

MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at the Birregurra Public Hall on 28 August 2013 at 5.00pm.

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 Frank Buchanan
Cr Brian Crook
Cr Michael Delahunty
Cr Stephen Hart
Cr Chris Smith
Cr Terry Woodcroft

Rob Small, Chief Executive Officer
Colin Hayman, General Manager, Corporate & Community Services
Adam Lehmann, A/General Manager, Infrastructure & Services
Jack Green, General Manager, Sustainable Planning & Development
Rick Morrow, Manager, Information Services
Doug McNeill, Manager, Planning & Building
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.

All Council and Committee meetings are audio recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings.

Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy.

In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

Council will not use or disclose the recordings for any other purpose. It is an offence to make an unauthorised recording of the meeting.

The Mayor advised that Frank Buchanan had been officially sworn in as a Colac Otway Shire Councillor at 3.00pm that day and formally welcomed him to Council.

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

James Judd

1. Has Council yet received the corrected garbage collection data for the year 2013-2014?

Response:

The corrected calendars have been received for 2013-14 from the printers.

2. When will distribution of this material be made to all in receipt of this service?

Response:

Approximately 90% of the calendars have been delivered to residents with the last area to be delivered by the first week in September.

Edward Martin – Irrewarra

1. Can Council explain to me the definition of significant because by that response Council acknowledges that there will be some impact, on my business.

Response:

As described in the officer report on this amendment, the proposed Salinity Management Overlay will not adversely impact on farming activities in the Shire.

2. How can Council give assurances that my research operations will not be affected, when you have incorrectly mapped, labeled my land as saline. Because by incorrectly mapping, labeling this land, are you aware you will restrict my trade as a researcher, C67 will prevent me from using this land to market my research capabilities. I ask

Council how do I promote research for non saline plant species and farming methods on my land, when C67 has incorrectly labeled it saline.

Response:

Mr Martin acknowledges that parts of his property are saline, and there is no evidence of any significant inaccuracy in the overlay mapping on his property. Council does not accept that research activities on the Martin property will be adversely affected by Amendment C67.

3. I ask Council if this C67 amendment is passed, how do I explain to my clients, that I can grow saline intolerant plants, store silage in ground bunkers for long periods of time, when this Council overlay states that my land is saline and has the water table close to the surface. How does Council propose that I deal with the confusion, this incorrect mapping will have on my business.

Response:

As in the answer to the previous questions, Council does not accept that there is any significant inaccuracy in the mapping of the overlay, nor that a Salinity Management Overlay will compromise the ability of Mr Martin to conduct the same farming activities as undertaken now.

4. Council on many occasions, have stated that a primary reason for the implementation of C67, is to protect buildings or structures from the affects salinity, and in turn prevent them from being built in saline areas. Council have also stated that if they did not have overlay C67 in place, Council may be held liable for any damage caused to those buildings or structures by the affects of salinity. Can Council tell me how many building or structural defect notices, have been issued in the last ten years for damage caused by salinity. If there has indeed been any notices given, what type of building or structure was it, the date the notice was given, and most importantly, can council tell me was the building or structure in an area mapped under this C67 amendment. If there have been no notices issued, can council tell me why it's so important to implement this amendment, when there is no evidence of it actually occurring. Would you agree that past and current planning and building regulations, have been effective in preventing building or structural damage caused by salinity. So could you tell me why you would need this C67, to protect buildings when the current regulations seem to be adequate.

Response:

Council disagrees that the current planning and building regulations have been effective in preventing salt damage to buildings. The current system does not currently offer appropriate protection to buildings from salt in the soil. Salt can have destructive impacts on buildings which are not constructed to avoid such impacts, and Council has an obligation under planning legislation to address this issue through the Planning Scheme. Council only issues Building Notices to land owners concerning buildings that are unsafe, not because of salt damage which may have occurred.

5. Can Council explain, why there are large expanses of saline land in the shire, that are not mapped C67, I draw your attention to the Meredith Park Road example, that I have put forward in previous correspondence.

Response:

There is no evidence of large areas of saline land not being included in the Amendment C67 mapping. Mr Dahlhaus has indicated to Councillors that if an area had been excluded from the salinity mapping at Meredith Park, it would be minor. The mapping has been recognized by the independent panel as "best practice".

Stanley Kennett

1. Will the Colac Council ban dog walking in the town area of Colac, and force dog owners to transport dogs in a vehicle out of the town for a walk.

Response:

At the current time there are no restrictions on where dog owners can walk their animals on Council owned/managed land. There is however requirements for these persons to have their dog on a leash within designated areas. There is also a Local Law that requires dog owners to pick up their dogs droppings whilst outside their premises.

The vast majority of pet owners comply with these requirements in a responsible manner. To ban people from walking their dogs within townships would be impracticable and unacceptable because it would deny the many responsible pet owners the enjoyment and exercise associated with being able walk their animals in familiar areas.

Council's Local Laws Officers conduct regular patrols of the areas you have mentioned but cannot be everywhere at once. If you see an offence taking place it would be appreciated if you could contact the Local Laws Unit on 5232 9400 with any information that you think may assist us in identifying irresponsible pet owners. Council will then make every effort to address the matter within the constraints of our available resources.

2. Will the Council campaign to the State Victorian Government for Victorian Councils to have the power to decide on fluoride in drinking water?

Response:

No, we do not see this as being a Council responsibility.

Sharon Bradshaw – Otways Hinterland Tourism (OHTA)

1. Will Council continue to provide financial support to the Tourism Industry in our region? If so what will the level of financial support be, and how will it be managed and administered?

Response:

Under the Memorandum of Understanding with Geelong Otway Tourism, local tourism operators joined a local tourism association such as Otway Hinterland Tourism and membership funds were paid to Geelong Otway Tourism. 60% of the funds were retained by Geelong Otway Tourisms for marketing the region and 40% were returned pro rata to the local tourism association.

While not articulated in the Geelong Otway Tourism and Colac Otway Shire Memorandum of Understanding, the coordination of membership and membership funds was endorsed through this relationship. There is no memorandum of understanding or other formal agreement between the local tourism associations and Geelong Otway Tourism.

It would be expected once the new Regional Tourism Board commences that it would take the role of coordinating regional tourism membership and membership funds in a similar way to Geelong Otway Tourism. However in the interim there is no arrangement to coordinate membership, collect funds, and mange or redistribute funds as has happened in the past.

The new regional tourism Board is expected to commence later this year, with a secondment of existing Geelong Otway Tourism staff. Council recognises that there will be a loss of service to local tourism operators as a result of its decision to terminate the formal relationship with Geelong Otway Tourism but that the period of transition will be short and operational functions of Geelong Otway Tourism will be continued through the new Regional Tourism Board.

2. How will the Council manage and disburse membership funds under the new arrangements?

Response:

Council would be committed under a Memorandum of Understanding to make the same contribution as currently committed to Geelong Otway Tourism. However since the new Regional Tourism Board is not proposed to commence immediately, the contribution for 2013/14 would be pro-rated.

Council has made no decision on the use of excess funds in this regional tourism budget but can assure the local tourism industry that it will continue to actively support tourism through the Visitor Information Centres, the Tourism Development Officer and campaigns such as "love Our Region".

3. What is the current status of the RTB?

Response:

As far as Council is aware there is no organisation that will take over the role of GOT until the Regional Tourism Board commences.

Council is aware that this will mean a gap in regional service delivery and that when the new Board is established it will take some time for operational services to be delivered through this new organisation.

4. Who is going to take on the roles previously provided by GOT until the RTB commences effective operation?

Response:

Agreement on the structure and funding model for the new Regional Tourism Board has been reached between the regional local government Chief Executive Officers and that agreement is to be submitted to Councils for endorsement by the end of August 2013.

5. Will members continue to be able to place their brochures throughout the region (from the Little River VIC to the boarder), how will this be administered or facilitated?

Response:

At this point in time Geelong Otway Tourism acting in good faith is continuing to coordinate the placement of local tourism member pamphlets in Visitor Information Centres. There is no formal agreement related to this and the other Geelong Otway tourism marketing and support processes for the Great Ocean Road and the Otways and so there is no guarantee that it will continue.

6. How are state, national and international tourism initiatives and representations to be managed without GOT acting as an external marketing agent 7. How will membership databases be managed? 8. How will Council re-energise and revitalise tourism in our region?

Response:

Until the new regional tourism Board is established Council will focus attention on local service delivery through the Colac Otway Shire Tourism Officer and the 'Love Our Region' marketing campaign. We will also continue to promote the local tourism industry through the Visitor Information Centres.

7. How will membership data bases be managed?

Response:

At this point in time Geelong Otway Tourism acting in good faith is continuing to coordinate the placement membership data bases and membership funds. There is no formal agreement related to this and so there is no guarantee that it will continue. Council has no process in place to assist the tourism industry in the management of membership and plans to wait till the new Regional Tourism Board is able to provide this service.

8. How is Council going to re-energise and revitalise tourism in our region?

Response:

Council invests significant annual funds in the support and development of the local tourism industry through the Visitor Information Centres at Colac and Apollo Bay; the Tourism Development Officer and campaigns such as 'Love Our Region'. We are committed to the concept of participation in regional tourism support, marketing and development and will be an active contributor to the Regional Tourism Board.

Tabling of documents:

1. Petition from Otway Derby Dolls

Questions Received Verbally at the Meeting

Robert Missen – Beeac

1. With respect to the briefing facilitated by Simon Ramsay MLC, why and on what legal advice did the CEO instruct Councilors not to attend this invaluable information session?

Response:

The CEO stated that it was his responsibility for ensuring good governance of this Council. He advised that he was aware that there had been a finding by the Ombudsman in March 2010 where such procedures had taken place and this sent a warning that there could be a potential conflict if Councillors were to attend that meeting. The same consultant was organized to provide that information to Council in an environment where it could be given impartially. It is the CEO's duty to give Council that advice. The particular case referred to by the CEO led to a change in the law where people who work for a Minister could not also be on a Council. This issue was taken very seriously and advice was provided to all Councillors who had been invited by Simon Ramsay through his emailed invitation. Subsequently, the CEO briefed Councillors on that issue at a Councillor briefing at which five Councillors were present. The CEO stated that he believed that he had been acting within his obligations in providing that advice. That advice was provided to Mr Ramsay, the CEO of Corangamite CMA (CCMA) and the Area Manager of the Department of Environment and Primary Industries (DEPI).

2. With reference to page 51 of today's agenda, where the Corangamite Salinity Action Plan 2005 – 2008 is quoted, why has this Council omitted the number one priority listed in that document on page 67 which was the development of SMOs where salinity is present, and development is currently occurring, with particular reference to the Colac urban development area, as highlighted on pages 43, 71 and 74 of that report, and again highlighted by the CCMA and DEPI officers last Monday?

Response:

The Manager Planning and Building advised that as he did not have a copy of the document referred to by Mr Missen in front of him he would have to take the question on notice.

John Daffy

1. Did Dr Dahlhaus inform the Mayor at the briefing to Councillors on Wednesday that the maps were wrong and that he could not tell us why salt intolerant fruit trees were growing in an SMO and that no water testing had been carried out in the Cundare area?

Response:

The Mayor advised that Dr Dahlhaus had informed Councillors that the maps were inaccurate, that saline moves from one area to another and about the effect of water tables on salinity levels.

2. Question to Cr Crook, through the Mayor, who informed you that the SMO was a matter of urgency?

Response:

Cr Crook advised that he could not recall saying that it was an urgent matter. Council has some works and findings from an expert panel set up by the Government and we have some findings and some works from Professor Dahlhaus who did his PhD on "Salinity Risk Management in the Corangamite Area". Council needs to consider that advice.

The Mayor stated that the recording would be checked with respect to what Cr Crook had said at the July Council meeting about the urgency of the SMO.

Debbie Francese

1. What do we need to do to get the mapping fixed to reflect the soil testing carried out on my father-in-law's property?

Response:

The Mayor advised that the cost of remapping the entire area is too exorbitant for Council to pay. The independent expert panel had accepted the mapping with some amendments made to reflect submissions made by objectors.

2. As per my question at the July Council meeting, we did not get a chance to object as we did not receive the letter from Council advising of the C67 Planning Scheme Amendment.

The CEO advised that salinity changes over time depending on the water table and that is why Professor Dahlhaus has allowed the buffer. Professor Dahlhaus made it clear that given the methodology used, the mapping was as accurate as you could get it. If evidence exists that the mapping is wrong, it could be used to support any application for a permit in that area. This amendment is a preventive measure to ensure that future and current owners have some protection with respect to the stability of their structures.

3. Can the current landholders be guaranteed of no charges for continuing the same practices and of not having to apply for permits if C67 goes ahead?

Response:

The Manager Planning and Building advised that current farming activities will not be affected by this amendment.

4. So they won't have to apply for a permit to cut hay under 10 centimeters?

Response:

The Manager Planning and Building advised that a permit would not be required to cut hay.

5. Why have the rates gone up this year and when will they be reviewed for the landowners affected and impacted by C67?

Response:

The Mayor advised that all rates would be reviewed this year, it is done on a rotational basis every two years.

6. So all rates have gone up this year and they will be reviewed?

Response:

The Mayor repeated that rates are reviewed every second year within the Shire

7. I am asking about the 539 affected landholders, that fall under the C67 Planning Scheme Amendment, when will their rates be revised?

Response:

The CEO responded that they won't be revised as there needs to be a demonstration on the impact of values. The valuation process that is about to be undertaken for the next two financial years will evaluate land values and if the land value has gone down, the rate charge will be reduced. There is generally a requirement for an increase every year because of the cost of living, however Council is undergoing a thorough review of its costs currently. When you get a demand for rates you can apply within 30 days to have that charge reviewed. The review is carried out by a valuer who is independent of Council and if that value is changed, you can have your rates reduced.

8. Will the valuer be advised if properties fall under the C67 and that it is classed as saline?

Response:

The CEO advised that it would depend on today's decision.

9. What does Council have to gain from implementing C67?

Response:

The CEO stated that Council has an obligation to protect the interests of current and future landowners. Council has a number of instruments in our planning scheme which allows it to give notice that there needs to be caution exercised. In most cases, including Golden Plains and Surf Coast, where these overlays have been in place for a number of years, there has been very little impact as a result. The proposed broiler farm some time ago in Eurack probably would have fallen into one of these areas, and that would have given the developer an opportunity to make sure that the

construction standards were adequate or that it might have been unsuitable to proceed. There are construction standards that can mitigate this but it just highlights the need, because there is no direct relationship between building and planning permits, that these standards must be satisfied.

10. But given that there is already an overlay, we are putting one overlay on top of another.

The CEO advised that this does happen, because that is a land subject to inundation overlay which has a relationship to salinity but there are also areas which are subject to inundation which are not subject to saline, as in the area south of the highway.

Joyce Cook – Beeac

1. Why did we not receive a letter about this C67 and then we were given the wrong information by the planning officers when we were told our property was not affected and now this week we are told that it is? (Ms Cook provided the Mayor with two separate maps relating to her property as provided by Council) Why have been misled about whether our property has been affected?

Response:

The Manager Planning and Building advised that records indicate that a notice of the amendment had been sent to Ms Cook. It is his belief that Ms Cook had received information about both the C70 and C67 Planning Scheme Amendments when she attended Council offices earlier this year. Maps for each of the planning scheme amendments had been provided to Ms Cook which would account for the different maps.

The Mayor advised that there was evidence that the notice had been sent out to Ms Cook.

2. As our property is completed covered by the overlay, will we be required to obtain a planning permit to build a house or any structure on our property?

Response:

The Mayor advised that it would not prevent Ms Cook from building on the land but would let the owners know that there may be a requirement to do soil testing to protect the foundations of the new building or that you may need to move the proposed building to another location on the land.

3. Will this affect the building that has been on the property for 24 years?

The Mayor advised that the C67 Planning Scheme Amendment would not affect existing buildings, it is for future buildings.

Russell Beach – Birregurra

1. Why weren't all affected property owners provided with colour maps showing their affected property with the notices that were sent to them?

Response:

The Manager Planning and Building stated that given the size of the proposed overlay, it would be impossible for Council to provide individual maps for every affected property owner. The notices invited property owners to attend Council to view the mapping, that was on exhibition at the time, in more detail to give owners the opportunity to make a judgement on whether they would make a submission. You could not have made that decision based on the information provided with the notice.

It was simply provided to help property owners understand what the amendment was about and to encourage you to ask questions of Council.

2. We own land south of Birregurra which we agree is affected by saline, why isn't the land across the road, with similar conditions, not included in the overlay?

The Mayor advised that it is up to that property owner to come to Council to discuss his individual case. Dr Dahlhaus has identified areas of possible salt affected land and it up to Mr Beach and his neighbor to ask questions of Council.

Alan Billing - Larpent

1. With respect to the Local Laws item on today's agenda, the wording in the report differs from the wording in the Local Laws. If Council passes the Local Laws today, what are they passing, the wording in the agenda or the wording in the Local Laws?

Response:

The General Manager for Sustainable Planning and Development advised that it would be the Local Laws that would be adopted, not the report.

Ed Martin – Irrewarra

1. Can Council tell me how many structural defect or demolition notices have been issued in the Shire to demolish structures or buildings over the past 10 years as a direct result of salinity? If there have been notices given, have those structures been in the current C67 maps?

Response:

The Manager Planning and Building advised that notices are issued by Council for buildings that are considered unsafe, not because they are affected by salt. Buildings affected by salt will deteriorate at a quicker rate than unaffected buildings but that doesn't mean that it will become unsafe from a public point of view. He could not say if there have been any notices issued for buildings affected by salt. Council issue notices for unsafe buildings, not salt affected buildings.

2. Is Council aware of any unsafe buildings in the Shire as a direct result of being salt affected?

Response:

The Manager Planning and Building repeated that he was unaware of any notices that have been given to buildings that have been affected by salt.

6. **DECLARATION OF INTEREST**
NIL

7. **CONFIRMATION OF MINUTES**

- **Ordinary Council Meeting held on the 24/07/13.**

Crs Delahunty and Smith opposed the minutes, however as the reasons given did not comply with Local Law 4, Clause 33, their objections were ruled out of order by the Mayor.

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

CARRIED 5 : 2

DIVISION called by Cr Chris Smith

For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Frank Buchanan, Cr Terry Woodcroft

Against the Motion: Cr Chris Smith, Cr Michael Delahunty

OFFICERS' REPORTS

Chief Executive Officer

OM132808-1 CEO'S PROGRESS REPORT TO COUNCIL

Corporate and Community Services

OM132808-2 COUNCILLOR SUPPORT POLICY REVIEW

Infrastructure and Services

OM132808-3 ROAD DISCONTINUANCE - LANE ABUTTING 1 BRYAN AVENUE,
COLAC

Sustainable Planning and Development

OM132808-4 SALINITY MANAGEMENT OVERLAY - ADOPTION OF AMENDMENT
C67

OM132808-5 GREAT OCEAN ROAD REGIONAL TOURISM BOARD

OM132808-6 REVIEW OF LOCAL LAWS 1, 2 & 3

OM132808-7 PIRRON YALLOCK RECREATION RESERVE AND SWAN MARSH
TENNIS RESERVE MASTER PLAN

OM132808-8 PLANNING SCHEME AMENDMENT C73 - APOLLO BAY HARBOUR
MASTER PLAN

General Business

OM132808-9 ASSEMBLY OF COUNCILLORS

OM132808-10 MINUTES FROM YOUTH COUNCIL MEETINGS

OM132808-11 MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE

OM132808-12 ITEM FOR SIGNING AND SEALING - CONFIDENTIALITY DEED -
CITIPOWER/POWERCOR

OM132808-13 MINUTES FROM THE COLAC COMMUNITY LIBRARY & LEARNING
CENTRE JOINT COMMITTEE MEETING

Notices of Motion

OM132808-14 C67 PLANNING SCHEME AMENDMENT

CHIEF EXECUTIVE OFFICER

ITEM	
<u>OM132808-1</u>	<u>CEO'S PROGRESS REPORT TO COUNCIL</u>

OM132808-1**CEO'S PROGRESS REPORT TO COUNCIL**

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

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

CARRIED 7 : 0

CORPORATE AND COMMUNITY SERVICES

ITEM	
<u>OM132808-2</u>	<u>COUNCILLOR SUPPORT POLICY REVIEW</u>

OM132808-2**COUNCILLOR SUPPORT POLICY REVIEW**

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

MOVED Cr Stephen Hart seconded Cr Brian Crook

That Council adopts the revised Policy 18.5 – Councillor Support.

CARRIED 6 : 1

DIVISION called by Cr Chris Smith

For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Frank Buchanan, Cr Terry Woodcroft, Cr Michael Delahunty

Against the Motion: Cr Chris Smith

INFRASTRUCTURE AND SERVICES

ITEM	
<u>OM132808-3</u>	<u>ROAD DISCONTINUANCE - LANE ABUTTING 1 BRYAN AVENUE, COLAC</u>

OM132808-3

ROAD DISCONTINUANCE - LANE ABUTTING 1 BRYAN AVENUE, COLAC

AUTHOR:	Adam Lehmann	ENDORSED:	Rob Small
DEPARTMENT:	Infrastructure & Services	FILE REF:	F11/759

MOVED Cr Brian Crook seconded Cr Michael Delahunty

That Council:

- 1. Determines that the section of road to the north of 1 Bryan Avenue, Colac (Lot 1 TP944155R), shown on the plan included in this report is not reasonably required as a road for public use and therefore resolves to discontinue the road.***
- 2. Directs that a notice pursuant to the provisions of clause 3(a) of schedule 10 of the Local Government Act 1989 be published in the Victoria Government Gazette, to discontinue the section of road to the north of 1 Bryan Avenue Colac (Lot 1 TP944155R) shown on the plan included in this report.***

CARRIED 7 : 0

SUSTAINABLE PLANNING AND DEVELOPMENT

ITEM	
<u>OM132808-4</u>	<u>SALINITY MANAGEMENT OVERLAY - ADOPTION OF AMENDMENT C67</u>
<u>OM132808-5</u>	<u>GREAT OCEAN ROAD REGIONAL TOURISM BOARD</u>
<u>OM132808-6</u>	<u>REVIEW OF LOCAL LAWS 1, 2 & 3</u>
<u>OM132808-7</u>	<u>PIRRON YALLOCK RECREATION RESERVE AND SWAN MARSH TENNIS RESERVE MASTER PLAN</u>
<u>OM132808-8</u>	<u>PLANNING SCHEME AMENDMENT C73 - APOLLO BAY HARBOUR MASTER PLAN</u>

OM132808-4

SALINITY MANAGEMENT OVERLAY - ADOPTION OF AMENDMENT C67

AUTHOR:	Gemma Browning	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/3291

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

1. ***Adopts Amendment C67 with the following changes:***
 - a. ***Mapping alterations proposed by the Panel that adopt the changes to the Salinity Management Overlay as shown in the Amendment C67 Expert Report Ordinances Maps and include the post exhibition changes presented to the panel and the post panel changes identified for Mr Missen's property.***
 - b. ***Changes to the Salinity Management Overlay Schedule to:***
 - i. ***Remove the permit requirement for removing, destroying or cutting grass associated with use of land for agriculture within 30m of a waterway; and***
 - ii. ***Insert an additional permit exemption for earthworks that do not raise the ground level topography by more than 200mm.***
2. ***Forwards the adopted amendment to the Minister for Planning for approval.***

Motion deferred from the 24 July 2013 Council Meeting***MOTION - MOVED Cr Chris Smith seconded Cr Terry Woodcroft:******That Council:***

1. ***Abandons Amendment C67***
2. ***Forwards the decision to the Minister for Planning.***

CARRIED 4 : 3***DIVISION called by Cr Chris Smith******For the Motion: Cr Chris Smith, Cr Frank Buchanan, Cr Terry Woodcroft, Cr Michael Delahunty******Against the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell***

OM132808-5

GREAT OCEAN ROAD REGIONAL TOURISM BOARD

AUTHOR:	Mike Barrow	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/3291

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

1. **Endorses the agreement of CEOs, the CEO of Tourism Victoria and the Chairperson of the Interim Regional Tourism Board and the amended recommendations as listed below:**

Recommendation
1. That a new Regional Tourism Organisation (RTO) and Board be established for the geographic area of South West Victoria incorporating the Local Government Areas (LGA's) of Greater Geelong, Queenscliffe, Golden Plains, Surf Coast, Colac Otway, Corangamite, Warrnambool, Moyne and Glenelg.
2. That the RTB be established as a Company Limited by Guarantee with the LGA Councils as its shareholders.
3. That Structure Option 2 (Fully Integrated) be implemented.
4. That the name of the RTB be South West Victoria Regional Tourism Pty Ltd (SWVRT) to represent the geographic reach of the region beyond the Great Ocean Road.
5. That the board of SWVRT be as follows: <ul style="list-style-type: none"> • LGA x 6 (process to be determined) – Councillors or Officers • Industry/Skill based x 5 • Independent Chair x 1 • Tourism Victoria, Parks Victoria and Regional Development Victoria be invited to nominate a senior executive as ex officio representatives • The independent Chair and industry/skill based Directors be appropriately remunerated. • All positions to be for 3 years with 3 members retiring annually to provide for continuity and renewal. Skill and industry positions to be appointed via an expression of interest process. The Independent Chair to be appointed by Tourism Victoria in consultation with Local government shareholders.
6. That the a stakeholder group including representatives of all Local Government Areas – Greater Geelong, Queenscliffe, Golden Plains, Surf Coast, Colac Otway, Corangamite, Warrnambool, Moyne and Glenelg. That the representative be either a Councillor or Officer.
7. That a formal 3 year memorandum of Understanding between SWVRT and its shareholders/stakeholders (performance based) be negotiated, to provide for both ongoing (BASE) and value added resourcing contributions.
8. That the local government contributions remain at the current rate for the first year moving to a per capita formula in two steps over the following two years. CPI increases will apply.
9. That the RTB prepare a Strategic Business Plan for the region, based on the vision, mission, objectives and strategic goals developed by the Interim Regional Tourism Board. The plan to incorporate the Great Ocean Road Destination Management Plan and the progressive preparation of Tourism Destination Plans for the regions' specific local destinations.

<p>10. That the core roles of the RTB be:</p> <ul style="list-style-type: none"> • Strategic tourism planning for the development, marketing and management of the region. • Cooperative marketing for the region and its destinations. • Identification and facilitation of infrastructure, product and industry development priorities and initiatives for the region and specific destinations, in collaboration with stakeholders. • Advocacy for the sustainable tourism development, marketing and management of the region. • Discretionary tourism development, marketing and management functions, services and projects for LGA shareholders as delegated and agreed. • Prepare and maintain a risk management plan for the region and its destinations.
<p>11. That Local Governments consider what functions be retained or transferred to the RTB and the relevant resourcing mix (staffing, funding, facilities and support).</p>
<p>12. That the current total staffing and funding contributions by Local Governments for tourism be maintained as a minimum for the 2013-14 year.</p>
<p>13. That Shipwreck Coast Tourism be wound up and its functions, funding contributions and staffing be transferred to the Regional Tourism Board.</p>
<p>14. That Geelong Otway Tourism be wound up and its functions, funding contributions and staffing be transferred to the Regional Tourism Board.</p>
<p>15. That the RTB prepares a 3-year Operational Business Plan for 2013-15 based on the staffing and funding outcomes as determined by its foundation shareholders, Tourism Victoria cooperative marketing funding and industry contributions. The Business Plan to include a management and staffing organisation plan.</p>
<p>16. That the RTB give consideration to the concept of industry contributions via a business services model rather than traditional membership subscriptions (i.e. a prospectus of marketing services with free digital online presence as its base to maximise business participation).</p>
<p>17. That SWVRT negotiate formal strategic alliance agreements with Tourism Victoria, Parks Victoria, Regional Development Victoria, G21, Great South Coast, neighbouring Regional Tourism Organisations and the Victoria Tourism Industry Council.</p>
<p>18. That SWVRT negotiate cooperative agreements with Local Tourism Organisations regarding industry contributions/ membership funding share arrangements to encourage business participation and support at the local level. The agreements to also facilitate destination development, community participation and communication. This may include regular "Regional Tourism Forums".</p>
<p>19. That Local Governments continue to support Visitor Information Centres (VICs) and services for the first term of the new RTB (3 years). During this period a process be agreed to enhance collaboration between VICs across the region and to consider the possible transfer of management responsibility for VICs to the RTB over time.</p>
<p>20. That the process to establish SWVRT be:</p> <p>Stakeholders to consider the agreement reached between the CEOs, the CEO of Tourism Victoria and the Chairperson of the Interim Regional Tourism Board and confirm decisions by 30 August 2013.</p>

2. Endorses the addition of the following points from the resolution of the 27 March 2013 meeting of Council that are not covered by the agreement or recommendations:

- ***That all staff of current regional tourism organisations be seconded to the new structure without loss of entitlements with the exception of existing CEOs.***
- ***That the CEO be appointed through an independent open and competitive recruitment process.***
- ***That Colac Otway Shire retains the Colac and Great Ocean Road Visitor Information Centre at Apollo Bay and their respective staff.***
- ***That Colac Otway Shire retains the Tourism Development Officer position.***
- ***That, if established, the RTB undergo a process to evaluate the benefits of discarding the traditional membership subscriptions model of industry and that it consults with member municipalities before a final recommendation is made.***
- ***That if established the RTB, in response to local demand, strengthens the Great Ocean Road brand by limiting its use to appropriate areas within the wider region e.g. Surf Coast, Colac Otway and Corangamite Shires and allocates substantial funds for the marketing of the Great Ocean Road/Otways region.***

MOTION - MOVED Cr Stephen Hart seconded Cr Michael Delahunty:

That the decision on the Great Ocean Road Regional Tourism Board be deferred to the September 2013 Council meeting.

CARRIED 7 : 0

OM132808-6

REVIEW OF LOCAL LAWS 1, 2 & 3

AUTHOR:	Graeme Murphy	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/3291

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

1. **Makes the following local laws:**
 - **Local Law No.1 - 2013 - Consumption of Alcohol in Public Places**
 - **Local Law No.2 - 2013 - General Local Law**
 - **Local Law No.3 - 2013 – Livestock****effective from 28 August 2013.**

2. **Advertises in the Government Gazette and local media the making of:**
 - **Local Law No.1 - 2013 - Consumption of Alcohol in Public Places**
 - **Local Law No.2 - 2013 - General Local Law**
 - **Local Law No.3 - 2013 – Livestock.**

3. **Forwards a copy of:**
 - **Local Law No.1 - 2013 - Consumption of Alcohol in Public Places**
 - **Local Law No.2 - 2013 - General Local Law**
 - **Local Law No.3 - 2013 – Livestock****to the Minister for Local Government.**

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

1. **Makes the following local laws:**
 - **Local Law No.1 - 2013 - Consumption of Alcohol in Public Places**
 - **Local Law No.2 - 2013 - General Local Law**
 - **Local Law No.3 - 2013 – Livestock****effective from 28 August 2013.**

2. **Advertises in the Government Gazette and local media the making of:**
 - **Local Law No.1 - 2013 - Consumption of Alcohol in Public Places**
 - **Local Law No.2 - 2013 - General Local Law**
 - **Local Law No.3 - 2013 – Livestock.**

3. **Forwards a copy of:**
 - **Local Law No.1 - 2013 - Consumption of Alcohol in Public Places**
 - **Local Law No.2 - 2013 - General Local Law**
 - **Local Law No.3 - 2013 – Livestock****to the Minister for Local Government.**

4. **Removes reference to all animals listed in the table at Clause 129.1 of Local Law No. 2 with the exception of dogs and cats.**

LOST 2 : 5

DIVISION called by Cr Chris Smith

For the Motion: Cr Chris Smith, Cr Terry Woodcroft

Against the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Frank Buchanan, Cr Michael Delahunty

MOTION - MOVED Cr Stephen Hart seconded Cr Terry Woodcroft:

That Council:

- 1. Makes the following local laws:**
 - **Local Law No.1 - 2013 - Consumption of Alcohol in Public Places**
 - **Local Law No.3 - 2013 – Livestock****effective from 28 August 2013.**
- 2. Advertises in the Government Gazette and local media the making of:**
 - **Local Law No.1 - 2013 - Consumption of Alcohol in Public Places**
 - **Local Law No.3 - 2013 – Livestock.**
- 3. Forwards a copy of:**
 - **Local Law No.1 - 2013 - Consumption of Alcohol in Public Places**
 - **Local Law No.3 - 2013 – Livestock****to the Minister for Local Government.**

CARRIED 4 : 3

DIVISION called by Cr Chris Smith

For the Motion: Cr Chris Smith, Cr Stephen Hart, Cr Frank Buchanan, Cr Terry Woodcroft

Against the Motion: Cr Brian Crook, Cr Lyn Russell, Cr Michael Delahunty

MOTION - MOVED Cr Stephen Hart seconded Cr Frank Buchanan:

That Local Law No.2 be deferred, with a particular focus on clause 129.1, so that Councillors can give their suggestions to Council officers, and that it be brought back to a later meeting.

CARRIED 4 : 3

DIVISION called by Cr Chris Smith

For the Motion: Cr Chris Smith, Cr Stephen Hart, Cr Frank Buchanan, Cr Terry Woodcroft

Against the Motion: Cr Brian Crook, Cr Lyn Russell, Cr Michael Delahunty

Cr Delahunty indicated that he would be advising the CEO of his resignation from the Local Laws Review Steering Committee.

OM132808-7

**PIRRON YALLOCK RECREATION RESERVE AND SWAN MARSH
TENNIS RESERVE MASTER PLAN**

AUTHOR:	Michael Cosgriff	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F12/7699

MOVED Cr Chris Smith seconded Cr Frank Buchanan

That Council:

- 1. Endorses the Pirron Yallock Recreation Reserve and Swan Marsh Tennis Reserve Master Plan.***
- 2. Considers the proposed capital works program for prioritisation in the future capital works program***

CARRIED 7 : 0

OM132808-8

**PLANNING SCHEME AMENDMENT C73 - APOLLO BAY
HARBOUR MASTER PLAN**

AUTHOR:	Doug McNeill	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/3291

MOVED Cr Stephen Hart seconded Cr Frank Buchanan

That Council:

- 1. Receives the Apollo Bay Harbour Master Plan 2013.***
- 2. Seeks authorisation from the State Planning Minister to prepare Planning Scheme Amendment C73 to introduce site specific changes to the harbour precinct by way of:***
 - a. Minor changes to the Municipal Strategic Statement.***
 - b. Replacement of the Public Park and Recreation Zone over the harbour precinct with a Special Use Zone and Schedule.***
 - c. Introduction of an Incorporated Plan.***
 - d. Modification to the Heritage Overlay to exempt permit requirements for works consistent with the Incorporated Plan.***
- 3. Exhibits the amendment and Apollo Bay Harbour Master Plan 2013 for a minimum period of six weeks seeking written submissions.***

CARRIED 6 : 1

GENERAL BUSINESS

<u>ITEM</u>	
<u>OM132808-9</u>	<u>ASSEMBLY OF COUNCILLORS</u>
<u>OM132808-10</u>	<u>MINUTES FROM YOUTH COUNCIL MEETINGS</u>
<u>OM132808-11</u>	<u>MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE</u>
<u>OM132808-12</u>	<u>ITEM FOR SIGNING AND SEALING - CONFIDENTIALITY DEED - CITIPower/POWERCOR</u>
<u>OM132808-13</u>	<u>MINUTES FROM THE COLAC COMMUNITY LIBRARY & LEARNING CENTRE JOINT COMMITTEE MEETING</u>

OM132808-9

ASSEMBLY OF COUNCILLORS

AUTHOR:	Rhonda Deigan	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	F13/6530

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council notes the Assembly of Councillors reports for:

- ***Friends of the Botanic Gardens*** ***11 July 2013***
- ***Colac Livestock Selling Centre*** ***19 July 2013***
- ***Colac Aerodrome Committee of Management*** ***22 July 2013***
- ***Councillor Briefing Session*** ***24 July 2013***
- ***Councillor Workshop*** ***14 August 2013***

CARRIED 7 : 0

OM132808-10 MINUTES FROM YOUTH COUNCIL MEETINGS

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

MOVED Cr Terry Woodcroft seconded Cr Brian Crook

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

- 15 July 2013***
- 29 July 2013.***

CARRIED 7 : 0

OM132808-11**MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE**

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

MOVED Cr Terry Woodcroft seconded Cr Michael Delahunty

That Council notes the Minutes and Executive Officer report of the Old Beechy Rail Trail Committee for 3 June 2013.

CARRIED 7 : 0

**OM132808-12 ITEM FOR SIGNING AND SEALING - CONFIDENTIALITY DEED -
CITIPOWER/POWERCOR**

AUTHOR:	Jack Green	ENDORSED:	Rob Small
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	11/96581

MOVED Cr Terry Woodcroft seconded Cr Brian Crook

That Council endorses that the CEO has signed the Confidentiality Deed with Powercor to enable transfer of data for the Climate Resilient Communities Project and that the Council Seal has been affixed to the document.

CARRIED 7 : 0

OM132808-13**MINUTES FROM THE COLAC COMMUNITY LIBRARY &
LEARNING CENTRE JOINT COMMITTEE MEETING**

AUTHOR:	Rhonda Deigan	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	11/96218

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 8 May 2013.

CARRIED 7 : 0

NOTICES OF MOTION

ITEM
<u>OM132808-14 C67 PLANNING SCHEME AMENDMENT</u>

OM132808-14 C67 PLANNING SCHEME AMENDMENT (CR STEPHEN HART)**Recommendation**

That Council consider the contents of this Notice of Motion.

MOTION - MOVED Cr Stephen Hart:

That Council:

- 1. Adopts Amendment C67 with the following changes:**
 - a. Mapping alterations proposed by the Panel that adopt the changes to the Salinity Management Overlay as shown in the Amendment C67 Expert Report Ordinances Maps and include the post exhibition changes presented to the panel and the post panel changes identified for Mr Missen's property.**
 - b. Changes to the Salinity Management Overlay Schedule to:**
 - i. Remove the permit requirement for removing, destroying or cutting grass associated with use of land for agriculture within 30m of a waterway; and**
 - ii. Insert an additional permit exemption for earthworks that do not raise the ground level topography by more than 200mm.**
- 2. Forwards the adopted amendment to the Minister for Planning for approval, along with copies of all written submissions received to the amendment since the Panel hearing, and the Council's response to these submissions.**

Given that the resolution adopted at item OM132808-4 Salinity Management Overlay - Adoption of Amendment C67 resolved to abandon amendment C67, the Mayor ruled this motion out of order.

IN COMMITTEE

MOVED Cr Terry Woodcroft seconded Cr Frank Buchanan 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
Confidential Memo & Emails for Consideration - C67 Planning Scheme Amendment & Legal Advice	this matter deals with legal advice; AND this matter may prejudice the Council or any person	Section 89 (2) (f) (h)

CARRIED 6 : 1

DIVISION called by Cr Chris Smith

For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Frank Buchanan, Cr Terry Woodcroft, Cr Michael Delahunty

Against the Motion: Cr Chris Smith


OUT OF COMMITTEE

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft that the meeting move out of committee.

CARRIED 7 : 0

The Meeting Was Declared Closed at 7.55 pm

CONFIRMED AND SIGNED at the meeting held on 25 SEPTEMBER 2013

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