

MINUTES of the **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held in the COPACC Meeting Room, Rae Street, Colac on Wednesday, 28 October 2008 at 3.00 pm.

1. OPENING PRAYER

Almighty God, we seek your blessing and guidance in our deliberations on behalf of the people of the Colac Otway Shire. enable this Council's decisions to be those that contribute to the true welfare and betterment of our community.

AMEN

2. PRESENT

Cr. Chris Smith (Mayor)
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
Jack Green, General Manager, Sustainable Planning & Development
Ross Goyne, Acting General Manager, Infrastructure & Services

Althea Wright, Executive Officer

3. APOLOGIES

Cr Joe Di Cecco

4. MAYORAL STATEMENT

Colac Otway Shire encourages active community input and participation in Council decisions. Council meetings provide one of these opportunities as members of the community may ask questions relating to matters being considered by Council at the current meeting. Questions not related to current agenda items can be made in writing and will be addressed if received within two days of the Council meeting. Council meetings also enable Councillors to debate matters prior to decisions being taken.

I ask that we all respect each other during this process by:

- being courteous and respectful in the way in which you speak;
- not speaking unless you have been permitted to by me as chairperson;
- respecting the local laws which govern meeting procedure (copies of these are here for your information); and
- understanding that I have a responsibility to ensure proper meeting procedure and the upholding of the local law.

Thank you, now question time. 30 minutes is allowed for question time.

1. Questions received in writing prior to the meeting
2. Questions from the floor

5. QUESTION TIME

Questions Received in Writing Prior to the Meeting

Lyn Foster

With regards to Cr Lehmann's declaration of interest at previous Council meetings when the Joint Use Library has been discussed, could Cr Lehmann please confirm that, consistent with her declaration at the March 2008 Council Meeting, she will not be voting on the Development and Joint Use Agreement and Building Works Contract between DEECD, CSC and COS for the Joint-Use Library due to a 'Conflict of Interest' in relation to these contracts as she is "employed by DEECD at Colac Secondary College".

It is the responsibility of the Councillor to declare whether they have a direct or indirect interest in any item before Council.

Cr Lehmann advised the Council that she would be voting on item OM082810-7.

Russell Adams

1. Why is no agenda for November on the website?

The agenda for each meeting is usually available on Council's website the Friday prior to the meeting. The agenda for the 28 October 2008 meeting was available from Friday afternoon 24 October.

2. Why are the council meeting minutes two months behind?

The minutes of meetings are available on Council's website after they have been confirmed by Council. The latest minutes that are available on the website are the August 2008 minutes which were confirmed at the 24 September Council meeting.

3. Why is there no hard copy of the Council minutes available in the library?

As the minutes are available on the website hard copies have not been made available.

Hard copies of the minutes can be provided on request.

4. At the library a notice about the Draft Beechy Precinct Agreement states: "The school shall have priority use of the Joint Use Library".

The community shall have use only if this use does not conflict with school curriculum. School shall have priority use over meeting rooms and charge fees.

Does this mean that the library will be closed to the public at some times of normal use.

The Library part of the building will be open and accessible to the public for at least 41 hours, as it currently is. The joint use agreement provides for the library to be open to the public for at least as many hours as the currently library.

5. Can the meeting rooms be used for withdrawal rooms for school students?

The meeting rooms are a part of the shared use facility and will be available to the general public, Council or the school through a booking system which will be administered by a Joint Committee. The school will have other rooms which will be able to be used for their own use such as dealing with student issues and it is not intended that the meeting rooms be used for this purpose.

6. What procedure is in place to ensure meeting room fees are at a reasonable cost to the community.

The fees for the use of the facility will be set and administered by the Joint Committee. The Joint Committee comprises

- o 2 members appointed by the College Council*
- o 2 members appointed by the Shire Council*
- o 1 member of the Library Operator*
- o 2 independent community representatives with 1 of the independent members being the chairperson*

As the facility is for joint use, community use will be encouraged. It is expected that the fees set will encourage a high level of access and participation by the general community.

7. As this is a joint use facility and our rates are paying for upkeep, will we get a portion of the fees to be charged?

The fees for the use of the facility will be remitted to the Joint Committee. These fees will be managed and used by the Joint Committee with the facility as decided by the Committee. This aims to optimise benefit for the community.

8. I am told the opening hours will be 8.30 am to 5.30 pm. Is this correct? What are the opening hours? If correct, will Saturdays and/or school holidays see library closed?

As noted above the new library will be open the same times as the existing facility. A total of 41 hours:

<i>Monday</i>	<i>10 am – 5.30 pm</i>
<i>Tuesday</i>	<i>10 am – 5.30 pm</i>
<i>Wednesday</i>	<i>10 am – 5.30 pm</i>
<i>Thursday</i>	<i>10 am – 5.30 pm</i>
<i>Friday</i>	<i>10 am – 7.00 pm</i>
<i>Saturday</i>	<i>10 am – 12 noon</i>

The library will be open, as normal, during school holidays.

The opening hours for the facility for booking purposes (e.g. meeting rooms, IT, seminar rooms, resource area, the library as a function area outside library hours) has much longer hours of availability for the public as follows:

*Monday to Friday: 7.00 am to 10.30 pm
Saturday & Sunday: 7.00 am to 10.00 pm*

Questions Received Verbally at the Meeting

John Campiglis

- 1. Queried the C55 Panel Report as it discussed the rezoning of Mr Campiglis' land in Flaxmill Road from industrial zone to farm zone.**

Doug McNeil, Manager, Planning & Building advised that the structure plan supported that rezoning to primarily maintain a rural landscape at the entry to Colac.

- 2. Questioned whether the C55 Panel and the Colac Otway Shire's Planning Department accessed his property without prior permission?**

Tracey Slatter, Chief Executive Officer advised that this matter would be investigated.

Ian McDougall

Raised the following concerns in regards to the cattle grids on Minchington's Access –

- **Repairs of the cattle grids**
- **Location of the cattle grids**
- **Maintenance costs**
- **Road safety issues**
- **Risk management issue**

Ross Goyne, Acting General Manager, Infrastructure & Services advised that this project had been driven with the need to find a compromise with the applicant and other road users.

Tracey Slatter, Chief Executive Officer further advised that Council may consider a policy in relation cattle grids being constructed on roads.

Jennifer Ensley

Does Council intend to release the draft Joint Use Library Agreement for 28 days prior to it being signed?

Colin Hayman, General Manager, Corporate & Community Services advised that the copy of the Agreement in the agenda was the final version.

Have the Councillors decided how they will vote on the Joint Use Library Agreement?

The Mayor advised that the matter was subject to a debate later in the meeting and Councillor's intentions would be known at that point.

Geoff Beach

Advised that he is strongly opposed to the reopening of Hinds Road and that the applicant is only requesting this to suit their purposes rather than considering other issues. Mr Beach also raised concerns in regards to the maintenance of the road and the fragile environment surrounding the road and who would be liable for any damage to property as a result of this reopening.

Ross Goyne, Acting General Manager, Infrastructure & Services advised that in considering the proposal one of the key issues was whether the access to the south could be used.

Tracey Slatter, Chief Executive Officer also advised that Council has undertaken detailed studies in relation to landslips and the Planning Scheme takes this into account. A road would be subject to a planning permit.

Christine Holm

Raised concerns about the Joint Committee of Management for the Joint Use Library regarding the independence of the two independent members (one of whom would be the Chair).

Would Council be paying for insurance despite DEECD owning the building?

Tracey Slatter, Chief Executive Officer advised that Council would be taking out insurance and that this would be reimbursed by DEECD for their share. This was to protect Council's interests as DEECD does not insure buildings.

Simon Arundell

Raised concerns regarding Amendment C55, the qualifications of the consultant engaged by Council to undertake the Rural Land Strategy and the need for this legislation.

Doug McNeill, Manager, Planning & Building advised that the Consultant was engaged by Council through a selection process and was highly considered.

Tracey Slatter, Chief Executive Officer advised this is an Amendment to the Planning Scheme and that a significant amount of consultation and exhibition had occurred.

Rev Kevin Cranwell, Colac Uniting Church

Requested the Uniting Church land in Flaxmill Road be rezoned to Rural Activity Zone as part of Amendment C55 and that it not be left to a follow up amendment.

Tracey Slatter, Chief Executive Officer advised that this could not be undertaken as advice had been received confirming the need to undertake a separate Planning Scheme Amendment process.

Mr Wessner

What percentage of the Joint Use Library is available for the public and the school?

Tracey Slatter, Chief Executive Officer advised that the entire library is available for joint use.

What percentage of the books will be available for school use and public use?

Tracey Slatter, Chief Executive Officer advised that all the books would be available for the community.

Who would own the complex?

Tracey Slatter, Chief Executive Officer advised that the land and building would be owned by the Department of Education & Early Childhood Development and that the library would be subject to a Joint Use Agreement similar to how the Bluewater Fitness Centre operates.

What is the estimated cost of interest that would owed?

The Mayor advised that Council had not made a decision to borrow any money for the facility.

What would the blowout costs be?

Tracey Slatter, Chief Executive Officer advised that there were mechanisms in the Agreement to protect Council against a blow out of costs.

What protection will there be for Council if the Joint Use Library closes?

Tracey Slatter, Chief Executive Officer advised that there are compensation clauses in the Agreement to protect Council and the community if DEECD is not able to honour the Joint Use Agreement.

Lyn Foster

Raised concerns in regards the lack of success of joint use libraries in Victoria and to the safety of children from unauthorized access to the school area.

The Mayor advised that as few joint use libraries in Victoria were successful a visit was made to South Australia where they are successful so that those models could be considered.

The Mayor further advised that in regards to the safety of children that this Joint Use Library would be no different from the current arrangements for the Bluewater Fitness Centre.

6. MAYORAL AWARDS

The Mayor announced Mrs Gwen Huggins (Elliminyt Hall Committee) as the Mayoral Volunteer Recipient for October 2008.

The Mayor announced Ms Sophie Hampshire as the Mayoral Youth Award Recipient for October 2008.

7. DECLARATION OF INTEREST

Cr Smith: OM082810-6 2008/2009 Beechy Train Proposal: Old Beechy Rail Trail

Nature of Disclosure: Conflict of Interest
Nature of Interest: Train Operator and Owner

Cr Lehmann: OM082810-7 Beechy Precinct Global Connector Including Joint Use Library Agreement
Nature of Disclosure: Interest
Nature of Interest: Teacher at the Colac Secondary College

Cr Wilmink: OM082810-7 Beechy Precinct Global Connector Including Joint Use Library Agreement
Nature of Disclosure: Interest
Nature of Interest: Member of the Colac Public Library

8. CONFIRMATION OF MINUTES

- Ordinary Meeting of the Colac-Otway Shire Council held on the 23/09/08.

Resolution

MOVED Cr Riches seconded Cr Wilmink that Council confirm the above minutes.

CARRIED 6 : 0

OFFICERS' REPORTS

Chief Executive Officer

OM082810-1 CEO'S PROGRESS REPORT TO COUNCIL
OM082810-2 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

Corporate and Community Services

OM082810-3 NAMING OF VARIOUS ROADS THROUGHOUT THE SHIRE
OM082810-4 SPORT AND RECREATION VICTORIA 2009/2010 COMMUNITY FACILITIES FUNDING PROGRAM
OM082810-5 2009 GREAT VICTORIAN BIKE RIDE FUNDING REQUEST
OM082810-6 2008/2009 BEECHY TRAIN PROPOSAL: OLD BEECHY RAIL TRAIL
OM082810-7 BEECHY PRECINCT GLOBAL CONNECTOR INCLUDING JOINT USE LIBRARY AGREEMENT
OM082810-8 FAMILY & CHILDREN'S CENTRE PROPOSAL FOR COLAC
OM082810-9 2007/2008 ANNUAL REPORT
OM082810-10 JULY 2008 - SEPTEMBER 2008 FIRST QUARTER PERFORMANCE REPORT

Infrastructure

OM082810-11 SPECIAL CHARGE SCHEME - SLATER STREET, ELLIMINYT
OM082810-12 CONTRACT APPROVAL CONTRACT 0801 – BINNS ROAD BRIDGE

- OM082810-13 AMENDMENT OF UNUSED ROAD LICENCE NO. 0511057 – HINDS
ROAD, BIRREGURRA
- OM082810-14 MINCHINTON ROAD CATTLE GRID AGREEMENT

Sustainable Planning and Development

- OM082810-15 PLANNING SCHEME AMENDMENT C55 - CONSIDERATION OF PANEL
RECOMMENDATIONS AND PROPOSED ADOPTION OF AMENDMENT
- OM082810-16 WEED MANAGEMENT
- OM082810-17 FINAL APOLLO BAY HARBOUR PRECINCT MASTER PLAN

GENERAL BUSINESS

OM082810-18 General Business

- OM082810-18.1 ITEM FOR SIGNING AND SEALING - INSTRUMENT OF AGREEMENT
CONTRACT 0813 - BITUMINOUS SEALING WORKS IN COLAC OTWAY
SHIRE
- OM082810-18.2 ITEM FOR SIGNING AND SEALING - SECTION 173 AGREEMENT, 27
HARRINGTON ST, SEPARATION CREEK

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>CHIEF EXECUTIVE OFFICER</u></p> <p><u>M082810-1 CEO'S PROGRESS REPORT TO COUNCIL</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council receive the CEO's Progress Report for information.</i></p>	<p>Cr Wilmink Cr Mercer Cr Smith</p>	
<p><u>OM082810-2 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council note that Ms Tracey Slatter has tendered her resignation from the role of CEO, Colac Otway Shire effective 28 November 2008 to take up a leadership role with the TAC.</i></p> <p><i>That Council appoint Mr Jack Green, General Manager, Sustainable Planning & Development to the position of Acting Chief Executive Officer effective Saturday, 29 November 2008 until further notice and be remunerated accordingly.</i></p>	<p>Cr Smith</p>	

MOVED Cr Mercer seconded Cr Wilmink 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><u>CORPORATE AND COMMUNITY SERVICES</u></p> <p><u>OM082810-3 NAMING OF VARIOUS ROADS THROUGHOUT THE SHIRE</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <ol style="list-style-type: none"> 1. <i>That having considered the submissions in relation to proposed road names referred to in the table in the above report, Council resolves to adopt the road names as recommended pursuant to the provisions of clause 5, Schedule 10 of the Local Government Act 1989.</i> 2. <i>That Council also adopts the road names recommended to it by the Road Names Project Advisory Committee as listed in attachments 1 and 2 pursuant to the provisions of clause 5, Schedule 10 of the Local Government Act 1989.</i> 3. <i>That the adopted road names be published in the Victorian Government Gazette and letters advising of the Council's resolutions be sent to all submitters and owners of properties abutting the subject roads.</i> 		Cr Riches
<p><u>OM082810-4 SPORT AND RECREATION VICTORIA 2009/2010 COMMUNITY FACILITIES FUNDING PROGRAM</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council support the submission of the following three funding applications to the Sport and Recreation Victoria 2009/2010 Community Facilities Funding Program by 3 November 2008:</i></p>		

<ol style="list-style-type: none"> 1. Eastern Reserve Netball Facilities Improvement Project Colac 2. Colac Lawn Sports Facility Improvement Project 3. Regional Soccer Strategy (as a project partner not lead applicant) <p>and the Birregurra Bowls Club Synthetic Surface Project to be submitted under the Sport and Recreation Victoria Synthetic Surfaces Program by 24 November 2008 with each of these projects to be further presented to Council through the Council 2009/2010 Budget process for consideration subject to State Government funding.</p>		
<p><u>OM082810-5 2009 GREAT VICTORIAN BIKE RIDE FUNDING REQUEST</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council :</i></p> <ol style="list-style-type: none"> 1. <i>Endorses the forward advance funding of \$7,500 for the proposed 2009 Great Victorian Bike Ride, reducing the 2009/2010 Festival and Events Scheme budget by one event; and</i> 2. <i>Endorses that the amount of \$7,500 includes an amount of \$3,000 to be used to offset the cost of space to camp approximately 5000 people at the Apollo Bay Recreation reserve.</i> 		
<p><u>OM082810-6 2008/2009 BEECHY TRAIN PROPOSAL: OLD BEECHY RAIL TRAIL</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation</u></p> <p><i>That Council -</i></p> <ol style="list-style-type: none"> 1. <i>Approves the Beechy Train to travel on the Old Beechy Rail Trail for up to ten journeys in the period November 2008 to April 2009 inclusive and the Beechy Train to continue to operate on behalf of the Section 86 Old Beechy Rail Trail Committee under Council's insurance; and</i> 		Cr Mercer

<p>2. <i>Advises the Old Beechy Rail Trail Committee that they can approve future use of the Beechy Train subject to the completion of a risk management plan on an annual basis removing the necessity for the item to be approved by Council.</i></p>		
<p><u>OM082810-7 BEECHY PRECINCT GLOBAL CONNECTOR INCLUDING JOINT USE LIBRARY AGREEMENT</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation</u></p> <p><i>That Council signs and seals the Development and Joint Use Agreement between The Minister of Education, The Council of Colac Secondary College and the Colac Otway Shire Council.</i></p>	<p>Cr Wilmink Cr Riches Cr Graham</p>	
<p><u>OM082810-8 FAMILY & CHILDREN'S CENTRE PROPOSAL FOR COLAC</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council –</i></p> <ol style="list-style-type: none"> 1. <i>Approves in-principle, that as a minimum, sessional Maternal & Child Health services, immunisation and some other group activities are to be held at the proposed Family & Children's Centre in Colac;</i> 2. <i>Has ongoing discussions with Glastonbury and other agencies involved with the proposed Centre to investigate all of Council's options; and</i> 3. <i>Is kept briefed on the ongoing discussions, proposed directions and funding outcomes.</i> 	<p>Cr Mercer Cr Graham</p>	
<p><u>OM082810-9 2007/2008 ANNUAL REPORT</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council having considered the Annual Report for 2007/08, Council note its completion in accordance with statutory requirements</i></p>		

<p><u>OM082810-10 JULY 2008 - SEPTEMBER 2008 FIRST QUARTER PERFORMANCE REPORT</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council receive for information the 2008/2009 First Quarter Performance Report for the three months ending 30 September 2008.</i></p>		
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The Mayor declared a Conflict of Interest in Item OM082810-6.

Cr Wilmink declared an Interest in Item OM082810-7.

Cr Lehmann declared an Interest in Item OM082810-7.

MOVED Cr Riches seconded Cr Lehmann that recommendations to items listed in the Consent Calendar, with the exception of items OM082810-3 OM082810-6, be adopted.

CARRIED 4 : 2

DIVISION called by Cr Graham

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

Against the Motion: Cr Wilmink, Cr Graham

OM082810-3

MOVED Cr Riches seconded Cr Mercer

1. ***That having considered the submissions in relation to proposed road names referred to in the “Naming various roads throughout the Shire” report, Council resolves to adopt the road names as listed below pursuant to the provisions of Clause 5, Schedule 10 of the Local Government Act 1989.***

Road Ref	Initial Proposed Name	Road Names Advisory Committee Recommendation	Council Recommendation
Map 1 Road 29	Mills St, Cressy	Perry St, Cressy (as per Round 1 submission)	“Perry St, Cressy”
Map 1 Road 30	Connors Rd, Cressy	Cairns Rd, Cressy	“Cairns Rd, Cressy”
Map 1 Road 45	Williams Rd, Alvie	McMillans Rd, Alvie (as per Round 1 submission)	“McMillan Rd, Alvie”
Map 1 Road 49	Whittacker Rd, Balintore	Lang Access, Balintore (as per Round 1 submission)	“Lang Access, Balintore”
Map 3 Road 119	Whoorel Cemetery Rd	Bicket Rd (as per Round 1 submission)	“Cemetery Rd, Whoorel”
Map 4 Road 182	Hamilton Rd, Gellibrand	Stone Reserve Access (as per Round 1 submission)	Road remain unnamed.
Map 5 Road 195	Meullers Access, Skenes Creek	O’Connor Track, Skenes Creek (as per Round 1 submission)	“O’Connor Track, Skenes Creek”

2. ***That Council also adopts the road names recommended to it by the Road Names Project Advisory Committee as listed in attachments 1 and 2 pursuant to the provisions of clause 5, Schedule 10 of the Local Government Act 1989.***
3. ***That the adopted road names be published in the Victorian Government Gazette and letters advising of the Council’s resolutions be sent to all submitters and owners of properties abutting the subject roads.***
4. ***That further verification of the family names is undertaken to ensure that an “s” is included in the name only where the family name is in the plural form and that Council delegate to the Chief Executive Officer to authorise any changes pursuant to the provisions of Clause 5, Schedule 10 of the Local Government Act 1989.***

CARRIED 6 : 0

OM082810-6

MOVED Cr Mercer seconded Cr Riches that Council:

- 1. Approves the Beechy Train to travel on the Old Beechy Rail Trail for up to ten journeys in the period November 2008 to April 2009 inclusive and the Beechy Train to continue to operate on behalf of the Section 86 Old Beechy Rail Trail Committee under Council's insurance; and***
- 2. Advises the Old Beechy Rail Trail Committee that they can approve future use of the Beechy Train up to ten journeys per year provided it does not become a commercial operation and subject to the completion of a risk management plan on an annual basis removing the necessity for the item to be approved by Council.***

The Mayor having declared a Pecuniary Interest in Item OM028210-6 vacated the Chair.

Tracey Slatter, Chief Executive took the Chair and called for nominations for a Temporary Chairperson.

MOVED Cr Mercer seconded Cr Wilmink that Cr Riches be nominated for the position of Temporary Chairperson.

CARRIED 6 : 0

Cr Riches took the Chair.

The Mayor having declared a Pecuniary Interest in Item OM082810-7 left the Council Chamber at 4.48 pm.

CARRIED 6 : 0

The Mayor returned to the Council Chamber at 4.49 pm.

Cr Riches vacated the Chair.

The Mayor took the Chair.

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>INFRASTRUCTURE</u></p> <p><u>OM082810-11 SPECIAL CHARGE SCHEME - SLATER STREET, ELLIMINYT</u></p> <p>Department: Infrastructure & Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council –</i></p> <ol style="list-style-type: none"> <i>1. Adopt the final costs for the construction of the unsealed section of Slater Street, Elliminyt, as set out in this report; and</i> <i>2. Notify effected property owners of the final costs levied against the properties within the scheme boundary.</i> 		
<p><u>OM082810-12 CONTRACT APPROVAL CONTRACT 0801 – BINNS ROAD BRIDGE</u></p> <p>Department: Infrastructure & Services</p> <p><u>Recommendation</u></p> <p><i>That Council awards Contract 0801 for Binns Road Bridge Design & Construction to Van Ek Contracting Pty Ltd at the Lump Sum tender price of \$353,800.00 (excluding GST).</i></p>		

<p><u>OM082810-13 AMENDMENT OF UNUSED ROAD LICENCE NO. 0511057 – HINDS ROAD, BIRREGURRA</u></p> <p>Department: Infrastructure & Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council -</i></p> <ol style="list-style-type: none"> <i>1. Amend the unused road licence (Ref No. 0511057) by the extent specified in the attached Agreement;</i> <i>2. Instruct the Department of Sustainability and Environment to amend the current licence accordingly;</i> <i>3. Inform the Licensee, the operator, and other objectors of Council's resolution in writing; and</i> <i>4. Inform the Applicant in writing of Council's resolution including their requirement to satisfy the following:</i> <ul style="list-style-type: none"> <i>- That all clauses of the Agreement drafted by the Applicant and dated 5 May 2008 are observed;</i> <i>- The extent of the unused road licence to be amended shall be restricted to that length stated in Clause 3 of the Agreement;</i> <i>- That all statutory planning approvals associated with construction of the proposed road are determined and obtained by the Applicant;</i> <i>- That due consideration is given to any requirements under both the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2007 to prepare a Cultural Heritage Management Plan;</i> <i>- That the new roads design and its subsequent construction observe the requirements of Council's Roadside Vegetation Management Plan;</i> <i>- Minimisation of any impacts to existing underground services which may exist within the works area;</i> <i>- That the design and construction of the extension of Hinds Road consider land stability issues, road side drainage and discharge, road geometry, alignment, location of existing underground services, environmental impacts, etc.;</i> <i>- That the new section of road is designed and constructed in order to satisfy Council's minimum specifications;</i> 		Cr Mercer
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<ul style="list-style-type: none"> - <i>That road design details/plans are forwarded to Council for approval; and</i> - <i>Consent to works being received from Colac Otway Shire prior to any works being undertaken.</i> 		
<p><u>OM082810-14 MINCHINTON ROAD CATTLE GRID AGREEMENT</u></p> <p>Department: Infrastructure & Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council resolve to sign and seal two (2) copies of the Agreement documents for the ongoing operation of the cattle grids located on Minchinton Road, Weeaprounah.</i></p>		Cr Mercer

MOVED Cr Wilmlink seconded Cr Graham that recommendations to items listed in the Consent Calendar, with the exception of items OM082810-13 OM082810-14, be adopted.

CARRIED 6 : 0

OM082810-13

MOVED Cr Mercer seconded Cr Graham that Council defer consideration of this report until Council is provided with further advice.

CARRIED 6 : 0

OM082810-14

MOVED Cr Mercer seconded Cr Riches that Council defer consideration of this report until Council is provided with further advice.

CARRIED 6 : 0

CONSENT CALENDAR

OFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></p>		
<p><u>OM082810-15 PLANNING SCHEME AMENDMENT C55 - CONSIDERATION OF PANEL RECOMMENDATIONS AND PROPOSED ADOPTION OF AMENDMENT</u></p>		
<p>Department: Sustainable Planning and Development</p>		
<p><u>Recommendation(s)</u></p>		
<p><i>That having considered the Panel report for Amendment C55 and having considered all submissions made, it is recommended that Council:</i></p>		
<p>1. <i>Notes and acknowledges the congratulations of the Panel, and the significant contribution made by Councillors, Council staff and the community to Amendment C55 and all of the lead-up strategic work that has been incorporated into the amendment.</i></p>		
<p>2. <i>Adopts Amendment C55 as exhibited subject to the following changes:</i></p>		
<p><u>Maps - Zones</u></p>		
<p><i>Panel Recommendation 38</i></p>		
<ul style="list-style-type: none"> <i>• Delete lots known as 122 Main Street from the Business 3 Zone.</i> <i>• Delete the Business 1 Zone from land in Elliminyt not currently used or developed for commercial activities.</i> <i>• Delete the proposed Industrial 1 and 3 zoning on the east side of Forrest Street south of Hearn Road.</i> <i>• Align the northern boundary of the Business 4 Zone in West Colac with the northern boundary of lots 378 and 412 Princes Highway.</i> 		
		<p>Cr Wilmink</p>

Maps - Overlays**Panel Recommendation 37**

- *Delete ESO1 from the urban area of Colac, including the industrial areas to the east of Colac.*
- *Subject to Amendment C29 being approved by the Planning Minister, on the SLO3 map delete the overlay from the Great Ocean Green land between Apollo Bay and Marengo.*

Municipal Strategic Statement**Panel Recommendation 1**

In Clauses 21.02 – 21.05 review the overview, strategies and objectives to identify material that is more appropriately presented as Policy guidance or Rezoning guidance.

Panel Recommendation 2

In Clauses 21.02 – 21.05 ensure that Strategy references to all plans and maps clearly refer to the plans and maps in the Clause, rather than to the external documents from which they are sourced.

Panel Recommendation 3

In Clauses 21.02 – 21.05 in the recommended ‘Specific implementation’ section include the following headings and guidance worded as follows:

Policy guidance

Request [specify proposals] provide the following information as appropriate:

- *[List of specific information to be supplied].*
- *Assess proposals [specify proposals] against the following criteria:*
- *[This list should comprise of ‘standards’, that is statements using the verb ‘should’ (or in some cases ‘may’)].*
- *When deciding on applications [specify proposals] consider, as appropriate:*
- *[This list should comprise a list of policy neutral issues].*

Rezoning guidance

Support the [nominated zones] on land [area identified] to provide for [identified uses] provided [other requirements].

Panel Recommendation 4

In Clauses 21.02 – 21.05 include a section ‘Specific implementation’ after Objectives and Strategies where there is a need to include the material identified as policy guidelines, and statements that provide guidance on future rezoning.

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In Clauses 21.02 – 21.05 review and edit the Strategies to remove any reference to the Rural Land Strategy, Colac Structure Plan, and Apollo Bay Structure Plan.

Panel Recommendation 6

In Clause 21.02-3 in the Overview and Strategies recognise the need for a heavy vehicle by-pass of the Murray Street retail centre.

Panel Recommendation 7

In Clause 21.03-2, modify strategies advocating urban consolidation to ensure that infill housing proposals need to demonstrate that they are designed in a manner that is compatible and appropriate for the prevailing character of the precinct.

Panel Recommendation 10

In Clause 21.04-8 (Overview) delete the reference to ‘Western Coastal Cliffs’.

Panel Recommendation 11

In Clause 21.04-8:

- Insert a new dot point in the overview that states: “The need to protect the scenic landscape values of ridgelines and landforms from inappropriate built form and removal of vegetation.”***
- Insert a new objective that states: “To protect ridgelines from inappropriate development and vegetation removal.”***
- Insert a new strategy that states: “Ensure new development and removal of vegetation is discouraged from ridgelines and hill tops where it is a significant scale to impact the landscape character of the area.”***

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In Clause 21.05-1 introduce a new 'Policy guideline' as follows:

- ***Request applications for an additional dwelling in the Farming Zone provide the following information as appropriate:***
 - ***A statement that describes the nature of the agricultural use, the extent of its operation, its current and proposed staffing levels, the need for on site management and how an additional dwelling meets the requirements of the planning scheme.***

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In Clause 21.05-2 insert a new strategy to discourage timber plantations from land identified for its scenic and landscape qualities in the Great Ocean Road region as defined by the Rural Conservation Zone.

Panel Recommendation 14

In Clause 21.05-4 (Overview) distinguish between the potential of farming and nature based tourism ventures in the Rural Activity Zone (RAZ).

Panel Recommendation 15

In Clause 21.05-4 amend the last two objective statements to read:

- ***To provide for a preferred mix of uses in the Rural Activity Zone to the west of Apollo Bay.***
- ***To provide for a preferred mix of uses in the Otway Ranges.***

Panel Recommendation 16

In Clause 21.05-4 add 'Rezoning guidance' in a new section following strategies as follows:

Rezoning guidance

- ***Support the Rural Activity Zone on land west of Apollo Bay and in the Otway Ranges to provide for a mix of uses including: agriculture, tourist and recreational activities, group accommodation with tourist or recreational activities (including backpacker accommodation, camping and caravan park, cabins etc.), and restaurant in association with a tourist activity or recreational activity.***

Panel Recommendation 17

In Clause 21.05-4 delete 12th to 16th dot points under 'Strategies' and replace with 'Policy guidance' in a new section following strategies as follows:

Policy guidance

- ***Assess proposals for use and development in any Rural Activity Zone west of Apollo Bay or in the Otway Ranges against the following criteria:***
 - ***Use and development for Equestrian supplies, Helipad, Hotel, Landscape gardening supplies, Motor racing track, Tavern, and other similar uses should be avoided.***
 - ***The scale of development and use should relate to the land size and surrounding uses.***
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 - ***Development should provide net environmental gain.***
 - ***Development should be self sufficient in, or meet all the relevant costs of, infrastructure provision.***

Panel Recommendation 18

In Clause 21.06 rename the Clause 'General implementation' and revise the content to provide a general overview of how Zones and Overlays are applied in the Scheme.

Panel Recommendation 19

In Clause 21.07 before the list of reference documents include the words:

- ***'The following strategic studies have informed the preparation of this planning scheme. All relevant material has been included in the Scheme and decision makers should use these documents for background research only. Material in these documents that potentially provides guidance on decision making but is not specifically referenced by the Scheme should not be given any weight.'***

Framework Plans**Panel Recommendation 8**

In Clause 21.03-2 amend the Colac Framework plan to:

- **Remove notations that will be redundant if the Amendment is approved and include relevant strategic notations.**
- **Remove notations for infill development from areas included in a Heritage Overlay.**
- **Identify Heritage Areas.**
- **Designate the land on the south side of Princes Highway, generally east of Deans Creek Road as part of the long term supply of urban residential land.**
- **Give strategic recognition of the need to expand the Elliminyt neighbourhood centre to support a growing community.**
- **Delete the notation and area designated as Potential future (long term) south of proposed Industrial 1 Zone area.**
- **Identify the area between proposed Industrial 1 Zone and Pound Road as 'Potential Industrial Area'.**

Panel Recommendation 9

In Clause 21.03-3 modify the Apollo Bay 'Framework' Plan to:

- **Delete the water storage facility on the Great Ocean Green site.**
- **Delete any reference to growth scenarios or staging.**
- **Identify land to the west of the town as an 'Urban Development Investigation Area'.**
- **Identify the C17 site by way of an outline as being a 'potential residential development site'.**
- **Identify the C29 site by way of an outline as being a 'potential residential development site' generally in accordance with the adopted C29 Framework Plan.**
- **Include environmental outcomes on the Great Ocean Green land including river, floodplain and the like.**
- **Include a notation about the green break between the road and the river.**
- **Add the words 'non urban' to the legend as it affects Wild Dog Creek.**
- **Add reference to the actual heights instead of terms such as 'high density'.**

Zone Schedules**Panel Recommendation 20**

In the Schedule to Clause 35.07 insert under 'minimum setback from a road (metres)':

The following for roads with a 100m setback:

"A Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1, including:

- ***Beech Forest Mt Sabine Road, Ferguson to Turtons Track***
- ***Birregurra-Forrest Road***
- ***Colac-Ballarat Road***
- ***Corangamite Lake Road***
- ***Forrest-Apollo Bay Road***
- ***Great Ocean Road***
- ***Lavers Hill-Cobden Road***
- ***Lavers Hill-Colac Road***
- ***Lighthouse Road***
- ***Princes Highway***
- ***Skenes Creek Road***
- ***Turtons Track"***

The following for roads with a 20m setback:

"Any other road, including:

- ***Barham Valley Road***
- ***Binns Road***
- ***Blue Johanna Road***
- ***Busty Road***
- ***Carlisle-Gellibrand Road***
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- ***Tuxion Road***
- ***Upper Gellibrand Road***
- ***Wild Dog Road"***

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In Clause 42.03-1 (SLO1) at 'Permit Requirements' insert the following statement:

"A permit is required to remove, destroy or lop any native vegetation."

Panel Recommendation 22

In Clause 42.03-3 (SLO3) and 42.03-4 (SLO4) introduce the same permit exemptions as specified in Clause 42.03-1 (SLO1).

Panel Recommendation 23

In Clause 42.03-3 amend the second dot point to Clause 6 to state:

- ***"The 'Apollo Bay Coastal Valley and Hills Precinct Development Principles Incorporated Plan' from the Great Ocean Road Region Landscape Assessment Study (Planisphere 2003) at Clause 81."***

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- ***"The 'Johanna Coast to Cape Otway Coastal Valley and Hills Precinct Development Principles Incorporated Plan' from the Great Ocean Road Region Landscape Assessment Study (Planisphere 2003) at Clause 81."***

Panel Recommendation 25

In Clause 43.02 amend DDO 3 to provide the set back from the proposed road widening.

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In Clause 43.02 Schedule 5 replace the first objective with:

- ***"To protect the existing low scale coastal character and identity of Apollo Bay.***
- ***To ensure that new development in Apollo Bay is consistent with and acts to consolidate the character of Apollo Bay as a coastal town."***

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In Clause 43.02 Schedules 5, 6, and 7 delete the objective 'To ensure that Urban Design principles expressed in the Apollo Bay Structure Plan are incorporated into new developments'.

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In Clauses 43.02 Schedule 5, 6, 7 delete the objective 'To ensure that Environmentally Sustainable Development practices expressed in the Apollo Bay Structure Plan are incorporated into new developments'.

Panel Recommendation 30

In Clauses 43.02 Schedule 5, 6, 7 move the decision guidelines relating to urban design to 'Buildings and works' and express them as 'standards' using the verb 'should'.

Panel Recommendation 31

In Clause 43.02 Schedule 5 specifically list the exempt works.

Panel Recommendation 32

In Clause 43.02 Schedules 6 and 7 replace the first objective with:

- To protect the existing low scale coastal character and identity of Apollo Bay.***

Panel Recommendation 33

In Clauses 43.02 Schedule 5, 6 and 7 delete the 'Decision Guidelines' relating to Environmentally Sustainable Design (ESD).

Panel Recommendation 34

In Clause 43.04 consolidate exhibited DPOs into one schedule for Future Residential Areas, and that the Schedule limit the matters to be addressed to:

- Internal road network.***
- Public open space.***
- Connectivity to other residential land and public open space.***
- Diversity of lot sizes and proposed lot density.***
- Provision of community facilities.***
- Impact of development on flora, fauna and cultural heritage.***

The Schedule to the 'Future Residential' DPO allow for permits for subdivision to be granted prior to the completion of the DPO provided that any permit does not compromise the orderly planning and development of the area.

Specific Provisions***Panel Recommendation 35***

In Clause 52.01 delete the requirement for 10 per cent open space.

Incorporated Documents***Panel Recommendation 36***

In Clause 81, introduce two new incorporated documents titled 'Apollo Bay Coastal Valley and Hills Precinct Development Principles' and 'Johanna Coast to Cape Otway Coastal Valley and Hills Precinct Development Principles'.

Other Council suggestions supported by the Panel.

- ***Change ESO6 to ESO7 to acknowledge the correct numbering sequence.***
- ***In the schedule to SLO5, delete reference to land around the Barham River.***
- ***Add the objective to ESO3 concerning protection of public health as requested by Wannon Water.***
- ***Convert the 'excision' related strategy at Clause 21.05-1 into a policy guidelines.***
- ***Convert the 'siting and design' strategy at Clause 21.03-8 into a policy guideline.***
- ***Delete the word 'residential' from DPO11.***
- ***Include the title details of CP173638 in the RAZ schedule.***
- ***Consider including reference to localized infrastructure problems in Clause 21.01-5 in accordance with the CORRA submission.***
- ***In accordance with the submission of CORRA remove DPO8 from part of the small residential area it covers in Colac as it is public land.***
- ***In accordance with the Fankhanel submission, include reference to pre-European heritage.***

Changes recommended by Officers:

- ***Delete the last dot point of Clause 21.03-9 that supports applications for dwellings in the Rural Conservation Zone (RCZ)***
- ***Include permit exemptions in the ESO1 and ESO3 for trimming of vegetation***
- ***Include permit exemptions in the ESO2 for removal/lopping of non-native vegetation.***

<ul style="list-style-type: none"> • <i>Include permit exemptions in the ESO6 for removal/trimming of all vegetation, and for buildings and works not associated with a sensitive land use such as a dwelling.</i> • <i>Modify the wording of SLO1, 3, 4 and 5 to include additional application requirements relating to demonstrating visual impacts of development, and in SLO1 delete the reference to water contamination. Give greater clarity to the landscape character outcomes to be achieved.</i> • <i>Modify DDO6 and DDO7 to include additional Application Requirements relating to demonstration that an application meets the Urban Design Principles.</i> • <i>Modify the DDO7 to include a requirement for an upper level setback of 3m for parts of a building exceeding 8m in height to make it consistent with the DDO6.</i> <p>3. <i>Forward Amendment C55 to the Minister for Planning for approval.</i></p> <p>4. <i>Seek authorisation from the Minister of Planning to prepare and exhibit a further planning scheme amendment to implement the following ‘follow on’ suggestions identified in the Amendment C55 Panel report:</i></p> <ul style="list-style-type: none"> • <i>Extend the Rural Activity Zone to the west of Apollo Bay to the south to include existing tourism ventures and adjoining land.</i> • <i>Rezone 10 Flaxmill Road to the Rural Activity Zone.</i> • <i>Rezone the Colac Caravan Park to the Rural Activity Zone.</i> • <i>Rezone land to the east of the Scanlon land and abutting the Beechy rail trail to Residential 1 Zone.</i> • <i>Rezone commercially used land in Main Street adjacent to the proposed Business 3 Zone also to Business 3.</i> • <i>Extend the application of the Design and Development Overlay (DDO6) in Apollo Bay north to Cawood Street.</i> • <i>Rezone the title of the existing tea rooms operation in Lavers Hill to Township Zone.</i> • <i>Split the schedule of the Farming Zone into schedules to identify the Farmland of Strategic Significance (FSS) as well as the subdivision and lot size controls.</i> <p>5. <i>Acknowledge that the following strategic work will need to be done arising from the recommendations</i></p>		
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of the Amendment C55 Panel Report, and that it be considered as part of future budgetary processes:

Residential

- **Undertake a more realistic estimate of the land supply in Colac.**
- **Consider inclusion of land to the south and west of the Scanlon land for rezoning to Residential 1 Zone subject to the completion of a Precinct Plan that demonstrates the integrated development of all the land.**

Business

- **Consider rezoning larger industrial lots within the Colac retail precinct to the Business 1 Zone.**
- **Council consider the expansion of the Colac retail precinct by including some of the larger sites in a Business 1 Zone rather than the existing Business 2 Zone.**

Elliminyt

- **Consider the preparation of a precinct structure plan for Elliminyt.**
- **Council prepare a precinct plan for the East Colac area.**

Rural Living

- **Council investigate applying a new Development Plan Overlay to maintain options for further subdivision in Colac.**
- **Council review the option of including smaller minimum lot sizes in the 'rural living' areas in the south-east and south-west of Colac on the basis of consideration of any updated forecast of the residential land market, management of wastewaters and the potential need to preserve some areas for longer term conversion to conventional residential development.**
- **Council review the suitability of the land to the east of Forest Street, between Woodrowvale Road and Barry's Road for Rural Living as part of a reassessment of the demand for and preferred locations for such development around Colac and as part of the preparation of a Structure Plan for Elliminyt.**
- **Council refer submissions that requested rural living around Lavers Hill to the Rural Living Study.**
- **Council refer the consideration of the balance of the land owned by the Bayes and**

<p><i>Riches to the proposed Rural Living Study to determine its appropriate zone.</i></p> <p>Overlays</p> <ul style="list-style-type: none"> • <i>Council review the application of Environmental Significance Overlay (ESO1) to the east Colac and west Colac precincts.</i> <p>Operational</p> <ul style="list-style-type: none"> • <i>Council, as part of its next review of the planning scheme, remove all other external references.</i> 		
<p><u>OM082810-16 WEED MANAGEMENT</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> 1. <i>Support the Environment Unit's current strategic approach to allocating resources for weed management.</i> 2. <i>Support an update of the current land asset database.</i> 3. <i>Support the development of a budget request to engage a botanist to undertake vegetation surveys on specific land parcels in 2009/10.</i> 4. <i>Support the submission of a grant application to support weed control works on high conservation roadsides.</i> 	Cr Mercer	

<p><u>OM082810-17 FINAL APOLLO BAY HARBOUR PRECINCT MASTER PLAN</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Acknowledge the outcomes of the 'Enquiry by Design' consultation process that have led to development of a revised Harbour Master Plan.</i> <i>2. Adopt the revised Apollo Bay Harbour Master Plan based on Option 2 which includes 2A the golf course remaining and 2B the golf course relocated.</i> <i>3 Subject to receipt of external funding, Council proceed to develop a more Detailed Master Plan for incorporation into the Planning Scheme,</i> <i>4. Consider an officer's report presenting the draft planning scheme amendment and Detailed Master Plan prior to exhibition of the amendment.</i> <i>5. Note that the Planning Scheme Amendment process provides the community with a further and comprehensive opportunity for input to the plan and once incorporated into the Planning Scheme would limit development to that described in the plan and any additional development would only occur if there was a further planning scheme amendment process.</i> 	<p>Cr Wilmink Cr Graham Cr Riches Cr Smith</p>	
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MOVED Cr Riches seconded Cr Graham that recommendations to items listed in the Consent Calendar, with the exception of items OM082810-15, be adopted.

CARRIED 6 : 0

OM082810-15

MOVED Cr Wilmink seconded Cr Graham that having considered the Panel report for Amendment C55 and having considered all submissions made, it is recommended that Council:

- 1. Notes and acknowledges the congratulations of the Panel, and the significant contribution made by Councillors, Council staff and the community to Amendment C55 and all of the lead-up strategic work that has been incorporated into the amendment.**
- 2. Adopts Amendment C55 as exhibited subject to the following changes:**

Maps - Zones

Panel Recommendation 38

- Delete lots known as 122 Main Street from the Business 3 Zone.**
- Delete the Business 1 Zone from land in Elliminyt not currently used or developed for commercial activities.**
- Delete the proposed Industrial 1 and 3 zoning on the east side of Forrest Street south of Hearn Road.**
- Align the northern boundary of the Business 4 Zone in West Colac with the northern boundary of lots 378 and 412 Princes Highway.**

Maps - Overlays

Panel Recommendation 37

- Delete ESO1 from the urban area of Colac, including the industrial areas to the east of Colac.**
- Subject to Amendment C29 being approved by the Planning Minister, on the SLO3 map delete the overlay from the Great Ocean Green land between Apollo Bay and Marengo.**

Municipal Strategic Statement

Panel Recommendation 1

In Clauses 21.02 – 21.05 review the overview, strategies and objectives to identify material that is more appropriately presented as Policy guidance or Rezoning guidance.

Panel Recommendation 2

In Clauses 21.02 – 21.05 ensure that Strategy references to all plans and maps clearly refer to the plans and maps in the Clause, rather than to the external documents from which they are sourced.

Panel Recommendation 3

In Clauses 21.02 – 21.05 in the recommended ‘Specific implementation’ section include the following headings and guidance worded as follows:

Policy guidance

Request [specify proposals] provide the following information as appropriate:

- **[List of specific information to be supplied].**
- **Assess proposals [specify proposals] against the following criteria:**
- **[This list should comprise of 'standards', that is statements using the verb 'should' (or in some cases 'may')].**
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In Clause 21.04-8:

- **Insert a new dot point in the overview that states: "The need to protect the scenic landscape values of ridgelines and landforms from inappropriate built form and removal of vegetation."**
- **Insert a new objective that states: "To protect ridgelines from inappropriate development and vegetation removal."**
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- **Include the title details of CP173638 in the RAZ schedule.**
- **Consider including reference to localized infrastructure problems in Clause 21.01-5 in accordance with the CORRA submission.**
- **In accordance with the submission of CORRA remove DPO8 from part of the small residential area it covers in Colac as it is public land.**
- **In accordance with the Fankhanel submission, include reference to pre-European heritage.**

Changes recommended by Officers:

- **Delete the last dot point of Clause 21.03-9 that supports applications for dwellings in the Rural Conservation Zone (RCZ)**
 - **Include permit exemptions in the ESO1 and ESO3 for trimming of vegetation**
 - **Include permit exemptions in the ESO2 for removal/lopping of non-native vegetation.**
 - **Include permit exemptions in the ESO6 for removal/trimming of all vegetation, and for buildings and works not associated with a sensitive land use such as a dwelling.**
 - **Modify the wording of SLO1, 3, 4 and 5 to include additional application requirements relating to demonstrating visual impacts of development, and in SLO1 delete the reference to water contamination. Give greater clarity to the landscape character outcomes to be achieved.**
 - **Modify DDO6 and DDO7 to include additional Application Requirements relating to demonstration that an application meets the Urban Design Principles.**
 - **Modify the DDO7 to include a requirement for an upper level setback of 3m for parts of a building exceeding 8m in height to make it consistent with the DDO6.**
3. **Forward Amendment C55 to the Minister for Planning for approval.**
4. **Seek authorisation from the Minister of Planning to prepare and exhibit a further planning scheme amendment to implement the following 'follow on' suggestions identified in the Amendment C55 Panel report:**
- **Extend the Rural Activity Zone to the west of Apollo Bay to the south to include existing tourism ventures and adjoining land.**
 - **Rezone 10 Flaxmill Road to the Rural Activity Zone.**
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- **Rezone the title of the existing tea rooms operation in Lavers Hill to Township Zone.**
 - **Split the schedule of the Farming Zone into schedules to identify the Farmland of Strategic Significance (FSS) as well as the subdivision and lot size controls.**
5. **Acknowledge that the following strategic work will need to be done arising from the recommendations of the Amendment C55 Panel Report, and that it be considered as part of future budgetary processes:**

Residential

- **Undertake a more realistic estimate of the land supply in Colac.**
- **Consider inclusion of land to the south and west of the Scanlon land for rezoning to Residential 1 Zone subject to the completion of a Precinct Plan that demonstrates the integrated development of all the land.**

Business

- **Consider rezoning larger industrial lots within the Colac retail precinct to the Business 1 Zone.**
- **Council consider the expansion of the Colac retail precinct by including some of the larger sites in a Business 1 Zone rather than the existing Business 2 Zone.**

Elliminyt

- **Consider the preparation of a precinct structure plan for Elliminyt.**
- **Council prepare a precinct plan for the East Colac area.**

Rural Living

- **Council investigate applying a new Development Plan Overlay to maintain options for further subdivision in Colac.**
- **Council review the option of including smaller minimum lot sizes in the 'rural living' areas in the south-east and south-west of Colac on the basis of consideration of any updated forecast of the residential land market, management of wastewaters and the potential need to preserve some areas for longer term conversion to conventional residential development.**
- **Council review the suitability of the land to the east of Forest Street, between Woodrowvale Road and Barry's Road for Rural Living as part of a reassessment of the demand for and preferred locations for such development around Colac and as part of the preparation of a Structure Plan for Elliminyt.**
- **Council refer submissions that requested rural living around Lavers Hill to the Rural Living Study.**
- **Council refer the consideration of the balance of the land owned by the Bayes and Riches to the proposed Rural Living Study to determine its appropriate zone.**

Overlays

- **Council review the application of Environmental Significance Overlay (ESO1) to the east Colac and west Colac precincts.**

Operational

- **Council, as part of its next review of the planning scheme, remove all other external references.**

LOST 2 : 4

MOVED Cr Riches seconded Cr Lehmann that having considered the Panel report for Amendment C55 and having considered all submissions made, it is recommended that Council:

- 1. Notes and acknowledges the congratulations of the Panel, and the significant contribution made by Councillors, Council staff and the community to Amendment C55 and all of the lead-up strategic work that has been incorporated into the amendment.**
- 2. Adopts Amendment C55 as exhibited subject to the following changes:**

Maps - Zones

Panel Recommendation 38

- Delete lots known as 122 Main Street from the Business 3 Zone.**
- Delete the Business 1 Zone from land in Elliminyt not currently used or developed for commercial activities.**
- Delete the proposed Industrial 1 and 3 zoning on the east side of Forrest Street south of Hearn Road.**
- Align the northern boundary of the Business 4 Zone in West Colac with the northern boundary of lots 378 and 412 Princes Highway.**

Maps - Overlays

Panel Recommendation 37

- Delete ESO1 from the urban area of Colac, including the industrial areas to the east of Colac.**
- Subject to Amendment C29 being approved by the Planning Minister, on the SLO3 map delete the overlay from the Great Ocean Green land between Apollo Bay and Marengo.**

Municipal Strategic Statement

Panel Recommendation 1

In Clauses 21.02 – 21.05 review the overview, strategies and objectives to identify material that is more appropriately presented as Policy guidance or Rezoning guidance.

Panel Recommendation 2

In Clauses 21.02 – 21.05 ensure that Strategy references to all plans and maps clearly refer to the plans and maps in the Clause, rather than to the external documents from which they are sourced.

Panel Recommendation 3

In Clauses 21.02 – 21.05 in the recommended ‘Specific implementation’ section include the following headings and guidance worded as follows:

Policy guidance

Request [specify proposals] provide the following information as appropriate:

- **[List of specific information to be supplied].**
- **Assess proposals [specify proposals] against the following criteria:**
- **[This list should comprise of 'standards', that is statements using the verb 'should' (or in some cases 'may')].**
- **When deciding on applications [specify proposals] consider, as appropriate:**
- **[This list should comprise a list of policy neutral issues].**

Rezoning guidance

Support the [nominated zones] on land [area identified] to provide for [identified uses] provided [other requirements].

Panel Recommendation 4

In Clauses 21.02 – 21.05 include a section 'Specific implementation' after Objectives and Strategies where there is a need to include the material identified as policy guidelines, and statements that provide guidance on future rezoning.

Panel Recommendation 5

In Clauses 21.02 – 21.05 review and edit the Strategies to remove any reference to the Rural Land Strategy, Colac Structure Plan, and Apollo Bay Structure Plan.

Panel Recommendation 6

In Clause 21.02-3 in the Overview and Strategies recognise the need for a heavy vehicle by-pass of the Murray Street retail centre.

Panel Recommendation 7

In Clause 21.03-2, modify strategies advocating urban consolidation to ensure that infill housing proposals need to demonstrate that they are designed in a manner that is compatible and appropriate for the prevailing character of the precinct.

Panel Recommendation 10

In Clause 21.04-8 (Overview) delete the reference to 'Western Coastal Cliffs'.

Panel Recommendation 11

In Clause 21.04-8:

- **Insert a new dot point in the overview that states: "The need to protect the scenic landscape values of ridgelines and landforms from inappropriate built form and removal of vegetation."**
- **Insert a new objective that states: "To protect ridgelines from inappropriate development and vegetation removal."**
- **Insert a new strategy that states: "Ensure new development and removal of vegetation is discouraged from ridgelines and hill tops where it is a significant scale to impact the landscape character of the area."**

Panel Recommendation 12

In Clause 21.05-1 introduce a new 'Policy guideline' as follows:

- **Request applications for an additional dwelling in the Farming Zone provide the following information as appropriate:**
 - **A statement that describes the nature of the agricultural use, the extent of its operation, its current and proposed staffing levels, the need for on site management and how an additional dwelling meets the requirements of the planning scheme.**

Panel Recommendation 13

In Clause 21.05-2 insert a new strategy to discourage timber plantations from land identified for its scenic and landscape qualities in the Great Ocean Road region as defined by the Rural Conservation Zone.

Panel Recommendation 14

In Clause 21.05-4 (Overview) distinguish between the potential of farming and nature based tourism ventures in the Rural Activity Zone (RAZ).

Panel Recommendation 15

In Clause 21.05-4 amend the last two objective statements to read:

- **To provide for a preferred mix of uses in the Rural Activity Zone to the west of Apollo Bay.**
- **To provide for a preferred mix of uses in the Otway Ranges.**

Panel Recommendation 16

In Clause 21.05-4 add 'Rezoning guidance' in a new section following strategies as follows:

Rezoning guidance

- **Support the Rural Activity Zone on land west of Apollo Bay and in the Otway Ranges to provide for a mix of uses including: agriculture, tourist and recreational activities, group accommodation with tourist or recreational activities (including backpacker accommodation, camping and caravan park, cabins etc.), and restaurant in association with a tourist activity or recreational activity.**

Panel Recommendation 17

In Clause 21.05-4 delete 12th to 16th dot points under 'Strategies' and replace with 'Policy guidance' in a new section following strategies as follows:

Policy guidance

- **Assess proposals for use and development in any Rural Activity Zone west of Apollo Bay or in the Otway Ranges against the following criteria:**
 - **Use and development for Equestrian supplies, Helipad, Hotel, Landscape gardening supplies, Motor racing track, Tavern, and other similar uses should be avoided.**
 - **The scale of development and use should relate to the land size and surrounding uses.**

- *Development should be subservient to the landscape and not detract from the landscape quality.*
- *Development should be of high design quality and the style should respect surrounding development.*
- *Development should provide net environmental gain.*
- *Development should be self sufficient in, or meet all the relevant costs of, infrastructure provision.*

Panel Recommendation 18

In Clause 21.06 rename the Clause ‘General implementation’ and revise the content to provide a general overview of how Zones and Overlays are applied in the Scheme.

Panel Recommendation 19

In Clause 21.07 before the list of reference documents include the words:

- ***‘The following strategic studies have informed the preparation of this planning scheme. All relevant material has been included in the Scheme and decision makers should use these documents for background research only. Material in these documents that potentially provides guidance on decision making but is not specifically referenced by the Scheme should not be given any weight.’***

Framework Plans

Panel Recommendation 8

In Clause 21.03-2 amend the Colac Framework plan to:

- ***Remove notations that will be redundant if the Amendment is approved and include relevant strategic notations.***
- ***Remove notations for infill development from areas included in a Heritage Overlay.***
- ***Identify Heritage Areas.***
- ***Designate the land on the south side of Princes Highway, generally east of Deans Creek Road as part of the long term supply of urban residential land.***
- ***Give strategic recognition of the need to expand the Elliminyt neighbourhood centre to support a growing community.***
- ***Delete the notation and area designated as Potential future (long term) south of proposed Industrial 1 Zone area.***
- ***Identify the area between proposed Industrial 1 Zone and Pound Road as ‘Potential Industrial Area’.***

Panel Recommendation 9

In Clause 21.03-3 modify the Apollo Bay ‘Framework’ Plan to:

- ***Delete the water storage facility on the Great Ocean Green site.***
- ***Delete any reference to growth scenarios or staging.***
- ***Identify land to the west of the town as an ‘Urban Development Investigation Area’.***
- ***Identify the C17 site by way of an outline as being a ‘potential residential development site’.***

- *Identify the C29 site by way of an outline as being a 'potential residential development site' generally in accordance with the adopted C29 Framework Plan.*
- *Include environmental outcomes on the Great Ocean Green land including river, floodplain and the like.*
- *Include a notation about the green break between the road and the river.*
- *Add the words 'non urban' to the legend as it affects Wild Dog Creek.*
- *Add reference to the actual heights instead of terms such as 'high density'.*

Zone Schedules

Panel Recommendation 20

In the Schedule to Clause 35.07 insert under 'minimum setback from a road (metres)':

The following for roads with a 100m setback:

"A Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1, including:

- *Beech Forest Mt Sabine Road, Ferguson to Turtons Track*
- *Birregurra-Forrest Road*
- *Colac-Ballarat Road*
- *Corangamite Lake Road*
- *Forrest-Apollo Bay Road*
- *Great Ocean Road*
- *Lavers Hill-Cobden Road*
- *Lavers Hill-Colac Road*
- *Lighthouse Road*
- *Princes Highway*
- *Skenes Creek Road*
- *Turtons Track"*

The following for roads with a 20m setback:

"Any other road, including:

- *Barham Valley Road*
- *Binns Road*
- *Blue Johanna Road*
- *Busty Road*
- *Carlisle-Gellibrand Road*
- *Hordern Vale Road*
- *Killala Road*
- *Mariners Lookout Road*
- *Melba Gully Road*
- *Phillips Track*
- *Red Johanna Road*

- **Sunnyside Road**
- **Tuxion Road**
- **Upper Gellibrand Road**
- **Wild Dog Road”**

Overlay Schedules

Panel Recommendation 21

In Clause 42.03-1 (SLO1) at ‘Permit Requirements’ insert the following statement:

“A permit is required to remove, destroy or lop any native vegetation.”

Panel Recommendation 22

In Clause 42.03-3 (SLO3) and 42.03-4 (SLO4) introduce the same permit exemptions as specified in Clause 42.03-1 (SLO1).

Panel Recommendation 23

In Clause 42.03-3 amend the second dot point to Clause 6 to state:

- **“The ‘Apollo Bay Coastal Valley and Hills Precinct Development Principles Incorporated Plan’ from the Great Ocean Road Region Landscape Assessment Study (Planisphere 2003) at Clause 81.”**

Panel Recommendation 24

In Clause 42.03-4 amend the second dot point to Clause 6 to state:

- **“The ‘Johanna Coast to Cape Otway Coastal Valley and Hills Precinct Development Principles Incorporated Plan’ from the Great Ocean Road Region Landscape Assessment Study (Planisphere 2003) at Clause 81.”**

Panel Recommendation 25

In Clause 43.02 amend DDO 3 to provide the set back from the proposed road widening.

Panel Recommendation 26

In Clause 43.02 Schedule 5 replace the first objective with:

- **“To protect the existing low scale coastal character and identity of Apollo Bay.**
- **To ensure that new development in Apollo Bay is consistent with and acts to consolidate the character of Apollo Bay as a coastal town.”**

Panel Recommendation 27

In Clause 43.02 Schedules 5, 6, and 7 delete the objective ‘To ensure that Urban Design principles expressed in the Apollo Bay Structure Plan are incorporated into new developments’.

Panel Recommendation 28

In Clauses 43.02 Schedule 5, 6, 7 delete the objective ‘To ensure that Environmentally Sustainable Development practices expressed in the Apollo Bay Structure Plan are incorporated into new developments’.

Panel Recommendation 30

In Clauses 43.02 Schedule 5, 6, 7 move the decision guidelines relating to urban design to 'Buildings and works' and express them as 'standards' using the verb 'should'.

Panel Recommendation 31

In Clause 43.02 Schedule 5 specifically list the exempt works.

Panel Recommendation 32

In Clause 43.02 Schedules 6 and 7 replace the first objective with:

- *To protect the existing low scale coastal character and identity of Apollo Bay.*

Panel Recommendation 33

In Clauses 43.02 Schedule 5, 6 and 7 delete the 'Decision Guidelines' relating to Environmentally Sustainable Design (ESD).

Panel Recommendation 34

In Clause 43.04 consolidate exhibited DPOs into one schedule for Future Residential Areas, and that the Schedule limit the matters to be addressed to:

- *Internal road network.*
- *Public open space.*
- *Connectivity to other residential land and public open space.*
- *Diversity of lot sizes and proposed lot density.*
- *Provision of community facilities.*
- *Impact of development on flora, fauna and cultural heritage.*

The Schedule to the 'Future Residential' DPO allow for permits for subdivision to be granted prior to the completion of the DPO provided that any permit does not compromise the orderly planning and development of the area.

Specific Provisions**Panel Recommendation 35**

In Clause 52.01 delete the requirement for 10 per cent open space.

Incorporated Documents**Panel Recommendation 36**

In Clause 81, introduce two new incorporated documents titled 'Apollo Bay Coastal Valley and Hills Precinct Development Principles' and 'Johanna Coast to Cape Otway Coastal Valley and Hills Precinct Development Principles'.

Other Council suggestions supported by the Panel.

- *Change ESO6 to ESO7 to acknowledge the correct numbering sequence.*
- *In the schedule to SLO5, delete reference to land around the Barham River.*
- *Add the objective to ESO3 concerning protection of public health as requested by Wannon Water.*

- **Convert the 'excision' related strategy at Clause 21.05-1 into a policy guidelines.**
- **Convert the 'siting and design' strategy at Clause 21.03-8 into a policy guideline.**
- **Delete the word 'residential' from DPO11.**
- **Include the title details of CP173638 in the RAZ schedule.**
- **Consider including reference to localized infrastructure problems in Clause 21.01-5 in accordance with the CORRA submission.**
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- **Consider the preparation of a precinct structure plan for Elliminyt.**
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Overlays

- **Council review the application of Environmental Significance Overlay (ESO1) to the east Colac and west Colac precincts.**

Operational

- ***Council, as part of its next review of the planning scheme, remove all other external references.***

CARRIED 4 : 2***DIVISION called by Cr Graham******For the Motion: Cr Mercer, Cr Lehmann, Cr Riches, Cr Smith******Against the Motion: Cr Graham, Cr Wilmink***

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>GENERAL BUSINESS</u></p> <p><u>OM082810-18.1</u> <u>Item for Signing and Sealing - Instrument of Agreement Contract 0813 - Bituminous Sealing Works in Colac Otway Shire</u></p> <p><u>Recommendation</u></p> <p><i>That Council sign and seal the Instrument of Agreement between the Colac Otway Shire Council and Boral Resources (Vic) Pty. Ltd.</i></p>		
<p><u>OM082810-18.2</u> <u>Item for Signing and Sealing - Section 173 Agreement, 27 Harrington St, Separation Creek</u></p> <p><u>Recommendation</u></p> <p><i>That Council sign and seal the Section 173 Agreement between Colac Otway Shire and BC & PR Jacobs covenanting Certificate of Title Volume 10472 Folio 019, that the owner agrees that Lot 3 shall, to the satisfaction of the Responsible authority, be preserved and maintained as a native vegetation reserve within which no development shall occur. This does not apply to that part of Lot 3 that is within the notional square that is constituted by extending the 77.13 metre boundary of Lot 3 to intersect with the extension of the 72.01 boundary of Lot 3 and generally depicted diagrammatically in Schedule 1 of the Agreement as hatched land.</i></p>		

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

CARRIED 6 : 0

URGENT BUSINESS

MOVED Cr Riches seconded Cr Mercer that Council consider a matter of Urgent Business regarding the cost of fuel in the Colac Otway Shire

CARRIED 6 : 0

MOVED Cr Riches seconded Cr Mercer that

- 1. The Mayor and Chief Executive Officer seek an urgent meeting with fuel distributors in the Colac area to discuss the cost of fuel; and***
- 2. That the Chief Executive Officer write to the Australian Competition & Consumer Commission regarding the discrepancy in the Colac Otway Shire and surrounding areas.***

CARRIED 6 : 0

IN COMMITTEE**Resolution**

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

SUBJECT	REASON	SECTION OF ACT
<i>Confirmation of Minutes</i>	<i>Matter may prejudice Council or any person</i>	<i>Section 89(2)(h)</i>
<i>Road Management Issue</i>	<i>Matter may prejudice Council or any person</i>	<i>Section 89(2)(h)</i>
<i>Waste Management Issue</i>	<i>Contractual Matter</i>	<i>Section 89(2)(d)</i>
<i>Land Management Issue</i>	<i>Contractual Matter Legal Advice Matter may prejudice Council or any person</i>	<i>Section 89(2)(d) Section 89(2)(f) Section 89(2)(h)</i>

CARRIED 6 : 0