

**MINUTES** of the **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held at the Apollo Bay Senior Citizens Centre on 22 May 2013 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 Lyn Russell (Mayor)  
Cr Brian Crook  
Cr Michael Delahunty  
Cr Stephen Hart  
Cr Mick McCrickard  
Cr Chris Smith  
Cr Terry Woodcroft

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  
Rhonda Deigan, Executive Officer

**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 community input and participation in Council decisions. Council meetings provide an opportunity for the community to ask Council questions, either verbally at the meeting or in writing.

Please note that Council may not be able to answer some questions at the meeting. These will be answered later.

Council meetings enable Councillors to debate matters prior to decisions being made. I ask that we all behave in a courteous manner.

An audio recording of this meeting is being made for the purpose of ensuring the minutes of the meeting are accurate. 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. It is an offence to make an unauthorised recording of the meeting.

Thank you. Now 30 minutes is allowed for question time. Please remember, you must ask a question. If you do not ask 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

#### Neil Longmore – Gellibrand River

1. Was it the intention of Councillors when adopting the Colac CBD and Entrances Project Report that Council planning officers would thereby become empowered to selectively interpret the Report to frustrate the adaptive re-use and restoration of the heritage-listed Central Arcade by redevelopment from disused retail to backpacker accommodation, even prior to the formal incorporation of the Report into the Colac Otway Planning Scheme?

I request that Councillors move that Clause 21.03-2 be changed by including the words in bold at the end of the strategy:

*"Retain heritage places and areas as significant components of Colac's character and attractiveness and encourage their adaptive re-use and restoration, **including by supporting innovative uses that attract visitors and customers into disused retail areas.**"*

#### Response

***The intention of the Colac CBD and Entrances Strategy is to provide strong direction to Council concerning future improvements of streetscapes in the Colac CBD and along its key entrance corridors along the Princes Highway, and to guide decisions on planning permit applications for commercial development. The Strategy considers retention of heritage features in the CBD to be important, and encourages reuse of older buildings. It also recognises the high public value of existing through pedestrian links between Murray Street and Bromfield Street, and encourages their retention into the future, as well as the achievement of further through links into the future as sites are redeveloped. Officers have recommended that Council refer submissions received to Amendment C72 (relating to this Strategy) to a independent planning panel so that any concerns about the wording of specific clauses can be investigated before Council considers adopting the amendment. This is believed to be the most appropriate approach to enable a Panel, with all relevant information to hand, to make a recommendation in regard to this matter. Mr Longmore is encouraged to seek to make a presentation to the C72 Panel to ensure the issues he has raised are properly considered.***

### **Stanley Kennett**

1. I am concerned drinking water dosed with fluoride is poison. I watched on youtube (professional perspectives on water fluoridation) 28 minutes and (fluoride cancer science & politics-full length) 20 minutes. The Queensland Government in late 2012 gave Councils power to decide on fluoride in water supply and some Queensland Councils have voted to reject drinking water dosed with fluoride. Will the Colac Council campaign to the Victorian State Government for the power to decide on fluoride in Colac drinking water ?

### **Response**

***The benefits of fluoride in drinking water with respect to dental health have been well documented. Council trusts that the authorities charged with the responsibility for meeting the safety standards for the supply of our drinking water will have taken into account the best technical and scientific advice available.***

2. Cats in Canberra are required to be indoors 24 hours a day. Will the Colac Council do the same as Canberra, cats required to be indoors 24 hours a day?

### **Response**

***The subject of cat control and curfews is dealt with in many different ways throughout Victoria with some Councils imposing a cat curfew. The enforcement of a cat curfew is problematic and very resource intensive. As a result Council is not considering the implementation of a cat curfew at this time. Under the provisions of the Domestic Animals Act 1994 action can be taken against the owner of a cat that is not confined to the owners property. Council's authorised officers have on many occasions used the provisions of the aforementioned legislation to address problems associated with roaming cats.***

3. I see dog poo on the footpath, nature strips, and parks all the time, and I see unleashed dogs. Will the Colac Council designate dog walking areas and/or no dogs allowed areas?

### **Response**

***Unfortunately there are irresponsible pet owners in every municipality that fail to obey and in some instances deliberately ignore local laws that are in place to effectively ensure areas can be enjoyed by all persons. Under the provisions of Council's current General Local Law number 2 Section 78 a person must not allow excrement of a dog under his or her care or control to remain on a road or Council land; and who is in charge or control of a dog on a road or Council land must carry a device suitable for the picking up and removal of any excrement that may be deposited by the dog on the road or Council land. Action is taken where Council Officers see breaches of this Local Law but obviously it is very difficult to enforce.***

***At the current time dogs must be on leash within the CBD of Colac that is bounded by Dennis & Skene streets to the North – Rae & Miller streets to the South and Queen street to the East and Armstrong street to the West. Other dog on leash areas include the lake walking track and botanic gardens. Dog on leash provisions also apply to the main street in all other townships within the municipality. In Apollo Bay the dog on leash provisions apply to the western side of Collingwood Street (Gt. Ocean Road). The foreshore area is not a Council owned or controlled area as it is managed by the Otway Coast Committee who are in the process of developing regulations to address issues that apply to the foreshore.***

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

### **Neil Longmore – Gellibrand River**

1. Is Council able to consider changing the C72 Planning Scheme Amendment to reflect the wording, "***including by supporting innovative uses that attract visitors and customers into disused retail areas.***"?

#### **Response:**

***The CEO advised that the submission period for the C72 Planning Scheme Amendment had closed and encouraged Mr Longmore's clients to make an application to appear before the independent planning panel appointed to hear submissions.***

2. Will the Councillors agree to make this change to the C72 Planning Scheme Amendment?

#### **Response:**

***The CEO stated that it would be against his advice and inappropriate for Councillors to agree to a change of wording to the C72 Planning Scheme Amendment given that it would show favour to Mr Longmore and his clients.***

### **Peter Scott - Gerangamete**

1. Do Colac Otway Shire Councillors support the Colac Otway Shire administration in the spending of tens of thousands of dollars of ratepayers' money to resolve the rail trail walking track, rather than engage with the state government to remedy the apparent incompetence of the system? The community needs to know where Councillors stand on this matter. The proposed 7.97% rate increase should surely indicate that Council should be searching for more cost effective ways to spend ratepayers' money. Should the Council find a more practical way forward we would agree to reopen the section of walking track to the public.

#### **Response:**

***The General Manager for Sustainable Planning and Development advised that Councillors were aware of the issues associated with this matter and the actions taken by Council officers which have included discussions with Mr Scott and the Department of Environment and Primary Industries. Further, it is not expected that tens of thousands of dollars would be spent to resolve the rail trail walking track and all parties had agreed on a way forward to resolve the matter with Council currently investigating options on how to fulfill their side of the agreement. It was also acknowledged that Mr Scott had completed the course of action he had committed to as part of this agreement.***

2. In relation to the rating applied to small parcels of land within the farming zone of the shire, what action has the Council taken in regards to this matter, and have they instructed the valuer to value properties within the farming zone differently if they have been refused a permit application for a dwelling due to the property's lack of size under the farming zone guidelines?

#### **Response:**

***The General Manager for Corporate and Community Services advised that in a discussion Mr Scott had with Council's Revenue Coordinator an undertaking had been given to investigate if permits to build on the two properties referred to by Mr Scott were refused and if that was taken into consideration when the properties were***

**valued. The question, as it relates to the balance of the Shire, was taken on notice with a response to be provided to Mr Scott.**

3. With respect to a condition included in two separate planning permits requiring us to plant native vegetation on our properties, are people in Colac, Geelong and Melbourne also required to plant native vegetation when granted a planning permit?

**Response:**

**The General Manager for Sustainable Planning and Development invited Mr Scott to contact his office to provide more specific information with respect to this question.**

4. We have also been requested to complete a Domestic Animal Management Plan for any domestic animals on our property. Given that the biggest pest on our property are feral cats, what plans do Council and the State Government have in relation to the management of feral cats?

**Response:**

**The General Manager for Sustainable Planning and Development stated that he was unaware of any State Government plans with respect to the management of feral cats and would take this question on notice.**

**Phil Lawson**

1. With reference to the proposed road closure adjacent to the former Marengo landfill site, how long is the process expected to take to get the road closure in place and for the pony club to be given access to the site?

**Response:**

**The General Manager for Infrastructure and Services advised that, subject to Council approval, a statutory process would need to be followed which would include the advertisement of Council's intent to close the road and the consolidation of property lots. This process could be expected to take several months to complete.**

2. In relation to the local laws review currently out for public comment and given that the review was not widely publicised in Apollo Bay, could there be an extension to the submission period and advice given as to the number of complaints that have been received that has led to a limit being placed on the number of animals that can be kept?

**Response:**

**The General Manager for Sustainable Planning and Development stated that Council will accept submissions up until the report is prepared for Council. Council has put forward what it considers are reasonable numbers for the keeping of animals and welcomes community feedback on these numbers.**

3. Were the numbers based on the local laws for a major city as the limits imposed on the keeping of chickens in Apollo Bay appear to be similar to limits placed on the number of chickens allowed to be kept by residents of Northcote?

**Response:**

**The General Manager for Sustainable Planning and Development stated that this Shire's local laws were based on very different parameters to that of a city and that a number of issues were considered as part of the review of Council's local laws.**

**Tony Webber – Apollo Bay**

1. Given that the Heathfield Estate Reserve Community Reference Group has not met since October 2012, when will the next meeting be held?

***The General Manager for Corporate and Community Services advised that Council had been briefed on the Heathfield Estate Reserve that morning and that Council officers were in the process of gathering information in preparation for another meeting of the group in the future.***

2. At a meeting of the Otway Forum on Sunday, the CEO undertook to get back to the Department of Environment and Primary Industries (DEPI) on the accuracy of the mapping used in the C70 Planning Scheme Amendment. Has this occurred?

***The CEO stated that he did not say that he would approach DEPI directly. Council is currently taking advice on this matter and is seeking an extension to the submission period for the C70 Planning Scheme Amendment. Further, the mapping provided by DEPI was based on the most accurate information available.***

3. Is Council going to support the constitutional recognition of local government in the referendum being held on 14 September 2013?

***The Mayor advised that this item was listed for discussion in today's agenda.***

**6. DECLARATION OF INTEREST**

Cr Delahunty:	OM132205-5 Colac Community Library and Learning Centre Joint Committee - Deed Of Variation Of Agreement
Nature of Disclosure:	Indirect
Type of Indirect Interest:	Section 78
Nature of Interest:	Spouse is a member of the Board of Colac Secondary College

Cr Delahunty:	OM132205-14 Planning Scheme Amendment C72 - Consideration of Submissions
Nature of Disclosure:	Direct
Nature of Interest:	Property owner within the Apollo Bay commercial district

**7. CONFIRMATION OF MINUTES**

- Ordinary Council Meeting held on the 24/04/13
- Special Council Meeting held on the 8/05/13

***MOVED Cr Stephen Hart seconded Cr Brian Crook that Council confirm the above minutes.***

***CARRIED 7 : 0***

## **OFFICERS' REPORTS**

### **Chief Executive Officer**

- OM132205-1 CEO'S PROGRESS REPORT TO COUNCIL
- OM132205-2 VOLUNTARY LEVY - CONSTITUTIONAL RECOGNITION

### **Corporate and Community Services**

- OM132205-3 CORANGAMITE REGIONAL LIBRARY CORPORATION BUDGET 2013/14
- OM132205-4 CORANGAMITE REGIONAL LIBRARY CORPORATION - LIBRARY PLAN 2013-2017
- OM132205-5 COLAC COMMUNITY LIBRARY AND LEARNING CENTRE JOINT COMMITTEE - DEED OF VARIATION OF AGREEMENT
- OM132205-6 AUTHORISATION OF OFFICER (PLANNING AND ENVIRONMENT ACT)
- OM132205-7 REVIEW OF PROCUREMENT POLICY
- OM132205-8 AUSTRALIA DAY 2014 - HOST TOWN
- OM132205-9 INSTRUMENTS OF DELEGATION - COMMITTEES

### **Infrastructure and Services**

- OM132205-10 ROAD MANAGEMENT PLAN
- OM132205-11 ROAD DISCONTINUANCE - GOVERNMENT ROAD ABUTTING FORMER MARENGO LANDFILL SITE
- OM132205-12 ROAD CLOSURE - 505 RIFLE BUTTS ROAD, WHOOREL

### **Sustainable Planning and Development**

- OM132205-13 COUNCILLOR NOMINATION FOR FORREST MOUNTAIN BIKE TRAILS STRATEGY STEERING GROUP
- OM132205-14 PLANNING SCHEME AMENDMENT C72 - CONSIDERATION OF SUBMISSIONS

### **General Business**

- OM132205-15 ASSEMBLY OF COUNCILLORS
- OM132205-16 MINUTES FROM YOUTH COUNCIL MEETINGS
- OM132205-17 MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE
- OM132205-18 MINUTES FROM THE COLAC COMMUNITY LIBRARY & LEARNING CENTRE JOINT COMMITTEE MEETING

**CHIEF EXECUTIVE OFFICER**

<b>ITEM</b>	
<b><u>OM132205-1</u></b>	<b><u>CEO'S PROGRESS REPORT TO COUNCIL</u></b>
<b><u>OM132205-2</u></b>	<b><u>VOLUNTARY LEVY - CONSTITUTIONAL RECOGNITION</u></b>



**OM132205-1****CEO'S PROGRESS REPORT TO COUNCIL**

AUTHOR:	Rhonda Deigan	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	F11/3291

***MOVED Cr Mick McCrickard seconded Cr Terry Woodcroft  
That Council notes the CEO's Progress Report to Council.***

***CARRIED 7 : 0***

OM132205-2

**VOLUNTARY LEVY - CONSTITUTIONAL RECOGNITION**

AUTHOR:	Rhonda Deigan	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	F11/3291

**Original Recommendation(s)*****That Council:***

1. ***Confirms its intention to participate in the national "Yes" campaign at the local level.***
2. ***Commits to a voluntary contribution of \$9,683 towards the national local government "yes" campaign.***

***MOTION - MOVED Cr Stephen Hart seconded Cr Michael Delahunty:***

***That Council:***

1. ***Notes that on 30 March 2011 the Council expressed support for a referendum to be held in 2013 to recognise Local Government in the Constitution.***
2. ***Notes that since 2011 the Local Government industry has failed to make a convincing case to the public and this has jeopardised the prospects for success.***
3. ***Resolves that Council will not be making any contribution to any campaign connected with the 2013 referendum.***
4. ***Instructs the Chief Executive Officer to take all reasonable steps to ensure that no Council resources, including Officer time, is used to in any way promote the 2013 referendum.***
5. ***Instructs the Chief Executive Officer to inform the MAV of this resolution in response to their request for funding.***

During debate on this item, Cr Smith was asked three times by the Mayor to withdraw a disparaging remark he made against Councillors and Council officers with respect to the management of Council's finances. Having failed to obey a direction of the Mayor, Cr Smith was requested to leave the meeting for the duration of this item.

**Cr Chris Smith left Council Chambers at 3:49pm.**

**CARRIED 6 : 0**

**Cr Chris Smith returned to Council Chambers at 3:55pm.**

**CORPORATE AND COMMUNITY SERVICES**

<b>ITEM</b>	
<b><u>OM132205-3</u></b>	<b><u>CORANGAMITE REGIONAL LIBRARY CORPORATION BUDGET 2013/14</u></b>
<b><u>OM132205-4</u></b>	<b><u>CORANGAMITE REGIONAL LIBRARY CORPORATION - LIBRARY PLAN 2013-2017</u></b>
<b><u>OM132205-5</u></b>	<b><u>COLAC COMMUNITY LIBRARY AND LEARNING CENTRE JOINT COMMITTEE - DEED OF VARIATION OF AGREEMENT</u></b>
<b><u>OM132205-6</u></b>	<b><u>AUTHORISATION OF OFFICER (PLANNING AND ENVIRONMENT ACT)</u></b>
<b><u>OM132205-7</u></b>	<b><u>REVIEW OF PROCUREMENT POLICY</u></b>
<b><u>OM132205-8</u></b>	<b><u>AUSTRALIA DAY 2014 - HOST TOWN</u></b>
<b><u>OM132205-9</u></b>	<b><u>INSTRUMENTS OF DELEGATION - COMMITTEES</u></b>

OM132205-3

**CORANGAMITE REGIONAL LIBRARY CORPORATION  
BUDGET 2013/14**

AUTHOR:	Colin Hayman	ENDORSED:	Rob Small
DEPARTMENT:	Corporate & Community Services	FILE REF:	11/96219

***MOVED Cr Stephen Hart seconded Cr Brian Crook******That Council:***

- 1. Endorses the Corangamite Regional Library Corporation Budget and Council's contribution of \$640,476 for the 2013/2014 financial year and writes to the Corporation advising of Council's approval subject to the adoption of this amount in the final 2013/2014 Council budget.***
- 2. Notes the level of library services included in the 2013/2014 Corangamite Regional Library Corporation Budget:***
  - Apollo Bay (15 hours)***
  - Colac Community Library and Learning Centre: (48.5 hours/week or 43.5 hours/week during school holidays)***
  - Colac Library Annex (22 hours/week)***
  - Library Outreach Service at Beeac, Beech Forest, Birregurra, Coragulac, Cressy, Forrest, Gellibrand and Lavers Hill***
  - Home Service in Colac.***

***CARRIED 5 : 2******DIVISION called by Cr Brian Crook******For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Mick McCrickard, Cr Terry Woodcroft******Against the Motion: Cr Chris Smith, Cr Michael Delahunty***

OM132205-4

**CORANGAMITE REGIONAL LIBRARY CORPORATION -  
LIBRARY PLAN 2013-2017**

AUTHOR:	Colin Hayman	ENDORSED:	Rob Small
DEPARTMENT:	Corporate & Community Services	FILE REF:	F11/3291

***MOVED Cr Stephen Hart seconded Cr Mick McCrickard***

***That Council notes the Corangamite Regional Library Corporation's Library Plan 2013-2017 incorporating the 4 year Strategic Resource Plan.***

**CARRIED 7 : 0**

**OM132205-5 COLAC COMMUNITY LIBRARY AND LEARNING CENTRE  
JOINT COMMITTEE - DEED OF VARIATION OF  
AGREEMENT**

AUTHOR:	Colin Hayman	ENDORSED:	Rob Small
DEPARTMENT:	Corporate & Community Services	FILE REF:	11/96218

Cr Delahunty:	OM132205-5 Colac Community Library and Learning Centre Joint Committee - Deed Of Variation Of Agreement
Nature of Disclosure:	Indirect
Type of Indirect Interest:	Section 78
Nature of Interest:	Spouse is a member of the Board of Colac Secondary College

**Having declared a conflict of interest in this item, Cr Michael Delahunty left Council Chambers at 4:16pm.**

***MOVED Cr Stephen Hart seconded Cr Mick McCrickard***

***That Council approves the signing and sealing of the Deed of Variation of Agreement between:***

- ***The Minister for Education***
- ***The Council of Colac Secondary College (College Council)***
- ***Colac Otway Shire Council (Shire Council).***

**CARRIED 6 : 0**

**Cr Michael Delahunty returned to Council Chambers at 4:18pm.**

OM132205-6

**AUTHORISATION OF OFFICER (PLANNING AND ENVIRONMENT ACT)**

AUTHOR:	Colin Hayman	ENDORSED:	Rob Small
DEPARTMENT:	Corporate & Community Services	FILE REF:	11/96474

***MOVED Cr Brian Crook seconded Cr Terry Woodcroft***

***That Council:***

- 1. Appoints Statutory Planner Francis Wong as an authorised officer pursuant to the Planning and Environment Act 1987.***
- 2. Notes that the Instrument of Appointment and Authorisation comes into force immediately the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it.***
- 3. Delegates to the Chief Executive Officer authority to sign and place under Council Seal the Instrument of Appointment and Authorisation.***

***CARRIED 6 : 1***

**OM132205-7****REVIEW OF PROCUREMENT POLICY**

AUTHOR:	Colin Hayman	ENDORSED:	Rob Small
DEPARTMENT:	Corporate & Community Services	FILE REF:	11/96037

***MOVED Cr Brian Crook seconded Cr Mick McCrickard***

***That Council adopts the revised Procurement Policy No. 3.2.***

***CARRIED 7 : 0***



**OM132205-8****AUSTRALIA DAY 2014 - HOST TOWN**

AUTHOR:	Hege Eier	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F13/3032

***MOVED Cr Terry Woodcroft seconded Cr Mick McCrickard***

***That Council endorses the recommendation by the Australia Day Advisory Committee to hold the 2014 Colac Otway Shire Australia Day event in Forrest on the 26 January 2014.***

**CARRIED 7 : 0**

OM132205-9

**INSTRUMENTS OF DELEGATION - COMMITTEES**

AUTHOR:	Colin Hayman	ENDORSED:	Rob Small
DEPARTMENT:	Corporate & Community Services	FILE REF:	11/96474

**Original Recommendation(s)****That Council:****1. Signs and seals Instrument of Delegations for the following Committees:**

- **Alvie Recreation Reserve**
- **Barongarook Public Hall and Tennis Reserve**
- **Barwon Downs Hall**
- **Beech Forest Hall**
- **Beech Forest Recreation Reserve**
- **Birregurra Public Hall**
- **Carlisle River Recreation Reserve**
- **Chapple Vale Public Hall**
- **Colac Municipal Aerodrome**
- **Cororooke Hall**
- **Cressy Hall**
- **Eurack Hall**
- **Irrewillipe Hall and Reserve**
- **Kennett River Tennis Reserve**
- **Larpent Hall**
- **Lavers Hill Hall**
- **Lavers Hill Waterhole Reserve**
- **Pennyroyal Hall**
- **Pirron Yallock Recreation Reserve**
- **Stoneyford Hall**
- **Swan Marsh Hall and Tennis Reserve**
- **Warncoort Tennis Reserve**
- **Warrion Hall**
- **Yeo Recreation Reserve**
  
- **Old Beechy Rail Trail**
- **Road Naming Projects Advisory Committee**
- **Tirrengower Drainage System**

**2. In accordance with section 81(2A) of the Local Government Act 1989, resolves to exempt members of the committees from being required to submit a Primary or Ordinary Return "Register of Interest" Return.**

**MOTION - MOVED Cr Stephen Hart seconded Cr Brian Crook that Council:**

**1. Signs and seals Instrument of Delegations for the following Committees:**

- **Alvie Recreation Reserve**
- **Barongarook Public Hall and Tennis Reserve**
- **Barwon Downs Hall**
- **Beech Forest Hall**
- **Beech Forest Recreation Reserve**
- **Birregurra Public Hall**
- **Carlisle River Recreation Reserve**
- **Chapple Vale Public Hall**
- **Colac Municipal Aerodrome**
- **Cororooke Hall**
- **Cressy Hall**
- **Eurack Hall**
- **Irrewillipe Hall and Reserve**
- **Kennett River Tennis Reserve**
- **Larpent Hall**
- **Lavers Hill Hall**
- **Lavers Hill Waterhole Reserve**
- **Pennyroyal Hall**
- **Pirron Yallock Recreation Reserve**
- **Stoneyford Hall**
- **Swan Marsh Hall and Tennis Reserve**
- **Warncoort Tennis Reserve**
- **Warrion Hall**
- **Yeo Recreation Reserve**
  
- **Road Naming Projects Advisory Committee**
- **Tirrengower Drainage System**

**2. In accordance with section 81(2A) of the Local Government Act 1989, resolves to exempt members of the committees from being required to submit a Primary or Ordinary "Register of Interest" Return.**

**CARRIED 6 : 1**

**DIVISION called by Cr Chris Smith**

**For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Mick McCrickard, Cr Terry Woodcroft, Cr Michael Delahunty**

**Against the Motion: Cr Chris Smith**

**MOTION - MOVED Cr Stephen Hart seconded Cr Brian Crook**

**That Council:**

- 1. Signs and seals the Instrument of Delegation for the Old Beechy Rail Trail Committee as per the amended Instrument of Delegation provided to Councillors today**
- 2. In accordance with section 81(2A) of the Local Government Act 1989, resolves to exempt members of the Old Beechy Rail Trail Committee from being required to submit a Primary or Ordinary "Register of Interest" Return.**

This motion was withdrawn on approval of Cr Stephen Hart and Cr Brian Crook.

**MOTION - MOVED Cr Stephen Hart seconded Cr Terry Woodcroft:**

**That Council defers the Instrument of Delegation for the Old Beechy Rail Trail Committee to allow discussions to occur between Council officers and the committee and for a subsequent workshop to be held with Councillors.**

**CARRIED 7 : 0**

**INFRASTRUCTURE AND SERVICES**

<b>ITEM</b>	
<b><u>OM132205-10</u></b>	<b><u>ROAD MANAGEMENT PLAN</u></b>
<b><u>OM132205-11</u></b>	<b><u>ROAD DISCONTINUANCE - GOVERNMENT ROAD ABUTTING FORMER MARENGO LANDFILL SITE</u></b>
<b><u>OM132205-12</u></b>	<b><u>ROAD CLOSURE - 505 RIFLE BUTTS ROAD, WHOOREL</u></b>

**OM132205-10 ROAD MANAGEMENT PLAN**

AUTHOR:	Adam Lehmann	ENDORSED:	Neil Allen
DEPARTMENT:	Infrastructure & Services	FILE REF:	F11/759

***MOVED Cr Brian Crook seconded Cr Mick McCrickard***

***That Council:***

- 1. Advertises its intention to review its Road Management Plan in the Victoria Government Gazette and locally circulating newspapers for a period of 6 weeks, stating the following:***
  - a. The review is to consider the appropriateness and effectiveness of Council's priorities in relation to the inspection, maintenance and repair of the roads covered by its Road Management Plan.***
  - b. The review will apply to all the roads and classes of roads to which Council's Road Management Plan applies.***
  - c. A copy of the current Road Management Plan may be inspected at either of Council's Customer Service Centre's located in Colac and Apollo Bay, or a copy may be obtained by downloading it from Council's website.***
  - d. Any person may make a submission in regard to the proposed review of the Road Management Plan to Council in accordance with section 223 of the Local Government Act 1989, must do so in writing, addressed to the Council by 5 July 2013.***
- 2. Notes that during this process, further reports that outline the results and feedback of the community consultation will be presented to Council for consideration to ensure the requirements of the Road Management Act 2004 and the Road Management (General) Regulations 2005 are complied with.***
- 3. Notes that at the completion of the review process a final report will be presented to Council meeting on 28 August 2013, recommending adoption of the Road Management Plan.***

**CARRIED 7 : 0**

OM132205-11

**ROAD DISCONTINUANCE - GOVERNMENT ROAD ABUTTING  
FORMER MARENGO LANDFILL SITE**

AUTHOR:	Adam Lehmann	ENDORSED:	Neil Allen
DEPARTMENT:	Infrastructure & Services	FILE REF:	F11/759

***MOVED Cr Mick McCrickard seconded Cr Michael Delahunty***

***That Council:***

- 1. Gives public notice of its intention to discontinue the section of Government road south of and abutting Crown Allotment 1 Sec 3C, Parish of Krambruk.***
- 2. Subject to complying with all relevant legislation including section 223 of the Local Government Act 1989 and a six week notification period, and if no submissions are received, instructs the Chief Executive Officer to execute the discontinuance via a notice published in the Victoria Government Gazette.***
- 3. If objections are received, advertises in the local media and holds a Special Council Meeting on a date to be determined in COPACC to consider the objections. Formal advice of the time and place of the meeting will be provided to those parties wanting to be heard in support of their objections.***
- 4. If required, makes a final decision following preparation of a report by the General Manager Infrastructure and Services based on the recommendations of the Special Council Meeting to the following Council meeting.***

**CARRIED 7 : 0**

**OM132205-12 ROAD CLOSURE - 505 RIFLE BUTTS ROAD, WHOOREL**

AUTHOR:	Adam Lehmann	ENDORSED:	Neil Allen
DEPARTMENT:	Infrastructure & Services	FILE REF:	F11/759

**MOVED Cr Brian Crook seconded Cr Michael Delahunty****That Council:**

1. **Rescinds its resolution at its Ordinary Meeting of 19 December 2012 with respect to the exchange/deviation of the unmade Government Road which abuts Lot 1 LP 200881, Parish of Whoorel, as follows:**

**"That Council:**

1. **Agrees to the road exchange/deviation, subject to no net disadvantage to Council.**
2. **Subject to further consultation with the proponent, makes application to the Department of Sustainability and Environment (DSE) to obtain Ministerial consent to the road exchange/deviation.**
3. **Subject to Ministerial approval being received, commences statutory procedures to exchange/deviate the unmade Government Road abutting Lot 1 LP200881, Parish of Whoorel in accordance with the road deviation diagram contained within this report, pursuant to section 207B(2A) and Schedule 10 clause 2(2)(b) of the Local Government Act 1989 (the 'Act') and in accordance with section 223 of the Act, public notice of the proposed road deviation/exchange be given in local newspapers circulating in the area, subject to a 6 week submission period."**

**CARRIED 7 : 0****MOVED Cr Michael Delahunty seconded Cr Mick McCrickard****That Council:**

1. **Provides written correspondence to the owner of 505 Rifle Butts Road indicating that:**
  - a. **Council provides in-principle support to the closure of the unmade Government Road which abuts Lot 1 LP 200881, Parish of Whoorel;**
  - b. **That the process to discontinue this road under the provisions of the Local Government Act 1989 will only be initiated upon evidence that Lot 1 TP81773 and Lot 2 LP200811, Parish of Whoorel have been consolidated into one title; and**
  - c. **As the discontinuance process is subject to public consultation under section 223 of the Local Government Act 1989 and therefore Council can in no way guarantee that the closure of the Government Road will be concluded to the applicants satisfaction.**
2. **Subject to receiving confirmation that Lot 1 TP81773 and Lot 2 LP200811 have been consolidated into one title, receives a future report in relation to the initiation of the road discontinuance process under the provisions of the Local Government Act 1989.**
3. **Requires the owner to undertake these processes on the basis that any future acquisition of the road reserve to be discontinued only be on the basis that it not be retained as a separate lot, and is instead consolidated with adjoining land.**

**CARRIED 7 : 0**



**SUSTAINABLE PLANNING AND DEVELOPMENT**

<b>ITEM</b>	
<b><u>OM132205-13</u></b>	<b><u>COUNCILLOR NOMINATION FOR FORREST MOUNTAIN BIKE TRAILS STRATEGY STEERING GROUP</u></b>
<b><u>OM132205-14</u></b>	<b><u>PLANNING SCHEME AMENDMENT C72 - CONSIDERATION OF SUBMISSIONS</u></b>

OM132205-13

**COUNCILLOR NOMINATION FOR FORREST MOUNTAIN  
BIKE TRAILS STRATEGY STEERING GROUP**

AUTHOR:	Mike Barrow	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/3119

**Original Recommendation(s)**

***That Council nominates Councillor ..... to represent Council on the Forrest Mountain Bike Trails Strategy Steering Group.***

***MOVED Cr Brian Crook seconded Cr Stephen Hart***

***That Council nominates Councillor Michael Delahunty to represent Council on the Forrest Mountain Bike Trails Strategy Steering Group.***

**CARRIED 7 : 0**

**OM132205-14 PLANNING SCHEME AMENDMENT C72 - CONSIDERATION OF SUBMISSIONS**

AUTHOR:	Don Lewis	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F12/6551

Cr Delahunty:	OM132205-14 Planning Scheme Amendment C72 - Consideration Of Submissions
Nature of Disclosure:	Direct
Nature of Interest:	Property owner within the Apollo Bay commercial district

Having declared a conflict of interest in this item, Cr Michael Delahunty left Council Chambers at 5:05pm.

**Original Recommendation(s)**

**That Council:**

1. **Notes the submission of Barwon Water which does not object to the amendment.**
2. **Does not support Submissions 2 and 3.**
3. **Splits Amendment C72 into two parts as follows:**
  - a. **Part 1- Introduction of Design and Development Overlay Schedules 8 and 9, modifications to Design and Development Overlay Schedules 1 and 3; relevant modifications to Clauses 21.2, 21.3, 21.6 and 21.7 and inclusion of the Colac CBD and Entrances Project as a Reference Document.**
  - b. **Part 2 – Introduction of the Parking Overlay as well as Schedules 1 and 2 to that overlay, relevant modifications to Clauses 21.2, 21.3, 21.6 and 21.7 and inclusion of the Colac and Apollo Bay Car Commercial Parking Precinct Plans and rezoning of the former hardware site in Railway Street, Colac.**
4. **Requests the Minister for Planning to appoint an independent planning panel to hear submissions in regard to Amendment C72 Part 1.**

**MOTION - MOVED Cr Chris Smith seconded Cr Terry Woodcroft:**

**That Council defers this item until the June 2013 Ordinary Council meeting so that all submissions can be included as a separate confidential document with the agenda that goes out to Councillors.**

**CARRIED 4 : 2**

**DIVISION called by Cr Chris Smith**

**For the Motion: Cr Chris Smith, Cr Lyn Russell, Cr Mick McCrickard, Cr Terry Woodcroft**

**Against the Motion: Cr Stephen Hart, Cr Brian Crook.**

**Cr Michael Delahunty returned to Council Chambers at 5:24pm.**

**GENERAL BUSINESS**

<b>ITEM</b>	
<b><u>OM132205-15</u></b>	<b><u>ASSEMBLY OF COUNCILLORS</u></b>
<b><u>OM132205-16</u></b>	<b><u>MINUTES FROM YOUTH COUNCIL MEETINGS</u></b>
<b><u>OM132205-17</u></b>	<b><u>MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE</u></b>
<b><u>OM132205-18</u></b>	<b><u>MINUTES FROM THE COLAC COMMUNITY LIBRARY &amp; LEARNING CENTRE JOINT COMMITTEE MEETING</u></b>

OM132205-15

## ASSEMBLY OF COUNCILLORS

AUTHOR:	Rhonda Deigan	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	CLF11/6

**MOVED Cr Stephen Hart seconded Cr Brian Crook**

**That Council notes the Assembly of Councillors reports for:**

- **Friends of Colac Botanic Gardens Meeting** 11 April 2013
- **Draft 2013/14 Council Budget Workshop** 17 April 2013
- **Australia Day Advisory Committee Meeting** 17 April 2013
- **Councillor Briefing Session** 24 April 2013
- **Councillor Induction Tour** 1 May 2013
- **Councillor Workshop** 8 May 2013.

**CARRIED 7 : 0**

OM132205-16

**MINUTES FROM YOUTH COUNCIL MEETINGS**

AUTHOR:	Rhonda Deigan	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	11/96640

***MOVED Cr Terry Woodcroft seconded Cr Mick McCrickard***

***That Council notes the minutes arising from Youth Council meetings held on:***

- ***18 March 2013***
- ***15 April 2013***
- ***22 April 2013.***

***CARRIED 7 : 0***

OM132205-17

**MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE**

AUTHOR:	Jodie Fincham	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F11/3291

***MOVED Cr Brian Crook seconded Cr Mick McCrickard***

***That Council notes the Minutes and Executive Officer report of the Old Beechy Rail Trail Committee for 4 February 2013.***

***CARRIED 7 : 0***

**OM132205-18****MINUTES FROM THE COLAC COMMUNITY LIBRARY &  
LEARNING CENTRE JOINT COMMITTEE MEETING**

AUTHOR:	Rhonda Deigan	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	F11/3291

***MOVED Cr Stephen Hart seconded Cr Terry Woodcroft***

***That Council notes the minutes arising from the Colac Community Library & Learning Centre Joint Committee meeting held on 20 February 2013.***

***CARRIED 7 : 0***



**IN COMMITTEE**

**MOVED Cr Terry Woodcroft seconded Cr Stephen 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>
Confidential Signing Of Funding Agreement With Department Of Transport (Dot) For Design & Construction Of Dredge And Workboat, Port Of Apollo Bay (Contract 1212)	this matter deals with contractual matters	Section 89 (2) (d)
Confidential Items for Consideration - Memo to Councillors - Apollo Bay Harbour Master Plan	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)

**CARRIED 7 : 0**

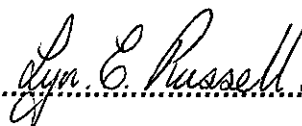
**OUT OF COMMITTEE**

**MOVED Cr Stephen Hart seconded Cr Brian Crook that the meeting move out of committee.**

**CARRIED 7 : 0**

*The Meeting Was Declared Closed at 05:31 PM*

**CONFIRMED AND SIGNED** at the meeting held on 26 JUNE 2013

..........**MAYOR**

