

MINUTES of the **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held in the COPACC Meeting Room, Rae Street, Colac on Tuesday, 26 February 2008 at 3.00 pm.

---

**1. PRESENT**

Cr. Chris Smith (Mayor)  
Cr. Joe Di Cecco  
Cr Tony Graham  
Cr Fran Lehmann  
Cr. Peter Mercer  
Cr. Warren Riches

Tracey Slatter, Chief Executive Officer

Colin Hayman, General Manager, Corporate & Community Services  
Gary Dolan, General Manager, Infrastructure  
Jack Green, General Manager, Sustainable Planning & Development  
Doug McNeill, Manager, Planning & Building

Althea Wright, Executive Officer

**2. APOLOGIES**

Nil

**3. QUESTION TIME**

**Questions Received in Writing Prior to the Meeting**

Lyn Foster, Friends of the Library

**1. To whom has the Council, or the Shire applied for funding for the joint use library?**

*Two formal funding submissions for the Joint Use Library have been submitted:*  
*(i) State Government Department for Planning and Community Development;*  
*and*  
*(ii) Federal Government Department of Infrastructure, Transport, Regional Development and Local Government.*

**2. What is the amount sought in each case?**

*The State Government application seeks \$1.5 million and the Federal Grant allocated \$272,000 to the development of the Joint Use Library. Both these applications are subject to whether or nor Council proceeds with the library. Council has made it clear that it has not made a decision as to whether or not to proceed.*

**3. Could you please tell me where in the new joint use library plan, are the teachers reference/resource section, and the community library reference section.**

*The current plans are at a concept stage only. If Council proceeds with the library proposal the next stage of detailed design will identify the various sections. The Joint Use Library Sub-committee will continue to have input to this.*

Ray Ensley

**1. How much is Council/Shire currently in debt?**

*Colac Otway Shire has significantly reduced its debt over the past few years. In 2003/04 Council's debt was \$4.87m. At the end of the 2007/08 budget year it is projected to be \$2.98m. Council's debt is well below the allowable levels set by Local Government Prudential Guidelines and according to the Auditor General's report Colac Otway's debt levels are similar to the average for other large rural councils.*

**2. If the joint use library plan goes ahead how much does Council/Shire expect to have to contribute?**

*Financial costings are still being finalised however it is currently estimated that Council would need to contribute \$1.5m towards the \$6m facility.*

**3. From where have loans or grants been sought for the joint use library and for how much are the loans sought or the grants expected?**

*Grants as per previous question.*

*At this stage no loans have been sought for the Joint Use Library Project.*

**4. What level of debt does Council/Shire regard as its upper limit?**

*A detailed paper is currently being prepared on the financing options for the Library which will include information on debt.*

*The current Strategic Resource Plan(SRP) indicates that the Shire will have the capacity to borrow up to \$6m by 2010/11 and this is well within Local Government Prudential Guidelines.*

**5. In her response to the financial criticisms by the Auditor General, which is itself part of the Auditor General's report, the CEO stated that Council will achieve many things including ".....a reduction in loan liability". How can one reconcile that commitment to the Auditor General with the plan to move the library to the planned joint use facility which will increase Council/Shire debt by at least \$1m and possibly more?**

*Based on the current Strategic Resource Plan the Borrowing Position will continue to reduce. Council has no plans or made any decision to increase debt. If Council decides to increase its borrowings, the Strategic Resource Plan will need to be revised.*

**• Preliminary Designs for the Joint Use Library – the Pack and Green Survey Form**

**Recently the Shire issued a media statement stating that they had received 223 survey feedback forms, 36 written submissions and 91 postcards. The Shire**

spokesperson declined to give further information about the results on the 223 feedback forms, the Green Forms.

6. **Why did the Shire decline to release the feedback information to the media, and hence to the community?**

*As previously indicated in Council Reports the feedback from the Community Consultation Process and financial considerations will be considered at the March 2008 Council meeting. The collation and analysis of this information takes considerable time and continues to be analysed.*

7. **When will that information be released to the community?**

*As above*

8. **How will that information be released to the community?**

*In summary form as part of the March Council report, submissions are not made public, in full, due to adherence to the Privacy Act.*

- **Special meeting of Councillors**

**A special meeting of Councillors was held on Wednesday 20<sup>th</sup> February, 2008 to hear people who had made submissions to Council and who had stated in their submission that they wished to be heard. It appeared that only one person had so applied to be heard. That person was notified on Monday 18<sup>th</sup> February, 2008 to attend the meeting to be heard. Subsequently three members of Friends of Colac Library were invited to speak to submissions although they had not formally sought to be heard. At the meeting it transpired that another person had formally applied but the application had been overlooked.**

9. **This was a meeting open to the public. Why was it not advertised to the community?**

*Council has not held a special meeting of Council. The session on 20 February 2008 was a submission hearing forum to hear verbal submissions. All Councillors were invited to attend the forum.*

*The forum is not a committee of Council and no minutes are taken. The purpose is for Councillors to listen and ask questions but not to resolve, negotiate or give direction on issues. It is not a decision making forum.*

*The public notice seeking submissions outlined the consultation process including the date for hearing submissions. This process is consistent with Council Policy and Procedures. Details were also available on Council's website.*

10. **Many members of the community were/are unaware of Council policy which requires a written request to be heard in support of a submission. The CEO did advertise this requirement in a 1½ line statement in a half page advertisement in The Colac Herald, page 3, on Christmas Eve last.**

**This requirement was not even included on the Green Survey Form or the preamble page of the Preliminary Designs for the Joint Use Library with the**

result that nobody who submitted a Green Form was permitted to be heard in support of their submission.

**Why was this Council policy requirement not included on the Green Form?**

*Colac Otway Shire is one of the few councils that enables people to make a verbal presentation in support of their written submission on any policy proposal.*

*The process is in line with Council’s Community Consultation and Engagement Policy, which states:*

*“The public notice or letter seeking submissions to a document or proposal should outline the consultation process and make it clear that anyone requesting to make a verbal submission in support of their written submission must put this in writing as part of their written submission.*

*The notice should also make clear the date for hearing submissions.”*

*Council’s advertisement included this in the same manner as for all other similar processes. Details were also included on Council’s website.*

- **Eliminyt Natural Gas Scheme**  
**Council organised several community meetings at the early stage of this project to inform affected ratepayers and residents. Following those meetings, Council/Shire organised a written survey (Survey 1) of affected ratepayers and residents. Some weeks after the results of Survey 1 were known, Council/Shire conducted a second survey (Survey 2). Please answer the following questions for both Survey 1 and 2.**

**11. How many Ratepayers/residents were surveyed?**

*It is important to note that the Eliminyt Gas Scheme is a special charge scheme in which property owners must share the full cost of implementation. In light of this and legislative requirements, Council conducted a survey process prior to committing to the Scheme. The survey results are as follows (reference: OM062806-24 Eliminyt Natural Gas Project Update).*

<b>Survey 1</b>		
Total surveys sent	576	
Total returned	491	(85%)
Ratepayers that stated they <u>would</u> consider connection to natural gas if available	324	56%
Ratepayers that stated they <u>may</u> consider connection to natural gas if available	69	12%
Ratepayers that stated they would be prepared to pay for the connection	287	50%

<b>Survey 2</b>		

Total surveys sent	621	
Total returned	508	(82%)
Ratepayers that stated they <u>would</u> consider connection to natural gas if available	417	67%
Ratepayers that stated they <u>may</u> consider connection to natural gas if available	28	4%
Ratepayers that stated they would be prepared to pay for the connection	365	59%

**12. How many responded to the survey?**

See above.

**13. What were the results of the survey?**

See above.

Phil Lawson

**At the January Council Meeting I posed a question about the serious and permanent loss of over 50% of the wetland area and habitat on the Barham River floodplain that would occur with the C29 Amendment proposal. In his reply, Mr. Jack Green stated that there would be a net benefit to the environment. Since then it has come to my attention that Mr Green was unaware of the commitment in May 2007 by the Southern Otway Landcare Network [SOLN] and the Otway Barham Landcare Group to proceed with the rehabilitation of the Barham estuary, regardless of whether the C29 Amendment proposal proceeds or not.**

**I fear that the Councillors are unaware that the Panel Report is misleading on this issue. The environmental benefits of the C29 Amendment proposal are non-existent and its damage to the environment would be permanent. The Planning Department has a copy of the Landcare commitment letters dated May 2007. Will Councillors be given a copy of the SOLN letter of Dr Simon Pockely dated 6th May 2007 so they are aware of Landcare's position?"**

*The letter referred to is from Dr Simon Pockley of the Southern Otway Landcare Network to Mr Phil Lawson, dated 6 May 2007. The letter was included as an attachment in a supplementary submission made by Mr Lawson to the Panel on cut and fill and flood velocity maps in May 2007. The Panel considered Mr Lawson's submission and the letter from Dr Pockley before finalising the Panel report into Amendment C29.*

*As part of the process to assist Council in preparing its supplementary submission on cut and fill and flood velocity maps in May 2007, all supplementary submissions (including Mr Lawson's and the letter from Dr Pockley) were provided to Councillors as part of a Councillor briefing held on 30 May 2007.*

*It is understood that Landcare is a key element of restoration of degraded landscapes and that Landcare may have a future role in assisting with revegetation of the Barham River Estuary, either as part of the Great Ocean Green Development or not, but necessarily with*

*the agreement of the landowner. To answer Mr Lawson's question, Councillors were provided with a copy of Dr Pockley's letter on 30 May 2007.*

Wendy L Ellwood

**Tendering -**

- i) Has the tendering process commenced on any part of the Beechy Centre Schools building projects?**

*The tendering process is being carried out by the Department of Education and Early Childhood Development. So far there have been tenders for Architectural Services and Stage 1 of the Beechy Centre. Council is not a party to the tendering process for the construction of the School.*

- ii) Have tenders been advertised and, if so:**

- a) On what date?**  
**b) Where?**

*Tenders are advertised by the Department of Education and Early Childhood Development.*

**Conflict of Interest Issues -**

**With regard to 'conflict of interest' issues, what processes have been put in place in relation to the Beechy Centre Schools project, including tendering, to exclude this occurring?**

*Tendering has been carried out in accordance with State Government Guidelines. With respect to Stage 1 of the building works there was an independent audit and review process carried out further to the tender process.*

**Probity Auditing -**

**Will Council engage a Probity-Auditor in connection with the Beechy Centre Schools Project to ensure public funds are used appropriately?**

*Council will be involved in the assessment of any joint use projects that may proceed to ensure that public funds are used appropriately.*

Rod Spence, CORRA

- 1. In relation to Council's arrangement with Otways tourism Inc, CORRA understands that Council planned to pay or otherwise contribute \$100,000 to Otways tourism for the 2006/07 financial year. Please advise:**

- (a) The amount actually paid/contributed to Otways Tourism Inc for 2006/07 including "in kind" contribution (if any). Is this figure inclusive of GST?**

*The actual cash payment made to Otways Tourism Inc. in 2006-7 was \$100,000.00 Exclusive of GST.  
No 'in kind' included.*

- (b) The expected amount for 2007/08. Is this figure inclusive of GST?**

*\$175,000 Exclusive of GST*

**(c) Does Council or Otways Tourism Inc claim back the GST?**

Council claims all GST input tax credits that are legally claimable in line with relevant taxation legislation. If council receives a complying tax invoice then we will claim the GST input credit. Otways Tourism do provide complying tax invoices therefore we do claim an input tax credit.

**2. In 2006 Council had in its Strategic Asset Management Plan a proposal to reduce Council's buildings by 5% (in value) over five years.**

**(a) What is the percentage reduction in buildings from 2006 to date? Which Council buildings were disposed of since 2006?**

*No Council buildings have been disposed of since 2006.*

**(b) What are Council's plans in relation to building disposal from now for the remaining 3 years of the plan?**

*The Infrastructure & Services Department is to prepare elements of a Building Asset Management Plan as part of a service level review to be undertaken in 2007/08. This review will have a specific focus on the development of an asset strategy which is aligned with Council's service delivery goals in order to address issues of property redundancy and under utilisation.*

**3. In relation to the Otway Ward by-election:**

**(a) Are completed ballot papers going to be stored at any Council office at any time from the date they are returned by voters until 15 March 2008 (being the date they are counted)?**

Yes

**(b) If so, how will the completed ballot papers be kept secure on Council premises? Who will have access to them?**

*The completed papers will be kept in a secure box and locked area. The box will be accessible by authorised Council and VEC staff. Completed ballot papers will not be accessible by anyone.*

**(c) Will any Council Officer have access to completed ballot papers at any time.**

No

**(d) What security measures will prevent unauthorized access to the completed ballot papers?**

*The ballot box is sealed with numbers of the seals recorded by the Returning Officer for the election. The Returning Officer is employed by the Victorian Electoral Commission.*

*In summary it is important to note that it is the Victorian Electoral Commission (and not Council) who is administrating the By-election. Council is operating under VEC instruction.*

Stephen Hart, CORRA

- 1. CORRA strongly supports the retention of School Crossing Supervisors and notes that the Municipal Association of Victoria (MAV) is reportedly reviewing the operations of School Crossing Supervisors.**

*The MAV/VicRoads Liaison Group is undertaking a review of the school crossing supervisors program. The review will not consider a downgrade of the service as reported by some media outlets recently, but rather will seek to examine the service including interstate and overseas models to improve the effectiveness of the service, enhance safety and get the delivery model right. Key drivers for the review are to ensure more effective policy development and coordination, a safe working environment for supervisors and that ongoing funding arrangements and workforce retention issues are addressed. A report is expected to be provided to the group in the coming months, with recommendations to be finalised and presented to the State for consideration.*

**Does Council give a commitment that School Crossing Supervisors will be retained in Colac Otway Shire? If not, what is Council's intention?**

*Council has no plans to consider the withdrawal of the School Crossing Supervisor program and sees it as a vital service in ensuring the safety of our community's most precious asset, our children.*

*While State government funding for this service has declined in a percentage sense over the years to around 30% of the cost of the service, Council continues to fund this important service and believes that the Colac Otway community would wish this to continue into the future, even though ratepayer subsidy has increased.*

- 2. CORRA understands that the Council is reviewing the employment conditions of School Crossing Supervisors. Does Council give a commitment that School Crossing Supervisors will have retained or improved pay and employment conditions?**

*Council's Organisational Support & Development (Human Resources) Unit in consultation with the School Crossing Supervisors and the Australian Services Union is reviewing the implications of changes to federal government legislation relating to the payment of leave loading in lieu of receiving leave entitlements. Outcomes of this review will be in line with Colac Otway Shire's legislative obligations including the Colac Otway Shire Enterprise Agreement 2006 which is binding on Council, its employees and the relevant representative Unions.*

- 3. Is Council going to reduce the pay to School Crossing Supervisors?**

*Please see previous response.*

## **Questions Received Verbally at the Meeting**

John Spencer, Apollo Bay

**In reference to the C55 Report, page 71, what panel hearing is referred to and why and what will occur if the Panel are in favour of the submissions?**

*Jack Green, General Manager, Sustainable Planning & Development advised that this is the Panel to hear submissions for the C55 Amendment. Mr Green further advised that he is aware of Mr Spencer having raised issues with the Minister for Planning and that the process undertaken by Council is clear and correct.*

Peter Jacob, Wye River

- 1. In reference to the Kennett River, Wye River & Separation Creek Structure Plan Report, Mr Jacob advised that there are still anomalies and a number of inconsistencies relating to a reference to Scully Mill and a pedestrian trail through this area.**

*Jack Green, General Manager, Sustainable Planning & Development, adjustments had been made to the Plan and that the pedestrian trail is for future consideration.*

*Tracey Slatter, Chief Executive Officer further advised that Council had considered submissions and the final plan reflected that Council agreed with some issues submitted but not all.*

- 2. If the Plan is ratified what recall do I have?**

*Tracey Slatter, Chief Executive Officer advised that if this report was adopted, under the process for the Planning Scheme Amendment further opportunity to present to Council would be available.*

- 3. Would the Council notify of a Panel Hearing?**

*Tracey Slatter, Chief Executive Officer advised that all submitters would be notified of the steps involved.*

- 4. PRESENTATION OF MAYORAL AWARDS**

The Mayor announced Ms Robyn Alexander as the Mayoral Volunteer Award winner for the month of February 2008.

The Mayor announced Mr Jonathan Graham as the Mayoral Youth Award winner for the month of February 2008.

- 5. DECLARATION OF INTEREST**

Cr Di Cecco: OM082602-14 – Amendment C55 (Planning Scheme Review)  
Consideration of Submissions  
Nature of Disclosure: Conflict of Interest  
Nature of Interest: Part owner of property effected by Apollo Bay  
Structure Plan

## 6. CONFIRMATION OF MINUTES

- Ordinary Meeting of the Colac-Otway Shire Council held on the 30/01/08.

### Resolution

***MOVED Cr Graham seconded Cr Riches that Council confirm the above minutes.***

**CARRIED 6 : 0**

## **OFFICERS' REPORTS**

### **Chief Executive Officer**

OM082602-1	CEO'S PROGRESS REPORT TO COUNCIL
OM082602-2	MAV RULE CHANGE: VOTING ENTITLEMENTS AT STATE COUNCIL
OM082602-3	COLAC OTWAY SHIRE MAYORAL AWARDS
OM082602-4	COUNCIL APPOINTMENTS TO INTERNAL COMMITTEES AND EXTERNAL BODIES
OM082602-5	BETTER LOCAL GOVERNANCE - CONSULTATION PAPER

### **Corporate and Community Services**

OM082602-6	FINANCIAL PERFORMANCE REPORT
OM082602-7	BIRREGURRA PUBLIC HALL COMMITTEE OF MANAGEMENT
OM082602-8	ALTERNATIVE HYDROTHERAPY OPTIONS
OM082602-9	GENERAL ELECTIONS 2008

### **Infrastructure**

OM082602-10	CONTRACT APPROVAL CONTRACT 0713 CRESSY-SHELFORD ROAD PAVEMENT REHABILITATION
-------------	--

### **Sustainable Planning and Development**

OM082602-11	BIRREGURRA PARK MASTER PLAN
OM082602-12	REPORT OF EXPERT REVIEW OF COLAC OTWAY LOCAL PLANNING POLICY FRAMEWORK
OM082602-13	AMENDMENT C27 (HERITAGE OVERLAY) – PART ADOPTION OF AMENDMENT
OM082602-14	AMENDMENT C55 (PLANNING SCHEME REVIEW) - CONSIDERATION OF SUBMISSIONS
OM082602-15	KENNETT RIVER, WYE RIVER & SEPARATION CREEK STRUCTURE PLANS - CONSIDERATION OF ADOPTION

## CONSENT CALENDAR

### OFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<p><b><u>CHIEF EXECUTIVE OFFICER</u></b></p> <p><b><u>M082602-1 CEO'S PROGRESS REPORT TO COUNCIL</u></b></p> <p>Department: Executive</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council receive the CEO's Progress Report to Council for information.</i></b></p>	Cr Di Cecco	
<p><b><u>OM082602-2 MAV RULE CHANGE: VOTING ENTITLEMENTS AT STATE COUNCIL</u></b></p> <p>Department: Executive</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <p><b><i>(i) Strongly endorses the proposed change in rules for MAV voting entitlements so that at any meeting of State Council, the representative of each participating council member will have one vote on any motion or amendment; and</i></b></p> <p><b><i>(ii) Also supports a majority of votes of over 50% being needed to carry a motion (for example 60-70%) as this would help manage the possibility of a "divide" between smaller and larger councils.</i></b></p>		
<p><b><u>OM082602-3 COLAC OTWAY SHIRE MAYORAL AWARDS</u></b></p> <p>Department: Executive</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council endorse the attached policy "Colac Otway Shire Mayoral Awards"</i></b></p>		

<p><b><u>OM082602-4 COUNCIL APPOINTMENTS TO INTERNAL COMMITTEES AND EXTERNAL BODIES</u></b></p> <p>Department: Executive</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council reconsider its appointments to Internal Committees and External Bodies at its April 2008 meeting.</i></b></p>		
<p><b><u>OM082602-5 BETTER LOCAL GOVERNANCE - CONSULTATION PAPER</u></b></p> <p>Department: Executive</p> <p><b><u>Recommendation</u></b></p> <p><b><i>That Council endorse the submission to Local Government Victoria in relation to the Better Local Governance Consultation Paper.</i></b></p>	Cr Riches	

***MOVED Cr Di Cecco seconded Cr Lehmann that recommendations to items listed in the Consent Calendar be adopted.***

***CARRIED 6 : 0***

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

D = Discussion

W = Withdrawal

ITEM	D	W
<p><b><u>CORPORATE AND COMMUNITY SERVICES</u></b></p> <p><b><u>OM082602-6 FINANCIAL PERFORMANCE REPORT</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation</u></b></p> <p><i>That the Financial performance Report to the end of January 2008 be received.</i></p>		
<p><b><u>OM082602-7 BIRREGURRA PUBLIC HALL COMMITTEE OF MANAGEMENT</u></b></p> <p>Department: Corporate &amp; Community Services</p> <p><b><u>Recommendation</u></b></p> <p><i>That Council approve the appointment of Brian Lawrence to the Birregurra Hall Committee of Management.</i></p>		
<p><b><u>OM082602-8 ALTERNATIVE HYDROTHERAPY OPTIONS</u></b></p> <p>Department: Corporate &amp; Community Services</p> <p><b><u>Recommendations</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Takes no further action at this time on investigating hydrotherapy pools.</i></b></li> <li><b><i>2. Takes the opportunity to continue to advocate for the need of hydrotherapy for people within the Shire when available.</i></b></li> <li><b><i>3. Advises the Warm Water Exercise Pool Community Fundraising Committee of these recommendations.</i></b></li> </ol>		Cr Graham

**OM082602-9 GENERAL ELECTIONS 2008**

Department: Corporate & Community Services

**Recommendation(s)*****That Council***

1. ***Engages the Municipal Association of Victoria (MAV) to provide services to it relating to the tendering for electoral services and appoints the MAV as its agent for the purposes of conducting that tender process;***
2. ***Pursuant to Section 41A of the Local Government Act 1989 resolves to conduct its 2008 general election exclusively by postal voting.***

***MOVED Cr Riches seconded Cr Di Cecco that recommendations to items listed in the Consent Calendar, with the exception of items OM082602-8, be adopted.***

***CARRIED 6 : 0***

***OM082602-8***

***MOVED Cr Graham seconded Cr Mercer that Council***

1. ***Takes no further action and not allocate further resources at this time on investigating or implementing hydrotherapy pools.***
2. ***Takes the opportunity to continue to advocate for the need of hydrotherapy for people within the Shire when available.***
3. ***Advises the Warm Water Exercise Pool Community Fundraising Committee of these recommendations.***

***CARRIED 5 : 1***

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

D = Discussion

W = Withdrawal

ITEM	D	W
<p><b><u>INFRASTRUCTURE</u></b></p> <p><b><u>OM082602-10 CONTRACT APPROVAL CONTRACT 0713</u></b>  <b><u>CRESSY-SHELFORD ROAD PAVEMENT</u></b>  <b><u>REHABILITATION</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council awards Contract 0713 for Cressy - Shelford Road Pavement Rehabilitation to Draper's Civil Contracting Pty. Ltd. at the tender price of \$299,728 (excluding GST).</i></b></p>		

***MOVED Cr Riches seconded Cr Di Cecco that recommendations to items listed in the Consent Calendar be adopted.***

***CARRIED 6 : 0***

## CONSENT CALENDAR

### OFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W		
<p><b><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></b></p>				
<p><b><u>OM082602-11 BIRREGURRA PARK MASTER PLAN</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Notes that significant community consultation has occurred for the development of the Birregurra Park Master Plan including two community meetings and the opportunity for the Birregurra and district community to provide feedback.</i></b></li> <li><b><i>2. Notes that nineteen submissions were received and incorporated into the Birregurra Park Master Plan.</i></b></li> <li><b><i>3. Considers future funding applications to complete components off the Birregurra Park Master Plan via STIP applications, Capital Works budget bids and other Council funding streams via ongoing consultation with the Birregurra community.</i></b></li> <li><b><i>4. Adopt the Birregurra Park Master Plan.</i></b></li> </ol>			Cr Graham	
<p><b><u>OM082602-12 REPORT OF EXPERT REVIEW OF COLAC OTWAY LOCAL PLANNING POLICY FRAMEWORK</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council request the Minister of Planning to prepare and approve a 'fast track' amendment to the Colac Otway Planning Scheme to implement the recommendations of the Expert Review of the Colac Otway Local Planning Policy Framework.</i></b></p>				

<p><b><u>OM082602-13 AMENDMENT C27 (HERITAGE OVERLAY) – PART ADOPTION OF AMENDMENT</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Council adopt this report as its consideration of the Panel's report.</i></b></li> <li><b><i>2. Council split Amendment C27 (Heritage Overlay) to the Colac Otway Planning Scheme and adopts part A which applies heritage controls to individual sites and introduces new Municipal Strategic Statement content to the Colac Otway Planning Scheme.</i></b></li> <li><b><i>3. Upon completion of the review and revision of the local policy and heritage precincts content (Part B) of Amendment C27, a report be prepared for the consideration of Council recommending the adoption of Part B of Amendment C27.</i></b></li> </ol>		Cr Mercer
<p><b><u>OM082602-14 AMENDMENT C55 (PLANNING SCHEME REVIEW) - CONSIDERATION OF SUBMISSIONS</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Council adopt the report titled "Colac Otway Amendment C55 (Planning Scheme Review) – Consideration of Submissions Report" as the Council's consideration of and decision about submissions in accordance with sections 22 and 23 of the Planning and Environment Act 1987.</i></b></li> <li><b><i>2. Council request that the Minister for Planning appoint an independent panel to consider all submissions to Amendment C55 to the Colac Otway Planning Scheme.</i></b></li> </ol>		Cr Graham

<p><b><u>OM082602-15 KENNETT RIVER, WYE RIVER &amp; SEPARATION CREEK STRUCTURE PLANS - CONSIDERATION OF ADOPTION</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Council adopt the final Kennett River, Wye River and Separation Creek Structure Plans.</i></b></li> <li><b><i>2. The recommendations of the Kennett River, Wye River and Separation Creek Structure Plans be implemented through an amendment to the Colac Otway Planning Scheme.</i></b></li> </ol>		Cr Di Cecco
---	--	-------------

***Cr Di Cecco declared a Conflict of Interest in item OM082602-14.***

***MOVED Cr Di Cecco seconded Cr Graham that recommendations to items listed in the Consent Calendar, with the exception of items OM082602-13 OM082602-14 OM082602-15, be adopted.***

***CARRIED 6 : 0***

***OM082602-13***

***MOVED Cr Riches seconded Cr Lehmann That:***

- 1. Council adopt this report as its consideration of the Panel's report.***
- 2. Council split Amendment C27 (Heritage Overlay) to the Colac Otway Planning Scheme and adopts part A which applies heritage controls to individual sites and introduces new Municipal Strategic Statement content to the Colac Otway Planning Scheme.***
- 3. Upon completion of the review and revision of the local policy and heritage precincts content (Part B) of Amendment C27, a report be prepared for the consideration of Council recommending the adoption of Part B of Amendment C27.***

***CARRIED 4 : 2***

**OM082602-14**

**Cr Di Cecco declared a Conflict of Interest in item OM082602-14.**

**MOVED Cr Graham seconded Cr Riches that:**

- 1. Council adopt the report titled "Colac Otway Amendment C55 (Planning Scheme Review) – Consideration of Submissions Report" as the Council's consideration of and decision about submissions in accordance with sections 22 and 23 of the Planning and Environment Act 1987.**
- 2. Council request that the Minister for Planning appoint an independent panel to consider all submissions to Amendment C55 to the Colac Otway Planning Scheme.**

**Cr Di Cecco having declared a Conflict of Interest in item OM082602-14 left the Council Chamber at 4.19 pm.**

**CARRIED 5 : 0**

**Cr Di Cecco returned to the Council Chamber at 4.20 pm.**

**OM082602-15**

**MOVED Cr Di Cecco seconded Cr Graham that:**

- 1. The word "unit" be replaced with the word "accommodation" on page 21 of Attachment 1.**
- 2. Council adopt the final Kennett River, Wye River and Separation Creek Structure Plans.**
- 3. The recommendations of the Kennett River, Wye River and Separation Creek Structure Plans be implemented through an amendment to the Colac Otway Planning Scheme.**

**CARRIED 6 : 0**

**Resolution**

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

<b><i>SUBJECT</i></b>	<b><i>REASON</i></b>	<b><i>SECTION OF ACT</i></b>
<b><i>Report from Delegates to Other Bodies</i></b>	<b><i>Matter which may prejudice Council or any person</i></b>	<b><i>Section 89(2)(h)</i></b>

***CARRIED 6 : 0***

IN-COMMITTEE