Rd, Scenic Dr, Nelson St & Sylvester St during the 2012/13 financial year.

8. Could it be made possible to make the inspector available to people in this town so as they can consult with him about areas which are dangerous and damaged?

Response:

Residents are encouraged to report any dangerous or damaged infrastructure directly to Council. This information can be communicated to Council in writing, by email, by phone or by reporting the details directly to a Council Customer Assistance officer. Council will respond to such requests following its internal operating procedures.

9. Could his visit be announced prior to coming here in the local Newsheet in Apollo Bay?

Response:

The timing of footpath inspections is dependent on the Asset Inspection Officer's workload and is directly affected by the prevailing weather conditions. For these reasons it would not be practicable to commit to undertake the inspections on specific dates.

10. Perhaps the footpath inspector could work in with construction of buildings and the like to prevent builders damaging footpaths, kerbs and surrounding so as this damage may not occur so frequently by taking photos both before and after construction.

Response:

Council at present undertakes pre-inspections of its assets adjacent to properties if it is made aware of proposed building works. A post inspection is completed after building works have ceased and any deviation in condition of footpaths, kerb & channel, etc are reported to the property owner or their building contractor for rectification. All reinstatement costs are to be met by either of these parties. It is acknowledged that this process is ad hoc at present and as part of the review of Council's Local Law No. 2 - General Local Law, Council will be seeking to instigate an 'Asset Protection' permit system which may require property developers to contribute a bond for the reinstatement of Council infrastructure prior to any building works commencing.

Questions Received Verbally at the Meeting

Dieter Wessner - Colac

1. Around six months ago Lyn Foster asked a question regarding accommodation for the Colac art crew, has Council considered this request or is it still considering the request?

Response:

The CEO advised that Council had been considering the request however no solution has been found at this time. A number of options are being investigated.

2. Have you been consulting with the art group regarding their request for accommodation?

Response:

The CEO advised that to date there has been nothing to consult about.

Russell Adams - Colac

1. With respect to the answer previously provided about the restocking of fish in Lake Colac, is Council able to condense the timeline from years down to months and provide a more specific date?

Response:

The CEO stated that the Department of Primary Industries and other State Government departments have requirements that need to be met before fish can be released into the lake.

Tabling of Documents

The Mayor tabled the following documents:

1. Letter from Darren Cheeseman MP, Federal Member for Corangamite, confirming his support for the duplication of the Princes Highway between Winchelsea and Colac (attached).
2. Letter from Sarah Henderson, Liberal Party candidate for the Federal Seat of Corangamite, confirming her support for the duplication of the Princes Highway between Winchelsea and Colac (attached).
3. Letter from the office of the Honourable Terry Mulder MP, Minister for Public Transport and Minister for Roads, acknowledging receipt of our letter requesting confirmation of his support for the duplication of the Princes Highway between Winchelsea and Colac (attached).
4. Petition received from the Forrest and District Historical Society requesting the relocation of the old Police office and lockup to the reserve in Station Street, Forrest.

DARREN
Cheeseman MP
FEDERAL MEMBER FOR CORANGAMITE



Mr Rob Small
Chief Executive Officer
PO Box 283
Colac VIC 3250

Dear Mr Small, *Rob*

Duplication of Princes Highway West

I am writing in response to your letter of 24 July requesting that I reaffirm my commitment to the duplication of the Princes Highway between Winchelsea and Colac. I can confirm that the Federal Labor Government is committed to this vital project. Indeed, we are already getting on with the job with \$5m to be spent on the detailed planning in 2012-13. This is on top of nearly \$20m that we're spending this year to duplicate the highway between Geelong and Winchelsea.

Having read Mr Makin's statement closely, I reject his claims that the Princes Highway duplication between Winchelsea and Colac is not worthy of government funding. I know how important the duplication of the Princes Highway is to improve safety and grow the Colac economy and that's why I am committed to seeing this project through to completion.

It will provide a vital piece of transport infrastructure for South Western Victoria and that's why the duplication is a central plank of my plan to make Colac a regional hub for a huge range of community and commercial services. It will make it easier for people and goods to get into Colac and for our great, locally produced goods to get to Melbourne, Australia and the world.

Everyone remembers that it was Labor that promised to duplicate the Princes Highway between Geelong and Winchelsea in the 2007 election – which was opposed by the Liberal Party – and then undertook to continue the duplication all the way to Colac in the 2010 election.

The only reason that the Princes Highway is being duplicated at all is because Corangamite voted Labor in 2007 and again in 2010. I am completely committed to completing this project because of the massive boost that it will give to Colac and the region.

Kind Regards,

Darren Cheeseman MP



PO Box 635 Belmont VIC 3216
P: (03) 5243 2400 | F: (03) 5241 1863 | E: darren.cheeseman.mp@aph.gov.au

Sarah Henderson

Liberal for Corangamite

a strong local voice

25 July 2012

Mr Rob Small
CEO Colac Otway Shire
PO Box 283
Colac VIC 3250

Dear Mr Small *Rob*

Thank you for your letter of 24 July 2012 in relation to the duplication of the Princes Highway between Winchelsea and Colac.

The strong commitment made by the Opposition Leader Tony Abbott, and myself as Liberal candidate, to this important regional infrastructure project has not changed.

You will recall that on 18 June 2010, prior to the last Federal election, the Coalition was the first to commit to this project. It was only in the dying days of the election campaign that Labor managed to match our commitment. I have been a very strong advocate for this project since I was first pre-selected as the Liberal candidate for Corangamite in 2009.

Since the last Federal election, Tony Abbott has made it clear that this project is vital to our region's future including when he spoke at a community forum held in Colac in May 2011. Mr Abbott has also confirmed that a future Coalition Government will recognise the Princes Highway as a "Nation Building" road of national significance from Geelong through to Adelaide. In June 2011, he stated: *"The Coalition has already announced a policy to upgrade the highway from Winchelsea to Colac but it needs to go beyond Colac as soon as possible"* (Warrnambool Standard, 27 June 2011).

The duplication of the Princes Highway from Winchelsea to Colac will greatly improve road safety and deliver a vital economic boost to our region. I am disappointed that Cr Makin has chosen to criticise this project which is at odds with his earlier supportive comments and which will have significant flow on benefits for the Corangamite Shire as well.

The Coalition understands how important roads funding is to rural and regional councils. It is therefore incredibly disappointing that the Gillard Government has seen fit to cut roads expenditure in its 2012-13 budget by a massive \$3.62 billion. In Victoria, federal government expenditure has dropped from \$800 million in 2011-12 to just \$137 million in 2012-13.

I also note that, so far, the Gillard Government has spent only \$7 million on planning for the Winchelsea to Colac duplication. While I understand that the remainder of the \$257.5 million committed will be spent on construction sometime after 2014, this project is not listed as being funded within the current Nation Building program.

I look forward to speaking further with yourself and Shire councillors including Cr Hart about this important project.

Yours sincerely


Sarah Henderson

Office 98 High Street, Belmont Vic 3216
Post PO Box 20, Belmont Vic 3216

Phone 5243 1508
Email sarah.henderson@vic.liberal.org.au

Web www.sarahhenderson.com.au

HOPE. REWARD. OPPORTUNITY.
Let's get Australia back on track.



Hon Terry Mulder MP

Member for Polwarth
Minister for Public Transport
Minister for Roads

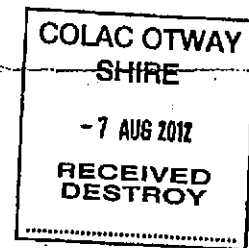


115a Bromfield Street, COLAC, VIC 3250

Ph: 03 5231 5046 * Fax: 03 5231 5209 * Email: terence.mulder@parliament.vic.gov.au * Web: www.terrymulder.com.au

27 July 2012

Mr Rob Small
Chief Executive Officer
Colac Otway Shire
PO Box 283
COLAC VIC 3250



Dear Mr Small, ^{Rob}

Thank you for your letter of the 24th July addressed to The Hon Terry Mulder MP, Minister for Public Transport and Minister for Roads in relation to the 'Duplication of Princes Highway West'.

This is an interim response to acknowledge receipt of your letter and to advise that it has been forwarded to the Minister's office for consideration and response.

Yours sincerely

ELECTORATE OFFICER
Office of
HON TERRY MULDER MP
Member for Polwarth
Minister for Public Transport
Minister for Roads

6. DECLARATION OF INTEREST

Rob Small:	In-Committee Item OM122208-18 CEO's Remuneration Review
Nature of Disclosure:	Direct

7. CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on the 25/07/12.

MOVED Cr Geoff Higgins seconded Cr Lyn Russell that Council confirm the above minutes.

CARRIED 7 : 0

OFFICERS' REPORTS

Chief Executive Officer

OM122208-1 CEO'S REPORT
OM122208-2 MEN'S SHED FORREST

Corporate and Community Services

OM122208-3 S86 COMMITTEES OF MANAGEMENT - RE-ELECTION OF
MEMBERSHIP
OM122208-4 HEATHFIELD ESTATE RESERVE COMMUNITY REFERENCE GROUP
UPDATE
OM122208-5 ADOPTION OF 2012 GENERAL REVALUATION

Infrastructure and Services

OM122208-6 COLAC BOTANIC GARDENS MASTERPLAN
OM122208-7 LARPENT HALL TOILETS

Sustainable Planning and Development

OM122208-8 MEMORANDUM OF UNDERSTANDING GEELONG OTWAY TOURISM
OM122208-9 BIRREGURRA AND FORREST COMMUNITY INFRASTRUCTURE
PLANS
OM122208-10 AMENDMENT C68 - UPDATE TO EROSION MANAGEMENT OVERLAY
SCHEDULE AND MAPPING
OM122208-11 G21 REGIONAL GROWTH PLAN

General Business

OM122208-12 OTHER COMMITTEE MINUTES - COLAC YOUTH COUNCIL
OM122208-13 ASSEMBLY OF COUNCILLORS
OM122208-14 MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>CHIEF EXECUTIVE OFFICER</u></p> <p><u>OM122208-1 CEO'S REPORT</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> <p>Cr Brian Crook</p>	
<p><u>OM122208-2 MEN'S SHED FORREST</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Approves, in principle, the Licence for the use of the section of the Forrest depot fronting 6 Blundy Street and the two sheds located there for use by the Forrest Men's Shed group for a period of seven years with two rights of renewal at a rental of \$1 a year.</i> <i>2. Advertises its intention to enter into such a licence.</i> <i>3. Assists the Forrest Men's Shed group in pursuing grant funding for a permanent facility on the same site with a right to extend that use for a further two periods of seven years in accordance with the licence to occupy.</i> 	<p>Cr Lyn Russell</p> <p>Cr Brian Crook</p>	

MOVED Cr Stuart Hart seconded Cr Brian Crook that recommendations to items OM122208-1 CEO'S Report and OM122208-2 Men's Shed Forrest, as listed in the Consent Calendar, be adopted.

CARRIED 7 : 0

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion
W = Withdrawal

ITEM	D	W												
<p><u>CORPORATE AND COMMUNITY SERVICES</u> <u>OM122208-3 S86 COMMITTEES OF MANAGEMENT - RE-ELECTION OF MEMBERSHIP</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <p>1. Pursuant to section 86 of the Local Government Act 1989, resolves to appoint the following nominated members to the Beech Forest Recreation Reserve, Eurack Public Hall and Tennis Reserve, Stoneyford Hall, Carlisle River Recreation Reserve, Yeo Recreation Reserve and Pennyroyal Hall until August 2015:</p> <table border="1" data-bbox="111 1144 932 1899"> <tr> <td data-bbox="111 1144 363 1249">Beech Forest Recreation Reserve</td> <td data-bbox="363 1144 932 1249">Simon Brown, Rory Harrington, Jacqueline Langley, Steve Trotter</td> </tr> <tr> <td data-bbox="111 1249 363 1355">Eurack Public Hall and Tennis Reserve</td> <td data-bbox="363 1249 932 1355">Alan Carew, Barbara Paine, Dan Wood, Mary Carew, Kaylene Wood, Gerald Paine</td> </tr> <tr> <td data-bbox="111 1355 363 1592">Stoneyford Hall</td> <td data-bbox="363 1355 932 1592">Betty Cadby, Bev Castle, Geoff Clarke, Fiona & Russell Fagan, Colin Hillier, John & Linda Mason, Mona & Robert Pyke, Jim Reynolds, Terry Riggs, Bob & Sue Warriner, Paul Wilson, John & Kate Woodward, Gaye & Rob Wuchatsch</td> </tr> <tr> <td data-bbox="111 1592 363 1697">Carlisle River Recreation Reserve</td> <td data-bbox="363 1592 932 1697">Pat Shaw, Brendan Reidy, Owen Lucas, Nick Lucas, Leon Smart, Matt Reid</td> </tr> <tr> <td data-bbox="111 1697 363 1767">Yeo Recreation Reserve</td> <td data-bbox="363 1697 932 1767">Frank Park, Mandy & Chris Parker, Greg & Deb Cahill, Tony Loubey</td> </tr> <tr> <td data-bbox="111 1767 363 1899">Pennyroyal Hall</td> <td data-bbox="363 1767 932 1899">Sharron Swaneveld, Rhiannon White, Katrine Juleff, Jim Gannon, James Gannon, Dale Robbins, Pam & Kevin White, Lorraine Cosgriff</td> </tr> </table> <p>2. In accordance with section 81 sub-section(2) sub-section(a) of the Local Government Act 1989, resolves to exempt members of the Committee from being required to submit a primary or ordinary conflict of interest return in accordance with this section.</p>	Beech Forest Recreation Reserve	Simon Brown, Rory Harrington, Jacqueline Langley, Steve Trotter	Eurack Public Hall and Tennis Reserve	Alan Carew, Barbara Paine, Dan Wood, Mary Carew, Kaylene Wood, Gerald Paine	Stoneyford Hall	Betty Cadby, Bev Castle, Geoff Clarke, Fiona & Russell Fagan, Colin Hillier, John & Linda Mason, Mona & Robert Pyke, Jim Reynolds, Terry Riggs, Bob & Sue Warriner, Paul Wilson, John & Kate Woodward, Gaye & Rob Wuchatsch	Carlisle River Recreation Reserve	Pat Shaw, Brendan Reidy, Owen Lucas, Nick Lucas, Leon Smart, Matt Reid	Yeo Recreation Reserve	Frank Park, Mandy & Chris Parker, Greg & Deb Cahill, Tony Loubey	Pennyroyal Hall	Sharron Swaneveld, Rhiannon White, Katrine Juleff, Jim Gannon, James Gannon, Dale Robbins, Pam & Kevin White, Lorraine Cosgriff	<p>Cr Chris Smith</p> <p>Cr Brian Crook</p>	
Beech Forest Recreation Reserve	Simon Brown, Rory Harrington, Jacqueline Langley, Steve Trotter													
Eurack Public Hall and Tennis Reserve	Alan Carew, Barbara Paine, Dan Wood, Mary Carew, Kaylene Wood, Gerald Paine													
Stoneyford Hall	Betty Cadby, Bev Castle, Geoff Clarke, Fiona & Russell Fagan, Colin Hillier, John & Linda Mason, Mona & Robert Pyke, Jim Reynolds, Terry Riggs, Bob & Sue Warriner, Paul Wilson, John & Kate Woodward, Gaye & Rob Wuchatsch													
Carlisle River Recreation Reserve	Pat Shaw, Brendan Reidy, Owen Lucas, Nick Lucas, Leon Smart, Matt Reid													
Yeo Recreation Reserve	Frank Park, Mandy & Chris Parker, Greg & Deb Cahill, Tony Loubey													
Pennyroyal Hall	Sharron Swaneveld, Rhiannon White, Katrine Juleff, Jim Gannon, James Gannon, Dale Robbins, Pam & Kevin White, Lorraine Cosgriff													

<p>3. <i>Advises the Committee that a copy of minutes of meetings held be forwarded to Council for its record after each meeting and that a Treasurer's Report be provided on an annual basis.</i></p>		
<p>OM122208-4 <u>HEATHFIELD ESTATE RESERVE COMMUNITY REFERENCE GROUP UPDATE</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council notes the update on the Heathfield Estate Reserve Community Reference Group.</i></p>		
<p>OM122208-5 <u>ADOPTION OF 2012 GENERAL REVALUATION</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation:</u></p> <p><i>That Council adopts the valuations contained in the 2012 general valuation for the purpose of levying general rates for the 2012-2013 and 2013-2014 financial years.</i></p>		<p>Cr Chris Smith</p>

MOVED Cr Lyn Russell seconded Cr Geoff Higgins that recommendations to items listed in the Consent Calendar, with the exception of item OM122208-5 Adoption of 2012 General Revaluation, be adopted.

CARRIED 7 : 0

OM122208-5 ADOPTION OF 2012 GENERAL REVALUATION

MOVED Cr Frank Buchanan seconded Cr Brian Crook

That Council adopts the valuations contained in the 2012 general valuation for the purpose of levying general rates for the 2012-2013 and 2013-2014 financial years.

CARRIED 6 : 1

DIVISION called by Cr Lyn Russell

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

Against the Motion: Cr Chris Smith

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>INFRASTRUCTURE AND SERVICES</u></p> <p><u>OM122208-6 COLAC BOTANIC GARDENS MASTERPLAN</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Adopts the "Colac Botanic Gardens Masterplan Review 2012", subject to the status-quo remaining in relation to vehicles accessing the Gardens.</i> <i>2. Reviews vehicles accessing the Gardens as part of the next review of the Masterplan.</i> <i>3. Refers major activities and costings identified in the Masterplan to Council's Capital Works Program for prioritisation and allocation.</i> <i>4. Thanks all submitters to the Masterplan review and advises them that the status-quo for vehicle access to the Gardens will remain at this time subject to further review.</i> 	<p>Cr Chris Smith</p> <p>Cr Brian Crook</p>	
<p><u>OM122208-7 LARPENT HALL TOILETS</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Amends Policy 12.1 Reserves Maintenance and Development Policy to change the status of the Larpent Hall toilets from 'public toilets associated with a facility managed by another organisation' to</i> 	<p>Cr Chris Smith</p> <p>Cr Lyn Russell</p>	

<p><i>'public toilets maintained by Council and not primarily servicing one facility'.</i></p> <ol style="list-style-type: none"> <i>2. Accepts the responsibility for the ongoing servicing and maintenance of the Larpent Hall toilets.</i> <i>3. Seeks to vary Contract 1102 – Cleaning of Rural Toilets & Public Use Facilities to include the Larpent Hall toilets with a cleaning frequency of twice per week from December to March of each year and once per week at all other times.</i> <i>4. Notifies the Larpent Hall Committee of Management of Council's decision to reclassify the status of the hall toilets to public toilets and erect information/directional signage to indicate this to the general public.</i> 		
---	--	--

MOVED Cr Lyn Russell seconded Cr Stuart Hart that recommendations to items OM122208-6 Colac Botanic Gardens Masterplan and OM122208-7 Larpent Hall Toilets, as listed in the Consent Calendar, be adopted.

CARRIED 7 : 0

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></p> <p><u>OM122208-8 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 resolves to sign the Memorandum of Understanding between the Colac Otway Shire Council and Geelong Otways Tourism for the period 1 July 2012 to 30 June 2013.</i></p>		Cr Stuart Hart
<p><u>OM122208-9 BIRREGURRA AND FORREST COMMUNITY INFRASTRUCTURE PLANS</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation</u></p> <p><i>That Council endorses the Birregurra and Forrest Community Infrastructure Plans.</i></p>		
<p><u>OM122208-10 AMENDMENT C68 - UPDATE TO EROSION MANAGEMENT OVERLAY SCHEDULE AND MAPPING</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendations</u></p> <p><i>That Council:</i></p> <p>1. <i>Notes and supports the submissions to the amendment.</i></p>		

<p>2. <i>Supports the post exhibition changes made to the Erosion Management Overlay (EMO) schedule and adopts the modified amendment.</i></p> <p>3. <i>Requests the Minister for Planning to approve Amendment C68.</i></p>		
<p>OM122208-11 <u>G21 REGIONAL GROWTH PLAN</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <p>1. <i>Adopts the G21 Regional Growth Plan as endorsed by the G21 Regional Growth Plan Project Steering Group.</i></p> <p>2. <i>Requests the Minister for Planning to approve the G21 Regional Growth Plan as adopted and consult with G21 Councils on implementation into planning schemes.</i></p> <p>3. <i>Supports the development of a G21 Regional Growth Plan - Implementation Plan in partnership with the G21 councils and State Government.</i></p>	<p>Cr Brian Crook Cr Frank Buchanan</p>	

MOVED Cr Lyn Russell seconded Cr Stuart Hart that recommendations to items listed in the Consent Calendar, with the exception of item OM122208-8 Memorandum of Understanding Geelong Otway Tourism, be adopted.

CARRIED 7 : 0

OM122208-8 MEMORANDUM OF UNDERSTANDING GEELONG OTWAY TOURISM

MOTION - MOVED Cr Stuart Hart seconded Cr Geoff Higgins:

That Council resolves not to sign the Memorandum of Understanding between the Colac Otway Shire Council and Geelong Otways Tourism for the period 1 July 2012 to 30 June 2013.

LOST 2 : 5

DIVISION called by Cr Geoff Higgins

For the Motion: Cr Geoff Higgins, Cr Stuart Hart

Against the Motion: Cr Brian Crook, Cr Chris Smith, Cr Frank Buchanan, Cr Lyn Russell, Cr Stephen Hart

MOTION - MOVED Cr Lyn Russell seconded Cr Frank Buchanan:

That Council resolves to sign the Memorandum of Understanding between the Colac Otway Shire Council and Geelong Otways Tourism for the period 1 July 2012 to 30 June 2013.

CARRIED 4 : 3

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**

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion
W = Withdrawal

ITEM	D	W
<u>GENERAL BUSINESS</u> <u>OM122208-12 OTHER COMMITTEE MINUTES -</u> <u>COLAC YOUTH COUNCIL</u> Department: General Business <u>Recommendation(s)</u> That Council notes the minutes from: <ul style="list-style-type: none"> Colac Youth Council meeting held on 18 June 2012 Colac Youth Council meeting held on 16 July 2012 Colac Youth Council meeting held on 30 July 2012. 		
<u>OM122208-13 ASSEMBLY OF COUNCILLORS</u> Department: General Business <u>Recommendation(s)</u> That Council notes the Assembly of Councillors reports for: <ul style="list-style-type: none"> Councillor Briefing Session 25 July 2012 Central Reserve Advisory Committee 1 August 2012 Councillor Workshop 8 August 2012 		
<u>OM122208-14 MINUTES OF THE OLD BEECHY RAIL</u> <u>TRAIL COMMITTEE</u> Department: General Business <u>Recommendation(s)</u> That Council notes the Minutes and Executive Officer Report of the Old Beechy Rail Trail Committee for 4 June 2012.		

MOVED Cr Lyn Russell seconded Cr Geoff Higgins that recommendations to items listed in the Consent Calendar be adopted.

CARRIED 7 : 0

MATTER OF URGENCY - MOVED Cr Lyn Russell seconded Cr Frank Buchanan that Council notes the petition from the Forrest community regarding the former police station buildings and resolves to treat the matter as urgent business.

CARRIED 6: 1

URGENT ITEM OF BUSINESS - FORREST HISTORICAL SOCIETY

AUTHOR:	Rob Small	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	11/95961

Purpose

To seek Council's support for the advertising of Council's intention to enter into a 50 year lease with the Forrest and District Historical Society for part of the reserve in Station Street, Forrest.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Background

In September 2009, the Police Property Department advised the Forrest and District Historical Society that they could have the old police office building and lock-up for the storage of their historical records. The Society was informed that they would need to relocate the buildings to an alternative site. Council relocated the lock-up to the depot in Forrest, however due to the size of the police office building, relocation was not considered appropriate until a more permanent location was found.

The Society then approached Council seeking an appropriate site for this building. Four sites were identified as potential locations, the caravan park site, the Shire depot, the public hall site and the DSE trail head for the mountain bike tracks. At that time all three sites were deemed to be unsuitable. The Society then entered into negotiations with the Anglican Church, however it was determined that the site at the rear of the church was also unsuitable.

The lease for the Forrest caravan park has since been re-negotiated and the parcel of public open space adjacent to the caravan park has been excised from the lease. However, this land is utilised at certain times of the year by the caravan park when an additional area is required for campers. This parcel of land has been identified within the Colac Otway Shire Public Open Space Strategy with a recommendation that it remain open space and that "other sites in Forrest should be considered for the development of any other community infrastructure". However it has been considered that the relocation of the old police office to this site between the existing rotunda and the tennis courts would not have a negative impact on either the access to this site or the open space amenity.

In March of this year, the Society again approached Council seeking a permanent site for the police building and the possibility of sharing the depot with the Forrest Men's Shed group was subsequently investigated. Unfortunately, after consultation with the Forrest Men's Shed group, this option was rejected due to the lack of available space on the site.

Victoria Police is not prepared to see the building remain on their site if no decision on its relocation is evident.

A petition requesting the relocation of the old Police office and lock-up to the reserve in Forrest Street has been signed by 59 Forrest residents and tabled at the August Council meeting. Letters of support for this proposal have also been received from the Forrest Men's Shed group and the Forrest and District Community Group.

Council Plan / Other Strategies / Policy
Community Health and Wellbeing

Council will promote community health and wellbeing in partnership with other health services. Through a partnership approach, Council will provide a broad range of customer focused health, recreational, cultural and community amenities, services and facilities.

Issues / Options

The Forrest and District Historical Society provide a valuable service for the community of Forrest and have accumulated a sizeable collection of historical records relevant to Forrest and nearby communities. The police office would provide a suitable place to store and display these important records and encourage further donations.

The Forrest and District Historical Society have been given the old police office and lock-up for this purpose, however are in need of a permanent site for these buildings. Council has investigated a number of possible sites and determined that the reserve adjacent to the caravan park in Station Street, Forrest would be suitable for this purpose.

Council could:

1. Advertise its intention to offer a lease for the reserve land in Station Street, Forrest to the Forrest and District Historical Society for a period of 50 years in accordance with the *Local Government Act 1989*.
2. Advise the Forrest and District Historical Society that no site can be found in Forrest for the relocation of the old police office. This might result in the Society losing the building altogether.

Proposal

That Council, in accordance with the *Local Government Act 1989* advertises its intention to enter into a 50 year lease with the Forrest and District Historical Society for the reserve in Station Street, Forrest.

Financial and Other Resource Implications

The cost for the relocation of the buildings would be borne by the Forrest & District Historical Society.

Risk Management & Compliance Issues

The potential loss of these buildings to the Forrest community could result in considerable unrest within the Forrest community and would damage Council's reputation.

Environmental and Climate Change Considerations

Not applicable.

Community Engagement

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of January 2010, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected would be consult and include advertising Council's intention to enter into a lease with the Forrest and District Historical Society.

Implementation

If Council supports this recommendation, advertisements would be placed in local media and a further report would be prepared for a future Council meeting.

Conclusion

That Council advertise its intention to enter into a 50 year lease with the Forrest and District Historical Society for part of the reserve at Station Street, Forrest.

Attachments

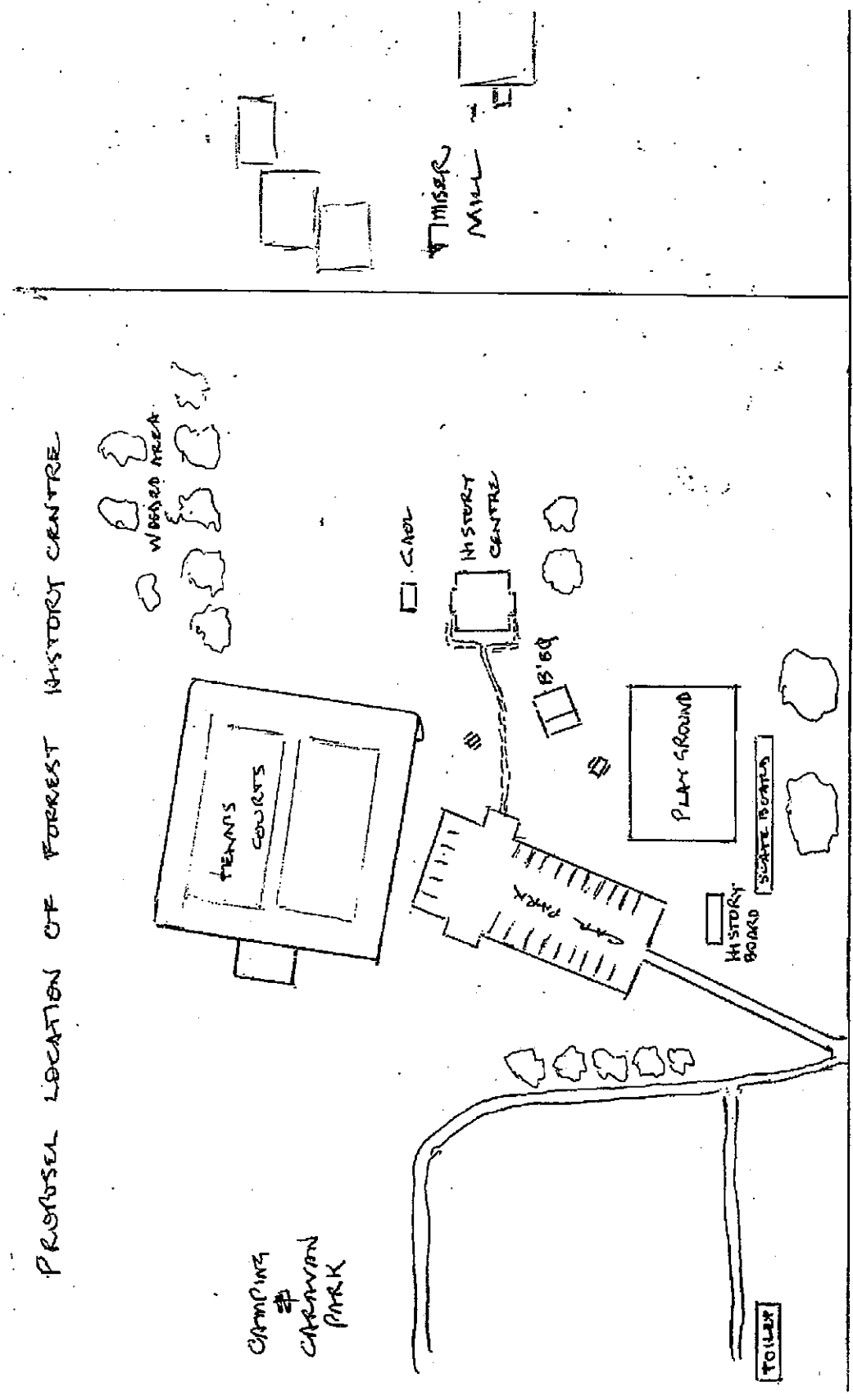
1. Proposed Location of Forrest History Centre

MOVED Cr Lyn Russell seconded Cr Brian Crook

That Council:

1. ***Notes the efforts of the Forrest community to relocate the former Forrest police station building and the old lock-up from the site of the current police station.***
2. ***Supports the re-location of the buildings to the reserve in Station Street, Forrest containing the tennis courts and picnic shelter.***
3. ***Authorises and requests that the Chief Executive Officer publicly advertise Council's intention to enter into a lease for 50 years with the Forrest and District Historical Society for this parcel of land for a period of six weeks.***

CARRIED 7 : 0



MATTER OF URGENCY - MOVED Cr Brian Crook seconded Cr Frank Buchanan that Council considers the proposed inappropriate pruning of trees with the Colac Otway Shire by Powercor's contractor, Vemco, as a matter of urgent business

CARRIED 7: 0

URGENT ITEM OF BUSINESS – PRUNING OF TREES WITHIN COLAC OTWAY SHIRE

AUTHOR:	Brian Crook	ENDORSED:	Brian Crook
---------	-------------	-----------	-------------

Council has recently been notified of a plan by Vemco to trim a number of trees in Birregurra so that there will be a clearance of 4.5m from any powerlines. This action is to satisfy the minimum clearance required of 1.5m and then an allowance for regrowth in between pruning cycles (3 years). This action will effectively render these trees to stumps (so much for neighbourhood character).

It must be stressed that these trees are actually a fire retardant species, nowhere near a forest, and in a residential street. This approach by Vemco is apparently lawful within their guidelines, this Council should be responding on behalf of all areas where this proposed pruning is completely out of step with community expectations and values.

We have only just completed an extensive consultation with the Birregurra community and delivered a Neighbourhood Character study which has had broad acceptance by the community. A significant part of the character of Birregurra is its trees, many of which, may have been there before powerlines. This aspect of significant character is recognised in the study.

I am sure we all appreciate the need for clearance from powerlines, but let's have some commonsense around the triennial clearance cycle so that we still retain some semblance of tree lined streets.

MOTION - MOVED Cr Brian Crook seconded Cr Frank Buchanan

That Council:

- 1. Alerts the Minister to the consequences of Powercor's contractor, Vemco, delivering an unsatisfactory and unnecessary outcome in townships across our shire with respect to the excessive pruning of trees.**
- 2. Requests the Minister to intervene, stop the proposed destruction and evaluate what is proposed, against what needs to be done, especially in urban areas.**
- 3. Requests the Minister introduce appropriate clearance levels under power lines in urban areas of low or no bushfire risk.**
- 4. Requests the Minister to have an urgent scientific review of many non native street trees that are fire retardant and assess the need for aggressive pruning against these findings.**
- 5. Continues discussions with Powercor and Vemco to find a solution that will satisfy the legislative requirements whilst protecting the integrity of Birregurra and other identified areas across the Shire.**

CARRIED 7: 0

IN COMMITTEE

MOVED Cr Lyn Russell seconded Cr Geoff Higgins 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
Contract 1206 - Approval of Building Surveying & Inspection Services (Amendment to Resolution)	this matter deals with contractual matters	Section 89 (2) (d)
Contract 1227 - Rae Street Office Redevelopment	this matter deals with contractual matters	Section 89 (2) (d)
Contract Approval - Contract 1229 - Supply & Deliver Tip Truck and Dog Combination	this matter deals with contractual matters	Section 89 (2) (d)
CEO's Remuneration Review	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 6 : 1

DIVISION called by Cr Chris Smith

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

Cr Chris Smith and Council Officers, Jack Green, Ranjani Jha, Colin Hayman and Rhonda Deigan left the meeting at 5.27pm prior to discussion on item OM122208-18 CEO's Remuneration Review.


OUT OF COMMITTEE

MOVED Cr Lyn Russell seconded Cr Brian Crook that the meeting move out of committee.

CARRIED 6 : 0

The Meeting Was Declared Closed at 5.57 pm

CONFIRMED AND SIGNED at the meeting held on 26 SEPTEMBER 2012

..........**MAYOR**