

MINUTES of the ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL held at the COPACC Meeting Rooms on 21 December 2011 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 Stephen Hart (Mayor)
Cr Lyn Russell
Cr Frank Buchanan
Cr Brian Crook
Cr Stuart Hart
Cr Geoff Higgins
Cr Chris Smith

Rob Small, Chief Executive Officer

Colin Hayman, General Manager, Corporate & Community Services
Neil Allen, General Manager, Infrastructure & Services
Jack Green, General Manager, Sustainable Planning & Development
Rick Morrow, Manager Information Services
Suzanne White, Executive Assistant

3. APOLOGIES
Nil

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 to Council either verbally at the meeting or in writing.

Please note that some questions may not be able to be answered at the meeting, these questions will be taken on notice. 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.

I remind you that you must ask a question, if you do not have a question you will be asked to sit down and the next person will be invited to ask a question. This is not a forum for public debate or statements.

1. Questions received in writing prior to the meeting (subject to attendance and time)
2. Questions from the floor

5. QUESTION TIME

Questions Received in Writing Prior to the Meeting

Jeremy MacCreadie

1. Why is such an important policy that is of great concern to many residents being introduced to Council four days prior to Christmas limiting the opportunity for ratepayers to attend?

Response:

The Rural Living Strategy has been scheduled in the agenda for the December meeting following finalisation of the project. Whilst December is a busy month for many people associated with Christmas preparations, this should not unduly dictate the timing of when matters are considered by Council.

There are many submitters to the project keen to have the project adopted by Council so that land recommended for rezoning can be progressed by an amendment to the planning scheme in a timely manner, and Council has obligations to the State Government to complete the project given funding it has contributed to the project. There will always be people interested in Council meetings who are unable to attend for a variety of reasons.

It is important to recognise that this project has undergone extensive community consultation over the life of the project. This has included an extensive consultation program including several meetings with property owners in affected local communities before the preparation of the draft strategy and the report being put out for community comment for a further six weeks once the draft was endorsed by Council for that purpose.

It is also important to recognise that there have been a number of significant changes made to the strategy now being put to Council for adoption as a direct result of matters raised by the community through that final consultation process.

2. I am waiting for a response to two emails I have sent to Mayor Crook regarding my allotment, can he please explain why he has not responded to my emails from 30 January 2011 and 9 August 2011.

Response:

Cr Crook apologises in the first instance for not attending to your emails.

He did forward your request onto our Planning Department for a response and then failed to forward that on. Please accept his apology for this oversight.

Cr Crook believes you have had ongoing dealings with the Planning Department concerning your two acre property.

A planning permit was refused on December 7, 2009. The decision was not taken to VCAT for appeal.

He understands a further planning application has been made and advice from the Planning Department is that it again would not be supported.

It is clear from the officer assessment that a dwelling on this site would not be appropriate given the objectives and decision guidelines of the farming zone and relevant State and Local planning policy.

The farming zone clearly discourages dwellings not related to supporting an agricultural use.

The State Planning Policy as it applies to rural dwellings has not changed since the state election in 2010.

No changes have been announced despite pre-election commitments to review provisions in rural areas therefore, we are bound by the current planning provisions.

There is still the right to appeal to VCAT, but it must be stated that our planning officers have been supported at VCAT in similar cases.

Cr Crook has some empathy regarding your dilemma in purchasing a block that you cannot build on, however it is the responsibility of the purchaser (or his agent) to investigate the zoning provisions and whether there would be support for a dwelling.

It may be that the current Government will review the planning provisions relevant to your block but we are bound by the current scheme and it is very strict in its farm zone interpretations and guidelines.

James Judd

1. If Council holds meetings that are not extraordinary, when will Council give the public notice that they will or will not be held with 7 days prior notice being given?

Response:

There has been no occurrence of an Ordinary Council Meeting being cancelled.

2. When will Council rectify the current situation when late agendas are available?
Stop closing off time to submit queries to Council until the hours late are added to time allowed to submit questions.

Response:

Council's Local Law states that written questions are to be lodged to the CEO by 5.00pm on the Monday preceding the scheduled meeting. Questions can also be asked on the day of the Council Meeting.

In regard to Wye River CFA Lease Schedule 1 page 155

1. What is the proper postal address for Council?

Response:

The correct post office box number is 283. A correction was noted to this post office box number at this meeting.

2. When will Council check the accuracy of lease documents prior to presenting them to Council for authorisation. The term of the lease is stated 50 years according to attachment 1, this is a total period of 51 years according to dates specified.

Response: The term of the lease is 50 years and a correction was noted to the end date of the lease at this meeting.

Julie Smith – Lavers Hill

1. What is the proposed housing density of the 2 adjacent lots 62 Great Ocean Rd (Crown Land 19g/PP2089) and 68 Great Ocean Rd (Lot 1 TP125018V, VOL 09176, FOL 304)? Both properties are currently zoned Farming with a proposal to re-zone them as Township. Both properties are to the north of the Great Ocean Rd.

Response:

The outcome sought by the question is unclear. The combined area of the properties is 3 hectares. There is only one dwelling located within that area, at 58-62 Great Ocean Road. There is a police station at 64 Great Ocean Road. The properties are proposed to be rezoned Township Zone to reflect existing development of the land, and there is no inference that further subdivision or new dwellings will be supported. The land north of Great Ocean Road is in a potable water catchment, and there are limits to dwelling density in catchment areas to protect water quality. Any future application for a dwelling on land rezoned Township would be considered on its planning merits.

2. What is council's definition of productive agricultural land?

Response:

Productive agricultural land is described in a State Government Practice Note titled 'Applying the Rural Zones' as having one or more of the following characteristics:

- **suitable soil type**
- **suitable climatic conditions**
- **suitable agricultural infrastructure, in particular irrigation and drainage systems**
- **a present pattern of subdivision favourable for sustainable agricultural production.**

The Practice Note states that the basic physical characteristics of the land, such as soil type and climate, access to water, and infrastructure are critical to determining the agricultural use of land and whether agricultural productivity can be sustained in the future. However, productivity is also affected by many other factors, including market demand, access to suitable storage and transport facilities, access to efficient processing and value adding capability, availability of technology, the skills of the farmer, research and development, access to capital, marketing, effective industry support, availability of land for expansion and farm labour costs.

3. Does Council have a guideline as to acreage required for productive agricultural land? If so, what is it?

Response:

There are a range of factors which contribute to the productiveness of agricultural land. There is no guideline, state or local, which specifies what land area is required for an agricultural enterprise to be a profitable or successful operation. Farming properties often comprise a number of lots to achieve the land area required for the business, and on the whole farms are expanding in size over time in order to remain competitive, often requiring the acquisition of adjoining land. The size of land required to support an agricultural enterprise will vary significantly according to the enterprise and a range of other factors.

4. What does Council consider to be reasonable infrastructure needed, in the way of access roadways, dwellings and out buildings to support a property which is run as a Productive concern within a Farming Zone?

Response:

Each farming property/operation has its own characteristics which influences the infrastructure required to support its operations. In many cases, a productive farming operation will require a dwelling to allow the on-site management of the farm. Any permit application for a dwelling or other associated infrastructure however would need to be considered on its individual merits against the policy framework applicable to the site.

5. Under what circumstances would Council exercise its discretion and allow the construction of a dwelling and infrastructure on acreage of less than 40 hectares in a Farming Zone?

Response:

There are a range of matters to take into account when determining whether to support a planning permit application for a dwelling on an allotment in the Farming Zone that is less than 40 hectares in area. These include the purposes and decision guidelines of the Farming Zone, any overlays applicable to the land, local policies and state policies as expressed in the Planning Scheme, and other matters relevant to a site. Whilst the provisions as a whole seek to encourage the retention of productive agricultural land and ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture, each application

would need to be considered on its merits as to how the proposed dwelling meets these provisions. In particular, an application would need to demonstrate that a dwelling is required for on-site management/supervision of the farming activity.

Bill Gross – Apollo Bay

1. Shouldn't Councillors further investigate the credibility of the officer's recommendations before reaching a decision, because in arriving at their conclusion that **"the Apollo Bay Indoor Aquatic Centre is not feasible."** the officers have used different criteria to that applied to other capital projects.

They state in their report that **"On a \$6 million facility, an allowance of \$240,000 annually should be built into the capital works budget or forward budget estimates."**

But this is based on a statement in the consultant's report prefaced by the words. **"We recommend that Councils should budget for..."**

As it is not Council policy to apply this annual cost of 4% of capital value to the feasibility of operating other facilities, it should not apply in this case

If the 4% were applied to the \$12.3m in ongoing and proposed capital projects referred to in today's agenda, the additional annual operational costs of \$492,000 incurred could very well have rendered those projects "not feasible".

Response:

As indicated the report recommends that Council should budget for at least 4% of the total asset value. Council does incur depreciation on all of its assets at varying rates depending on the life of an asset. All new assets will incur an additional depreciation charge over Council's existing level. A level of 4% is realistic for this type of facility.

2. How can councilors accept the officers rationale that the operational subsidy for an Apollo Bay pool is not feasible when Apollo Bay region pays over 25% of rates, and Council's 2011/12 budget proposed spend of a minimum of \$3.47million in recurrent costs on Arts Sport and Recreation related items, has a tiny proportion spent in the Apollo Bay region? – see below – dollars quoted are from published budget:

It is regrettable that accurate figures regarding proportion of rates paid by Apollo Bay region, and proportion of spend in the region are not available, but a request to the CEO for such figures, on 20 Nov 2011, from ABAC via a Councillor, has not been answered.

RECREATION, ARTS and CULTURE MANAGEMENT	\$699,274 with little discernible input from this into AB district.
EVENTS	\$171,135 with little discernible input from this into AB district.
BLUEWATER FITNESS	\$502,932
OTHER LEISURE and FITNESS CENTRES	\$42,500 Lavers Hill and Apollo Bay receive 8.45% of spend on Colac's Bluewater Fitness

COPACC	\$353,633
LIBRARIES	\$643,348 In 2010/11, 6.9% of staff hours were applied to Apollo Bay. Since increased from 6.5 to 12 hours per week. Actual share of total costs should be proportionate.
PARKS AND RESERVES MAINTENANCE	\$934,000 No Shire managed parks in Apollo Bay region?

Response:

The request for information on Apollo Bay region was received and a response has since been provided to the Councillor indicating that information is not accounted for on a locality basis.

Council's focus is on the entire municipality and not focused on individual localities. Council deals with the services that are delivered to the entire community.

Council does not collect data on every location.

With respect to the specifics mentioned above in the question:

- *What is the generally accepted definition of the Apollo Bay region and the localities included?*
- *Recreation, Arts & Culture expenditure is incurred across the whole Shire. Staff assist all areas and groups within the Shire and don't focus on one area.*
- *More events are held along the Great Ocean Road than the balance of Shire.*
- *BWFC & COPACC are regional facilities that service the whole Shire.*
- *There are Parks and Gardens staff in both Apollo Bay and Gellibrand that look after parks, public open space etc. etc.*

Questions Received Verbally at the Meeting

Bernie Franke - Barramunga

1. How much in rate payers' money did the Planning Department spend in supporting DSE defend its permit conditions at a recent VCAT case in relation to Timber Harvesting and Regeneration on farms in Otways?

Response:

The General Manager Sustainable Planning and Environment advised that Council do not have those costs on hand at the moment. The determination from VCAT was only received yesterday. The outcome from VCAT will vary conditions of the permit and have overturned quite a lot of the DSE permit conditions imposed.

2. How much did Council spend helping DSE defending this?

Response:

The General Manager Sustainable Planning and Environment advised that Council did not defend this, Council was obliged to represent the referral organisations and permit requirements at VCAT. Details of costs can be disclosed once prepared but will not include officer time.

3. How much more rate payer money will Council spend at VCAT in regard to matters like this?

Response:

The Chief Executive Officer advised that Council does not want to spend money defending matters at VCAT. Council was obliged to present to VCAT as part of following normal processes. Council is obliged to follow these processes and is pleased with the decision reached. It is mandatory for Council to bear costs in order to follow the recommendations of referral agencies.

Charlie Buchanan - Colac

1. Why does Council allow small subdivisions in Colac with no bitumen or footpaths when the same is not allowed in Birregurra?

Response:

The General Manager Sustainable Planning and Development advised that each application is assessed on its merits and Council makes a recommendation accordingly.

2. Have you ever or will you consider implementing training of staff for quality management systems. Do you see this as a necessity?

Response:

The Chief Executive Officer advised that the organisation is currently going through Business Excellence Framework Training which is an organisational self assessment program. Quality assurance, risk management and Councillor training is undertaken as required and appropriate. Council intends to continue with this in future.

Staff competence and annual assessments are managed through the Performance Evaluation System and training needs are determined each year through this process to obtain the best results. The training of people is an ongoing process which the CEO is fully committed to.

Paul David Cross – Colac

1. Are you aware that the CEO, Rob Small, and Cr Brian Crook went to print (Colac Herald) suggesting Council has a mandate and a universal acceptance to expand the Council precinct to the Civic Home Hardware store and are you aware that a mandate only comes through election results.

Response:

The Mayor, CEO and Cr Brian Crook were not aware of these comments.

2. Given the last Council signed the Joint Use School Library contract just prior to an election, is it appropriate for this Council to sign a new contract to re-appoint the CEO for next Council's term?

Response:

The Mayor advised that this action is similar to that of the previous Council. It is important for Council to maintain stability and continuity and Council believes that this will provide the best outcome as happened when the former CEO was reappointed by the previous Council.

Councillor Smith called a point of order. Can Mr Hayman comment on when Council had previously reappointed a CEO after their contract had finished?

Response:

The Mayor stated that the previous CEO contract was extended beyond the term of the contract in 2008 even though the CEO left the day before the election.

The General Manager for Corporate and Community Services had no further comment.

Lyn Foster - Colac

All Councillors are elected by the people to represent the people and their needs/requirements should be their first priority.

1. Cr Frank Buchanan you quoted figures in the Colac Herald relating to the Library Annexe of 15 regular users, these calculations are not correct.

Response:

Cr Buchanan advised that he got his figures from Council's Chief Executive Officer and that he had not quoted those numbers to the media. Cr Buchanan stated that it was his belief that the Colac Herald took the numbers and used them with his name in the article but he is happy to stand by the comments.

The Mayor advised that he understands that Council used a survey of exclusive library users to get these figures. 365 people were surveyed across the whole Corangamite Regional Library Corporation.

2. Two computers were down at the Annexe last week, this is not good enough. When they are down it should be addressed immediately. The Library Annexe should not be neglecting services it is meant to be providing.

Response:

The General Manager Corporate and Community Services advised that he was not aware that two of the Library Annexe computers were unavailable. He advised that he would contact the Corangamite Regional Library Corporation (CRLC) and a response will be provided.

Response from CRLC (after the meeting)

This was only a problem with the broadband service for Seniors' computers as the licensing of software is administered by the people in control of the Seniors program.

CRLC makes sure that all software for the public computers under their control is renewed before the expiry date so we have continuous protection for our customers as well as continuous service.

As soon as we receive the new image it will be loaded onto the two machines and they will be put back into service.

In the meantime we will change the online catalogue to a public computer so there will be two internet computers available.

Jane Gross – Apollo Bay

- 1 In regard to the Apollo Bay Aquatic Centre, are Councillors aware that the Apollo Bay Community Bank, and Otway Health, Apollo Bay Newsheet, Apollo Bay Lions Club and the Apollo Bay Chamber of Commerce along with the community believe this pool is so important that they have contributed almost 80% of the cost of the feasibility study?

Response:

The Mayor advised that yes all Councillors were aware of that.

- 2 Are Councillors aware that officers only had very few days to complete the feasibility study results and publish this report and have they (Councillors) had sufficient time to fully consider this important community investment?

Response:

The Mayor advised that this item had been discussed in earlier briefings today and will be discussed/debated in more detail later today when this item comes before Council.

John Riches – Apollo Bay

- 1 If Council has no figures or understanding on itemised spending across the Shire, how does it cope with questions of equity of spending across the community? How are rates appropriately shared if this information is not available?

Response:

The Chief Executive Officer advised that it is not a simple question as year to year staff time and resources are deployed in different areas. This is usually in direct response to community needs. Many services cover the whole of the Shire and it can be expensive and time consuming to isolate costs attributable to any single location. Council attempts to manage resources in the best interests of the Shire as a whole. Council has a good understanding on how funds are spent across the Shire with each area receiving a reasonable share.

Bill Gross – Apollo Bay

1. Are Councillors aware that the feasibility study for the Harbour precinct did not suggest Point Bunbury was not the optimum site? Possible options on where to build will be available once Council receives more technical information to determine the most suitable site.

Response:

The Mayor advised that Councillors were aware of this information.

2. In assessing the feasibility for the Apollo Bay Pool will Councillors take into consideration the population swell in Apollo Bay for holiday periods of up to 15,000?

Response:

The Mayor advised that this will be debated later in the meeting.

Elaine Wagenknecht

1. Are any Councillors able to tell us when a residential strategy meeting will be held and what time in relation to subdividing properties, for example, subdividing properties in the Elliminyt Residential Zone?

Response:

The General Manager Sustainable Planning and Development advised that a Colac Structure Plan was completed five years ago which identified a range of changes with respect to Elliminyt. Council sent this to the Minister for Planning as part of the C55 Amendment with suggestions received to have more work done in relation to this. This work is on our forward planning program and should occur over the next couple of years (subject to funding).

Councillor Frank Buchanan suggested a meeting with planners to discuss this further. Jack Green to contact Elaine directly to discuss this further.

Mr Tony Webber - Otway Forum

1. The Car Parking Strategy has reduced the amount put aside for car parks and the amount of carparking required. Will Council stop issuing waivers on car parks?

Response

The General Manager Sustainable Planning and Development advised that Council has not yet adopted this plan, but once in place the strategy should seriously limit opportunities for parking waivers which is the intent of Council.

Paul David Cross – Colac

1. Do you believe it is acceptable that Cr Frank Buchanan and CEO Rob Small lifted a sample from the Library Annexe survey and gave this information to the Colac Herald?

Response

The Mayor advised that this is not an accurate reflection of what was actually said and that the matter is to be discussed later in the agenda.

2. Given the result of the September Council Meeting in relation to the Apollo Bay Harbour can you give me an example of where other private investment was suggested other than a hotel?

Response

The Mayor advised that Council contacted Tourism Victoria on what other options of private investment were suggested. This will be workshopped with Councillors in February with the outcomes to be released to the public following the workshop.

Charlie Buchanan – Colac

1. Sale and Purchase of Council assets - what do you believe the best method of sale and purchase is; by auction or by an expression of interest for sale to get the best outcome?

Response

The Mayor advises that Council has a sale of land policy with a range of possibilities which comply with the law. This policy includes options as to what may be the most appropriate course of action to take under different circumstances.

2. Surely a public auction would flush out all interested buyers?

Response

The Mayor advised that a copy of Council's Policy is available on Council's website or by hard copy upon request.

6. DECLARATION OF INTEREST

Cr Stephen Hart:	OM112112-9 - Adoption of Rural Living Strategy
Nature of Disclosure:	Direct Interest
Nature of Interest:	Own land identified in the Rural Land Strategy (2006/2007) and later reports as part of an area for possible re-zoning to "Rural Living". Made submission to latest report

Cr Stuart Hart:	OM112112-9 - Adoption of Rural Living Strategy
Nature of Disclosure:	Direct
Nature of Interest:	Owns land in area of proposed rezoning

Cr Chris Smith:	OM112112-10 - Adoption of Colac and Apollo Bay Car Parking Strategy
Nature of Disclosure:	Indirect Interest
Nature of Interest:	Board Member of Colac Area Health

Rob Small	In-Committee Item OM112112-16 Chief Executive Officer Contract Renewal Process
Nature of Disclosure:	Direct Interest

7. CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on the 23/11/11.
- Statutory Meeting held on 14/12/11.
- Special Council Meeting held on 14/12/11.

MOVED Cr Brian Crook seconded Cr Frank Buchanan that Council confirm the above minutes with the following amendment:

Remove the word (Mayor) from Cr Lyn Russell's name in those listed as present at the Special Council Meeting and Statutory Council Meeting held on 14/12/11.

CARRIED 7 : 0

OFFICERS' REPORTS

Chief Executive Officer

- OM112112-1 CEO'S PROGRESS REPORT TO COUNCIL
- OM112112-2 COUNCIL COMMITMENT TO KEY CAPITAL PROJECTS

Corporate and Community Services

- OM112112-3 COLAC LIBRARY ANNEXE
- OM112112-4 APOLLO BAY AQUATIC CENTRE FEASIBILITY STUDY
- OM112112-5 COLAC OTWAY YOUTH COUNCIL
- OM112112-6 LEASE RENEWAL - WYE RIVER FIRE STATION - 30 MCLELLAN COURT, WYE RIVER
- OM112112-7 DISCONTINUANCE AND TRANSFER OF PART OF YAUGHER ROAD ROAD RESERVE FORREST
- OM112112-8 OFFICIAL NEWSPAPER

Sustainable Planning and Development

- OM112112-9 ADOPTION OF RURAL LIVING STRATEGY
- OM112112-10 ADOPTION OF COLAC AND APOLLO BAY CAR PARKING STRATEGY
- OM112112-11 FUTURE TOURISM SERVICE DELIVERY
- OM112112-12 COLAC MARKETING STRATEGY

General Business

- OM112112-13 ASSEMBLY OF COUNCILLORS

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>CHIEF EXECUTIVE OFFICER</u></p> <p><u>OM112112-1 CEO'S PROGRESS REPORT TO COUNCIL</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council notes the CEO's Progress Report to Council.</i></p>		
<p><u>OM112112-2 COUNCIL COMMITMENT TO KEY CAPITAL PROJECTS</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Agrees to vary point 2 of its adopted resolution of the 28 September 2011 to give effect to this new recommendation.</i> <i>2. Funds the \$200,000 short fall to complete stage 1 development of the Central Reserve Master Plan as outlined in this report from the 2011/2012 Local Government Infrastructure Program allocation.</i> <i>3. Funds the \$200,000 short fall to complete the funding of the Bluewater Fitness Centre stadium and gymnasium development in the 2012/2013 financial year from the Local Government Infrastructure program allocation.</i> 	Cr Crook	

Recommendation

Moved Cr Crook seconded Cr Russell that recommendations to items listed in the Consent Calendar, be adopted.

CARRIED 7 : 0

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>CORPORATE AND COMMUNITY SERVICES</u></p> <p><u>OM112112-3 COLAC LIBRARY ANNEXE</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"> <i>1. Maintains the Colac Library Annexe for a further 12 months from 1 July 2012.</i> <i>2. Requests the Corangamite Regional Library Corporation to undertake a review of the opening hours at the Annexe, but maintaining the hours at a total of 22 hours per week.</i> <i>3. Reviews the operation of the Library Annexe after a further 12 months of operations with a report to be presented to Council no later than the December 2012 Council meeting with Council to decide at that time whether or not the Annexe will operate beyond 30 June 2013.</i> 		Cr Smith
<p><u>OM112112-4 APOLLO BAY AQUATIC CENTRE FEASIBILITY STUDY</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"> <i>1. Resolves that due to the capital cost and ongoing operational subsidy required from Council, the Apollo Bay Indoor Aquatic Centre is not feasible.</i> <i>2. Resolves not to undertake any further investigations into the development of the Apollo Bay Aquatic Centre.</i> 		Cr Smith

<p><u>OM112112-5 COLAC OTWAY YOUTH COUNCIL</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council notes the report and acknowledges the achievements and activities of the 2011 Colac Otway Youth Council.</i></p>	<p>Cr Smith Cr Crook</p>	
<p><u>OM112112-6 LEASE RENEWAL - WYE RIVER FIRE STATION - 30 MCLELLAN COURT, WYE RIVER</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"> <i>1. Resolves that the lease with the Country Fire Authority (CFA) for occupancy of the Council owned property at 30 McLellan Court, Wye River be agreed to in accordance with the provisions of the Local Government Act 1989. The lease to be for a period of 50 years with rental of \$1.00 per annum.</i> <i>2. Refers the lease documents to the CFA for signing.</i> <i>3. Signs and seals the Lease document.</i> 		<p>Cr Russell</p>
<p><u>OM112112-7 DISCONTINUANCE AND TRANSFER OF PART OF YAUGHER ROAD ROAD RESERVE FORREST</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"> <i>1. Commences statutory procedures pursuant to clause 3, schedule 10 of the Local Government Act 1989 to discontinue a triangular shaped portion of the Yaugher Road road reserve of up to 7,100 metres sq in area and transfer this portion of land to the owner of the abutting property (2 Yaugher Road, Forrest).</i> 		<p>Cr Crook</p>

<p>2. Considers any submissions received, at the Council meeting to be held on 21 March 2012.</p>		
<p><u>OM112112-8 OFFICIAL NEWSPAPER</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council adopts the Colac Herald as Council's official newspaper for public notices.</i></p>		<p>Cr Russell</p>

Recommendation

MOVED Cr Geoff Higgins seconded Cr Stuart Hart that recommendations to items listed in the Consent Calendar, with the exception of items OM112112-3, OM112112-4, OM112112-6, OM112112-7, OM112112-8 be adopted.

CARRIED 7 : 0

OM112112-3 COLAC LIBRARY ANNEXE

MOVED Cr Chris Smith seconded Cr Stuart Hart

That Council:

- 1. Maintains the Colac Library Annexe for a further 12 months from 1 July 2012.**
- 2. Requests the Corangamite Regional Library Corporation to undertake a review of the opening hours at the Annexe, but maintaining the hours at a total of 22 hours per week.**
- 3. Reviews the operation of the Library Annexe after a further 12 months of operations with a report to be presented to Council no later than the December 2012 Council meeting with Council to decide at that time whether or not the Annexe will operate beyond 30 June 2013.**

CARRIED 6 : 1

Division called by: Cr Stuart Hart

For the Motion: Cr Chris Smith, Cr Stephen Hart, Cr Stuart Hart, Cr Brian Crook, Cr Lyn Russell, Cr Geoff Higgins

Against the Motion: Cr Frank Buchanan

Cr Geoff Higgins left the Council Chambers at 4.03 pm and returned to Council Chambers at 4.05 pm.

OM112112-4 APOLLO BAY AQUATIC CENTRE FEASIBILITY STUDY

MOVED Cr Chris Smith seconded Cr Geoff Higgins that Council:

- 1. Acknowledges the ongoing request from the Apollo Bay and District Community for an indoor aquatic centre***
- 2. That while not financially feasible at the present time, Council will take steps to improve its financial position and to revisit the possibility of an indoor aquatic centre for Apollo Bay in 12 months.***

LOST 2 : 5

Division called by: Cr Geoff Higgins

For the Motion: Cr Geoff Higgins and Cr Chris Smith

Against the Motion: Cr Brian Crook, Cr Stephen Hart, Cr Stuart Hart, Cr Lyn Russell and Cr Frank Buchanan.

Resolution

MOTION - MOVED Cr Frank Buchanan seconded Cr Lyn Russell that Council resolve to have the issues relating to the Apollo Bay Aquatic Centre be referred to a Council workshop in February 2012.

CARRIED 7 : 0

OM112112-6 LEASE RENEWAL - WYE RIVER FIRE STATION - 30 MCLELLAN COURT, WYE RIVER

MOVED Cr Lyn Russell seconded Cr Brian Crook

That Council:

- 1. Resolves that the lease with the Country Fire Authority (CFA) for occupancy of the Council owned property at 30 McLellan Court, Wye River be agreed to in accordance with the provisions of the Local Government Act 1989. The lease to be for a period of 50 years with rental of \$1.00 per annum.***
- 2. Refers the lease documents to the CFA for signing.***
- 3. Signs and seals the Lease document.***

Note changes to be made to Schedule 1 (page 155) Point 4. expiry date is 2061 and Point 8. Address is PO Box 283 Colac.

CARRIED 7 : 0

**OM112112-7 DISCONTINUANCE AND TRANSFER OF PART OF YAUGHER ROAD
ROAD RESERVE FORREST**

MOTION - MOVED Cr Brian Crook seconded Cr Lyn Russell that Council defer this item until further discussions have been held with the relevant landowner.

CARRIED 6 : 1

Division called by: Cr Chris Smith

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

Against the Motion: Cr Chris Smith

OM112112-8 OFFICIAL NEWSPAPER

MOTION - MOVED Cr Lyn Russell seconded Cr Stuart Hart

That Council:

- 1. Adopts the Colac Herald as Council's official newspaper for public notices.***
- 2. Will also advertise in other newspapers, newsletters and on websites depending on the issue being promoted.***

CARRIED 7: 0

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></p> <p><u>OM112112-9 ADOPTION OF RURAL LIVING STRATEGY</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. Adopts the Rural Living Strategy.</i> <i>2. Seeks authorisation from the Minister for Planning to prepare an amendment to the Colac Otway Planning Scheme that implements the recommendations of the Rural Living Strategy.</i> <i>3. Exhibits the Planning Scheme Amendment in accordance with the requirements of the Planning and Environment Act 1987 for a minimum of six weeks.</i> 		Cr Smith
<p><u>OM112112-10 ADOPTION OF COLAC AND APOLLO BAY CAR PARKING STRATEGY</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. Adopts the Colac and Apollo Bay Car Parking Strategy, including:</i> <ol style="list-style-type: none"> <i>a. A policy that a cash contribution in the amount of \$13,000 (plus GST) will be required for each car space or part thereof which is required for use and/or development under the Colac Otway Planning Scheme which cannot be provided on-site (net of any parking credits which may apply to particular sites). This amount is to be increased annually from 1 July 2012</i> 		Cr Smith

<p><i>using CPI (all groups) as the index.</i></p> <p><i>b. Variation to the state car parking requirements contained in Clause 52.06 of the Colac Otway Planning Scheme as follows:</i></p> <p><u>Colac</u></p> <ul style="list-style-type: none"> • <i>Supermarket - 5 spaces/ 100m² floor area</i> • <i>Shop & Take Away Food premises - 3 spaces/ 100m² floor area</i> • <i>Restaurant/Convenience Restaurant - 3 spaces/ 100m² floor area</i> • <i>Medical Centre - 3.5 spaces per practitioner</i> <p><u>Apollo Bay</u></p> <ul style="list-style-type: none"> • <i>Supermarket - 3 spaces/100m² floor area</i> • <i>Shop/Take Away Food premises – 2 spaces/100m² floor area</i> • <i>Restaurant/Convenience Restaurant - 3.5 spaces/100m² floor area</i> • <i>Residential dwelling (1 or 2 br) – 1 space per dwelling</i> <p>2. Seeks authorisation from the Minister for Planning to prepare an amendment to the Colac Otway Planning Scheme that implements the recommendations of the Colac and Apollo Bay Car Parking Strategy.</p> <p>3. Exhibits the planning scheme amendment for a minimum period of six weeks.</p> <p>4. Meets with representatives of Colac Area Health to discuss Council's concern about parking pressures in the hospital precinct, and objectives to ensure that greater levels of on-street parking are provided as land is redeveloped in the future.</p>		
<p>OM112112-11 FUTURE TOURISM SERVICE DELIVERY</p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council resolves to accept responsibility for the direct delivery of tourism industry support and development and the internal marketing of the Shire from 1 January 2012.</i></p>	Cr Smith	

OM112112-12 COLAC MARKETING STRATEGY		Cr Smith
Department: Sustainable Planning and Development		
<u>Recommendation(s)</u>		
<i>That Council adopts the Colac Marketing Strategy and the 'Colac – Consider the Change' Marketing Brand.</i>		

Recommendation

MOVED Cr Lyn Russell seconded Cr Stuart Hart that recommendations to items listed in the Consent Calendar, with the exception of items OM112112-9, OM112112-10, OM112112-12 be adopted.

CARRIED 7 : 0

OM112112-9 ADOPTION OF RURAL LIVING STRATEGY

Cr Stephen Hart:	OM112112-9 - Adoption of Rural Living Strategy
Nature of Disclosure:	Direct Interest
Nature of Interest:	Own land identified in the Rural Land Strategy (2006/2007) and later reports as part of an area for possible re-zoning to "Rural Living". Made submission to latest report

Cr Stuart Hart:	OM112112-9 - Adoption of Rural Living Strategy
Nature of Disclosure:	Direct
Nature of Interest:	Owens land in area of proposed rezoning

Having cited a conflict of interest in this item, Cr Stephen Hart and Cr Stuart Hart left the Council Chambers at 4.57pm. Deputy Mayor, Cr Lyn Russell, took the chair the meeting during the Mayor's absence.

MOVED Cr Chris Smith

That Council writes to the Planning Minister expressing concerns with current farming zones especially in relationship to rural living opportunities and as to what is the State Governments time lines with reviewing rural living zones.

This motion lapsed due to lack of seconder.

MOVED Cr Brian Crook seconded Cr Frank Buchanan

That Council:

- 1. Adopts the Rural Living Strategy.***
- 2. Seeks authorisation from the Minister for Planning to prepare an amendment to the Colac Otway Planning Scheme that implements the recommendations of the Rural Living Strategy.***

3. *Exhibits the Planning Scheme Amendment in accordance with the requirements of the Planning and Environment Act 1987 for a minimum of six weeks.*

CARRIED 4 : 1

Division called by: Cr Chris Smith

For the Motion: Cr Brian Crook, Cr Frank Buchanan, Cr Lyn Russell, Cr Geoff Higgins

Against the Motion: Cr Chris Smith

Cr Stephen Hart and Cr Stuart Hart returned to the Council Chambers at 5.14pm.
Cr Stephen Hart resumed the Chair.

OM112112-10 ADOPTION OF COLAC AND APOLLO BAY CAR PARKING STRATEGY

Cr Chris Smith:	OM112112-10 - Adoption of Colac and Apollo Bay Car Parking Strategy
Nature of Disclosure:	Indirect Interest
Nature of Interest:	Board Member of Colac Area Health

Having declared a conflict of interest in this item, Cr Smith left the meeting at 5.15pm

MOVED Cr Brian Crook seconded Cr Frank Buchanan

That Council:

1. **Adopts the Colac and Apollo Bay Car Parking Strategy, including:**

- a. *A policy that a cash contribution in the amount of \$13,000 (plus GST) will be required for each car space or part thereof which is required for use and/or development under the Colac Otway Planning Scheme which cannot be provided on-site (net of any parking credits which may apply to particular sites). This amount is to be increased annually from 1 July 2012 using CPI (all groups) as the index.*
- b. *Variation to the state car parking requirements contained in Clause 52.06 of the Colac Otway Planning Scheme as follows:*

Colac

- **Supermarket** 5 spaces/ 100m² floor area
- **Shop & Take Away Food premises** 3 spaces/ 100m² floor area
- **Restaurant/Convenience Restaurant** 3 spaces/ 100m² floor area
- **Medical Centre** 3.5 spaces per practitioner

Apollo Bay

- **Supermarket** 3 spaces/100m² floor area
- **Shop/Take Away Food premises** 2 spaces/100m² floor area
- **Restaurant/Convenience Restaurant** 3.5 spaces/100m² floor area
- **Residential dwelling (1 or 2 br)** 1 space per dwelling

2. *Seeks authorisation from the Minister for Planning to prepare an amendment to the Colac Otway Planning Scheme that implements the recommendations of the Colac and Apollo Bay Car Parking Strategy.*
3. *Exhibits the planning scheme amendment for a minimum period of six weeks.*
4. *Meets with representatives of Colac Area Health to discuss Council's concern about parking pressures in the hospital precinct, and objectives to ensure that greater levels of on-street parking are provided as land is redeveloped in the future.*

CARRIED 6 : 0

Cr Chris Smith returned to Council Chambers at 5.21pm.

OM112112-11 FUTURE TOURISM SERVICE DELIVERY

MOVED Cr Lyn Russell seconded Cr Stuart Hart

That Council resolves to accept responsibility for the direct delivery of tourism industry support and development and the internal marketing of the Shire from 1 January 2012.

CARRIED 7 : 0

OM112112-12 COLAC MARKETING STRATEGY

MOTION - MOVED Cr Chris Smith seconded Cr Geoff Higgins that Council does not adopt the Colac Marketing Strategy and the 'Colac – Consider the Change' Marketing Brand.

CARRIED 4 : 3

Division called by: Cr Brian Crook

For the Motion: Cr Chris Smith, Cr Geoff Higgins, Cr Stephen Hart, Cr Stuart Hart

Against the Motion: Cr Frank Buchanan, Cr Brian Crook and Cr Lyn Russell

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<u>GENERAL BUSINESS</u>		
<u>OM112112-13 ASSEMBLY OF COUNCILLORS</u>		
Department: General Business		
<u>Recommendation(s)</u>		
<i>That Council notes the Assembly of Councillors reports for:</i>		
<ul style="list-style-type: none"> • <i>Friends of Colac Botanic Gardens - 10 November 2011</i> • <i>Alternative Heavy Vehicle Route Community Reference Group Meeting - 22 November 2011</i> • <i>Councillor Briefing Session - 23 November 2011</i> • <i>2012 Australia Day Advisory Committee - 30 November 2011</i> • <i>Audit Committee Report to Council - 30 November 2011</i> • <i>Councillor Workshop - 7 December 2011</i> • <i>Councillor Workshop - 14 December 2011</i> 		

Resolution**MOVED Cr Lyn Russell seconded Cr Geoff Higgins*****That Council notes the Assembly of Councillors reports for:***

- *Friends of Colac Botanic Gardens - 10 November 2011*
- *Alternative Heavy Vehicle Route Community Reference Group Meeting - 22 November 2011*
- *Councillor Briefing Session - 23 November 2011*
- *2012 Australia Day Advisory Committee - 30 November 2011*
- *Audit Committee Report to Council - 30 November 2011*
- *Councillor Workshop - 7 December 2011*
- *Councillor Workshop - 14 December 2011*

CARRIED 7 : 0

IN COMMITTEE

MOVED Cr Stuart Hart seconded Cr Lyn Russell 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
Report from Delegate to Other Bodies - Audit Committee Minutes	this matter deals with personnel matters; AND this matter deals with contractual matters; AND this matter deals with legal advice; AND this matter may prejudice the Council or any person	Section 89 (2) (a) (d) (f) (h)
Confidential Items for Consideration	this matter deals with personnel matters; AND this matter deals with contractual matters; AND this matter may prejudice the Council or any person	Section 89 (2) (a) (d) (h)
Chief Executive Officer Contract Renewal Process	this matter deals with personnel matters; AND this matter deals with contractual matters; AND this matter may prejudice the Council or any person	Section 89 (2) (a) (d) (h)
2012 Australia Day Awards	this matter may prejudice the Council or any person	Section 89 (2) (h)
Audit Committee Report 2010/2011	this matter may prejudice the Council or any person	Section 89 (2) (h)
Proposed Elderly Citizens Village - Lions Club Birregurra	this matter deals with contractual matters; AND this matter may prejudice the Council or any person	Section 89 (2) (d) (h).

CARRIED 6 : 1

Division called by: Cr Chris Smith

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

Against the Motion: Cr Chris Smith

OUT OF COMMITTEE

MOVED Cr Frank Buchanan seconded Cr Stuart Hart that the meeting move out of committee.

CARRIED 7 : 0

The Meeting Was Declared Closed at 6.03pm

CONFIRMED AND SIGNED at the meeting held on 25 JANUARY 2012



.....MAYOR