

MINUTES of the **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** will be held in the COPACC Meeting Room, Rae Street, Colac on 24 June 2009 at 3.00 pm.

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**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 Brian Crook (Mayor)  
Cr Frank Buchanan  
Cr Stephen Hart  
Cr Stuart Hart  
Cr Geoff Higgins  
Cr Chris Smith

Rob Small, Chief Executive Officer

Colin Hayman, General Manager, Corporate and Community Services  
Jack Green, General Manager, Sustainable Planning and Development  
Neil Allen, General Manager, Infrastructure and Services

Suzanne White, Executive Officer

**3. APOLOGIES**

Cr Lyn Russell

**4. MAYORAL STATEMENT**

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

Colac Otway Shire encourages 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 show respect to each other and respect for the office of an elected representative.

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting. In some circumstances the

recording may be disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982.'

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:**

#### **S Branwhite, Pirron Yallock**

##### **1. When the C12 workshop will be held?**

*Jack Green, General Manager, Sustainable Planning and Environment advised that Amendment C12 was discussed at Councillor Workshops held on 13 May 2009 and 10 June 2009.*

##### **2. When will the C12 Amendment be voted on?**

*Jack Green, General Manager Sustainable Planning and Environment advised that Amendment C12 would be on the Agenda for the June 2009 Council Meeting.*

#### **Phil Lawson Apollo Bay**

##### **1. Can Council confirm that the flood distribution on the Barham River floodplain exhibited in the C12 Amendment is identical to the flood distribution within the mapping limits of Fig A-1 published in 2003 by WBM Oceanics?**

The delineation of the LSIO on Maps 29 and 30 of Amendment C12 is not identical to that exhibited in Fig A-1 of the 2003 WBM Oceanics Report. The LSIO extent exhibited in Amendment C12 is based on the hydraulic model result shown in Figure A-5 presented at the Panel hearing by WBM consultants. The reported flow for this result was 250 m<sup>3</sup>/s with a fixed ocean boundary condition of 2.0m AHD. There is very little difference in flood extent between Figure A-5 and with Figure A-1 referred to by Mr Lawson that resulted from a flow of 200 m<sup>3</sup>/s with a fixed ocean boundary condition of 2.1m AHD, however they are not identical.

##### **2. Taking into account the dreadful deficiencies in the Hydrological Studies leading to Maps 29 and 30LSIO-FO, will Council stop wasting ratepayers money and do the responsible action of Abandoning Maps 29 and 30LSIO from the C12 Amendment?**

An officer report on Amendment C12 will be considered by Council at the June Council meeting. The report will make a number of recommendations for Council to consider.

### **Mr Simon Arundell – Bungador**

- **In relation to culverts installed approximately 30 years ago at the expense of Mr Arundell's father under an agreement with the former Heytesbury Shire that it was a temporary fix, and if in the future the culverts were upgraded, the installed culverts would be returned to him.**
- **Officers gave advice that the culverts would be returned.**
- **Culverts were damaged by Council during removal and are unusable**
- **Request of compensation of \$4,000**

Neil Allen, General Manager Infrastructure and Services advised that Council has previously advised that it would have returned the culverts to Mr Arundell (despite that not being the normal practice). Although not stated at the time, it was implied that this would occur, if the culverts were not damaged. The culverts have served their useful life after 30 years, and it is extremely difficult to remove buried pipes without damaging them.

Unfortunately in this instance, the culverts were damaged during removal. Council Officers including the CEO have sent a number of letters to both the Secretary of the Tirrengower Drainage Scheme and Mr Arundell on this matter.

Council has improved the drainage by installing new up-graded culverts, and effectively replaced the existing culverts.

Notwithstanding any previous commitments, the agreement was not with Colac Otway Shire, but with the former Heytesbury Shire. Under the Road Management Act the culverts are considered the property of the Council as they are considered as road infrastructure.

Despite officers wanting to comply with Mr Arundell's request, Council believes that it has acted reasonably, that compensation is not warranted and is an unreasonable request given the age of the culverts in question.

Council is unable to return the culverts and therefore believes that it has no responsibility to compensate Mr Arundell and now considers the matter closed.

### **S & K Holberton**

**Could members of the Planning Committee assure the meeting that in “forming a view on the Environmental Risk Assessment and advocat{ing} a position at the forthcoming VCAT hearing” that both they have considered the international report, including the World Health Organisation, on the public health considerations of intensive farming particularly as it relates to poultry and ‘flu pandemics?**

Anne Sorensen, Statutory Planning Coordinator advised that:

- Council received a report from the Applicant in September 2008 on Avian Diseases associated with Broiler Farms. The report was prepared by Dr Peter C Scott, Scolexia Pty Ltd and responded to:
  - The risk a broiler farm poses to humans, domestic livestock or wildlife off-site; and
  - The risk of pathogens/disease organisms likely in the dam and/or surface runoff.

- The report examined potential risk from viruses and bacteria and concluded that “An assessment of the known pathogens/disease organisms associated with poultry farms indicate that the risk of any impact on the health of livestock and people at adjoining properties is most unlikely”.
- A discussion on the risk of avian diseases was included in the report presented to Council on 11 March 2009. More details on this matter are included in that report which is available on Council's website.
- The matter being considered by Council today is that of the Environmental Risk Assessment, the purpose of which is to provide an assessment of the likely risk of odour, dust and noise on nearby residences and whether boundary buffer and separation distances to dwellings is appropriate.
- Council engaged URS Australia Pty Ltd to undertake a peer review of both of the Environmental Risk Assessments and provide advice to Council.
- Based on the advice received from URS, Council Officers have recommended that the amended proposal for a 640,000 bird farm or two separate 320,000 bird farms not be supported by Council at the VCAT hearing this Friday.
- VCAT will ultimately make the decision on whether the development is approved, Council can only advocate a position at the hearing on Friday.
- In the event that the Tribunal support the development proposal, it would do so subject to a suite of conditions. The Tribunal has been supplied with a set of conditions by Council Officers, one of which requires that no litter be stored or spread on the site. Support has been given for such a condition in previous Tribunal decisions.

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

#### **Mr Phillip Lawson Apollo Bay**

- 1. Can Jack Green explain the differences between A1 and A5 on the C12 maps 29 & 30?**

Jack Green, General Manager Sustainable Planning and Development advised that he will take this on notice and advise. Our advice from CMA is that there is a variation.

- 2. Advised that he had issues with the water levels indicated.**

Jack Green, General Manager Sustainable Planning and Development referred to the recommendation on today's report and that this matter was raised by submitters. There will be a further opportunity for Mr Lawson to present to the Panel.

- 3. Why are council workshops run with only the expert present who made the errors on the report and not other experts that have been recommended elsewhere?**

Jack Green, General Manager Sustainable Planning and Development advised that it was not appropriate to discuss these allegations and not appropriate for him to comment. The Councillor workshop was conducted with expert advisers presenting to Council. Today's recommendation refers concerns to the panel.

### **Mrs Christine Hulm – Friends of the Colac Library (FOCL)**

**Are Councillors aware that those who vote for the Council Plan are voting to take out a loan for Joint Use Library? If so, how can Councillors vote for it when Council's contribution is not known and the operational costs not known as well as maintenance costs?**

**Are you also aware you will be held responsible for this Joint Use Library and therefore breaking election promises?**

Mayor, Brian Crook advised that the decision on the Joint Use Library has been made and has no bearing on the Council Plan being voted on today. Cr Crook also advised that although there were elements included in the Council Plan that not all Councillors agree with, it is a big picture plan for shire, and a statutory requirement to be sent to the Minister by 30 June 2009. The Council Plan process has been extensive.

### **Paul David Cross FOCL**

- 1. At the meeting dated 22 April 2009, Cr Frank Buchanan requested Council Officers to obtain the building works contract to establish the total cost for the Joint Use Library. Has Council received the building works contract?**

Rob Small, Chief Executive Officer advised that Council have received the contract.

- 2. When was this document received?**

Rob Small, Chief Executive Officer advised that the building works contract was received last week.

- 3. Has this document been looked at by Council?**

Rob Small, Chief Executive Officer advised that Council have read the contract and are happy with the costings which stipulate price and clear requirements and that Council will pay that amount.

- 4. Shouldn't a quantity surveyor check it to see it matches the contract?**

Rob Small, Chief Executive Officer advised that a quantity surveyor has looked at the contract and it is correct.

Colin Hayman, General Manager Corporate and Community Services advised that the total cost is within the estimated range of project.

- 5. How can Council proceed to take out loan for a Joint Use Library given the cost of the Joint Use Library is not established?**

Mayor, Brian Crook advised that cost has been established, as previously advised by the CEO, the contract arrived last week and costs were within the parameters of contract.

Rob Small, Chief Executive Officer advised he has a significant history in contract management and Council has followed normal procedure in regard to the Joint Use

Library. This tender is reasonable for what is tendered, the price tendered and received. The estimate is independent of the tender. Council have documents specifying a price fixed and legally bound.

This is normal procedure and Council is happy with the information provided.

- 5. FOCLs disagree. The cost will blow out and any Councillors who vote for the Council Plan will be held responsible for the Joint Use Library. This is a loan that residents do not want. How does the Mayor feel about it going ahead?**

Mayor, Brian Crook advised that the Joint Use Library is going ahead, the decision was made in April 2009.

- 6. Have the specifications been signed off on?**

Rob Small, Chief Executive Officer advised that he would take this question on notice.

### **Lyn Foster – FOCL**

**Colac schools are receiving Government funds for their libraries yet you expect ratepayers to pay Colac Secondary College to use a space for a town library. Why does Council allow this? Do you not respect opinions of community?**

Mayor, Brian Crook, advised that this issue has been dealt with, debated and voted on and is going ahead. We know what our contribution is and what monies are being received in the form of Government grants. Primary schools received the above mentioned library grants not Secondary Schools.

### **Mr Westner – Colac**

**Referring to a report in the Colac Extra Newspaper – Mr Higgins opposed \$60,000 for Beechy Project allocation to plans for a basketball stadium and recreation centre. Is this going ahead?**

Mayor, Brian Crook advised that the amount of \$60,000 is in the draft budget.

### **Mr Phil Lawson – Apollo Bay**

- 1. Where are the rest of the answers to his questions from the last meeting?**

Jack Green, General Manager Sustainable Planning and Development advised that he will investigate.

- 2. Will Council defer a decision on C12?**

Jack Green, General Manager Sustainable Planning and Development advised that Officers will proceed as per the recommendation in this agenda.

## **6. DECLARATION OF INTEREST**

Cr Chris Smith: OM092406-03 Instrument of Delegation – Special Committees  
Interest: Conflict of Interest Section 78B  
Nature of Interest: Member of the Tirrengower Drainage Committee

Cr Lyn Russell:	OM092406-07 Financial Performance Report
Interest:	Conflict of Interest Section 77B
Nature of Interest:	Recipient of Elliminyt Gas SCS and Slater Street Upgrade
Cr Lyn Russell:	OM092406-08 2009-2010 Community Funding Program
Interest:	Indirect Interest Section 79
Nature of Interest:	Sister in law is secretary of Colac and District Football Netball League
Cr Stuart Hart:	OM092406-08 2009-2010 Community Funding Program
Interest:	Conflict of Interest Section 78B
Nature of Interest:	Member of Gellibrand Rural Fire Brigade – not on Brigade Executive Wife is Secretary of same Brigade.
Cr Stuart Hart:	OM092406-15 Birregurra and Forrest Structure Plan and Rural Living Strategy
Interest:	Conflict of Interest Section 77B
Nature of Interest:	Own land that may be included in the Rural Land Strategy
Cr Stephen Hart:	OM092406-15 Birregurra and Forrest Structure Plan and Rural Living Strategy
Interest:	Conflict of Interest Section 77B
Nature of Interest:	Part owner of land identified as a candidate area for re-zoning to rural living in the 2007 Rural Land Strategy

## 7. CONFIRMATION OF MINUTES

- Ordinary Meeting of the Colac-Otway Shire Council held on the 26/05/09.

### Resolution

***MOVED Cr Stephen Hart seconded Cr Stuart Hart that Council confirm the above minutes subject to the following changes:***

***Pg 31 add "Cr Stephen Hart" to the withdrawn column.***

***Pg 34 add Notice of Motion to recommendation with point 3 to read, "Actively promote the issue in the community, without incurring any undue cost to Council."***

***CARRIED 6 : 0***

- Special Meeting of the Colac-Otway Shire Council held on the 03/06/09.

### Resolution

***MOVED Cr Frank Buchanan seconded Cr Geoff Higgins that Council confirm the above minutes.***

***CARRIED 6 : 0***

## OFFICERS' REPORTS

### Chief Executive Officer

- OM092406-1 CEO'S PROGRESS REPORT TO COUNCIL
- OM092406-2 ROADS COMMITTEE REVIEW

### Corporate and Community Services

- OM092406-3 INSTRUMENT OF DELEGATION - SPECIAL COMMITTEES
- OM092406-4 INSTRUMENT OF DELEGATION - CHIEF EXECUTIVE OFFICER (CEO)
- OM092406-5 COUNCIL PLAN 2009-2013
- OM092406-6 2009-2010 FESTIVAL AND EVENT SUPPORT SCHEME
- ENDORSEMENT OF APPLICATIONS
- OM092406-7 FINANCIAL PERFORMANCE REPORT
- OM092406-8 2009-2010 COMMUNITY FUNDING PROGRAM
- OM092406-9 ADOPTION OF LAND UNDER ROADS POLICY POSITION

### Infrastructure

- OM092406-10 FREIGHT FUTURES – VICTORIAN FREIGHT NETWORK STRATEGY
- OM092406-11 COUNCIL RESPONSIBILITIES UNDER THE ELECTRICAL SAFETY ACT 1998
- OM092406-12 STRUCTURAL ASSESSMENT OF COUNCIL BRIDGES
- OM092406-13 ROAD MANAGEMENT PLAN REVIEW

## **Sustainable Planning and Development**

- OM092406-14 ONDIT QUARRY CONSULTATIVE COMMITTEE
- OM092406-15 BIRREGURRA AND FORREST STRUCTURE PLANS AND RURAL LIVING STRATEGY
- OM092406-16 REVISION OF LAND SUBJECT TO INUNDATION OVERLAY AND INTRODUCTION OF THE FLOODWAY OVERLAY INTO THE COLAC OTWAY PLANNING SCHEME - AMENDEMNT C12
- OM092406-17 FORREST TIGER RAIL TRAIL FUNDING AGREEMENT - REGIONAL DEVELOPMENT VICTOIRA AND COLAC OTWAY SHIRE
- OM092406-18 STANDPIPE MANAGEMENT
- OM092406-19 BROILER FARM PROPOSAL – 210 PIERCES ROAD, BEEAC

## **GENERAL BUSINESS**

### **OM092406-20    General Business**

- OM092406-20.1 ITEM FOR SIGNING AND SEALING - SECTION 173 AGREEMENT, 80 & 90 SHEEHANS RD COROROOKE.
- OM092406-20.2 ITEM FOR SIGNING AND SEALING - SECTION 173 AGREEMENT - 1229 CORANGAMITE LAKE RD, ALVIE

## **REPORTS FROM DELEGATES TO OTHER BODIES**

### **OM092406-21    Reports from Delegates to Other Bodies**

- OM092406-21.1 MAV STATE COUNCIL MEETING 27 MAY 2009 (CR STEPHEN HART)

## **NOTICES OF MOTION**

### **OM092406-22    Notices of Motion**

- OM092406-22.1 NOTICE OF MOTION 153-08/09 - WATER STORAGE: APOLLO BAY AND MARENGO (CR STEPHEN HART)
- OM092406-22.2 NOTICE OF MOTION 154-08/09 HEATHFIELD ESTATE (CR STEPHEN HART)

## CONSENT CALENDAR

### OFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<p><b><u>CHIEF EXECUTIVE OFFICER</u></b></p> <p><b><u>OM92406-1 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 receives the CEO's report to Council for information.</i></p>	Cr Brian Crook	
<p><b><u>OM092406-2 ROADS COMMITTEE REVIEW</u></b></p> <p>Department: Executive</p> <p><b><u>Recommendation(s)</u></b></p> <ol style="list-style-type: none"> <li>1. <i>That Council disband the Colac Otway Shire Roads Committee and include the business of that Committee in the regular Council Agenda.</i></li> <li>2. <i>That Vic Roads be informed of this decision while emphasising our desire to maintain communication with them relating to strategic roading issues that affect the Colac Otway Shire.</i></li> </ol>	Cr Chris Smith Cr Stephen Hart Cr Brian Crook	Cr Chris Smith

***MOVED Cr Stephen Hart seconded Cr Stuart Hart that recommendations to items listed in the Consent Calendar, with the exception of items OM092406-2, be adopted.***

***CARRIED 6 : 0***

**OM092406-2**

**MOVED Cr Chris Smith seconded Cr Frank Buchanan**

- 1. That Council continue to support the Colac Otway Shire Roads Committee and acknowledge that roads and related infrastructure are a very significant issue for this Council and our Community.**
- 2. That Vicroads be informed of this decision and of our desire for their representative to continue to attend.**
- 3. That the Community continue to be encouraged to attend, as these meetings are the best opportunity the community has, to have open communication with Council regarding roads and related infrastructure.**

**LOST 5 : 1**

Division called by Cr Chris Smith

For the Motion: Cr Chris Smith

Against the Motion: Cr Stephen Hart, Cr Stuart Hart, Cr Geoff Higgins, Cr Brian Crook  
Cr Frank Buchanan

**MOVED Cr Stephen Hart seconded Cr Stuart Hart**

- 1. That Council disband the Colac Otway Shire Roads Committee and include the business of that Committee in the regular Council Agenda.**
- 2. That Vic Roads be informed of this decision while emphasising our desire to maintain communication with them relating to strategic roading issues that affect the Colac Otway Shire.**
- 3. To ensure that questions can still be asked by the public, questions from the public on any Council matter be allowed at Ordinary Council meetings during the question time regardless of whether the matter is on the agenda. This is on the understanding that question asked on the day may not be able to be answered on the day of the Council meeting.**
- 4. That Local Law No.4 Schedule 2 be adjusted in accordance with this resolution.**

**CARRIED 5 : 1**

Division called by Cr Chris Smith

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

Against the Motion: Cr Chris Smith

## CONSENT CALENDAR

### OFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W		
<b><u>CORPORATE AND COMMUNITY SERVICES</u></b>				
<b><u>OM092406-3 INSTRUMENT OF DELEGATION - SPECIAL COMMITTEES</u></b>				
Department: Corporate and Community Services				
<b><u>Recommendation(s)</u></b>				
<ol style="list-style-type: none"> <li>1. <i>That Instruments of Delegations for the following Special Committees be signed and sealed:</i> <ul style="list-style-type: none"> <li>- Old Beechy Rail Trail Committee; and</li> <li>- Tirrengower Drainage System Committee.</li> </ul> </li>   <li>2. <i>That in accordance with Section 81(2A) of the Local Government Act 1989, Council resolves to exempt members of the committees from being required to submit a Primary or Ordinary "Register of Interest" return.</i></li> </ol>				Cr Stephen Hart
<b><u>OM092406-4 INSTRUMENT OF DELEGATION - CHIEF EXECUTIVE OFFICER (CEO)</u></b>				
Department: Corporate and Community Services				
<b><u>Recommendation(s)</u></b>				
<i>That Council,</i>				
<ol style="list-style-type: none"> <li>1. <i>approve the change in the delegation to the Chief Executive Officer Clause 4.1 awarding a contract exceeding the value of \$300,000.</i></li>   <li>2. <i>In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and other legislation referred to in the attached Instrument of Delegation, the Colac Otway Shire Council (Council) resolves that –</i> <ol style="list-style-type: none"> <li>(a) <i>There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers,</i></li> </ol> </li> </ol>				Cr Stephen Hart

<p><i>duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.</i></p> <p>(b) <i>The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.</i></p> <p>(c) <i>On the coming into force of the Instrument all previous delegations to the Chief Executive Officer are revoked.</i></p> <p>(d) <i>The duties and functions set out in the Instrument must be performed and the powers set out in the Instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.</i></p> <p>(e) <i>It is noted that the Instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.</i></p> <p>3. <i>Abolish the Contracts Committee on the signing and sealing of the delegation to the Chief Executive Officer.</i></p>		
<p><b><u>OM092406-5 COUNCIL PLAN 2009-2013</u></b></p> <p>Department: Corporate &amp; Community Services</p> <p><b><u>Recommendation</u></b></p> <p><i>That following the consideration of the submission received that Council adopt the revised Council Plan 2009-2013 (including the Strategic Resource Plan) and forward the Plan to the Minister for Local Government by 30 June 2009.</i></p>		Cr Stephen Hart

**OM092406-6 2009-2010 FESTIVAL AND EVENT SUPPORT  
SCHEME ENDORSEMENT OF APPLICATIONS**

Cr Chris  
Smith

Department: Corporate and Community Services

Cr Brian  
Crook

**Recommendation(s)**

1. ***That subject to Budget approval, Council adopts the recommendations made by the Festival and Event Support Scheme Advisory Committee for categories of the various events and funding allocations to events under the Colac Otway Festival and Events Support Scheme 2009-10.***

<b><u>Event</u></b>	<b><u>Funding</u></b>
<b><i>Forrest Festival of Fire Seed (Community)</i></b>	<b><i>\$1,000</i></b>
<b><i>Birregurra Weekend Festival Platinum (Community)</i></b>	<b><i>\$7,500</i></b>
<b><i>Otway Odyssey Platinum (Commercial)</i></b>	<b><i>\$6,000</i></b>
<b><i>Great Ocean Sports Festival Gold (Community)</i></b>	<b><i>\$5,000</i></b>
<b><i>Colac Cycling Club Seed (Community)</i></b>	<b><i>\$1,000</i></b>
<b><i>Kana Platinum (Community)</i></b>	<b><i>\$7,500</i></b>
<b><i>Otway Soup Fest Silver (Community)</i></b>	<b><i>\$2,500</i></b>
<b><i>Apollo Bay Music Festival Platinum (Community)</i></b>	<b><i>\$7,500</i></b>
<b><i>GOR Marathon Platinum (Community)</i></b>	<b><i>\$7,500</i></b>
<b><i>Colac Country Music Festival, Truck and Ute Show Gold (Community)</i></b>	<b><i>\$5,000</i></b>
<b><i>Heritage Festival Seed (Community)</i></b>	<b><i>\$1,000</i></b>
<b><i>Great Vic Bike Ride Platinum (Commercial)</i></b>	<b><i>\$,7500</i></b>
<b><i>World Refugee Day Seed (Community)</i></b>	<b><i>\$1,000</i></b>
<b><i>Rainforest Ride Gold (Commercial)</i></b>	<b><i><u>Nil</u></i></b>
<b><i>TOTALS</i></b>	<b><i>\$60,000</i></b>

2. ***That Council notes that the Festival and Event Support Scheme Advisory Committee has recommended to Council that event funding allocations will strictly adhere to funding categories and stipulated amounts and that this information should be strongly communicated to the event applicant when funding is administered.***

<p><b><u>OM092406-7 FINANCIAL PERFORMANCE REPORT</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation</u></b></p> <p><i>That the Financial Performance Report to the end of May 2009 be received.</i></p>		
<p><b><u>OM092406-8 2009-2010 COMMUNITY FUNDING PROGRAM</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation</u></b></p> <p><i>That Council approves the recommendations from the Grants Community Funding Advisory Committee for Council grants from the 2009/2010 Community Funding Program, total expenditure under each of the funding categories as follows:</i></p> <p><i>(a) Community Recreation Facilities \$ 72,567</i></p> <p><i>Apollo Bay Community Garden/Otway ranges Climate Action Group \$500</i>  <i>Apollo Bay Pony Club \$1,265</i>  <i>Barwon Downs Community Hall \$575</i>  <i>Barwon Downs Tennis Club \$2,518</i>  <i>Beeac Tennis Club \$316.87</i>  <i>Beech Forest Hall Committee \$600</i>  <i>Birregurra Bowling Club \$147.75</i>  <i>Cabin by the Sea \$1,200</i>  <i>Carlisle River Community Group \$2,390</i>  <i>City United Cricket Club \$2,500</i>  <i>Colac &amp; District Football League Netball Association \$800</i>  <i>Colac Braves Baseball Club \$ 1,446</i>  <i>Colac Gun Club \$3,000</i>  <i>Colac Lawn Tennis Club \$5,000</i>  <i>Colac Mallet Sports Club \$304</i>  <i>Colac Motorcycle Club \$3,000</i>  <i>Colac Skate park Committee \$2,400</i>  <i>Cororooke Tennis Courts/Club \$1,060</i>  <i>Cressy Bowling Club \$3,689</i>  <i>Irrewarra Cricket Club Inc \$2,080</i>  <i>Irrewillipie Sports &amp; Entertainment Complex \$700</i>  <i>Larpent Hall Committee \$281</i>  <i>Lavers Hill Branch Blue Light Inc \$3,000</i>  <i>Otway Cricket Club Inc \$6,589.75</i>  <i>Otway Plains Venturer Unit 3<sup>rd</sup>/4<sup>th</sup> Scout Group \$1,500</i>  <i>Otway Rural Fire brigade \$3,000</i>  <i>Polwarth Group Country Women's Association \$1,013</i></p>	<p>Cr Chris Smith</p> <p>Cr Brian Crook</p> <p>Cr Stephen Hart</p> <p>Cr Frank Buchanan</p>	<p>Cr Stephen Hart</p>

<p><i>Rotary Club of Colac West \$2,500</i>  <i>Warrion Public Hall \$2,191</i>  <i>Warrion Recreation Reserve \$3,300</i>  <i>Warrowie Recreation Reserve \$3,200</i>  <i>Western eagles Football Netball Club \$6,000</i>  <i>Wye River Surf Life Saving Club \$4,500</i></p> <p><b>(b) Community Projects \$37,683</b></p> <p><i>Apollo Bay Board Riders Club \$1,617.50</i>  <i>Beech Forest 7 District Progress Association \$5,000</i>  <i>Birregurra Community Group Inc \$2,166</i>  <i>Colac Basketball Association \$2,430</i>  <i>The Colac Chorale \$1,678.40</i>  <i>Colac &amp; District Family History Group Inc \$1,000</i>  <i>Colac &amp; District Cricket Umpires Association \$300</i>  <i>Colac &amp; District Historical Society Inc \$550</i>  <i>Colac City band \$500</i>  <i>Colac Golf Club \$2,651.25</i>  <i>Colac Night Netball Association – All Abilities \$1,260</i>  <i>Colac Old Time Dance Club Inc \$950</i>  <i>Colac Swimming Club \$2,677.65</i>  <i>Colac Toy Library \$2,000</i>  <i>Colac Wood Turners &amp; Wood Crafters Guild Inc \$1,749</i>  <i>Gellibrand Rural Fire Brigade \$3,000</i>  <i>Hornden-Vale Glenaire Landcare Group \$1,375</i>  <i>Lake Colac Rowing Club \$2,277</i>  <i>Otway Mountain Bike Club Inc \$1,130.50</i>  <i>Otway Ranges Walking Track Association Inc \$2,300</i>  <i>Our Local Parish Group of Coragulac \$770</i>  <i>The Meeting Place \$300</i></p> <p><b>(c) COPACC Assistance \$ 7,218</b>  <i>Colac Sudanese Community Inc \$500</i>  <i>The Meeting place \$510</i>  <i>Colac West Primary \$781.36</i>  <i>Colac Secondary College \$547</i>  <i>The Colac Players \$1,953</i>  <i>3OCR(Colac Otway FM) \$900</i>  <i>South West Local Learning &amp; Employment Network \$750</i>  <i>Colac South West Primary \$1,276</i></p>		
<p><b><u>OM092406-9 ADOPTION OF LAND UNDER ROADS POLICY POSITION</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council agrees to recognise only land under roads acquired or constructed after 1 July 2008 at cost.</i></b></p>		

***MOVED Cr Stephen Hart seconded Cr Frank Buchanan that recommendations to items listed in the Consent Calendar, with the exception of items OM092406-3 OM092406-4 OM092406-5 OM092406-8, be adopted.***

Declaration of Interest:

Cr Lyn Russell: OM092406-07 Financial Performance Report

Interest: Conflict of Interest Section 77B

Nature of Interest: Recipient of Elliminyt Gas SCS and Slater Street Upgrade

***CARRIED 6 : 0***

***OM092406-3***

***Having declared an interest in item OM092406-03 Cr Chris Smith left the Council chambers at 4.15 pm.***

Cr Chris Smith: OM092406-03 Instrument of Delegation – Special Committees

Interest: Conflict of Interest Section 78B

Nature of Interest: Member of the Tirrenhower Drainage Committee

***MOVED Cr Stephen Hart seconded Cr Geoff Higgins***

- 1. That Instruments of Delegations for the following Special Committees be signed and sealed:  
- Old Beechy Rail Trail Committee; and  
- Tirrenhower Drainage System Committee.***
- 2. That in accordance with Section 81(2A) of the Local Government Act 1989, Council resolves to exempt members of the committees from being required to submit a Primary or Ordinary "Register of Interest" return.***

***CARRIED 5 : 0***

***Cr Chris Smith returned to the Council Chambers at 4.17 pm.***

***OM092406-4***

***MOVED Cr Stephen Hart seconded Cr Geoff Higgins that Council,***

- 1. approve the change in the delegation to the Chief Executive Officer Clause 4.1 awarding a contract exceeding the value of \$250,000.***
- 2. In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and other legislation referred to in the attached Instrument of Delegation, the Colac Otway Shire Council (Council) resolves that –***
  - (a) There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and***

*functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.*

- (b) The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.*
  - (c) On the coming into force of the Instrument all previous delegations to the Chief Executive Officer are revoked.*
  - (d) The duties and functions set out in the Instrument must be performed and the powers set out in the Instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*
  - (e) It is noted that the Instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.*
- 3. Abolish the Contracts Committee on the signing and sealing of the delegation to the Chief Executive Officer.**
- 4. A list continues to be kept of all contracts signed under delegation and this list is to be included in the Council's ordinary agenda each quarter at the same meeting at which the quarterly financial report is tabled. The list is to show the contracts signed under delegation since the last report.**

**CARRIED 6 : 0**

**OM092406-5**

**MOVED Cr Stephen Hart seconded Cr Frank Buchanan that Council:**

- 1. that following the consideration of the submission received that Council adopt the revised Council Plan 2009 -2013 (including the Strategic Resource Plan) with the alterations listed below:**
- a) On page 30 of the Council Plan under the heading "Community Health and Wellbeing" that the following be added to point 4, regarding the Beechy Precinct, "Review Council's continued involvement in the Beechy Precinct in respect of all elements that still require Council approval."*
  - b) On page 30 of the Council Plan under the heading "Community Health and Wellbeing" the first listed point 5 regarding the Apollo Bay Library be altered to read: "Review and reconsider the recommendations from the Apollo Bay Library and Facility Development Project".*
- 2. That the adopted plan be forwarded to the Minister for Local Government by 30 June 2009.**

**TIED VOTE 3 : 3**

**The Mayor used his casting vote**

**CARRIED 4 : 3**

**OM092406-8**

## Declaration of Interest:

Cr Lyn Russell: OM092406-08 2009-2010 Community Funding Program  
 Interest: Indirect Interest Section 79  
 Nature of Interest: Sister in law is secretary of Colac and District Football Netball League

***Having declared an Interest in item OM082406-08 Cr Stuart Hart left the Council Chambers at 4.40 pm.***

Cr Stuart Hart: OM092406-08 2009-2010 Community Funding Program  
 Interest: Conflict of Interest Section 78B  
 Nature of Interest: Member of Gellibrand Rural Fire Brigade – not on Brigade Executive  
 Wife is Secretary of same Brigade.

***MOVED Cr Stephen Hart seconded Cr Geoff Higgins Recommendation that Council approves the recommendations from the Grants Community Funding Advisory Committee for Council grants from the 2009/2010 Community Funding Program, total expenditure under each of the funding categories as follows:***

***(d) Community Recreation Facilities \$ 72,567***

***Apollo Bay Community Garden/Otway ranges Climate Action Group \$500***  
***Apollo Bay Pony Club \$1,265***  
***Barwon Downs Community Hall \$575***  
***Barwon Downs Tennis Club \$2,518***  
***Beeac Tennis Club \$316.87***  
***Beech Forest Hall Committee \$600***  
***Birregurra Bowling Club \$147.75***  
***Cabin by the Sea \$1,200***  
***Carlisle River Community Group \$2,390***  
***City United Cricket Club \$2,500***  
***Colac & District Football League Netball Association \$800***  
***Colac Braves Baseball Club \$ 1,446***  
***Colac Gun Club \$3,000***  
***Colac Lawn Tennis Club \$5,000***  
***Colac Mallet Sports Club \$304***  
***Colac Motorcycle Club \$3,000***  
***Colac Skate park Committee \$2,400***  
***Cororooke Tennis Courts/Club \$1,060***  
***Cressy Bowling Club \$3,689***  
***Irrewarra Cricket Club Inc \$2,080***  
***Irrewillipie Sports & Entertainment Complex \$700***  
***Larpent Hall Committee \$281***  
***Lavers Hill Branch Blue Light Inc \$3,000***  
***Otway Cricket Club Inc \$6,589.75***  
***Otway Plains Venturer Unit 3<sup>rd</sup>/4<sup>th</sup> Scout Group \$1,500***  
***Otway Rural Fire brigade \$3,000***  
***Polwarth Group Country Women's Association \$1,013***  
***Rotary Club of Colac West \$2,500***  
***Warrion Public Hall \$2,191***

**Warrion Recreation Reserve \$3,300**  
**Warrobie Recreation Reserve \$3,200**  
**Western eagles Football Netball Club \$6,000**  
**Wye River Surf Life Saving Club \$4,500**

**(e) Community Projects \$37,683**

**Apollo Bay Board Riders Club \$1,617.50**  
**Beech Forest 7 District Progress Association \$5,000**  
**Birregurra Community Group Inc \$2,166**  
**Colac Basketball Association \$2,430**  
**The Colac Chorale \$1,678.40**  
**Colac & District Family History Group Inc \$1,000**  
**Colac & District Cricket Umpires Association \$300**  
**Colac & District Historical Society Inc \$550**  
**Colac City band \$500**  
**Colac Golf Club \$2,651.25**  
**Colac Night Netball Association – All Abilities \$1,260**  
**Colac Old Time Dance Club Inc \$950**  
**Colac Swimming Club \$2,677.65**  
**Colac Toy Library \$2,000**  
**Colac Wood Turners & Wood Crafters Guild Inc \$1,749**  
**Gellibrand Rural Fire Brigade \$3,000**  
**Horden-Vale Glenaire Landcare Group \$1,375**  
**Lake Colac Rowing Club \$2,277**  
**Otway Mountain Bike Club Inc \$1,130.50**  
**Otway Ranges Walking Track Association Inc \$2,300**  
**Our Local Parish Group of Coragulac \$770**  
**The Meeting Place \$300**

**(f) COPACC Assistance \$ 7,218**  
**Colac Sudanese Community Inc \$500**  
**The Meeting place \$510**  
**Colac West Primary \$781.36**  
**Colac Secondary College \$547**  
**The Colac Players \$1,953**  
**3OCR(Colac Otway FM) \$900**  
**South West Local Learning & Employment Network \$750**  
**Colac South West Primary \$1,276**

**CARRIED 5 : 0**

**Cr Stuart Hart returned to the Council Chambers at 4.48 pm**

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

D = Discussion

W = Withdrawal

ITEM	D	W
<p><b><u>INFRASTRUCTURE</u></b></p> <p><b><u>OM092406-10 FREIGHT FUTURES – VICTORIAN FREIGHT NETWORK STRATEGY</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Receives this report for information; and</i></b></li> <li><b><i>2. Supports the MAV's position on the introduction of High Productivity Freight Vehicles to local roads and requires the Chief Executive Officer to write a letter of support to the MAV requesting that they continue to represent Local Government and Councils' interests.</i></b></li> </ol>		
<p><b><u>OM092406-11 COUNCIL RESPONSIBILITIES UNDER THE ELECTRICAL SAFETY ACT 1998</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council receives the report Council Responsibilities Under the Electrical Safety Act 1998, for information.</i></b></p>		

**OM092406-12 STRUCTURAL ASSESSMENT OF COUNCIL BRIDGES**

Department: Infrastructure

**Recommendation(s)**

***That Council:***

1. ***Endorse the proposal to implement the following load limits:***

<b><u>Bridge No.</u></b>	<b><u>Road Name</u></b>	<b><u>Load Limit</u></b>
CS022	Upper Gellibrand Road	12 tonnes
CS044	Apollo Bay Recreation Reserve	5 tonnes
CS051	Rollings Access	12 tonnes
CS052	Veseys Access	8 tonnes
CS055	Raffertys Road	6 tonnes
CS060	Scorcis Access	5 tonnes
CS249	Upper Gellibrand Road	12 tonnes
CS084	J Barrys Road	2 tonne axle load

***Subject to complying with Section 223 of the Local Government Act 1989 and a six week notification period.***

- a. ***If no submissions or objections are received, instruct the General Manager Infrastructure and Services to implement the load limits as recommended.***
- b. ***If submissions are received, these will be heard by Council at 2.00pm on Wednesday 9 September 2009 in accordance with Section 223 of the Local Government Act 1989.***
- c. ***If required a final decision shall be made by Council following preparation of a report by the General Manager Infrastructure and Services, to the following Council meeting.***
2. ***Refer the work to rehabilitate each of the structures to Council's Capital Works and Major Projects Program for detailed costing and prioritisation within the relevant programs.***

Cr Chris Smith

Cr Stephen Hart

<p><b><u>OM092406-13 ROAD MANAGEMENT PLAN REVIEW</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council adopts the draft Road Management Plan (version 2.0) with notices of adoption being placed in the Victoria Government Gazette, the Colac Herald and the Apollo Bay News.</i></p>	<p>Cr Chris Smith</p>	
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***MOVED Cr Stephen Hart seconded Cr Geoff Higgins that recommendations to items listed in the Consent Calendar, with the exception of items OM092406-12 OM092406-13, be adopted.***

**CARRIED 6 : 0**

**OM092406-12**

***MOVED Cr Stephen Hart seconded Cr Frank Buchanan that Council:***

***1. Endorse the proposal to implement the following load limits:***

<b><u>Bridge No.</u></b>	<b><u>Road Name</u></b>	<b><u>Load Limit</u></b>
CS022	Upper Gellibrand Road	12 tonnes
CS044	Apollo Bay Recreation Reserve	5 tonnes
CS051	Rollings Access	12 tonnes
CS052	Veseys Access	8 tonnes
CS055	Raffertys Road	6 tonnes
CS060	Scorcis Access	5 tonnes
CS249	Upper Gellibrand Road	12 tonnes
CS084	J Barrys Road	2 tonne axle load

***Subject to complying with Section 223 of the Local Government Act 1989 and a six week notification period.***

- a. If no submissions or objections are received, instruct the General Manager Infrastructure and Services to implement the load limits as recommended.***
- b. If submissions are received, these will be heard by Council at 2.00pm on Wednesday 9 September 2009 in accordance with Section 223 of the Local Government Act 1989.***
- c. If required a final decision shall be made by Council following preparation of a report by the General Manager Infrastructure and Services, to the following Council meeting.***

- 2. Refer the work to rehabilitate each of the structures to Council's Capital Works and Major Projects Program for detailed costing and prioritisation within the relevant programs.**

**CARRIED 6 : 0**

**OM092406-13**

**MOVED Cr Frank Buchanan seconded Cr Geoff Higgins that Council adopts the draft Road Management Plan (version 2.0) with notices of adoption being placed in the Victoria Government Gazette, the Colac Herald and the Apollo Bay News.**

**CARRIED 6 : 0**

## CONSENT CALENDAR

### OFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<p><b><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></b></p> <p><b><u>OM092406-14 ONDIT QUARRY CONSULTATIVE COMMITTEE</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Place the draft Terms of Reference for the Oudit Quarry Consultative Committee on public exhibition for six weeks.</i></b></li> <li><b><i>2. Consider a further report on submissions to the document at the conclusion of the exhibition period.</i></b></li> </ol>		
<p><b><u>OM092406-15 BIRREGURRA AND FORREST STRUCTURE PLANS AND RURAL LIVING STRATEGY</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council nominate Cr..... as its representative on the Steering Committees for the Rural Living Strategy and Birregurra and Forrest Structure Plan.</i></b></p>		Cr Frank Buchanan

<p><b><u>OM092406-16 REVISION OF LAND SUBJECT TO INUNDATION OVERLAY AND INTRODUCTION OF THE FLOODWAY OVERLAY INTO THE COLAC OTWAY PLANNING SCHEME - AMENDEMNT C12</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Council request that the Minister for Planning appoint an independent panel to consider all submissions to Amendment C12 to the Colac Otway Planning Scheme.</i></b></li> <li><b><i>2. Council officers present revised amendment documentation at the Panel hearing showing the removal of the schedule to the FO, a reduction in the scope of permit exemptions contained with the schedule to the LSIO and the inclusion of all uncovered 'islands' in the LSIO.</i></b></li> </ol>	<p>Cr Stephen Hart</p>	
<p><b><u>OM092406-17 FORREST TIGER RAIL TRAIL FUNDING AGREEMENT - REGIONAL DEVELOPMENT VICTOIRA AND COLAC OTWAY SHIRE</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 funding agreement between Regional Development Victoria and Colac Otway Shire and affix the Common Seal of the Colac Otway Shire to the two (2) funding agreements between Regional Development Victoria and the Colac Otway Shire in order to officially ratify the \$108,000 of funding received by Council for the Forrest Tiger Rail trail project.</i></b></p>	<p>Cr Chris Smith</p>	

<p><b><u>OM092406-18 STANDPIPE MANAGEMENT</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Support the closure of five standpipes at Barpinba, Pirron Yallock, Yeo, Cressy and Alvie.</i></b></li> <li><b><i>2. Support the implementation of a key system at the Birregurra standpipe.</i></b></li> </ol>		
<p><b><u>OM092406-19 BROILER FARM PROPOSAL – 210 PIERCES ROAD, BEEAC</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Advise the Victorian and Civil Administrative Tribunal at the review hearing on 26 June 2009, that Council does not support the amended proposal for a single 640,000 bird capacity broiler farm as it has not been demonstrated by the Environmental Risk Assessment that the odour risk is acceptable and the boundary buffer and separation distances are adequate to protect the amenity of the nearby sensitive uses.</i></b></li> <li><b><i>2. Advise the Victorian and Civil Administrative Tribunal at the review hearing on 26 June 2009, that Council does not support the original planning proposal for two 320,000 bird capacity broiler farms as it has not been demonstrated by the Environmental Risk Assessment that the odour risk is acceptable and the boundary buffer and separation distances are adequate to protect the amenity of the nearby sensitive uses.</i></b></li> <li><b><i>3. Advise the Victorian and Civil Administrative Tribunal at the review hearing on 26 June 2009, that Council would support the use and development of 210 Pierces Road, Beeac (CA 140, 141, 148, 149, 152 and 153, Parish of Ondit) for a single 320,000 bird capacity broiler farm which complies with the requirements of the Victorian Code for Broiler Farms 2001 providing an Environmental Risk Assessment is undertaken for odour, dust and noise and demonstrates that the risk from odour, dust and noise is acceptable and the boundary buffer and separation distances are adequate to protect the amenity of the nearby sensitive uses.</i></b></li> </ol>	<p>Cr Stephen Hart</p> <p>Cr Chris Smith</p>	

**MOVED Cr Geoff Higgins seconded Cr Stuart Hart that recommendations to items listed in the Consent Calendar, with the exception of items OM092406-15 OM092406-16 OM092406-17 OM092406-19, be adopted.**

**CARRIED 6 : 0**

**OM092406-15**

**Having declared an interest in Item OM092406-15 Cr Stephen Hart left the Council Chambers at 5.07 pm.**

Cr Stephen Hart: OM092406-15 Birregurra and Forrest Structure Plan and Rural Living Strategy  
Interest: Conflict of Interest Section 77B  
Nature of Interest: Part owner of land identified as a candidate area for re-zoning to rural living in the 2007 Rural Land Strategy

**Having declared an interest in item OM092406-15 Cr Stuart Hart left the Council Chambers at 5.07 pm**

Cr Stuart Hart: OM092406-15 Birregurra and Forrest Structure Plan and Rural Living Strategy  
Interest: Conflict of Interest Section 77B  
Nature of Interest: Own land that may be included in the Rural Land Strategy

**MOVED Cr Frank Buchanan seconded Cr Geoff Higgins That Council nominate Cr Brian Crook as its representative on the Steering Committees for the Rural Living Strategy and Birregurra and Forrest Structure Plan.**

**CARRIED 4 : 0**

**Cr Stephen Hart and Cr Stuart Hart returned to the Council Chamber at 5.09 pm.**

**OM092406-16**

**MOVED Cr Frank Buchanan seconded Cr Stephen Hart that:**

- 1. Council request that the Minister for Planning appoint an independent panel to consider all submissions to Amendment C12 to the Colac Otway Planning Scheme.**
- 2. Council officers present revised amendment documentation at the Panel hearing showing the removal of the schedule to the FO, a reduction in the scope of permit exemptions contained with the schedule to the LSIO and the inclusion of all uncovered 'islands' in the LSIO.**

**CARRIED 6 : 0**

**OM092406-17**

***MOVED Cr Geoff Higgins seconded Cr Stephen Hart that Council endorse the funding agreement between Regional Development Victoria and Colac Otway Shire and affix the Common Seal of the Colac Otway Shire to the two (2) funding agreements between Regional Development Victoria and the Colac Otway Shire in order to officially ratify the \$108,000 of funding received by Council for the Forrest Tiger Rail trail project.***

**CARRIED 6 : 0**

**OM092406-19**

***MOVED Cr Stuart Hart seconded Cr Frank Buchanan that Council:***

- 1. Advise the Victorian and Civil Administrative Tribunal at the review hearing on 26 June 2009, that Council does not support the amended proposal for a single 640,000 bird capacity broiler farm as it has not been demonstrated by the Environmental Risk Assessment that the odour risk is acceptable and the boundary buffer and separation distances are adequate to protect the amenity of the nearby sensitive uses.***
- 2. Advise the Victorian and Civil Administrative Tribunal at the review hearing on 26 June 2009, that Council does not support the original planning proposal for two 320,000 bird capacity broiler farms as it has not been demonstrated by the Environmental Risk Assessment that the odour risk is acceptable and the boundary buffer and separation distances are adequate to protect the amenity of the nearby sensitive uses.***
- 3. Advise the Victorian and Civil Administrative Tribunal at the review hearing on 26 June 2009, that Council would support the use and development of 210 Pierces Road, Beeac (CA 140, 141, 148, 149, 152 and 153, Parish of Ondit) for a single 320,000 bird capacity broiler farm which complies with the requirements of the Victorian Code for Broiler Farms 2001 providing an Environmental Risk Assessment is undertaken for odour, dust and noise and demonstrates that the risk from odour, dust and noise is acceptable and the boundary buffer and separation distances are adequate to protect the amenity of the nearby sensitive uses.***

**CARRIED 6 : 0**

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

D = Discussion

W = Withdrawal

ITEM	D	W
<p><b><u>GENERAL BUSINESS</u></b></p> <p><b><u>OM092406-20.1      Item for Signing and Sealing - Section 173 Agreement, 80 &amp; 90 Sheehans Rd Cororooke.</u></b></p> <p><b><u>Recommendation</u></b>  <i>That Council sign and seal the Section 173 Agreement between Colac Otway Shire and P A M Edwards and A R Cuthbertson covenanting Certificate of Title Volume 8316 Folio 492 and Volume 9720 Folio 152 that the land will not be further subdivided so as to create additional lots.</i></p>		
<p><b><u>OM092406-20.2      Item for Signing and Sealing - Section 173 Agreement - 1229 Corangamite Lake Rd, Alvie</u></b></p> <p><b><u>Recommendation</u></b>  <i>That Council sign and seal the Section 173 Agreement between Colac Otway Shire and P D Delahunty covenanting Certificate of Title Volume 9239 Folio 546 and Volume 3902 Folio 255 that the land will not be further subdivided so as to create additional lots.</i></p>		

***MOVED Cr Stuart Hart seconded Cr Geoff Higgins that recommendations to items listed in the Consent Calendar be adopted.***

***CARRIED 6 : 0***

**CONSENT CALENDAR**

**OFFICERS' REPORT**

D = Discussion  
W = Withdrawal

ITEM	D	W
<p><b><u>REPORTS FROM DELEGATES TO OTHER BODIES</u></b></p> <p><b><u>OM092406-21.1      MAV State Council Meeting 27 May 2009 (Cr Stephen Hart)</u></b></p> <p><b><u>Recommendation</u></b></p> <p><i>That Council receive the report regarding the MAV State Council meeting on 27 May 2009 for information.</i></p>	<p>Cr Stephen Hart</p>	

***MOVED Cr Stuart Hart seconded Cr Geoff Higgins that the recommendation to the item listed in the Consent Calendar be adopted.***

***CARRIED 6 : 0***

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

D = Discussion

W = Withdrawal

ITEM	D	W
<p><b><u>NOTICES OF MOTION</u></b></p> <p><b><u>OM092406-22.1 NOTICE OF MOTION 153-08/09 - WATER STORAGE: APOLLO BAY AND MARENGO (CR STEPHEN HART)</u></b></p> <p><b><u>Recommendation</u></b></p> <p><i>That Council consider the contents of this Notice of Motion.</i></p>	<p>Cr Stephen Hart</p> <p>Cr Chris Smith</p>	
<p><b><u>OM092406-22.2 NOTICE OF MOTION 154-08/09 HEATHFIELD ESTATE (CR STEPHEN HART)</u></b></p> <p><b><u>Recommendation</u></b></p> <p><i>That Council consider then content of this Notice of Motion.</i></p>	<p>Cr Stephen Hart</p> <p>Cr Chris Smith</p>	

***MOVED Cr Stephen Hart seconded Cr Stuart Hart that Council notes the recent rejection of the C29 Great Ocean Green planning amendment.***

***Council resolves to write to Barwon Water regarding the progress of the additional water storage options for Apollo Bay and Marengo. Council is to ask Barwon Water whether the Minister's refusal to rezone the land in the C29 amendment may change Barwon Water's preferred water storage option.***

***CARRIED 5 : 1***

**OM092406-22.2**

***MOVED Cr Stephen Hart seconded Cr Geoff Higgins that Council notes that the Council land of approximately 11 hectares in the Heathfield Estate was to be rezoned as part of the C29 planning amendment. Council notes that the recent rejection of the C29 planning amendment means that this land is still zoned appropriately for public open space.***

***The Chief Executive Officer is to write to the proponent of the C29 planning amendment and the Committee of the Apollo Bay Golf Club to inform them that following the rejection of the C29 planning amendment by the Minister, the Colac Otway Shire Council intends to retain ownership of the public open space in the Heathfield Estate and will not be making it available for development.***

**CARRIED 4 : 2**

Division called by Cr Chris Smith

For the Motion: Cr Stephen Hart, Cr Stuart Hart,  
Cr Geoff Higgins, Cr Brian Crook

Against the Motion: Cr Chris Smith and Cr Frank Buchanan

IN-COMMITTEE

**IN COMMITTEE**

**Recommendation**

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

<b>SUBJECT</b>	<b>REASON</b>	<b>SECTION OF ACT</b>
<b><i>Reports from Delegates to Other Bodies Audit Committee Unconfirmed Minutes June 2009</i></b>	<b><i>Personnel Matters Contractual Matters May prejudice Council or any Person</i></b>	<b><i>Section 89(2)(a) Section 89(2)(d) Section 89(2)(h)</i></b>

**CARRIED 6 : 0**