

MINUTES of the **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held at the COPACC Meeting Rooms, Gellibrand Street, Colac on 24 October 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
Neil Allen, General Manager, Infrastructure & Services
Jack Green, General Manager, Sustainable Planning & Development
Rhonda Deigan, Executive Officer

3. APOLOGIES

Nil

4. MAYORAL STATEMENT

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

Colac Otway Shire encourages 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. When will Council check all the items available to be picked up in its various offices to make sure only valid and current items are available? Make sure any items outdated are removed and replaced with up to date items.

Response:

Council officers regularly check documents on display to ensure that information on display are up to date and relevant.

2. Conflict of Behaviour. Please explain how using the Local Government Act if Councillors are to be refused authority to oblige a future Council on financial matters in the caretaker period how are Council officers allowed to advertise within this period that obliges a future Council to meet expenditures?

Response:

Council has received guidelines from Local Government Victoria and has in place a Caretaker Policy which provides guidance to staff and Councillors during the caretaker period.

3. Mr Judd has also asked a question about the availability of Council agendas in hard copy format.

Response:

Council has moved away from providing a hard copy of the agenda in response to concerns about the financial and environmental cost of producing this document in such large numbers on a monthly basis. Council agendas will still be provided in electronic form either through an email link to our website or via a CD. Community members without a computer will be able to view the agenda on the computers available at the Colac Community Library & Learning Centre or the Library Annexe via the CD provided. A limited number of hard copies will still be available in the gallery at Council meetings and at our customer service centres.

Questions Received Verbally at the Meeting

Dieter Wessner - Colac

1. Why have some of the "cats eyes" in Armstrong and Queen Streets been installed half way between the curb and the middle of the road?

Response:

The General Manager for Infrastructure & Services advised that this question would be taken on notice with a response to be provided in due course.

6. DECLARATION OF INTEREST

NIL

7. CONFIRMATION OF MINUTES

- Special Council Meeting held on the 19/09/12
- Ordinary Council Meeting held on the 26/09/12.

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

CARRIED 7 : 0

8. CARETAKER PERIOD STATEMENT

The CEO clarified the provisions of the Caretaker Period stating that as a Council resource, Council meetings ought not to be used for the purposes of electioneering.

9. TABLING OF JOINT LETTER

The Mayor tabled a joint letter received from Barwon Down residents with respect to the East Barwon River (as the letter contained personal details, the letter has not been included in the minutes of this meeting).

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>CHIEF EXECUTIVE OFFICER</u></p> <p><u>OM122410-1</u> <u>CEO'S PROGRESS REPORT TO COUNCIL</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council notes the CEO's Progress Report to Council.</i></p>	<p>Cr Chris Smith Cr Brian Crook</p>	

MOVED Cr Lyn Russell seconded Cr Frank Buchanan that recommendations to item OM122410-1 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></p> <p><u>OM122410-2 COUNCIL PLAN FIRST QUARTER PERFORMANCE REPORT JULY - SEPTEMBER 2012</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council receives the 2012/2013 Council Plan First Quarter Performance Report for the three months ending 30 September 2012.</i></p>	Cr Brian Crook	
<p><u>OM122410-3 FIRST QUARTER FINANCIAL PERFORMANCE REPORT 2012-2013</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council receives the first quarter financial performance report for 2012-2013.</i></p>	Cr Chris Smith Cr Brian Crook	
<p><u>OM122410-4 COUNCIL ANNUAL REPORT 2011-2012</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. Notes the completion of the 2011/2012 Annual Report document and process.</i> <i>2. Notes the Auditor's unqualified reports on the Financial Statements, Standard Statements and Performance Statement.</i> 		Cr Stephen Hart

3. Notes the Annual Report was submitted to the Minister for Local Government by 30 September 2012, as required.		
4. Considers and adopts the 2011/12 Annual Report as presented to this meeting in accordance with sections 131 and 134 of the Local Government Act 1989.		

MOVED Cr Brian Crook seconded Cr Frank Buchanan that recommendations to items listed in the Consent Calendar, with the exception of item OM122410-4 Council Annual Report 2011-2012 be adopted.

CARRIED 7 : 0

OM122410-4 COUNCIL ANNUAL REPORT 2011-2012

MOVED Cr Frank Buchanan seconded Cr Lyn Russell

That Council having considered the report, as per section 134 of the Local Government Act 1989, that the Annual Report incorporating the report on Operations, Annual Financial Statements, Standard Statements and Performance Statement for 2011/12 be received and noted.

CARRIED 7 : 0

CONSENT CALENDAROFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>GENERAL BUSINESS</u></p> <p><u>OM122410-5 MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE</u></p> <p>Department: General Business</p> <p><u>Recommendation(s)</u></p> <p><i>That Council notes the Minutes and Executive Officer Report of the Old Beechy Rail Trail Committee for 6 August 2012.</i></p>		
<p><u>OM122410-6 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:</i></p> <ul style="list-style-type: none"> • <i>Friends of Botanic Gardens Meeting 13 August 2012</i> • <i>Lake Colac Coordinating Committee Meeting 11 September 2012</i> • <i>Special Council Meeting Briefing Session 19 September 2012</i> • <i>Councillor Briefing Session 26 September 2012</i> • <i>Colac Livestock Selling Centre Advisory Committee Meeting 28 September 2012</i> • <i>Saleyards Information Session 4 October 2012</i> 		Cr Chris Smith
<p><u>OM122410-7 ITEM FOR SIGNING & SEALING - TRANSFER OF LAND - VOLUME 11359 FOLIO 351</u></p> <p>Department: General Business</p> <p><u>Recommendation(s)</u></p> <p><i>That Council resolves to approve the signing and sealing of the attached Transfer of Land application to enable the Road title known as Rankin Street, Speirs Street and Stepnell Crescent to be transferred to Council ownership.</i></p>		

MOVED Cr Lyn Russell seconded Cr Geoff Higgins that recommendations to items listed in the Consent Calendar, with the exception of item, OM122410-6 Assembly of Councillors, be adopted.

CARRIED 7 : 0

OM122410-6 ASSEMBLY OF COUNCILLORS

MOVED Cr Frank Buchanan seconded Cr Geoff Higgins

That Council notes the Assembly of Councillors reports for:

- **Friends of Botanic Gardens Meeting** 13 August 2012
- **Lake Colac Coordinating Committee Meeting** 11 September 2012
- **Special Council Meeting Briefing Session** 19 September 2012
- **Councillor Briefing Session** 26 September 2012
- **Colac Livestock Selling Centre Advisory Committee Meeting** 28 September 2012
- **Saleyards Information Session** 4 October 2012

CARRIED 6 : 1

DIVISION called by Cr Chris Smith

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

Against the Motion: Cr Chris Smith

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion
W = Withdrawal

ITEM	D	W
<p><u>NOTICES OF MOTION</u></p>		
<p><u>OM122410-8 WYE RIVER AND SEPARATION CREEK WASTE SERVICES</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>		

OM122410-8 WYE RIVER AND SEPARATION CREEK WASTE SERVICES

MOTION - MOVED Cr Lyn Russell seconded Cr Geoff Higgins:

That Council requests that the Audit Committee include in its program a review of the process for letting the waste contract in 2010.

(Note this should be a brief audit that considers the adequacy of the specifications prepared for the waste contract with specific reference to the Wye River/Separation Creek collections.)

CARRIED 7 : 0

MOTION - MOVED Cr Frank Buchanan that a vote of thanks be extended to all Council staff for their support over the past four years.

Councillors spoke in support of this motion.

CARRIED 7: 0

IN COMMITTEE

Resolution

MOVED Cr Lyn Russell seconded Cr Stuart Hart:

That pursuant to the provisions of Section 89(2) of the Local Government Act, the meeting be closed to the public and Council move "In-Committee" in order to deal with the confirmation of minutes arising from the In-Committee Special Council meeting of 19 September 2012 and the In-Committee Council meeting of 26 September 2012.

CARRIED 7 : 0

Cr Chris Smith left the meeting at 3.48pm

OUT OF COMMITTEE

MOVED Cr Lyn Russell seconded Cr Geoff Higgins that the meeting move out of committee.

CARRIED 6 : 0

The Meeting Was Declared Closed at 3.50 pm

CONFIRMED AND SIGNED at the meeting held on 28 NOVEMBER 2012

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