

ORDINARY COUNCIL MEETING

MINUTES

WEDNESDAY 22 NOVEMBER 2017

AT 4PM

COPACC

Next Council Meeting: 13 December 2017

COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

22 NOVEMBER 2017

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COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at
COPACC on 22 November 2017 at 4pm

1. I DECLARE THIS MEETING OPEN

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 Kate Hanson
Cr Stephen Hart
Cr Joe McCracken (Mayor)
Cr Chris Potter
Cr Jason Schram
Cr Chris Smith
Cr Terry Woodcroft

Robert Dobrzynski, Acting Chief Executive Officer
Errol Lawrence, General Manager, Corporate Services
Tony McGann, General Manager, Infrastructure & Leisure Services
Gareth Smith, General Manager, Development & Community Services
Sarah McKew, Acting Manager, Governance & Customer Service
Lyndal McLean, Acting Governance Officer
Doug McNeill, Manager, Planning, Building & Health
Andrew Kavanagh, Contract Governance Coordinator
Tamzin McLennan, Communications Coordinator
Melanesia Carson, Communications Officer
Sarah Osborne, Communications Officer
Clare Wright, Executive Officer to CEO, Mayor & Councillors
Stewart Anderson, Manager, Environment & Community Safety

3. APOLOGIES

Nil

4. WELCOME & ACKNOWLEDGEMENT OF COUNTRY

I would like to start this evening by acknowledging the traditional custodians and law makers of this land, their elders past and present and welcome any descendants here today.

I would also like to advise that all Council meetings are audio recorded, with the exception of confidential matters. This includes the public participation sections of meetings.

Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy.

In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

Council will not use or disclose the recordings for any other purpose. It is an offence to make an unauthorised recording of the meeting.

5. QUESTION TIME

A maximum of 30 minutes is allowed for question time. To ensure that each member of the gallery has the opportunity to ask questions, it may be necessary to allow a maximum of two questions from each person in the first instance. Once everyone has had an opportunity to ask their initial questions, and if time permits, the Mayor will invite further questions.

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. Question time is not a forum for public debate or statements.

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

James Judd

- 1. If Council's 1st quarterly performance report is on track to meet its 2017-2018 programs to end on September 2017, what progress has been made in the period to start or complete projects for the 2016-2017 year proposed but not finished by end of June 2017.**

Response from General Manager, Corporate Services

As per the September Quarterly Performance Report tabled at the Ordinary Council Meeting on 25 October 2017, 84% of forecast projects have started, with cumulative expenditure ahead of forecast expenditure.

2. What was the total contingent liability at 30/06/2017 against Council's carried forward surplus at 30/06/2017, to cover funds received for works yet to be completed, that if not used in full by a specific date must be returned to source?
- a. Balance unused if in progress, when only unused to be returned
 - b. In total if not commenced
 - c. Total if works commenced and total to be refunded if not completed on time.

Response from General Manager, Corporate Services

Council plans to complete all carry over projects which includes the expending of any grant funding tied to these projects.

3. Is the Colac Otway Shire Council going to reinstate the monthly CEO's report into the monthly Council Meeting Agenda? This was stopped by recent CEO when at least with this report the community gained some regular insight into Council's activities, that is today very lacking and many questions being asked about why do we have a Council when they tell us very little.

Response from General Manager, Corporate Services

In early 2017 the Councillors expressed a desire for a review of the reporting presented to them and agreed to enhance the quarterly financial reports and broaden the scope to include organisational wide statistics, including the Planning Performance Report, the Capital Works Performance Report, the Major Works Performance Report, the Council Plan Performance Report and the Financial Performance Report.

4. Does the Colac Otway Shire Council intend to review its objections to conventional gas extraction? An answer is now vital due to a near Council calling for a state wide review prior to 2018 state elections, that could again allow gas extraction to go ahead.

Response from General Manager, Development & Community Services

Council has no formal position on conventional gas extraction. Council did take a formal position however against onshore unconventional gas extraction (i.e. fracking) by participating in the Parliamentary inquiry that led to the State Government deciding to permanently ban onshore unconventional gas.

5. In what decade of the 21st century does the Colac Otway Shire Council propose to commence work on the extension of the centre strip, from Corangamite Street to Armstrong Street in Colac? This proposal has been out for some time with no indication of when it will be done, but only sometime in the future. Plus when is Council going to again follow up the urgency of pedestrian and traffic control lights being installed at the corner of Murray and Armstrong Streets in Colac?

Response from General Manager, Infrastructure & Leisure

The work that is occurring in the CBD Revitalisation project this year includes the installation of exposed aggregate concrete in the existing section of median strip to the east of Corangamite Street. The centre median strip from Corangamite Street to Armstrong Street was identified in the Colac CBD Masterplan, however the works funded in the current project do not extend to this section. Any work to be completed outside of the current scope will need to be planned and budgeted for and future works would be likely to require Council seeking external Government funding, State and Federal, to proceed.

In terms of the intersection at Murray Street and Armstrong Street, Council is not the responsible road authority for the installation of traffic lights at this intersection, but we do take these safety issues very seriously. As VicRoads are the responsible road authority for traffic lights, we have made their South West Regional office very aware of your concerns. We do note that Council has a history of discussing this intersection with VicRoads and as recently as July 2016 we sought advice and received written advice from them that they had no plans to carry out this project. We again raised the subject during a face to face meeting with them in September 2016, however, this intersection is still not considered a high priority by VicRoads for the installation of traffic signals. We do plan to raise this issue again with VicRoads in the first quarter of 2018.

6. **When will Colac Otway Shire Council consider having a meeting room for all Council, committee, workshops, briefing sessions etc. at a location not reliant on weather conditions if to proceed? It is a number of years since the din on the roof above the meeting chamber caused interruption of Council meetings, but this is always possible and has happened multiple times in the past few days. It would have been impossible to hold and continue a meeting due to the noise.**

Response from General Manager, Corporate Services

As heavy rain infrequently interrupts meetings at Colac Otway Shire, participants' judgements concerning short adjournments of meetings is encouraged should the noise levels be problematic. Should the Colac Otway Shire be in a position to consider new facilities in the future, it is likely sound-proofing will be considered.

Warrick Ballinger

1. **In your view, does a Ministerial call in provide the most democratic and grass roots opportunity for the Apollo Bay community and stakeholders, opposed to a true statutory planning process facilitated through local government and VCAT?**

Response from General Manager, Development & Community Services

The report before Council today provides an analysis of the options for a decision on the application, and requests that Council resolve a position on the matter today.

2. Given that Apollo Bay Community rejects the development as evidenced by our 600+ members, and the withdrawal of support of the development by the Apollo Bay Chamber of Commerce, isn't Council concerned about an increase in Community tension as the MCI route will be seen as big developer and cronies denying Community due process?

Response from General Manager, Development & Community Services

As noted with the previous question, Council is being requested through an officer report in this meeting's agenda to form a position on this matter.

3. As Speed has been noted as a result of MCI route, is Council not concerned that the Apollo Bay Community will not have sufficient and fair time to prepare expert reports?

Response from General Manager, Development & Community Services

Regardless of which pathway is chosen for a decision on the application, all submitters and relevant stakeholders will be afforded opportunity to prepare for any formal hearings of VCAT or Ministerial panel.

4. Given that the Development's suggested ties to State Policy are at best tenuous, and in the main contradictory to, shouldn't the issue be best dealt with via normal planning procedure?

Response from General Manager, Development & Community Services

The officer report to Council in this meeting's agenda analyses the issues for Council to consider in regard to this matter.

5. Is Council not concerned that the MCI route will alienate the host town of Apollo Bay, and result in Community backlash to tourism and visitors if there is the perception that MCI disadvantages Apollo Bay Community in favour of "big developer"?

Response from General Manager, Development & Community Services

Regardless of which pathway is chosen for a decision on the application, the application must be considered on its relative planning merits.

6. Is Council not concerned that the choice of MCI route will result in a panel being formed, the composition of which is entirely determined at State level?

Response from General Manager, Development & Community Services

Regardless of which pathway is chosen for a decision on the application, both VCAT members and Ministerial Advisory Panel members are nominated at a State level.

7. Given that the Application only offers accommodation, food and beverage, all of which are adequately catered for at Apollo Bay, and fails to offer Experience or Activity component, does this not suggest to Council that the aim of State Policy to increase length of stay is not being addressed at all, and therefore the decision making process should remain at local level?

Response from General Manager, Development & Community Services

Council will consider the merits of whether to request a Ministerial call-in of the application at its meeting today.

8. Given the applications myriad shortcomings at all levels of detail, across all aspects economic, ecological, social, and planning and infrastructure, doesn't Council think it is premature to suggest MCI?

Response from General Manager, Development & Community Services

As noted in answer to an earlier question, Council is being asked to consider the merits of whether to request a Ministerial call-in of the application at its meeting today. Regardless of who the decision maker is, all relevant issues will need to be appropriately addressed.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Tim Cobb, Skenes Creek

1. The Shire has invested quite heavily in the Colac 2050 Project with the Citizens' Jury and substantial community input into the process. Why did the Shire decide to do this and has it been worthwhile?

Response from General Manager, Development & Community Services

The 2050 Project itself is an initiative that has come out of the G21 Regional Growth Plan. It recognises Colac as an area for potential growth, extending from 12,000 up to 20,000 population approximately between now and 2050. The engagement process that has been undertaken for this project is quite significant which is reasonable considering it's a once-in-a-generation type planning project that is being undertaken. As part of that we have commenced using a using the Citizens' Jury process. It has its final session this Saturday. The feedback we have received after each session has been quite positive with the majority of those participating. We will continue to take feedback from those participating in the engagement of the 2050 process; can it enhance our processes and be used more broadly across the Council where appropriate?

2. If there was another town in the Shire with a once-in-a-generation planning opportunity that would lead to a huge increase in population over a much shorter period than until 2050, maybe in the next five years in a single development, would you therefore consider it appropriate to have a similar process for this other town, like Apollo Bay for example?

Response from General Manager, Development & Community Services

I think Council and officers are always open to opportunities to be innovative and creative on how we engage our communities in all projects in all townships. Every project on its day will be considered on its merit about how we best design its community engagement and we will continue to seek feedback from the community about how we are best to be doing that as well.

Is that a yes or a no?

Always open minded to it.

Tony Webber, Otway Forum

- 1. I would like to know when the proposed fire restrictions will be coming in; do we have a date?**

Response from General Manager, Development & Community Services

I don't think the actual date has been confirmed as yet. We expect it to be late November or early December. The fourth of December is the unconfirmed date; it is set by the Country Fire Authority, not Council. We will certainly put that information on our website as soon as it is available and I would encourage you to have a look.

- 2. My second question concerns the Barham River development. We have had tourist developments in the past that have turned into strata title. I'm concerned and I'm asking the Council is this possible with this development, that however many villas are to be built could be turned into strata title and we could have a number of subdivisions by that method?**

Response from General Manager, Development & Community Services

It certainly hasn't been suggested in the application, but we are aware that those issues have been raised by the community as well and it is something that would need to be seriously considered as part of assessing the application in the future, how to minimise those types of risks.

Yvonne Francis, Apollo Bay

- 1. I would like to ask the Mayor in particular, what responsibility do you bear for the social impact on the community of Apollo Bay, regarding the \$74 million Apollo Bay resort development?**

Response from the Mayor

As a Councillor I have to consider all aspects of the proposal - that's not on the agenda tonight - on the merits and shortcomings of the proposal. All Councillors have to consider all views of the community and make an informed decision.

- 2. My second question refers to extensive work being done over many weeks by VicRoads in Apollo Bay. Has the Council monitored the extensive works along the Great Ocean Road by VicRoads with regard to the severe impacts upon the people of the dust and also to the traffic trying to get through and around Apollo Bay?**

Response from General Manager, Infrastructure and Leisure Services

I will take that question on notice and examine what has been done down there and respond.

David Ritchie, Apollo Bay

1. In regard to the planning proposal at 275 Barham River Road, if the Councillors decided to adopt option two that is in the report, what strategy would the Shire use to collect and collate issues related to the local Council, so to allow Council to provide a more responsive position to the independent panel and the Minister, to ensure that the true welfare and benefit of our community are considered?

Response from General Manager, Development & Community Services

Council has with the application before us exhibited and received over 170 submissions. That information is obviously a key component of considering this application, if Council is to undertake that. Council also has various options to look at to further engage the community as well. The exhibition period also obviously clearly received significant feedback from the community that they can consider.

2. Relating to option two, what requirement is there for the Council to collect additional information regarding issues from the local community, other than what is required under the current planning process where you got the requirements now? What additional strategies might you put in place and are they required under the planning, or is it a choice of Council?

Response from General Manager, Development & Community Services

Council has exercised its statutory requirements for exhibiting for this application. That it has no other statutory requirement is my understanding at this point in time.

Response from Acting Chief Executive Officer

Just to clarify, all the submissions that the Council receives, should the Council go the route of the Ministerial call-in, all the submissions that the Council has received are passed onto the Minister for consideration. That is a given and it is a requirement upon Council. Over and above that, if the Council determines to have additional consultation in the community, that can be facilitated to then further inform any submission that the Council may make to the expert panel.

Helen Paatsch, Colac and Apollo Bay

1. Mr Mayor, I have two questions in reference to the article in today's *Colac Herald* and I note in the article concerning the Mayoral Chains that you wish to pay tribute to your predecessors by wearing the City of Colac Mayor Chains on appropriate occasions. These chains were in use for only 34 years from 1960 until 1994 and by only one of the three municipalities that merged to form the Colac Otway Shire. Do present day Councillors realise that the first Council of the Colac Otway Shire voted in 1994 to do away with such trappings of office? Mr Mayor, in paying tribute to Councillors who are recorded on the City of Colac Mayoral Chains, how do you plan to pay tribute to the trailblazers such as the late Council Shire President Betty Arrundell and to the many presidents of the shires of Colac and Otway in over a century of Local Government leadership?

And indeed Mr Mayor, to those Councillors, three I think, who sit at this table with you today and have held the office of Mayor, but whose office is not recorded on the Mayoral Chains of the former City of Colac.

Response from the Mayor

As you quite rightly say the Chains are one part of the deep history that Colac has and indeed the wider Shire has. The purpose of that was for me to bring them out so that we could use them and celebrate them, instead of them not being used. I understand that they are from a different period of time - I respect that - but I think because we have significant anniversaries coming up next year, in terms of the township of Colac itself, I thought it might be an appropriate time to use them. I understand they are not exactly, as you quite rightly say, Colac Otway Shire, but it was just to celebrate our history and our past.

2. How do you square that with Councillors Hart, Potter and Smith, who have also held that office, but are not recorded on any bit of chain?

Response from the Mayor

Their names are up there. [The Mayor gestured towards the Colac Otway Shire Mayor Honour Board]

Deb Tovey, Apollo Bay

1. My question is regarding the mega hotel that is being planned for Barham River Road. Is Council aware that Apollo Bay community perceives, rightly or wrongly, that the move to send this decision to the Minister is an attempt by the developer and associates to deny the democratic and orderly planning process?

Response from General Manager, Development & Community Services

We understand through emails there is a perception with part of the community that that's the reason this has been put before Council today. That however has not come from the developer; it is an officer recommendation and has no relevance to the developer at all.

2. Is the Council also aware that due to the sheer size of this development there has already been a grass roots alienation for tourism in general by the community of Apollo Bay? So now we are seeing people who are not seeing the benefits of tourism, in response to the sheer size of this development.

Response from General Manager, Development & Community Services

We have seen the emails and communications in recent times in the submissions regarding the community's concerns; yes we are aware.

Sonja Ballinger, Apollo Bay

1. Are you concerned that the traffic report in relation to the development at 275 Barham River Road is based on four night stays as being something they are aiming for? Yet statistically everyone

commercially in Apollo Bay knows the reality is it is a one night stay. Every other accommodation provider will tell you the same thing. If these numbers are misleading does that mean that the traffic report is also misleading? It's not based on reality.

Response from General Manager, Development & Community Services

Council will be considering reviewing all the detailed information provided as part of the application, including that. We haven't considered or formed an opinion on the traffic study as yet.

2. Given the scale of the development, which is catering for up to 1,648 beds plus staff and the location being in the water catchment area, is Council satisfied that the Barham River town water supply will not be compromised?

Response from General Manager, Development & Community Services

Officers will be reviewing that as part of a multitude of issues that need to be considered. They haven't formed a position on what those implications are, whether they be traffic, environment, etc. It's part of the work that is before us to do.

6. TABLING OF RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS

Margaret Saddlier, Colac

Could a bus shelter be erected outside the Barongarook Motel? The bus stop is there; it is opposite the Barongarook Retirement Village and also services residents from the units next to Baronga Motel, running up toward the Barongarook Creek. The transit bus is regularly used. I can't believe that a bus stop was put outside a retirement village without a shelter of some sort. I have had a request and I was just wondering, is there anything happening?

Response from General Manager, Infrastructure & Leisure Services

Council does not fund bus shelters. Council can, however, request that PTV fund the provision of bus shelters and Council would then manage the construction/installation of a bus stop. Officers will begin investigations into the viability of a shelter at this stop and will contact PTV to seek funding based on the outcome of those investigations. Officers will keep you informed of the progress.

Geoff Cole, Colac

Some time ago I was asking about the investigation of a purpose-built leaf machine for the Shire that would pick up all the leaves. I was wondering if there has been any more investigation into the simpler one that I put forward?

Response from General Manager, Infrastructure & Leisure Services

Council officers are currently in discussions with the company which manufactures the piece of equipment with a view to determining its cost and suitability for our use. We are also in discussions with local contractors who we believe may have equipment we could hire that could increase the efficiency of providing this additional service to this zone of Colac. We are really appreciative of Mr Cole's input and we will keep him informed of our decisions as we make them.

7. PETITIONS/JOINT LETTERS

Nil

8. DECLARATION OF INTEREST

Nil

9. CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on 25 October 2017.
- Special Council Meeting held on 8 November 2017.

RESOLUTION

MOVED Cr Jason Schram seconded Cr Terry Woodcroft

That Council confirm the minutes for the Ordinary Council Meeting held on 25 October 2017.

CARRIED 5:2

RESOLUTION

MOVED Cr Kate Hanson seconded Cr Jason Schram

That Council confirm the minutes of the Special Council Meeting held on 8 November 2017.

CARRIED 6 : 1

ORDINARY COUNCIL MEETING
**APOLLO BAY RESORT DEVELOPMENT -
PLANNING APPLICATION PP169/2017-1**
OM172211-1

LOCATION / ADDRESS	275 Barham River Road, Apollo Bay	GENERAL MANAGER	Gareth Smith
OFFICER	Doug McNeill	DEPARTMENT	Development & Community Services
TRIM FILE	F17/7572	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	To seek Council endorsement to invite the Minister for Planning to call in the planning permit application relating to 275 Barham River Road for a decision.		

ORIGINAL RECOMMENDATION

That Council:

- 1. Requests the State Minister for Planning to call in the consideration of Planning application PP169/2017-1 for a Residential Hotel and Leisure and Recreation Facility (integrated tourism resort) at 275 Barham River Road, Apollo Bay pursuant to Section 97 of the Planning & Environment Act 1987 on the basis that the proposal raises significant issues in relation to State regional development and tourism development objectives related to the Great Ocean Road as identified in Clause 11.07 Regional Victoria, Clause 11.09 Geelong (G21), Clause 12.02-4 Coastal tourism, Clause 12.02-6 Great Ocean Road Region and Clause 17.03 Tourism in the State Planning Policy Framework.*
- 2. Notes that should Council's request be accepted by the Planning Minister, it will retain the opportunity to present its position on the proposal before an independent Advisory Panel that would make recommendations to the Minister, ensuring that appropriate consideration is given to local objector concerns.*
- 3. Notes it will consider a report from Council officers on the planning merits of the permit application in the coming months so that Council can advocate its position on the proposal at any Advisory Panel hearing.*

ALTERNATIVE MOTION:

MOVED Cr Chris Smith seconded Cr Jason Schram

That Council does not request the State Minister for Planning to call in the consideration of Planning application PP169/2017-1 for a Residential Hotel and Leisure and Recreation Facility (integrated tourism resort) at 275 Barham River Road, Apollo Bay.

LOST 2 : 5

DIVISION

For the Motion: Cr Chris Smith, Cr Jason Schram

Against the Motion: Cr Stephen Hart, Cr Terry Woodcroft, Cr Kate Hanson, Cr Joe McCracken, Cr Chris Potter

RESOLUTION

MOVED Cr Chris Potter seconded Cr Terry Woodcroft

That Council:

1. *Requests the State Minister for Planning to call in the consideration of Planning application PP169/2017-1 for a Residential Hotel and Leisure and Recreation Facility (integrated tourism resort) at 275 Barham River Road, Apollo Bay pursuant to Section 97 of the Planning & Environment Act 1987 on the basis that the proposal raises significant issues in relation to State regional development and tourism development objectives related to the Great Ocean Road as identified in Clause 11.07 Regional Victoria, Clause 11.09 Geelong (G21), Clause 12.02-4 Coastal tourism, Clause 12.02-6 Great Ocean Road Region and Clause 17.03 Tourism in the State Planning Policy Framework.*
2. *Notes that should Council's request be accepted by the Planning Minister, it will retain the opportunity to present its position on the proposal before an independent Advisory Panel that would make recommendations to the Minister, ensuring that appropriate consideration is given to local objector concerns.*
3. *Notes it will consider a report from Council officers on the planning merits of the permit application in the coming months so that Council can advocate its position on the proposal at any Advisory Panel hearing.*

CARRIED 5 : 2

DIVISION

For the Motion: Cr Stephen Hart, Cr Terry Woodcroft, Cr Kate Hanson, Cr Joe McCracken, Cr Chris Potter

Against the Motion: Cr Chris Smith, Cr Jason Schram

Stewart Anderson attended the meeting at 4.52pm.
Melanesia Carson left the meeting at 5.34pm.

ORDINARY COUNCIL MEETING

WYE RIVER & SEPARATION CREEK BUSHFIRE FUNDING EXPENDITURE

OM172211-2

LOCATION / ADDRESS	Wye River / Separation Creek	GENERAL MANAGER	Gareth Smith
OFFICER	Gareth Smith	DEPARTMENT	Development & Community Services
TRIM FILE	F17/8706	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	This report provides a breakdown of grants received by Colac Otway Shire to support the recovery of Wye River and Separation Creek following the devastating Christmas Day 2015 bushfires, in accordance with the Notice of Motion of 28 June 2017.		

RESOLUTION

MOVED Cr Chris Smith seconded Cr Terry Woodcroft

That Council notes the report regarding Council's receipt and expenditure of grants in support of recovery efforts from the Wye River and Separation Creek bushfires.

CARRIED 7 : 0

Doug McNeill left the meeting at 5.46pm.

ORDINARY COUNCIL MEETING
DOMESTIC ANIMAL MANAGEMENT PLAN
OM172211-3

LOCATION / ADDRESS	Municipality	GENERAL MANAGER	Gareth Smith
OFFICER	Graeme Murphy	DEPARTMENT	Development & Community Services
TRIM FILE	F17/6616	CONFIDENTIAL	No
ATTACHMENTS	1. Colac Otway Shire Domestic Animal Management Plan 2017-2021 20171017		
PURPOSE	The purpose of this report is to present Council with the revised Domestic Animal Management Plan 2017-2021 for consideration for adoption.		

RESOLUTION

MOVED Cr Terry Woodcroft seconded Cr Chris Potter

That Council endorse:

- 1. The attached Domestic Animal Management Plan 2017-2021*
- 2. The Domestic Animal Management Plan 2017-2021 be submitted to the Secretary of the Department of Economic Development, Jobs, Transport and Resources in accordance with the provisions of the Domestic Animals Act 1994.*

CARRIED 6 : 1

DIVISION

For the Motion: Cr Stephen Hart, Cr Terry Woodcroft, Cr Kate Hanson, Cr Joe McCracken, Cr Chris Potter, Cr Jason Schram

Against the Motion: Cr Chris Smith

Robert Dobrzynski left the meeting at 5.47pm; returned at 5.49pm.

ORDINARY COUNCIL MEETING
MUNICIPAL EMERGENCY MANAGEMENT PLAN
OM172211-4

LOCATION / ADDRESS	Shire wide	GENERAL MANAGER	Gareth Smith
OFFICER	Simon Howland	DEPARTMENT	Development & Community Services
TRIM FILE	F17/6538	CONFIDENTIAL	No
ATTACHMENTS	1. MEMP - Version 3.1 - 17 October 2017		
PURPOSE	The purpose of this report is to present Council with the recently revised Municipal Emergency Management Plan for consideration for adoption.		

RESOLUTION

MOVED Cr Chris Potter seconded Cr Terry Woodcroft

That Council endorses the attached the Municipal Emergency Management Plan 2017-2020 (V3.1)

CARRIED 7 : 0

Tony McGann left the meeting at 5.56pm; returned at 5.59pm.
Errol Lawrence left the meeting at 6.01pm; returned at 6.04pm.

The meeting was adjourned for a short break at 6.07pm.
The meeting resumed at 6.14pm.

ORDINARY COUNCIL MEETING
**DESIGNATION OF CRESSY NEIGHBOURHOOD
SAFER PLACE - BUSHFIRE PLACE OF LAST RESORT**
OM172211-5

LOCATION / ADDRESS	Cressy Community Hall	GENERAL MANAGER	Gareth Smith
OFFICER	Simon Howland	DEPARTMENT	Development & Community Services
TRIM FILE	F17/6787	CONFIDENTIAL	No
ATTACHMENTS	1. NSP-BPLR Site Assessment Report - Cressy Community Hall and Front Yard		
PURPOSE	The purpose of this report is to seek Council endorsement to designate the Cressy Community Hall and associated front grounds as a Neighbourhood Safer Place - Bushfire Place of Last Resort.		

RESOLUTION

MOVED Cr Terry Woodcroft seconded Cr Jason Schram

That Council endorse the Cressy Community Hall and the front yard area as described and detailed within the attached NSP Site Assessment Report is designated as a Neighbourhood Safer Place- Bushfire Place of Last Resort.

CARRIED 7 : 0

Stewart Anderson left the meeting at 6.27pm.

ORDINARY COUNCIL MEETING
**BLUEWATER LEISURE CENTRE -
COMMUNITY JOINT USE AGREEMENT**
OM172211-6

LOCATION / ADDRESS	118 Hearn Street Colac	GENERAL MANAGER	Tony McGann
OFFICER	Ian Seuren	DEPARTMENT	Infrastructure & Leisure Services
TRIM FILE	F17/9255	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	To consider the Community Joint Use Agreement for the Bluewater Leisure Centre.		

QUESTIONS TAKEN ON NOTICE

Cr Chris Smith

1. Why wasn't the agreement in place before, even if it did not sunset until now? Why wouldn't you call it in earlier before you did the works? I am just trying to understand why are we entering into an agreement that I'm sure everyone is going to agree to, or I trust that they are. I still come back to the question, why wasn't it done before the building was done, renovated and extended?

Response from General Manager, Infrastructure and Leisure Services

I will need to take that question on notice and look back through the history of what we have been through to prepare this lease. I'd obviously then be happy to update Council on that process.

2. Can you disclose in relevance to the agreement, can you indicate to us that the current, or previous agreement with the stadium, the swimming pool and the gym is pretty much in keeping with what was there before? Is the stadium, the pool and the gym pretty much in line with how it was before?

Response from General Manager, Infrastructure and Leisure Services

I haven't read the previous agreement, so I would need to take that question on notice to be technical about it, but in general the terms I would have thought the answer to your question is yes.

ORIGINAL RECOMMENDATION

That Council:

- 1. Endorses the Bluewater Community Joint Use Agreement between Council, the Department of Education and Training and the Colac Secondary College for the term of 30 years.*
- 2. Agrees to make the key operational clauses within the Community Joint Use Agreement relating to community use of the facility available to the public, as approved by the Department of Education and Training.*
- 3. Authorises the Chief Executive Officer to perform all functions and exercise all powers of the Principal within the terms of the Agreement.*

ALTERNATIVE MOTION:

MOVED Cr Stephen Hart seconded Cr Chris Potter

That this matter be deferred so that it may be discussed at briefings with a view to discussing the availability of the agreement to the public.

CARRIED 6 : 1

DIVISION

For the Motion: Cr Chris Smith, Cr Stephen Hart, Cr Terry Woodcroft, Cr Kate Hanson, Cr Joe McCracken, Cr Chris Potter

Against the Motion: Cr Jason Schram

ORDINARY COUNCIL MEETING

PLANNING SCHEME AMENDMENT C96 - ANOMALIES AMENDMENT

OM172211-7

LOCATION / ADDRESS	Various site across Colac Otway Shire	GENERAL MANAGER	Gareth Smith
OFFICER	Sean O'Keeffe	DEPARTMENT	Development & Community Services
TRIM FILE	F17/4924	CONFIDENTIAL	No
ATTACHMENTS	1. Amendment C96 - Maps 2. Amendment C96 - Instructions, Notice of Prep, Clause 61.03, Explanatory Document		
PURPOSE	To inform Council of the public exhibition results and seek endorsement to submit the adopted Amendment, together with the prescribed information, to the Minister for Planning for approval.		

RESOLUTION

MOVED Cr Chris Smith seconded Cr Jason Schram

That Council:

- 1. Pursuant to section 29 of the Planning and Environment Act 1987, adopt Amendment C96 with minor changes.*
- 2. Pursuant to section 31 of the Planning and Environment Act 1987, submit the adopted Amendment, together with the prescribed information, to the Minister for Planning for approval.*

CARRIED 7 : 0

ORDINARY COUNCIL MEETING
**2030 GREATER VICTORIA COMMONWEALTH GAMES
BID PROJECT PREFEASIBILITY STUDY CONTRIBUTION**
OM172211-8

LOCATION / ADDRESS	Whole of municipality	GENERAL MANAGER	Errol Lawrence
OFFICER	Errol Lawrence	DEPARTMENT	Corporate Services
TRIM FILE	F17/6554	CONFIDENTIAL	No
ATTACHMENTS	1. 2030 Greater Victoria Commonwealth Games Bid		
PURPOSE	To provide Council with the background and information required for them to make an informed decision regarding a contribution being made to the 2030 Greater Victoria Commonwealth Games Bid Project Prefeasibility Study.		

ORIGINAL RECOMMENDATION

That Council commits \$3000.00 towards the 2030 Greater Victoria Commonwealth Games Bid Project Prefeasibility Study, to be paid from Business Improvements – Consultants Other, GL Code: 3001.360.405.

ALTERNATIVE MOTION:

MOVED Cr Chris Smith seconded Cr Chris Potter

That Council commits \$3000.00 towards the 2030 Greater Victoria Commonwealth Games Bid Project Prefeasibility Study, to be paid from Business Improvements – Consultants Other, GL Code: 3001.360.405, subject to:

- 1. Shepparton contributing their proportionate contribution.*
- 2. Council making no commitment to any further contributions.*
- 3. That in the event the proposal does not proceed, Council is refunded its contribution.*

CARRIED 7 : 0

Clare Wright left the meeting at 7.11pm; returned at 7.16pm.
Sarah Osborne left the meeting at 7.15pm.
Cr Stephen Hart left the meeting at 7.31pm; returned at 7.33pm.

ORDINARY COUNCIL MEETING
**CONSIDERATION OF CONTRACTS (CONTRACT 1729 -
DESIGN AND CONSTRUCT - RAFFERTYS ROAD BRIDGE)**
OM172211-9

LOCATION / ADDRESS	Gellibrand	GENERAL MANAGER	Errol Lawrence
OFFICER	Andrew Kavanagh	DEPARTMENT	Corporate Services
TRIM FILE	F17/8655	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	Council approval is required to award Contract 1729 - Design and Construct - Raffertys Road Bridge.		

QUESTIONS TAKEN ON NOTICE

Cr Chris Smith

1. How many bridges do we have that need to be replaced ASAP?

Response from General Manager, Infrastructure and Leisure Services

In terms of the number of bridges that need to be replaced ASAP we have in the order of, if memory serves me correct, about 190 bridges or major culverts. I'd have to take that question on notice, but I would be happy to report to Council the condition rating of those structures in the future.

2. Would it be right to say that there is a substantial number [of bridges] that have significant weight limits, or very low weight limits, or are at the very end of their lives where they need to be replaced very soon?

Response from General Manager, Infrastructure and Leisure Services

There would be a number in that condition and as I've said, I would be more than happy to take the question on notice and perhaps bring a report back to Council on the condition of our bridge stock early in the new calendar year.

RESOLUTION

MOVED Cr Chris Smith seconded Cr Terry Woodcroft

That Council:

- 1. Awards Contract 1729 for Design and Construct – Rafferty Road Bridge to VEC Civil Engineering Pty Ltd at the lump sum price of \$367,641.00 (excluding GST).*
- 2. Authorises the Chief Executive Officer to sign and place under council seal the contract documents following award of Contract 1729.*

CARRIED 7 : 0

Andrew Kavanagh left the meeting at 7.41`pm.

ORDINARY COUNCIL MEETING
PROPOSED COUNCIL MEETING DATES 2018
OM172211-10

LOCATION / ADDRESS	Whole of municipality	GENERAL MANAGER	Errol Lawrence
OFFICER	Sarah McKew	DEPARTMENT	Corporate Services
TRIM FILE	F17/6554	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	To confirm the scheduling of Council meeting dates for 2018.		

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council:

1. *confirms the meeting dates and venues for Ordinary Council meetings for 2018 to commence at 4pm as follows:*

- | | |
|---------------------------------------|---|
| • <i>Wednesday, 24 January 2018</i> | <i>COPACC – Colac</i> |
| • <i>Wednesday, 28 February 2018</i> | <i>COPACC – Colac</i> |
| • <i>Wednesday, 28 March 2018</i> | <i>Apollo Bay Senior Citizens' Centre</i> |
| • <i>Wednesday, 18 April 2018</i> | <i>COPACC – Colac</i> |
| • <i>Wednesday, 23 May 2018</i> | <i>COPACC – Colac</i> |
| • <i>Wednesday, 27 June 2018</i> | <i>COPACC – Colac</i> |
| • <i>Wednesday, 25 July 2018</i> | <i>COPACC – Colac</i> |
| • <i>Wednesday, 22 August 2018</i> | <i>Beeac Recreation Reserve Hall</i> |
| • <i>Wednesday, 26 September 2018</i> | <i>COPACC – Colac</i> |
| • <i>Wednesday, 24 October 2018</i> | <i>Apollo Bay Senior Citizens' Centre</i> |
| • <i>Wednesday, 28 November 2018</i> | <i>COPACC – Colac</i> |
| • <i>Wednesday, 12 December 2018</i> | <i>COPACC – Colac</i> |

2. *confirms the meeting dates and venues for the Planning Committee meetings for 2018 to commence at 4pm as follows:*

- | | |
|--------------------------------------|----------------------|
| • <i>Wednesday, 14 February 2018</i> | <i>COPACC, Colac</i> |
| • <i>Wednesday, 14 March 2018</i> | <i>COPACC, Colac</i> |

- | | |
|---------------------------------------|----------------------|
| • <i>Wednesday, 11 April 2018</i> | <i>COPACC, Colac</i> |
| • <i>Wednesday, 9 May 2018</i> | <i>COPACC, Colac</i> |
| • <i>Wednesday, 13 June 2018</i> | <i>COPACC, Colac</i> |
| • <i>Wednesday, 11 July 2018</i> | <i>COPACC, Colac</i> |
| • <i>Wednesday, 8 August 2018</i> | <i>COPACC, Colac</i> |
| • <i>Wednesday, 12 September 2018</i> | <i>COPACC, Colac</i> |
| • <i>Wednesday, 10 October 2018</i> | <i>COPACC, Colac</i> |
| • <i>Wednesday, 14 November 2018</i> | <i>COPACC, Colac</i> |

CARRIED 5 : 2

DIVISION

For the Motion: Cr Stephen Hart, Cr Terry Woodcroft, Cr Kate Hanson, Cr Joe McCracken, Cr Chris Potter

Against the Motion: Cr Chris Smith, Cr Jason Schram

ORDINARY COUNCIL MEETING
**APPOINTMENT OF MEMBERS TO YEO RECREATION
RESERVE COMMITTEE OF MANAGEMENT**
OM172211-11

LOCATION / ADDRESS	10 Kettles Road Yeo	GENERAL MANAGER	Errol Lawrence
OFFICER	Errol Lawrence	DEPARTMENT	Corporate Services
TRIM FILE	11/96659	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	To endorse the addition of two new members to the committee of management		

QUESTIONS TAKEN ON NOTICE

Cr Chris Smith

I am assuming that there are two vacant positions available on the committee?

Response from General Manager, Corporate Services

We are not sure, so I'll take that on notice and advise you of that.

RESOLUTION

MOVED Cr Terry Woodcroft seconded Cr Kate Hanson

That Council:

- 1. Pursuant to section 86 of the Local Government Act 1989, resolves to endorse the appointment of additional members Lachlan Veale and Simon Dewar to the Yeo Recreation Reserve Committee of Management until the current term expires on 24 July 2019.*
- 2. In accordance with section 81(2)(a) 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.*

CARRIED 7 : 0

ORDINARY COUNCIL MEETING
**APPOINTMENT OF MEMBERS TO THE BIRREGURRA
HALL COMMITTEE OF MANAGEMENT**
OM172211-12

LOCATION / ADDRESS	Birregurra	GENERAL MANAGER	Errol Lawrence
OFFICER	Sarah McKew	DEPARTMENT	Corporate Services
TRIM FILE	F17/6554	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	To ratify the appointment of the Birregurra Hall Committee of Management		

RESOLUTION

MOVED Cr Kate Hanson seconded Cr Chris Potter

That Council:

- Pursuant to section 86 of the Local Government Act 1989, resolves to appoint the following nominated members to the Birregurra Hall Committee of Management until November 2020:*
 - *Desma Hutchinson*
 - *Chris Barter*
 - *Ian Court*
 - *Vicki Jeffrey*
 - *Lance Rawling*
 - *Wendy James*
 - *Simon Oldfield*
 - *Linda McCormack*
 - *Ian Fox*
 - *Brian Lawrence*
 - *Seona Gunn.*
- 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.*

3. *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.*

CARRIED 7 : 0

ORDINARY COUNCIL MEETING
ASSEMBLY OF COUNCILLORS
 OM172211-13

LOCATION / ADDRESS	Whole of municipality	GENERAL MANAGER	Errol Lawrence
OFFICER	Sarah McKew	DEPARTMENT	Corporate Services
TRIM FILE	F17/6554	CONFIDENTIAL	No
ATTACHMENTS	1. Assembly of Councillors - Councillor Briefing - 18 October 2017 2. Assembly of Councillors - Councillor Briefing - 25 October 2017 3. Assembly of Councillors - Lake Colac Advisory Committee - 31 October 2017 4. Assembly of Councillors - Councillor Briefing - 1 November 2017 5. Assembly of Councillors - Councillor Briefing - 8 November 2017 6. Assembly of Councillors - Colac Regional Saleyards - 20171110		
PURPOSE	To report the Assemblies of Councillors		

REPORTING

1. The Assemblies of Councillors are reported herewith
2. The *Local Government Act 1989* does not require a Council decision.

DETAILS

The following Assemblies of Councillors have been held and are attached to this report for noting:

Councillor Briefing	18 October 2017
Councillor Briefing	25 October 2017
Lake Colac Advisory Committee	31 October 2017
Councillor Briefing	1 November 2017
Councillor Briefing	8 November 2017
Colac Saleyards Advisory Committee	10 November 2017

Cr Chris Smith wishes it recorded his objection to there being no vote on the Assembly of Councillors report.

The Meeting Was Declared Closed at 8.03pm

CONFIRMED AND SIGNED at the meeting held on 13 DECEMBER 2017


.....MAYOR