

MINUTES of the **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held in the Apollo Bay Recreation Reserve, Great Ocean Road, Apollo Bay on Tuesday, 22 April 2008 at 3.00 pm.

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**1. PRESENT**

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

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  
Jeff Morgan, Strategic Planning Co-ordinator

Warwick Nelson, Harwood Andrews Lawyers

Althea Wright, Executive Officer  
Suzanne White, Executive Assistant

**2. APOLOGIES**

Nil

**3. QUESTION TIME**

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

**Phil Lawson, Apollo Bay**

DSE has specifically requested that Council facilitate the establishment of an 18 hole golf course at Apollo Bay. From the mid 1990's till today there has been no feasibility study done on locating part of a golf course in the flood zone of the Barham River Estuary.

The low elevation of the golf fairways in C29 Amendment make it unlikely they will be immune from extended sea floods that will become even more severe with predicted climate change. Over 100 submitters for the C55 Amendment have asked that a feasibility study be done for a golf course in light of high levels of sea flood inundation in the Barham Estuary. Colac Otway Shire representative Mr M. Ferey had committed on behalf of Council that this land should not be considered for a golf course until a drainage study had been completed, the study was never done.

**Why has no feasibility study been done for the golf course plan in the C29 Amendment proposal when DSE has specifically stated that the role of Council is to help with an 18 hole golf course, not a nine hole course?**

*Mr M Ferey has not worked at Colac Otway Shire for approximately 9 years. It should also be clarified that while Council is supportive, Council has no requirement to provide or facilitate an alternative location for an 18 hole Apollo Bay golf course.*

*In response to the question, a flood study has been undertaken for the entire C29 site. Flood modelling has been undertaken by WBM on behalf of the proponent and by the CCMA, the responsible authority for floodplain management. Significantly, the CCMA has not objected to the proposal.*

*If this amendment is approved the Schedule to the Comprehensive Development Zone requires that a flood and inundation management plan be prepared and approved by the CCMA and Council that must address "How the development will function when the estuary is inundated".*

**When, as is likely, it is determined that the full 18 hole course cannot be established under the terms of the C29 Amendment what help and compensation will the Shire offer the Golf Club?**

*Based on flood modelling undertaken it is anticipated that the full 18 hole golf course will be established. Council will be in a position to support the Apollo Bay Golf club by lobbying the State Government to ensure that the Apollo Bay golf course is not closed until the new golf course (subject to Amendment C29 being approved) is in a playable condition.*

**The height of sea flood inundation examined in the Planning process was 1.95m AHD. As this level has been exceeded in the last 3 years, there has been clearly no consideration of climate change and sea level rise in the planning of the golf course. What allowance for sea level rise is considered appropriate by Council in the development of the golf course? What actions are Council willing to commit to in ensuring that Apollo Bay gets a full 18 hole Golf Course?**

*The height of sea flood inundation examined by the Panel was not 1.95m AHD. The 1.95m AHD level was a height established by Mr Tim Godfrey as the regular maximum water level of estuary inundation when the Barham River mouth is closed to the ocean. This level was presented at the Panel hearing and in Mr Godfrey's submission as a reasonable estimate of fairly frequent inundation caused by build up of river flow when the river entrance is closed. Modelling demonstrated that the golf course is not inundated at such a level.*

*The sea flood inundation height, or ocean design level, was 2.4m AHD in the WBM Expert Witness report submitted at the April 2007 Panel hearing and varied between 2.0 and 3.0m AHD in the CCMA flood study based on 3 different flood scenarios. The allowance for sea level rise in the CCMA flood study was 0.8m.*

*Flood modelling was also undertaken with a 1.4m allowance for sea level rise demonstrating that the development will still be safe with a 1.4m rise (confirmed by the CCMA).*

*The Panel concluded that:*

*"The flood model inputs determined by the Corangamite Catchment Management Authority should form the basis of flood modelling for the development."*

*With regard to Mr Lawson's final question, the Apollo Bay Structure Plan, adopted by Council in April 2007, includes an objective to:*

*"Ensure that community, health, education and recreation facilities are provided to meet the needs of current and projected future residents and visitors to the area."*

*And an accompanying strategy to:*

*"Support an alternative location for the golf course away from the foreshore reserve at Point Bunbury, where it would meet the objectives of this structure plan."*

*Council's adopted position is to implement this objective and strategy.*

### **Catharine Cousland, Skenes Creek**

- 1. The C29 Panel report states that the Barham Valley Road will have to be raised above the 1 in 100 year flood level.**

**Who will be responsible for the cost of elevating the Barham Valley Road, the developer or the ratepayers of the Colac Otway Shire?**

*The developer will be responsible for raising the level of the Barham Valley Road to provide for flood free access.*

- 2. In regard to road safety issues involving the FIVE road crossings proposed for the Barham Valley Road in the Great Ocean Green development which will divide the golf course along both sides of the road and be required to safely accommodate traffic from 537 house vehicles, hotel and motel users, golf club and shop users, convention centre users, supply vehicles for shops, golf club and accommodation venues, residential vehicles from houses and businesses along the Barham Valley Road and Killala Road as well as the increasingly heavy tourist traffic experienced along the road to Marriners Falls and Paradise picnic ground in Summer.**

**What is the outline and cost to ratepayers of the road safety plan needed to deal with any potential dangers associated with the FIVE proposed road crossings so that pedestrians and drivers are safe and the Apollo Bay Golf Club does not end up in the same situation as Rosny Park Golf Club in Tasmania which was forced to abandon 9 holes of its golf course due to road safety concerns created by TWO crossings on a road bisecting the golf course?**

*A report prepared by Ratio Consultants Pty Ltd for the developers titled 'Apollo Bay Golf Course and Residential Subdivision Development Traffic Impact Report' was presented to the C29 Planning Panel. The Panel concluded that access and parking provisions contained in the document were adequate but will need to be reviewed during the detailed design phase.*

*The officer assessment of the Panel Report concurred with this and further recommended that the application requirements of the schedule to the Comprehensive Development Zone be amended to further clarify that upgrades of existing intersections may be required because of the development. The schedule has subsequently been revised to address this issue.*

*There will be no cost to rate payers for the road safety plan as the developer will be required to prepare the plan and fund the costs of undertaking identified improvements.*

## Lyn Foster, Friends of Colac Library

1. **When are the Principals to be included in Joint Use Library Design (Attachment 1 from the Global Connector Meeting 17 October 2007) going to be executed and included in the design plans for the Joint Use Library?**

**A 8. Toy Library space to be included.**

**Comment:** Space needs to be provided for shelving of toys etc as part of the children's area and a sufficient storage space to keep the toys, e.g. 20 sq meters.

*At the Global Connector Meeting held on Thursday 17 April the Architect indicated an area had been set aside for a Children's area including an area for the Toy Library. Further discussions are to take place with representatives from the Toy Library as to more specific requirements.*

**B 15. A separate children's area is required incorporating the toy library. A wet area needs to be included.**

*A Children's area has been included. More specific details including the location of a wet area will be incorporated in the final design,*

2. **At the Forum "Presentation of Plans" on 17 December 2007, there were many issues raised by the community about design. These need to be addressed. When are these issues to be discussed with the Architect, Mr Dicker to be rectified on the Joint Use Library plans.**

**Is the community going to have any input into their requirements, or is the Colac Secondary College going to take precedence?**

**At the Global Connector Meeting held on Thursday, 17 April 2008, the Colac Secondary College have already had discussions with Mr Dicker. Library plans have been modified and their requirements met.**

**Again, when is the consultation with the community about their needs going to be arranged, is it to be their Library too, or a school Library?**

*At the Global Connector meeting held on Thursday 17 April the Architect Leigh Dicker indicated the proposed changes to the design of the Global Connector as a result of community input.*

*The Global Connector Committee is made up of representatives of a number of organisations involved with the new facility.*

*The College had a similar meeting the same day.*

*As a result of further points raised at the meetings the design will now progress to the next stages.*

*The Architect will develop final design stage for Council's consideration prior to final sign off.*

## Questions Received Verbally at the Meeting

### Janine Coles

1. **Will the Mayor honour a commitment made at a recent Otway Forum Meeting that if in the event of a tied vote on the C29 issue he will not using his casting vote against the status quo?**

*The Mayor advised that he did not make such a commitment at the Otway Forum Meeting but stated that he would judge the issue on its merits.*

2. **Is there any substance to the press release that Cr Wilmink has received legal advice?**

*Tracey Slatter, Chief Executive Officer, advised that it was reported in the press that Cr Wilmink had received legal advice that she cannot vote on the C29 issue. The decision of voting was a matter for Cr Wilmink to decide and it was not a directive from Council..*

3. **Will there be enough services including education and aged care facilities to service the extra homes as part of the C29 development?**

*Jack Green, General Manager, Sustainable Planning & Development advised that the current services would be adequate. Various Government Departments allocate service funding on population based formulas.*

### Tim Godfrey, Apollo Bay

**Made a statement requesting that the focus of the C29 Amendment be shifted from golf based tourism to nature based tourism.**

### Kate Cousland

**Would Councillors respect that 85% of the Otway Ward voted against the C29 development by voting for Carol Wilmink and Neil Longmore that this is indicative of the community's view on the development.**

*The Mayor advised that all Councillors were aware of the election results.*

### Phil Lawson

1. **Could confirmation be made that information provided in a Letter to the Editor in the Colac Herald dated 30 July 2007 indicated that 200 house lots were subject to flooding under the 1:100 year flood projection.**

*Cr Di Cecco advised that his letter aimed to distinguish between major flood path of waters compared to the areas of general flood waters that are still.*

2. **Mr Lawson made a statement regarding how he would like the C55 proposal aligned to the C29 proposal.**

### Helen Paatsch

**If the C29 Amendment was passed today would the development go ahead immediately or are more permits required before it could take place, and if it is not passed would it be the end of the golf club?**

*Jack Green, General Manager, Sustainable Planning & Development advised that the amendment is to rezone the land and that if it is approved, eight management plans need to be provided by the developer to Council's satisfaction before the development can proceed.. If Council does approve the Amendment it still needs signing off by the Minister for Planning.*

*Jack Green further advised that the financial backing for the golf club is an arrangement between the golf club and the developer and that it would not proceed with out this financial backing.*

*If Council does not approve the rezoning then that is the end of the process for the C29 Amendment.*

**Stephen Hart, CORRA**

**Could Council disclose the total costs for the C29 Amendment since the issue was first raised in 2003/04 and include panel hearing costs, officer time, consultants, solicitors and the by-election and how much of the total figure is paid for by the developer and how much by ratepayers.**

*The Mayor advised that the question would be taken on notice.*

*Jack Green, General Manager, Sustainable Planning & Development also advised that \$77,000 paid in relation to the Panel Hearing was paid for by the developer and not Council.*

**4. PRESENTATION OF MAYORAL AWARDS**

The Mayor announced Mr Cyril Marriner as the Mayoral Volunteer Award for the month of April 2008.

The Mayor announced Mr Miles Sharples, Mr Max Coutts, Mr Daniel Lindsey, Ms Elizabeth Holzer, Ms Tamara O'Carroll and Ms Louise Beggs as the Mayoral Youth Award winners for the month of April 2008.

**5. DECLARATION OF INTEREST**

Cr Di Cecco: OM082204-17 Amendment C29 (Great Ocean Green) – Consideration for Adoption  
Nature of Disclosure: Conflict of Interest  
Nature of Conflict of Interest: Part owner of C29 Planning Amendment and having a Pecuniary Interest.

Cr Di Cecco: OM082204-21.1 Notice of Motion No. 137-07/08 Consideration of Additional Documentation for Proposed Planning Scheme Amendment C29 for Adoption  
Nature of Disclosure: Conflict of Interest  
Nature of Conflict of Interest: Part owner of C29 Planning Amendment and having a Pecuniary Interest.

- Cr Di Cecco: OM082204-21.3 Notice of Motion No. 139-07/08 Reference Document for Proposed Planning Scheme Amendment C29  
Nature of Disclosure: Conflict of Interest  
Nature of Conflict of Interest: Part owner of C29 Planning Amendment and having a Pecuniary Interest.
- Cr Di Cecco: OM082204-21.4 Notice of Motion No. 140-07/08 Consideration to Defer Planning Scheme Amendment C29  
Nature of Disclosure: Conflict of Interest  
Nature of Conflict of Interest: Part owner of C29 Planning Amendment and having a Pecuniary Interest.
- Cr Wilmink: OM082204-17 Amendment C29 (Great Ocean Green) – Consideration for Adoption  
Nature of Disclosure: Interest  
Nature of Interest: As a citizen, prior to becoming a Councillor one month ago, made submissions and representation to the Independent Panel on C29.

## 6. CONFIRMATION OF MINUTES

- **Ordinary Meeting of the Colac-Otway Shire Council held on the 25/03/08.**

**Resolution**

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

***CARRIED 7 : 0***

- **Special Meeting of the Colac-Otway Shire Council held on the 08/04/08.**

**Resolution**

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

***CARRIED 7 : 0***

## **OFFICERS' REPORTS**

### **Chief Executive Officer**

- OM082204-1 CEO'S PROGRESS REPORT TO COUNCIL
- OM082204-2 REPRESENTATION AT MAV STATE COUNCIL MEETING

### **Corporate and Community Services**

- OM082204-3 JULY 2007-MARCH 2008 THREE QUARTER PERFORMANCE REPORT
- OM082204-4 COUNCIL APPOINTMENT TO INTERNAL COMMITTEES
- OM082204-5 COUNCILLOR APPOINTMENTS TO COMMITTEES AND EXTERNAL BODIES
- OM082204-6 INSTRUMENT OF DELEGATION TO MEMBERS OF COUNCIL STAFF FROM COUNCIL
- OM082204-7 CORANGAMITE REGIONAL LIBRARY CORPORATION MEETING PROCEDURE LOCAL LAW
- OM082204-8 CORANGAMITE REGIONAL LIBRARY CORPORATION LIBRARY BUDGET AND FINANCIAL PLAN
- OM082204-9 APOLLO BAY LIBRARY AND FACILITY DEVELOPMENT
- OM082204-10 NAMING OF VARIOUS UNNAMED ROADS WITHIN THE SHIRE
- OM082204-11 TRANSPORT CONNECTIONS PROJECT

### **Infrastructure**

- OM082204-12 BRIDGE ASSET MANAGEMENT PLAN
- OM082204-13 PROPOSED COMMUNITY ENGAGEMENT FOR REVIEW OF ROAD SERVICE LEVELS
- OM082204-14 COMMUNITY CONSULTATION PLAN - WASTE MANAGEMENT, BEST VALUE REVIEW
- OM082204-15 CONTRACT APPROVAL : CONTRACT - PROPERTY VALUATION SERVICES
- OM082204-16 CONTRACT APPROVAL : CONTRACT 0505 - CLEANING SERVICES (EXTENSION OF CONTRACT)

### **Sustainable Planning and Development**

- OM082204-17 AMENDMENT C29 (GREAT OCEAN GREEN) - CONSIDERATION FOR ADOPTION
- OM082204-18 AMENDMENT C27 (HERITAGE STUDY) - ADOPTION OF PART B (HERITAGE PRECINCTS AND LOCAL POLICY)
- OM082204-19 LAKE COLAC COORDINATING COMMITTEE TERMS OF REFERENCE

## **GENERAL BUSINESS**

### **OM082204-20    General Business**

- OM082204-20.1 ITEM FOR SIGNING AND SEALING - AGREEMENT BETWEEN COLAC OTWAY SHIRE AND CORANGAMITE REGIONAL LIBRARY CORPORATION (CRLC)
- OM082204-20.2 ITEM FOR SIGNING & SEALING - SECTION 173 AGREEMENT, 65-71 GREAT OCEAN ROAD, APOLLO BAY
- OM082204-20.3 ITEM FOR SIGNING & SEALING - SECTION 173 AGREEMENT, 73-75 GREAT OCEAN ROAD, APOLLO BAY

## **NOTICES OF MOTION**

### **OM082204-21    Notices of Motion**

- OM082204-21.1 NOTICE OF MOTION NO. 137-07/08 CONSIDERATION OF ADDITIONAL DOCUMENTATION FOR PROPOSED PLANNING SCHEME AMENDMENT C29 (CR WILMINK)
- OM082204-21.2 NOTICE OF MOTION NO 138-07/08 GROUNDWATER EXTRACTION - GELLIBRAND VALLEY AQUIFER (CR SMITH)
- OM082204-21.3 NOTICE OF MOTION NO. 139-07/08 REFERENCE DOCUMENT FOR PROPOSED PLANNING SCHEME AMENDMENT C29 (CR WILMINK)
- OM082204-21.4 NOTICE OF MOTIN NO. 140-07/08 CONSIDERATION TO DEFER PLANNING SCHEME AMENDMENT C29 (CR WILMINK)

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

D = Discussion

W = Withdrawal

ITEM	D	W
<p><b><u>CHIEF EXECUTIVE OFFICER</u></b></p> <p><b><u>M082204-1 CEO'S PROGRESS REPORT TO COUNCIL</u></b></p> <p>Department: Executive</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council receive the CEO's Progress Report to Council for their information.</i></p>		
<p><b><u>OM082204-2 REPRESENTATION AT MAV STATE COUNCIL MEETING</u></b></p> <p>Department: Executive</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council nominate a Councillor to attend the MAV State Council meeting to represent the Mayor on Thursday 8 May 2008.</i></p>		Cr Riches

***MOVED Cr Di Cecco seconded Cr Lehmann that recommendations to items listed in the Consent Calendar, with the exception of items OM082204-2, be adopted.***

***CARRIED 7 : 0***

***OM082204-2***

***MOVED Cr Riches seconded Cr Wilmink that Council nominate Cr Tony Graham to attend the MAV State Council meeting to represent the Mayor on Thursday, 8 May 2008.***

***CARRIED 7 : 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>OM082204-3 JULY 2007-MARCH 2008 THREE QUARTER PERFORMANCE REPORT</u></b></p> <p>Department: Corporate &amp; Community Services</p> <p><b><u>Recommendation</u></b></p> <p><b><i>That Council receive the 2007/2008 Third Quarter Performance Report for the nine months ending 31 March 2008.</i></b></p>		
<p><b><u>OM082204-4 COUNCIL APPOINTMENT TO INTERNAL COMMITTEES</u></b></p> <p>Department: Corporate &amp; Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council make the following appointments to the following committees until the appointment of new delegates after the election of the new Council in November 2008.</i></b></p> <p><b>(a) That Council appoint Cr Graham and Cr Smith as members of the Contracts Committee.</b></p> <p><b>(b) That Council appoint Cr Mercer and Cr Smith as members of the Audit Committee.</b></p> <p><b>(c) That Council appoint Cr Smith, Cr Di Cecco, Cr Mercer and Cr Riches as members of the Australia Day Committee.</b></p> <p><b>(d) That Council appoint Cr Di Cecco, Cr Mercer, Cr Smith and Cr Wilmink as members of the Festival and Events Support Scheme Advisory Committee.</b></p> <p><b>(e) That Council appoint Cr Di Cecco, Cr Mercer, Cr Riches, Cr Smith and Cr Lehmann as members of the Grants/Community Funding Committee.</b></p> <p><b>(f) That Council appoint Cr Di Cecco, Cr Mercer and Cr Riches as members of the Small Town Improvement Program Advisory Committee.</b></p>		

<p><b><u>OM082204-5 COUNCILLOR APPOINTMENTS TO COMMITTEES AND EXTERNAL BODIES</u></b></p> <p>Department: Corporate &amp; Community Services</p> <p><b><u>Recommendation</u></b></p> <p><b><i>That Councillor and officer nominations to committees and external bodies be agreed to as set out in Attachment 1 until the appointment of new representatives after the election of the new Council in November 2008.</i></b></p>		
<p><b><u>OM082204-6 INSTRUMENT OF DELEGATION TO MEMBERS OF COUNCIL STAFF FROM COUNCIL</u></b></p> <p>Department: Corporate &amp; Community Services</p> <p><b><u>Recommendation</u></b></p> <p><b><i>That Council resolve to sign and seal updated Instrument of Delegation to Members of Council Staff from Council dated 22 April 2008.</i></b></p>		
<p><b><u>OM082204-7 CORANGAMITE REGIONAL LIBRARY CORPORATION MEETING PROCEDURE LOCAL LAW</u></b></p> <p>Department: Corporate &amp; Community Services</p> <p><b><u>Recommendation</u></b></p> <p><b><i>That Council ratifies the Corangamite Regional Library Corporation – Meeting Procedures Local Law 2008 (Local Law No 1 of 2008).</i></b></p>	Cr Mercer	

<p><b><u>OM082204-8 CORANGAMITE REGIONAL LIBRARY CORPORATION LIBRARY BUDGET AND FINANCIAL PLAN</u></b></p> <p>Department: Corporate &amp; Community Services</p> <p><b><u>Recommendation</u></b></p> <p><b><i>That Council supports:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. The Corangamite Regional Library Corporation's policy of undertaking annually, a full acquittal of Council contributions required to meet the budgeted cash flow outcome and that such acquittals be based on actual results and be in accordance with the standard Council contributions formula.</i></b></li> <li><b><i>2. The Corangamite Regional Library Corporation's 'Base Model 2008/09 Budget' and the associated increase in Council contributions (Colac Otway Shire's budgeted proportion is \$406,271).</i></b></li> </ol>	Cr Mercer	
<p><b><u>OM082204-9 APOLLO BAY LIBRARY AND FACILITY DEVELOPMENT</u></b></p> <p>Department: Corporate &amp; Community Services</p> <p><b><u>Recommendation</u></b></p> <p><b><i>That the report on the Apollo Bay Library and Facility Development be noted.</i></b></p>	Cr Mercer	
<p><b><u>OM082204-10 NAMING OF VARIOUS UNNAMED ROADS WITHIN THE SHIRE</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. commence the process to consider the naming of various unnamed roads in the Shire;</i></b></li> <li><b><i>2. place advertisements in local newspapers seeking public comment on the respective unnamed roads;</i></b></li> <li><b><i>3. write to all landowners with a property abutting the road under consideration seeking comments on the naming of the respective unnamed roads;</i></b></li> <li><b><i>4. write to all Historical and Township Associations</i></b></li> </ol>		Cr Riches

<p><i>seeking comments on the naming of the respective unnamed roads;</i></p> <p><b>5. form a Road Naming Advisory Committee made up of Council Officers, representatives from Historical and Township Associations and 2 Councillors to consider the comments received;</b></p> <p><b>6. nominate 2 Councillors to be on the Road Naming Advisory Committee.</b></p>		
<p><b><u>OM082204-11 TRANSPORT CONNECTIONS PROJECT</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation</u></b></p> <p><b><i>That Council nominate a Councillor to join the Local Advisory Group for the Transport Connections Project 'Bringing Communities Together'.</i></b></p>		Cr Riches

***MOVED Cr Di Cecco seconded Cr Graham that recommendations to items listed in the Consent Calendar, with the exception of items OM082204-10 OM082204-11, be adopted.***

***CARRIED 7 : 0***

***OM082204-10***

***MOVED Cr Riches seconded Cr Di Cecco that Council***

- 1. commence the process to consider the naming of various unnamed roads in the Shire;***
- 2. place advertisements in local newspapers seeking public comment on the respective unnamed roads;***
- 3. write to all landowners with a property abutting the road under consideration seeking comments on the naming of the respective unnamed roads;***
- 4. write to all Historical and Township Associations seeking comments on the naming of the respective unnamed roads;***
- 5. form a Road Naming Advisory Committee made up of Council Officers, representatives from Historical and Township Associations and 2 Councillors to consider the comments received;***
- 6. nominate Cr Chris Smith and Cr Peter Mercer with Cr Warren Riches as an emergency member to be on the Road Naming Advisory Committee.***

***CARRIED 7 : 0***

**OM082204-11**

***MOVED Cr Riches seconded Cr Di Cecco that Council nominate Cr Peter Mercer to join the Local Advisory Group for the Transport Connections Project 'Bringing Communities Together'.***

**CARRIED 7 : 0**

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

D = Discussion

W = Withdrawal

ITEM	D	W
<p><b><u>INFRASTRUCTURE</u></b></p> <p><b><u>OM082204-12 BRIDGE ASSET MANAGEMENT PLAN</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council resolve to adopt the Bridge Asset Management Plan.</i></p>		
<p><b><u>OM082204-13 PROPOSED COMMUNITY ENGAGEMENT FOR REVIEW OF ROAD SERVICE LEVELS</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council resolve to:</i></p> <ol style="list-style-type: none"> <li><i>1. Note the actions already undertaken to develop the proposed Community Engagement process associated with the review of the Road Asset Management Plan; and</i></li> <li><i>2. Endorse the proposed community engagement strategy, and that the community feedback be incorporated into a draft revised Road Asset Management Plan.</i></li> </ol>		
<p><b><u>OM082204-14 COMMUNITY CONSULTATION PLAN - WASTE MANAGEMENT, BEST VALUE REVIEW</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council :</i></p> <ol style="list-style-type: none"> <li><i>1. Endorse the actions already taken towards the Waste Management Best Value Review;</i></li> </ol>		

<p>2. <b><i>Endorse the Community Consultation and Engagement Plan as detailed in the attachment to commence the community consultation process.</i></b></p>		
<p><b><u>OM082204-15 CONTRACT APPROVAL : CONTRACT - PROPERTY VALUATION SERVICES</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council awards Contract No. 0802 for the Property Valuation Services to Southern Cross Property Services at the lump sum tender price of \$266,760 (excluding GST) for the 2010 valuation and \$286,740 (excluding GST) for the 2012 valuation and at the schedule of rates submitted.</i></b></p>		
<p><b><u>OM082204-16 CONTRACT APPROVAL : CONTRACT 0505 - CLEANING SERVICES (EXTENSION OF CONTRACT)</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council agrees to the price increase of \$12,081.55 per annum requested by Colac Cleaning and Property Services (based on current rates to 30 June, 2008) and extends the contract period of Contract 0509 - Cleaning Services by a further two years from 1 July 2008 until 30 June, 2010, in accordance with the Contract.</i></b></p>		

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

***CARRIED 7 : 0***

## CONSENT CALENDAR

### OFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<b><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></b>		
<b><u>OM082204-17 AMENDMENT C29 (GREAT OCEAN GREEN)</u></b> <b><u>- CONSIDERATION FOR ADOPTION</u></b>		
Department: Sustainable Planning and Development		
<b><u>Recommendation(s)</u></b>		
<b><i>That Council:</i></b>		
<ol style="list-style-type: none"> <li>1. <b><i>Adopt the report titled "Amendment C29: Consideration of and Responses to Panel Report" as Council's consideration of and response to the Panel Report.</i></b></li> <li>2. <b><i>Adopt, with changes, Amendment C29 to the Colac Otway Planning Scheme which now proposes to:</i></b> <ul style="list-style-type: none"> <li>• <b><i>Amend the Municipal Strategic Statement to provide a strategic framework for the future use and development of the land for an integrated recreation and residential development,</i></b></li> <li>• <b><i>Rezone land from Rural Conservation Zone and Public Park and Recreation Zone to Comprehensive Development Zone and incorporate a Comprehensive Development Plan,</i></b></li> <li>• <b><i>Apply an ESO to manage the impact of acid sulfate soils on infrastructure and the environment,</i></b></li> <li>• <b><i>Schedule permitted works within a Public Conservation and Resource Zone to enable revegetation and access works to be undertaken along land adjoining the Barham River Flats,</i></b></li> <li>• <b><i>Schedule exclusions to the provisions of the Land Subject to Inundation Overlay so that no permit is needed for dwellings built 600 mm above the 1 in 100 year flood level and which have flood free access,</i></b></li> </ul> </li> </ol>		
		Withdrawn

<ul style="list-style-type: none"> <li>• <i>Schedule exemptions from permit requirements for the removal of native vegetation if it is in accordance with an approved Environmental Management Plan, and</i></li> <li>• <i>Remove the Erosion Management Overlay from the Great Ocean Green Development Area.</i></li> </ul>		
<p><b><u>OM082204-18 AMENDMENT C27 (HERITAGE STUDY) - ADOPTION OF PART B (HERITAGE PRECINCTS AND LOCAL POLICY)</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>1. <b><i>Council adopts Part B of Amendment C27 (Heritage Overlay) to the Colac Otway Planning Scheme, which applies heritage controls to heritage areas and introduces two new local policies into the Colac Otway Planning Scheme.</i></b></li> <li>2. <b><i>HO94 (Elliminook) be removed from the Amendment and be considered for inclusion in any future amendment to the Heritage Overlay.</i></b></li> </ol>		Cr Mercer
<p><b><u>OM082204-19 LAKE COLAC COORDINATING COMMITTEE TERMS OF REFERENCE</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council endorse the Terms of Reference for the Lake Colac Coordinating Committee.</i></b></p>		

***MOVED Cr Di Cecco seconded Cr Graham that recommendations to items listed in the Consent Calendar, with the exception of items OM082204-17 OM082204-18, be adopted.***

***CARRIED 7 : 0***

**OM082204-18**

**MOVED Cr Riches seconded Cr Di Cecco that**

- 1. Council adopts Part B of Amendment C27 (Heritage Overlay) to the Colac Otway Planning Scheme, which applies heritage controls to heritage areas and introduces two new local policies into the Colac Otway Planning Scheme.**
- 2. HO94 (Elliminook) be removed from the Amendment and be considered for inclusion in any future amendment to the Heritage Overlay.**

**CARRIED 6 : 1**

**OM082204-17**

**Cr Di Cecco declared a Conflict of Interest in Item OM082204-17.**

**MOVED Cr Graham that Points 1 and 2 of the Recommendation be considered as separate motions for Item OM082204-17.**

**The Motion LAPSED for the want of a Secunder.**

**MOVED Cr Riches seconded Cr Mercer that Council:**

- 1. Adopt the report titled “Amendment C29: Consideration of and Responses to Panel Report” as Council’s consideration of and response to the Panel Report.**
- 2. Adopt Amendment C29 to the Colac Otway Planning Scheme with changes (being the changes incorporated in the revision being Attachment 10 to the Officer Report on this agenda –OM082204-17). The Amendment now proposes to:**
  - Amend the Municipal Strategic Statement to provide a strategic framework for the future use and development of the land for an integrated recreation and residential development,**
  - Rezone land from Rural Conservation Zone and Public Park and Recreation Zone to Comprehensive Development Zone and incorporate a Comprehensive Development Plan,**
  - Apply an ESO to manage the impact of acid sulfate soils on infrastructure and the environment,**
  - Schedule permitted works within a Public Conservation and Resource Zone to enable revegetation and access works to be undertaken along land adjoining the Barham River Flats,**
  - Schedule exclusions to the provisions of the Land Subject to Inundation Overlay so that no permit is needed for dwellings built 600 mm above the 1 in 100 year flood level and which have flood free access,**
  - Schedule exemptions from permit requirements for the removal of native vegetation if it is in accordance with an approved Environmental Management Plan, and**

- ***Remove the Erosion Management Overlay from the Great Ocean Green Development Area.”***

***Cr Di Cecco requested leave of absence to provide for free discussion for Councillors during the debate on Item OM082204-17.***

***Cr Di Cecco left the Council Chamber at 4.07 pm.***

***Cr Wilmink declared an Interest in Item OM082204-17.***

***CARRIED 4 : 2***

***DIVISION called by Cr Wilmink***

***For the Motion: Cr Lehmann, Cr Riches, Cr Smith, Cr Mercer***

***Against the Motion: Cr Wilmink, Cr Graham***

***Cr Di Cecco returned to the Council Chamber at 4.30 pm.***

## CONSENT CALENDAR

### OFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<b><u>GENERAL BUSINESS</u></b>		
<p><b><u>OM082204-20.1</u></b>      <b><u>Item for Signing and Sealing - Agreement between Colac Otway Shire and Corangamite Regional Library Corporation (CRLC)</u></b></p> <p><b><u>Recommendation</u></b></p> <p><i>That Council sign and seal the Service Support Agreement between Colac Otway Shire and the Corangamite Regional Library Corporation.</i></p>		
<p><b><u>OM082204-20.2</u></b>      <b><u>Item for Signing &amp; Sealing - Section 173 Agreement, 65-71 Great Ocean Road, Apollo Bay</u></b></p> <p><b><u>Recommendation</u></b></p> <p><i>That Council sign and seal the Section 173 Agreement between Colac Otway Shire and C &amp; G Thomas Pty Ltd covenanting Certificate of Title Volume 8869 Folio 747 that the Common Property on the plan of subdivision shown on the endorsed plans to be developed as 18 non dedicated car spaces together with the necessary access in respect of those 18 car spaces shall be maintained and kept available for use as a car park and access ways to be accessed initially via 14 Pascoe Street only and then additionally over contiguous and proximate land which is similarly developed to implement the Parking Precinct plan. For the avoidance of doubt, the Owner agrees that the 18 car spaces and access ways to be constructed on the Common Property may be accessed and utilised by vehicles travelling to and from centrally located car parking facilities on contiguous and proximate land similarly developed so as to implement the Parking Precinct Plan. The annexed plan A is a copy of the relevant sheet of the Endorsed Plans depicting the said 18 car spaces.</i></p>	Cr Di Cecco	

<p><b><u>OM082204-20.3 Item for Signing &amp; Sealing - Section 173 Agreement, 73-75 Great Ocean Road, Apollo Bay</u></b></p> <p><b><u>Recommendation</u></b></p> <p><b><i>That Council sign and seal the Section 173 Agreement between Colac Otway Shire and Tregellas Pty Ltd covenanting Certificate of Title Volume 3225 Folio 888 that:</i></b></p> <ul style="list-style-type: none"> <li><b><i>○ The area shown as 'driveway (future office)' shown on the annexed plan A shall, until alternate access to the car park constructed on the Common Property becomes available via 14 Pascoe Street and the intervening property, remain available to facilitate access from the car park on the Common Property to Pascoe Street.</i></b></li> <li><b><i>○ The Common Property on the plan of subdivision shall be maintained and kept available for use as a car park and access ways to be accessed initially by the driveway shown on annexed plan A, and then when alternative access to the street network becomes available via 14 Pascoe Street and contiguous and proximate land which is similarly developed to implement the Parking Precinct plan. For the avoidance of doubt, the Owner agrees that the car park and access ways to be constructed on the Common Property may be accessed and utilised by vehicles travelling to and from centrally located car parking facilities on contiguous and proximate land similarly developed so as to implement the Parking Precinct Plan.</i></b></li> </ul>	Cr Di Cecco	

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

***CARRIED 7 : 0***

## **CONSENT CALENDAR**

### **OFFICERS' REPORT**

**D = Discussion**

**W = Withdrawal**

ITEM	D	W
<p><b><u>NOTICES OF MOTION</u></b></p> <p><b><u>OM082204-21.1 Notice of Motion No. 137-07/08</u></b>  <b><u>Consideration of Additional Documentation for</u></b>  <b><u>Proposed Planning Scheme Amendment C29</u></b>  <b><u>(Cr Wilmink)</u></b></p> <p><b><u>Recommendation</u></b></p> <p><b><i>That Council consider the content of this Notice of Motion.</i></b></p>		Cr Wilmink
<p><b><u>OM082204-21.2 Notice of Motion No 138-07/08</u></b>  <b><u>Groundwater Extraction - Gellibrand Valley</u></b>  <b><u>Aquifer (Cr Smith)</u></b></p> <p><b><u>Recommendation</u></b></p> <p><b><i>That Council consider the content of this Notice of Motion.</i></b></p>		
<p><b><u>OM082204-21.3 Notice of Motion No. 139-07/08</u></b>  <b><u>reference Document for Proposed Planning</u></b>  <b><u>Scheme Amendment C29 (Cr Wilmink)</u></b></p> <p><b><u>Recommendation</u></b></p> <p><b><i>That Council consider the content of this Notice of Motion.</i></b></p>		Cr Wilmink
<p><b><u>OM082204-21.4 Notice of Motin No. 140-07/08</u></b>  <b><u>Consideration to Defer Planning Scheme</u></b>  <b><u>Amendment C29 (Cr Wilmink)</u></b></p> <p><b><u>Recommendation</u></b></p> <p><b><i>That Council consider the content of this Notice of Motion.</i></b></p>		Cr Wilmink

**OM082204-21.1**

***Cr Wilmink withdrew Notice of Motion No 137-07/08 Consideration of Additional Documentation for Proposed Planning Scheme Amendment C29.***

**OM082204-21.2**

***MOVED Cr Mercer seconded Cr Graham that Council, although it is outside our area of authority and responsibility, recognises the community's concern regarding the potential impacts of ground water extraction from the Gellibrand Valley Aquifer.***

***CARRIED 7 : 0***

**OM082204-21.3**

***Cr Wilmink withdrew Notice of Motion No 139-07/08 Reference Document for Proposed Planning Scheme Amendment C29***

**OM082204-21.4**

***Cr Wilmink withdrew Notice of Motion No 140-07/08 Consideration to Defer Planning Scheme Amendment C29***

The Mayor thanked Jeff Morgan, Strategic Planning Co-ordinator for his services to Colac Otway Shire during the last three years.

**Resolution**

***MOVED Cr Riches 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>SUBJECT</b>	<b>REASON</b>	<b>SECTION OF ACT</b>
<b><i>Minutes</i></b>	<b><i>Matter which may prejudice Council or any person</i></b>	<b><i>Section 89(2)(h)</i></b>
<b><i>Contractual Matter</i></b>	<ul style="list-style-type: none"> <li><b><i>• Contractual Matter</i></b></li> <li><b><i>• Legal Advice</i></b></li> <li><b><i>• Matter which may prejudice Council or any person</i></b></li> </ul>	<b><i>Section 89(2)(d)</i></b> <b><i>Section 89(2)(f)</i></b> <b><i>Section 89(2)(h)</i></b>

***CARRIED 7 : 0***