

MINUTES of the **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held at the COPACC Meeting Rooms on 26 February 2014 at 5.00pm.

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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 Frank Buchanan  
Cr Chris Smith  
Cr Terry Woodcroft

Rob Small, Chief Executive Officer  
Colin Hayman, General Manager, Corporate & Community Services  
Phil Corluka, General Manager, Infrastructure & Services  
Jack Green, General Manager, Sustainable Planning & Development  
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 descendants 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.

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

### Question taken on Notice - 22 January 2014 Ordinary Council Meeting

#### Simon Arundell – Bungador

1. Why has the roof on the Colac saleyards been put on backwards so that it is open to the west when that is where most of our weather comes from?

#### **Response:**

***In response to your question to the January 2014 Ordinary Council meeting, the Colac Livestock Selling Centre roof is designed as an open structure and not fully enclosed. The roof layout allows for ventilation and noise attenuation as well as controlling project costs when compared to other alternatives.***

***The design considered a ground slope to the west of 1.4 metres and the need to minimise the number of columns affecting the selling pens.***

***Design engineers determined that the current design is the most cost effective solution with significant savings ahead of other alternatives such as a sawtooth roof which would require box gutters and potentially more columns or a curved dome roof.***

***The upper level roof has an eave overhang of 1000mm to help protect from adverse weather.***

***Council considers that the design of the Colac Saleyards roof is suitable when considering its purpose and the funds available to construct the building.***

## Questions Received in Writing Prior to the Meeting

### Carol Wilmink – Apollo Bay

1. If Colac Otway Shire is to “Establish a future for the Heathfield Estate”, as stated in the COS Public Open Space Strategy, surely it should be seeking the funding required, i.e. up to \$600,000, to enable public access and ongoing maintenance of this Public Purposes Reserve to take place?

#### **Response:**

***The purpose of the Heathfield Estate Reserve Community Reference Group is to afford the community with an opportunity to provide input into the future use of the reserve. The Heathfield Estate Reserve Community Reference Group was established following a public Expression of Interest process. All nominations for the Heathfield Estate Reserve Community Reference Group were accepted.***

***As detailed in the report to Council, the Heathfield Estate Reserve Community Reference Group has identified a number of recommendations for the future use of this reserve. Should the recommendations of the Group be endorsed by Council, Council will look at implementing these recommendations. This will include investigating opportunities for external funding to assist in the implementation of the recommendations.***

***As per the Colac Otway Public Open Space Strategy, Council will also continue to look for opportunities to acquire more accessible open space for Apollo Bay and Marengo residents.***

### Peter Fillmore – Apollo Bay

1. Can you tell me if or when Recommendation 1 (page 29 & 53, 2006 report and appendix 1 2003 report)), will be completed?

#### **Response:**

***The 2006 report ‘Archaeological Investigation – Blackfella’s Well & Middens’ contained a recommendation that the Shire should consult with the Framlingham Aboriginal Trust to obtain its view of the significance and future management of aboriginal middens and a natural spring known as ‘Blackfella’s well’ on Point Bunbury (Site AAV 7620-0192). This recommendation has not yet been acted upon, but will be progressed at an appropriate time in the future.***

2. Presumably in conjunction with the current PSA, would be a sensible thing to do?

#### **Response:**

***Officers are unable to confirm the timing of development of an agreement with the Framlingham Trust concerning archaeological remains at Point Bunbury.***

3. Would you like to comment on Framlingham’s request (recommendation 1) in relation to the deck proposal? I don’t have a problem with the proposal as long as all policies and procedures are followed to the letter of the law.

#### **Response:**

***As noted above, Site AAV 7620-0192, referred to in the recommendation, relates to Aboriginal middens and a natural spring known as ‘Blackfella’s well’ on Point Bunbury. The 2006 report, ‘Archaeological Investigation – Blackfella’s Well & Middens’ identifies the locations of the middens. The report specifically notes that***

***“midden materials that were most probably present at the time the existing car park was constructed at the Fisherman’s Cooperative building should now be considered destroyed.....demolition fill comprises the entire face of the car park embankment overlying the original bluff edge where the middens were once present.....The portion of the sediments below the current car park now registered as an Aboriginal site is unlikely to contain identifiable Aboriginal cultural materials and therefore development that involves disturbance to these sediments is unlikely to impact local heritage values.”***

***Notwithstanding the fact that a copy of this report was submitted as part of the permit application for the deck at the Fisherman’s Co-op, Council referred the application to AAV for comment. The site was inspected by two representatives of AAV who confirmed that the proposal would not affect anything of cultural heritage sensitivity, given its location on the embankment which is significantly disturbed land.***

4. Page 7 of the report indicates that test pits 2, 3 & 4 (photo 4/ page 38) to find the location of the well, did not uncover cultural material. However that does mean they don’t exist and so will a permit to excavate, to build the deck supports, be required?

***Response:***

***The site was inspected by two representatives of AAV, in response to a referral undertaken for the planning application. It was confirmed that the location of the proposed deck was not close to any site of cultural heritage sensitivity, and also that the embankment on which the deck would be sited constituted land that had been significantly disturbed.***

5. It now appears that the cautionary note from the first email from AAV should have been attached to the planning permit, is this correct? I realise it is difficult with staff turn over at COS and AAV for everyone to be aware of all the issues involved at this sensitive area of public land.

***Response:***

***The AAV confirmed, once the site had been inspected, that the proposal would not have heritage implications, having regard to the legislative provisions set down in the Aboriginal Heritage Act and Regulations. Given the fact that AAV confirmed this, it was not necessary to include the note that had been suggested prior to the site inspection by AAV.***

6. If the recommended heritage agreement had been developed and adopted this confusion would not have occurred. Is this correct?

***Response:***

***There has been no confusion in the way the application for the deck was determined. In many cases AAV does not physically inspect sites but, in this case, two representatives attended a site visit. The proposal was assessed in accordance with legislative requirements.***

7. Better communication with interested parties and better public notification and signage of the proposed deck would have also been advisable. How did the public notification take place for this development on public land?

**Response:**

**Mr Fillmore has been advised previously by Council officers that public notice was given by mail to adjoining and nearby properties, and by two signs placed on the site for a minimum of 14 days.**

8. All planning permits used to be listed in the local press, (which for this town is the Apollo bay Newsheet) but this no longer occurs. Is this not required under state planning laws?

**Response:**

**There is no legislative requirement for public notice of all planning permit applications to be placed in the local newspaper. This is only required when the planning officer determines that wider notice of the proposal is required, beyond direct mail notification and signs placed on the site. This is assessed on a case by case basis.**

**James Judd - Colac**

1. Now Council requires that everything recyclable must be recycled, how thick and large must plastic with the recyclable emblem and number on them be before they are not garbage, not recyclable? Very many plastic items included packaging material carry these emblems on them.

**Response:**

**The emblem and numbers on plastics depict the type of plastic used in the product whilst they are often used for describing which plastics can be recycled this is not their purpose.**

**Plastic which will hold its own shape is recyclable no matter how thin or thick. Pieces of plastic can be recycled from approximately the size of a 10 cent piece eg bottle top.**

**The only exception to this is polystyrene which cannot be recycled as part of the kerbside system.**

**Soft plastics such as glad wrap and plastic bags (those that have no shape of their own) cannot be recycled as part of the kerbside system.**

2. Now Council has given a firm promise it will cancel Australia Day celebrations at the last minute if a Code Red Fire Danger Day is called, instead of promoting areas with large tourism attractions before organising Australia Day celebrations. When will this Council give a firm undertaking to consider density of population and portion of rates and charges collected by Council prior to setting areas to be promoted? The continual denying the major population and income centre from consideration on a regular basis must be reconsidered.

**Response:**

**Council has made its position on Australia Day celebrations clear. It is Council's intention to share the celebrations around the shire so that all of our electorate can participate and smaller settlements that have lower populations can take pride in being part of our Shire and part of Australia. Opportunities for this smaller town celebrations exist every second year as a rule with a function in alternate years being arranged in Colac.**

3. When will placing of speed signs on roads be amended so when entering or crossing a through road the speed limit is no more than the speed limit on a through road? Not a limit in excess of the through road. For example, Deans Creek Road and Princes Highway in Colac West. The speed limit on highway to 100 meters west of intersection is 60 not 80 as indicated in Deans Creek Road.

**Response:**

**The speed limit of one road does not have an influence on the speed limit of an intersecting road. If an intersecting road does not have speed limit signs, the speed limit reverts to the default speed limit of 100km/h in rural areas and 50km/h in built up areas.**

**Jane Gross**

1. Regarding Apollo Bay Harbour Schedule 2 – The Special Use Zone refers to *Place of Assembly* in Uses in both Section 1 & Section 2. It specifies Aboriginal Interpretative Centre and an amusement parlour. Does it allow for a possible reception centre or Club Rooms, additional to the Sailing Club Rooms?

**Response:**

**The proposed Special Use Zone would allow an application to be made for a range of land uses such as a reception centre, club rooms (aside from Sailing Club facilities) and the like – these are all listed in the definition of ‘Place of Assembly’.**

2. Page 127 refers to allocated funding to date of \$543,000 for the process & to complete the amendment and refers to “... Significant risk to Council of losing unspent grant funding for the planning scheme amendment...” How much of allocated funds have been spent to date and what is the current figure for this unspent grant funding?

**Response:**

**Council has received a \$95,000 grant from the State Government under the Creating Better Places Program and a \$160,000 contribution from Tourism Victoria (total external funding of \$255,000) to undertake a Planning Scheme Amendment to implement the 2008 Harbour Master Plan. Of these funds, approximately \$175,000 remain unspent, which are earmarked to fund the costs of the panel hearing and preparation of the comprehensive and detailed Development Plan which is intended to provide far greater detail than the Master Plan which is only conceptual in nature.**

**However, whilst some funds remain unspent, there is no guarantee that the State Government or Tourism Victoria would allow Council to use these funds if Council abandoned the amendment in favour of developing a new Master Plan. The officer report seeks to highlight to Council the risk of losing this unspent money, and that Council itself may need to fund any further master planning or planning scheme amendment processes, which could come at a significant cost.**

3. How is a pool and wellbeing centre permitted under the Victorian Coastal Strategy as a coastal dependent use under the original EbD informed master plan but is no longer a coastal dependent use now?’

**Response:**

**The original proposal for a swimming pool at the Harbour as expressed in the 2008 Enquiry by Design concept plan, was associated with a hotel (including accommodation) and other facilities which were considered in their totality to**

**represent a use of crown land which did rely upon the harbour location. A stand alone public indoor swimming pool does not need to be located on the coast, and could be located anywhere.**

4. Page 128 refers to reputational damage under Risk Management & Compliance Issues. If an alternative plan proved to secure widespread community and State government support via the panel hearing process, how would this reflect on the Council's reputation, given that they had full knowledge of it before adopting the Masterplan.

**Response:**

**Officers have recommended that Council refer submissions to the panel so that there can be a full and independent analysis of the issues and consideration to how the submissions should be treated. There is very little risk of reputational damage in following this process.**

5. 2013/14 Operational Plan page 11, Advocacy 3.1 outlines advocating for funding for the Apollo Bay indoor heated pool to be actioned/co-ordinated by the CEO to be reported on a quarterly basis see page 11, 3.1 under *Pillar 3 : A Place to Live & Grow – Key Strategic Activity being Develop & Implement the Public Health & Wellbeing Plan* page 8.

Have there been any such quarterly reports to date and what progress has been made?

**Response:**

**The Quarterly Report documenting progress in achieving actions within the Council's Operational Plan in the period 1 July 2013 to 30 September 2013 has been published publicly, but does not include an assessment of achievement related to advocacy actions. These actions however covering a range of issues have been canvassed with Federal parliament candidates and our local State member, Terry Mulder MP. Our advocacy however has not referred to a pool at the harbor but rather at the school site. The alternatives would be too expensive to support for Council via capital costs and ongoing maintenance. The basis of Council's support for the operational costs of the pool was based on the belief that the school grounds were the likely location of a four lane pool.**

6. The Colac Otway Shire website displays the Apollo Bay Structure Plan Volumes 1 & 2, 2007. Is there a more up to date version as the 2007 Plan states that it will be reviewed every 5 years? Has there been a review since 2007? If not, for when is it scheduled?

**Response:**

**The 2007 Apollo Bay Structure Plan is the most current structure plan. There was a review of the settlement boundary and urban design issues which was adopted by Council in 2012, but this did not represent a wholesale review of the Structure Plan. A review of the Structure Plan is not considered necessary at the current time.**

## Questions Received Verbally at the Meeting

### Wayne Latta

1. Why didn't Cr Russell declare a conflict of interest at item OM132404-25 Contract 1302 – Supply of Bulk Fuel, Fuel Card Purchases and Lubricants at the April 2013 Council meeting as required under the Local Government Act?

#### **Response:**

**The Mayor advised that following her resignation from her nursing position she took over the management of her superannuation portfolio and has a listing of share holdings which does include companies with an interest in fuel. At that time however, she was a member of an industry superannuation fund and was unaware of what share listings her funds were invested in.**

2. When did you start to manage your own superannuation fund?

#### **Response:**

**The Mayor advised that she resigned from nursing in December 2012 and would have taken over her share portfolio 6-8 months ago. The exact date would need to be verified and provided to Mr Latta in writing and recorded in the minutes of the March 2014 Council meeting.**

### Anthony Callahan

1. In relation to Planning Scheme amendment C70, what has been the cost of the process to date given that Mr Small has stated that C70 would make little or no difference?

#### **Response:**

**The CEO advised that the question would need to be taken on notice.**

### Carol Wilmink

1. How can Council say that the school would be the best site for a community pool in Apollo Bay in light of the Colac High School site which is owned by the Department of Education and is now no longer available to the community? What happens to our pool if it is on a site no longer available to the community?

#### **Response:**

**The CEO stated that the latest advice is that the school is still prepared to accommodate a pool on that site.**

2. My question is if the Education Department decides that it no longer wants that area, what happens to the community pool?

#### **Response:**

**The CEO advised that he is unaware of where the Department is heading and until that happens, he could not answer the question.**

### Ray Cooper

1. At the time that Council was asked to make a decision to proceed on C67 and C70 amendments, why wasn't an analysis of full costs put forward at that point in time? To date, how much has been the full cost, including employee costs, their share of



overheads - every cost? With the proposal being put forward today, is the Council quite rightly going to get a full analysis of what that may cost?

**Response:**

**The Mayor advised that the question relating to full costs would need to be taken on notice. With respect to the proposal being put forward today, it is unknown how Council will vote at this stage so it is not possible to know how much it will cost.**

2. How can Council make a decision on expenditure without knowing approximately what it is going to cost us in the future?

**The CEO advised that Council was obliged to proceed with C70 as part of an Enforceable Undertaking to the State and Federal Governments as a result of the Cressy-Shelford Road prosecution. Council had no option but to go ahead with that piece of work. Council has listened to the community and subsequently the Regional Vegetation Framework has been developed and Council has reviewed its recommendations as a result of that and it will be discussed later in the agenda. Council does know what it will cost in a broad sense in terms of refining some of the habitat and fauna work and that is in the region of \$30,000.**

**Stephen Lawson**

Mr Lawson made a statement about Council delivering State Government policy at the expense of the community and questioned what Councillors were doing to protect the rights of its ratepayers.

**Alan Billing**

1. Were Councillors fully informed of all the details of the cost blowouts before the Bluewater Fitness Centre Redevelopment contract was signed?

**Response:**

**The CEO stated that there a been an open disclosure of that information both at a briefing and at the Council meeting.**

2. Was the resolution approving the signing of the contract before or after the contract was signed?

**Response:**

**The CEO stated that he is not empowered to sign a contract until it has been approved by Council and he did not do so in this case. The CEO assured Mr Billing that the signing of the document was post Council resolution which would be the only authority the CEO would have for a contract of that amount.**

3. What date was the contract signed?

**Response:**

**The CEO advised that he would need to take that question on notice.**

4. Is the contract a fixed price contract or is there still potential for cost blowouts?

**Response:**

**The CEO advised that the contract was set to a specification and contains an allowance for a contingency cost. Every single item that is required as an extra needs to be signed off. An unequivocal undertaking could not be given that there will not be**

**any additional cost because Council does not have that information at the moment. Council is looking at how to cut costs as the contract proceeds and significant savings have been made through the initial stages of the contract. Council continues to have very good liaison with, and good cooperation from, the contractor.**

1. What percentage of the Colac Otway Shire population use the Bluewater Fitness Centre?

**Response:**

**The CEO advised that the question would need to be taken on notice.**

**Jane Gross**

Ms Gross requested a further answer to question 3 of her questions submitted in writing with respect to "How is a pool and wellbeing centre permitted under the Victorian Coastal Strategy as a coastal dependent use under the original EbD informed master plan but is no longer a coastal dependent use now without accommodation?"

**Response:**

**The General Manager Sustainable Planning & Development advised that the proposal had been forwarded to the Department of Environment and Primary Industries for their advice and that the Department had given an undertaking to look at the proposal and to make a presentation to the panel. Council does not have the information because the late proposal has not been specifically assessed in that way.**

**Petition**

Petition supporting the inclusion of a basketball ring and a self composting toilet in Harrington Park, Wye River – Wye River and Separation Creek residents.

**6. DECLARATION OF INTEREST**

Cr Hart:	OM142602-17 Planning Scheme Amendment C70 Response to Submissions
Nature of Disclosure:	Direct
Nature of Interest:	The proposed amendment will almost entirely cover land I own with overlays. Subsequent to this proposal, I lodged a submission to the C70 amendment.

Cr Hart:	OM142602-20 Colac Otway Bushfire Planning Project – Draft Report for Consultation
Nature of Disclosure:	Direct
Nature of Interest:	Owns a property in Lavers Hill and a property near Lavers Hill which are covered in this report. The property near Lavers Hill is one of a group of properties that may have been re-zoned to "Rural Living" subject to this report.

Cr Woodcroft:	OM142602-17 Planning Scheme Amendment C70 Response to Submissions
Nature of Disclosure:	Direct
Nature of Interest:	Occupy and own land directly affected by C70

## 7. CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on the 22/01/14.

*MOVED Cr Frank Buchanan seconded Cr Stephen Hart that Council confirm the above minutes.*

*CARRIED 7 : 0*

## **OFFICERS' REPORTS**

### **Chief Executive Officer**

- OM142602-1 CEO'S PROGRESS REPORT TO COUNCIL
- OM142602-2 MOBILE PHONE COVERAGE - COLAC OTWAY SHIRE
- OM142602-3 SOCIAL MEDIA POLICY

### **Corporate and Community Services**

- OM142602-4 CEO INSTRUMENT OF DELEGATION FROM COUNCIL
- OM142602-5 UPDATE S6 INSTRUMENT OF DELEGATION - COUNCIL TO MEMBERS OF STAFF
- OM142602-6 HEATHFIELD ESTATE RESERVE
- OM142602-7 EVENTS POLICY
- OM142602-8 FESTIVAL AND EVENTS SUPPORT SCHEME 2014/2015
- OM142602-9 2014-2015 COMMUNITY FUNDING PROGRAM
- OM142602-10 DRAFT COLAC OTWAY SHIRE PHYSICAL ACTIVITY STRATEGY
- OM142602-11 DRAFT COLAC AND APOLLO BAY WAYFINDING SIGNAGE STRATEGIES
- OM142602-12 COUNCILLOR NOMINATION TO TIGER RAIL TRAIL FEASIBILITY STUDY FEASIBILITY STUDY STEERING COMMITTEE

### **Infrastructure and Services**

- OM142602-13 G21 REGION PUBLIC TRANSPORT STRATEGY
- OM142602-14 COLAC MUNICIPAL AERODROME BUSINESS PLAN
- OM142602-15 APOLLO BAY COMMUTER FOOTPATH STRATEGY
- OM142602-16 ROAD DISCONTINUANCE - ROAD ABUTTING 275 FLANNAGANS ROAD IRREWILLIPE

### **Sustainable Planning and Development**

- OM142602-17 PLANNING SCHEME AMENDMENT C70 RESPONSE TO SUBMISSIONS
- OM142602-18 PLANNING SCHEME AMENDMENT C73 (APOLLO BAY HARBOUR MASTER PLAN) - CONSIDERATION OF SUBMISSIONS
- OM142602-1 GREAT SOUTH COAST STREET SMART LIGHTING PROGRAM UPDATE
- OM142602-20 COLAC OTWAY BUSHFIRE PLANNING PROJECT - DRAFT REPORT FOR CONSULTATION
- OM142602-21 SMALL TOWN IMPROVEMENT PROGRAM (STIP) GUIDELINES REVIEW

### **General Business**

- OM142602-22 ASSEMBLY OF COUNCILLORS

### **Notices of Motion**

- OM142602-23 CAPITAL UPGRADE AND RENEWAL EXPENDITURE

### **Urgent Item of Business**

- COUNCILLOR REPRESENTATION ON GREAT SOUTH COAST GROUP BOARD

**CHIEF EXECUTIVE OFFICER**

<b>ITEM</b>	
<b><u>OM142602-1</u></b>	<b><u>CEO'S PROGRESS REPORT TO COUNCIL</u></b>
<b><u>OM142602-2</u></b>	<b><u>MOBILE PHONE COVERAGE - COLAC OTWAY SHIRE</u></b>
<b><u>OM142602-3</u></b>	<b><u>SOCIAL MEDIA POLICY</u></b>

OM142602-1

**CEO'S PROGRESS REPORT TO COUNCIL**

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

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

***CARRIED 7 : 0***

**OM142602-2          MOBILE PHONE COVERAGE - COLAC OTWAY SHIRE**

AUTHOR:	Rob Small	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	11/95881

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

***That Council:***

- 1.      Endorses the submission to the Minister for Communications***
- 2.      Continues to advocate strongly on behalf of its community for improved and effective mobile telephone coverage across the Shire.***

***CARRIED 7 : 0***

**OM142602-3          SOCIAL MEDIA POLICY**

AUTHOR:	Tamzin McLennan	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	F11/2160

***MOVED Cr Terry Woodcroft seconded Cr Brian Crook  
That Council adopts the revised Social Media Policy No. 2.7.***

***CARRIED 6 : 1***

***DIVISION called by Cr Chris Smith***

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

***Against the Motion: Cr Chris Smith***



**CORPORATE AND COMMUNITY SERVICES**

<b>ITEM</b>	
<b><u>OM142602-4</u></b>	<b><u>CEO INSTRUMENT OF DELEGATION FROM COUNCIL</u></b>
<b><u>OM142602-5</u></b>	<b><u>UPDATE S6 INSTRUMENT OF DELEGATION - COUNCIL TO MEMBERS OF STAFF</u></b>
<b><u>OM142602-6</u></b>	<b><u>HEATHFIELD ESTATE RESERVE</u></b>
<b><u>OM142602-7</u></b>	<b><u>EVENTS POLICY</u></b>
<b><u>OM142602-8</u></b>	<b><u>FESTIVAL AND EVENTS SUPPORT SCHEME 2014/2015</u></b>
<b><u>OM142602-9</u></b>	<b><u>2014-2015 COMMUNITY FUNDING PROGRAM</u></b>
<b><u>OM142602-10</u></b>	<b><u>DRAFT COLAC OTWAY SHIRE PHYSICAL ACTIVITY STRATEGY</u></b>
<b><u>OM142602-11</u></b>	<b><u>DRAFT COLAC AND APOLLO BAY WAYFINDING SIGNAGE STRATEGIES</u></b>
<b><u>OM142602-12</u></b>	<b><u>COUNCILLOR NOMINATION TO TIGER RAIL TRAIL FEASIBILITY STUDY FEASIBILITY STUDY STEERING COMMITTEE</u></b>

OM142602-4

**CEO INSTRUMENT OF DELEGATION FROM COUNCIL**

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

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

***That Council in the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached instrument of delegation, resolves that :***

- 1. There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.***
- 2. The instrument comes into force immediately the Common Seal of Council is affixed to the instrument.***
- 3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.***
- 4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt. It is noted that the Instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.***

***CARRIED 7 : 0***

OM142602-5

**UPDATE S6 INSTRUMENT OF DELEGATION - COUNCIL TO MEMBERS OF STAFF**

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

***MOVED Cr Brian Crook seconded Cr Michael Delahunty***

***That Council, In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the tabled Instrument of Delegation, resolves that:***

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the tabled Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument.***
- 2. The Chief Executive Officer is authorised to affix the Common Seal to the Instrument. The Instrument comes into force immediately the Common Seal of Council is affixed.***
- 3. On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.***
- 4. The duties and functions set out in the Instrument must be performed and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that may from time to time be adopted.***

**CARRIED 7 : 0**

OM142602-6

**HEATHFIELD ESTATE RESERVE**

AUTHOR:	Ian Seuren	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F11/3468

**Original Recommendation(s)**

*That Council accepts the recommendation of the Heathfield Estate Reserve Community Reference Group to commence the process of establishing a lease agreement to use the reserve for grazing purposes.*

**MOTION - MOVED Cr Michael Delahunty seconded Cr Frank Buchanan:**

*That Council accepts the recommendation of the Heathfield Estate Reserve Community Reference Group to commence the process of establishing a lease agreement to use the reserve for grazing purposes and/or fodder conservation.*

**CARRIED 7 : 0**

**OM142602-7****EVENTS POLICY**

AUTHOR:	Jodie Fincham	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	11/96037

***MOVED Cr Terry Woodcroft seconded Cr Brian Crook  
That Council adopts Policy No. 12.7 – Events.***

***CARRIED 7 : 0***

OM142602-8

**FESTIVAL AND EVENTS SUPPORT SCHEME 2014/2015**

AUTHOR:	Vicki Jeffrey	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F11/3291

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

***That Council:***

- 1. Endorses the revised Festival and Events Support Scheme guidelines and application forms as attached.***
- 2. Commences implementation of the 2014/2015 Festival and Events Support Scheme in accordance with:***
  - a. The revised guidelines and application forms including the proposed process and timelines, and***
  - b. The current funding levels of \$75,000.***

***CARRIED 7 : 0***

OM142602-9

**2014-2015 COMMUNITY FUNDING PROGRAM**

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

***MOVED Cr Brian Crook seconded Cr Frank Buchanan***

***That Council:***

- 1. Endorses the revised 2014/2015 Council Community Funding Program guidelines and application forms.***
- 2. Commences implementation of Council's Community Funding Program in accordance with:***
  - a. The revised guidelines and application forms including the proposed processes and timelines, and***
  - b. The proposed funding levels:***

<b><i>Recreation Facilities</i></b>	<b><i>\$90,000</i></b>
<b><i>Community Projects</i></b>	<b><i>\$40,000</i></b>
<b><i>COPACC Assistance</i></b>	<b><i>\$10,000</i></b>

***CARRIED 7 : 0***

OM142602-10

**DRAFT COLAC OTWAY SHIRE PHYSICAL ACTIVITY STRATEGY**

AUTHOR:	Ian Seuren	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	11/96721

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

***That Council endorses the draft Colac Otway Shire Physical Activity Strategy to be placed on public exhibition for a 6 week period in accordance with Council's Community Engagement Policy 2010.***

***CARRIED 5 : 2***

***DIVISION called by Cr Chris Smith***

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

***Against the Motion: Cr Chris Smith, Cr Michael Delahunty***



**OM142602-11      DRAFT COLAC AND APOLLO BAY WAYFINDING SIGNAGE STRATEGIES**

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

***MOVED Cr Terry Woodcroft seconded Cr Frank Buchanan***

***That Council endorses the draft Colac and Apollo Bay Wayfinding Signage Strategies for public exhibition.***

***CARRIED 7 : 0***

OM142602-12

**COUNCILLOR NOMINATION TO TIGER RAIL TRAIL  
FEASIBILITY STUDY FEASIBILITY STUDY STEERING  
COMMITTEE**

AUTHOR:	Ian Seuren	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F13/8896

**Original Recommendation(s)**

*That Council nominates Councillor ..... to represent Council on the Tiger Rail Trail Feasibility Study Steering Committee.*

**MOTION - MOVED** Cr Stephen Hart seconded Cr Frank Buchanan:

*That Council nominates Cr Brian Crook to represent Council on the Tiger Rail Trail Feasibility Study Steering Committee with Cr Michael Delahunty to be the alternative Councillor representative.*

**CARRIED 7 : 0**

**INFRASTRUCTURE AND SERVICES**

<b>ITEM</b>	
<b><u>OM142602-13</u></b>	<b><u>G21 REGION PUBLIC TRANSPORT STRATEGY</u></b>
<b><u>OM142602-14</u></b>	<b><u>COLAC MUNICIPAL AERODROME BUSINESS PLAN</u></b>
<b><u>OM142602-15</u></b>	<b><u>APOLLO BAY COMMUTER FOOTPATH STRATEGY</u></b>
<b><u>OM142602-16</u></b>	<b><u>ROAD DISCONTINUANCE - ROAD ABUTTING 275 FLANNAGANS ROAD IRREWILLIPE</u></b>

**OM142602-13****G21 REGION PUBLIC TRANSPORT STRATEGY**

AUTHOR:	Adam Lehmann	ENDORSED:	Phil Corluka
DEPARTMENT:	Infrastructure & Services	FILE REF:	11/96723

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

***That Council notes the final draft G21 Region Public Transport Strategy that will be promoted for public exhibition and comment.***

***CARRIED 7 : 0***

OM142602-14

**COLAC MUNICIPAL AERODROME BUSINESS PLAN**

AUTHOR:	Ranjani Jha	ENDORSED:	Phil Corluka
DEPARTMENT:	Infrastructure & Services	FILE REF:	F13/6964

**Original Recommendation(s)**

***That Council endorses the Draft Colac Aerodrome Business Plan for public exhibition for a period of six (6) weeks.***

***MOTION - MOVED Cr Frank Buchanan seconded Cr Terry Woodcroft:***

***That Council endorses the Draft Colac Aerodrome Report for public exhibition for a period of six (6) weeks.***

***CARRIED 6 : 1***

***DIVISION called by Cr Michael Delahunty***

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

***Against the Motion: Cr Michael Delahunty***

OM142602-15

**APOLLO BAY COMMUTER FOOTPATH STRATEGY**

AUTHOR:	Paula Gardiner	ENDORSED:	Phil Corluka
DEPARTMENT:	Infrastructure & Services	FILE REF:	11/95454

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

***That Council:***

- 1. Endorses the draft Apollo Bay Commuter Footpath Strategy for public consultation; and***
- 2. Places the draft Apollo Bay Commuter Footpath Strategy on exhibition for a period of six (6) weeks.***

**CARRIED 7 : 0**

OM142602-16

**ROAD DISCONTINUANCE - ROAD ABUTTING 275  
FLANNAGANS ROAD IRREWILLIPE**

AUTHOR:	James Watson	ENDORSED:	Adam Lehmann
DEPARTMENT:	Infrastructure & Services	FILE REF:	F13/8545

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

***That Council:***

- 1. Declares as unused that section of Flannagans Road Irrewillipe, fully described as the unused road South East of Crown allotment 32D, Parish of Irrewillipe.***
- 2. Instructs the Chief Executive Officer to give notice to the Department of Environment and Primary Industries of Council's determination to declare the road as unused, by signing the attached document, being Schedule 4 of the Land Regulations 2006.***

***CARRIED 7 : 0***

**SUSTAINABLE PLANNING AND DEVELOPMENT**

<b>ITEM</b>	
<b><u>OM142602-17</u></b>	<b><u>PLANNING SCHEME AMENDMENT C70 RESPONSE TO SUBMISSIONS</u></b>
<b><u>OM142602-18</u></b>	<b><u>PLANNING SCHEME AMENDMENT C73 (APOLLO BAY HARBOUR MASTER PLAN) - CONSIDERATION OF SUBMISSIONS</u></b>
<b><u>OM142602-19</u></b>	<b><u>GREAT SOUTH COAST STREET SMART LIGHTING PROGRAM UPDATE</u></b>
<b><u>OM142602-20</u></b>	<b><u>COLAC OTWAY BUSHFIRE PLANNING PROJECT - DRAFT REPORT FOR CONSULTATION</u></b>
<b><u>OM142602-21</u></b>	<b><u>SMALL TOWN IMPROVEMENT PROGRAM (STIP) GUIDELINES REVIEW</u></b>



**OM142602-17 PLANNING SCHEME AMENDMENT C70 RESPONSE TO SUBMISSIONS**

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

Cr Hart:	OM142602-17 Planning Scheme Amendment C70 Response to Submissions
Nature of Disclosure:	Direct
Nature of Interest:	The proposed amendment will almost entirely cover land I own with overlays. Subsequent to this proposal, I lodged a submission to the C70 amendment.

Cr Woodcroft:	OM142602-17 Planning Scheme Amendment C70 Response to Submissions
Nature of Disclosure:	Direct
Nature of Interest:	Occupy and own land directly affected by C70

***Having declared a conflict of interest in this item, Crs Hart and Woodcroft left the meeting at 6.45pm.***

**Original Recommendation(s)**

***That Council:***

- 1. Abandons Amendment C70.***
- 2. Forwards the decision to the Minister for Planning.***
- 3. Writes to both the State and Federal Environment Ministers seeking confirmation that the revised approach to revision of the Council's environmental overlays is sufficient to meet Councils commitments identified in the Enforceable Undertaking Agreement that requires the 2009 biodiversity mapping to be incorporated into the Planning Scheme.***
- 4. Pursues further work to refine the Environmental Significance Overlay Schedule 4 (Habitat Protection) mapping before considering a further report on whether to proceed with a new planning scheme amendment that:***
  - a. Revises the mapping of the Environmental Significance Overlay – Schedule 4 (ESO4) based on more refined mapping;***
  - b. Revises the mapping of the Environmental Significance Overlay - Schedule 2 (ESO2) generally in accordance with the mapping included***

*in Amendment C70;*

- c. Applies the Vegetation Protection Overlay – Schedule 2 (VPO2) generally in accordance with the mapping included in Amendment C70; and*
- d. Updates the schedules to the various environmental overlays.*

**MOTION - MOVED Cr Frank Buchanan seconded Cr Brian Crook:**

**That Council:**

- 1. Abandons Amendment C70.**
- 2. Forwards the decision to the Minister for Planning.**
- 3. Writes to both the State and Federal Environment Ministers seeking confirmation that the revised approach to revision of the Council's environmental overlays is sufficient to meet Council's commitments identified in the Enforceable Undertaking Agreement that requires the 2009 biodiversity mapping to be incorporated into the Planning Scheme.**
- 4. Requests that the Department of Environment and Primary Industries pursue further work to refine the Environmental Significance Overlay Schedule 4 (Habitat Protection) mapping before Council considers a further report on whether to proceed with a new planning scheme amendment.**

**CARRIED 5 : 0**

**Crs Hart and Woodcroft returned to the meeting at 6.52pm.**

**OM142602-18 PLANNING SCHEME AMENDMENT C73 (APOLLO BAY HARBOUR MASTER PLAN) - CONSIDERATION OF SUBMISSIONS**

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

**Original Recommendation(s)**

**That Council:**

- 1. Supports submissions 1-3 and 21 and 24;**
- 2. Not support (in part of fully) submissions 4-20 and 22-23 and 25-27;**
- 3. Amends Schedule 2 to the Special Use Zone in the following way:**
  - **Amending the 6<sup>th</sup> purpose statement to:**  
*'To encourage small scale development that does not adversely impact retailing in the Apollo Bay shopping centre.'*
  - **Inserting 'Outdoor recreation facility' as a Section 1 No Permit Required Use with a condition that it be for the sailing club.**
  - **Inserting a Museum as a Section 2 Permit Required Use.**
  - **Inserting 'Accommodation' as a Section 3 Prohibited use.**
  - **Amending clause 4.0 Development by inserting:**  
*'Locations of all BBQs, toilets and shower facilities'.*
  - **Amending clause 4.0 Development Plan with the following text:**  
*'The Development Plan must be placed on exhibition for period of 6 weeks for community comment prior to its consideration by the responsible authority. The Development Plan may be amended by the responsible authority as required.'*
- 4. Amends the Apollo Bay Harbour Master Plan 2013 Incorporated Document by:**
  - **Retaining the Sailing Club in its current position and relocating the Aboriginal and Cultural Centre to the former location of the hotel to the west of the Sailing Club.**
  - **Completing a full update to text and figures once Amendment C73 has been approved.**
  - **Amending Section 2 by replacing 'approx.' with 'at least' for Project 1, when describing the width of the boardwalk.**
  - **Amending Section 2, Project 5 by adding:**
  - **'A Café or other commercial use could use the second storey to maximize views.'**
  - **Inserting in Section 2 Project 6 the following additional text,'... or other appropriate mooring mechanisms or types.'**

- **Amending Section 3, by inserting:**  
**'Locations of all BBQs, toilets and shower facilities'.**
  - **Amending Section 4.1 by adding the following new dot point:**
  - **'Providing for consolidation of structures and multi-use approach to buildings.'**
  - **Amending Section 4.2.1 under Built Form and Siting by adding the following to dot point 7:**
  - **'New Harbour front buildings should taper down from the new double storey retail/community buildings towards the east, in line with the taper of the landscape.'**
  - **Amending Section 4.2.1 under Landscape and Public Realm by providing flexibility for Council to consider species other than Norfolk Island Pines.**
  - **Amending Sections 4.2.2 and 4.3.1 under Cultural and Aesthetic by using the term Aboriginal and Cultural Centre to describe this project.**
  - **Amending Section 4.2.3 under Economic Principles by adding:**
  - **'Providing small scale retail activity at the Harbour to ensure it does not impact the viability of the Apollo Bay shopping centre.'**
  - **Amending Section 4.3.1 under Harbour Edge Building by adding:**
  - **'The height of these buildings must not exceed 9 metres.'**
  - **Amending Section 4.3.2 to delete reference to the Sailing Club and relocate this text to Section 4.3.1. This includes the deletion of Figure 4.**
  - **Amending Section 4.3.2 under Trailer Parking by adding:**  
**'Maximise the number of car and trailer parking spaces.'**
5. **Amends the Apollo Bay Harbour Master Plan 2013 by completing a full update once Amendment C73 has been approved.**
6. **Refers all submissions to an independent planning panel.**
7. **Acknowledges that the proposal to locate the Aboriginal and Cultural Centre in the position of the former hotel, between the current location of the Sailing Club and retail development, through an amendment to the exhibited 2013 Master Plan, is on land which had been intended for public open space in accordance with the resolution of Council on Item OM122202-12 at the 22 February 2012 Council meeting.**

**MOTION - MOVED Cr Frank Buchanan seconded Cr Brian Crook:**

**That Council:**

1. **Supports submissions 1-3 and 21 and 24;**
2. **Not support (in part of fully) submissions 4-20 and 22-23 and 25-27;**
3. **Amends Schedule 2 to the Special Use Zone in the following way:**
  - **Amending the 6<sup>th</sup> purpose statement to:**  
**'To encourage small scale development that does not adversely impact retailing in the Apollo Bay shopping centre.'**

- *Inserting 'Outdoor recreation facility' as a Section 1 No Permit Required Use with a condition that it be for the sailing club.*
  - *Inserting a Museum as a Section 2 Permit Required Use.*
  - *Inserting 'Accommodation' as a Section 3 Prohibited use.*
  - *Inserting Leisure and Recreation (excluding a Motor Racing track and Major Sports Ground Facility) as a Section 2 Permit Required Use.*
  - *Amending clause 4.0 Development by inserting:  
'Locations of all BBQs, toilets and shower facilities'.*
  - *Amending clause 4.0 Development Plan with the following text:  
'The Development Plan must be placed on exhibition for period of 6 weeks for community comment prior to its consideration by the responsible authority. The Development Plan may be amended by the responsible authority as required.'*
4. *Amends the Apollo Bay Harbour Master Plan 2013 Incorporated Document by:*
- *Retaining the Sailing Club in its current position and relocating the Aboriginal and Cultural Centre to the former location of the hotel to the west of the Sailing Club.*
  - *Completing a full update to text and figures once Amendment C73 has been approved.*
  - *Amending Section 2 by replacing 'approx.' with 'at least' for Project 1, when describing the width of the boardwalk.*
  - *Amending Section 2, Project 5 by adding:*
  - *'A Café or other commercial use could use the second storey to maximize views.'*
  - *Inserting in Section 2 Project 6 the following additional text, '... or other appropriate mooring mechanisms or types.'*
  - *Amending Section 3, by inserting:  
'Locations of all BBQs, toilets and shower facilities'.*
  - *Amending Section 4.1 by adding the following new dot point:*
  - *'Providing for consolidation of structures and multi-use approach to buildings.'*
  - *Amending Section 4.2.1 under Built Form and Siting by adding the following to dot point 7:*
  - *'New Harbour front buildings should taper down from the new double storey retail/community buildings towards the east, in line with the taper of the landscape.'*
  - *Amending Section 4.2.1 under Landscape and Public Realm by providing flexibility for Council to consider species other than Norfolk Island Pines.*
  - *Amending Sections 4.2.2 and 4.3.1 under Cultural and Aesthetic by using the term Aboriginal and Cultural Centre to describe this project.*
  - *Amending Section 4.2.3 under Economic Principles by adding:*
  - *'Providing small scale retail activity at the Harbour to ensure it does not*

*impact the viability of the Apollo Bay shopping centre.'*

- *Amending Section 4.3.1 under Harbour Edge Building by adding:*
  - *'The height of these buildings must not exceed 9 metres.'*
  - *Amending Section 4.3.2 to delete reference to the Sailing Club and relocate this text to Section 4.3.1. This includes the deletion of Figure 4.*
  - *Amending Section 4.3.2 under Trailer Parking by adding:*  
*'Maximise the number of car and trailer parking spaces.'*
5. *Amends the Apollo Bay Harbour Master Plan 2013 by completing a full update once Amendment C73 has been approved.*
  6. *Refers all submissions to an independent planning panel.*
  7. *Acknowledges that the proposal to locate the Aboriginal and Cultural Centre in the position of the former hotel, between the current location of the Sailing Club and retail development, through an amendment to the exhibited 2013 Master Plan, is on land which had been intended for public open space in accordance with the resolution of Council on Item OM122202-12 at the 22 February 2012 Council meeting.*
  8. *Supports an indoor swimming pool/sea baths and other health and wellbeing uses being included within the harbour precinct as part of the adopted Apollo Bay Harbour Master Plan as proposed by submitters through the exhibition process.*
  9. *Also supports this as a permitted use at any relevant panel hearing.*

**CARRIED 7 : 0**

OM142602-19

**GREAT SOUTH COAST STREET SMART LIGHTING  
PROGRAM UPDATE**

AUTHOR:	Dora Novak	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/3291

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

***That Council:***

- 1. Approves the installation of LED street lighting to complete the Great South Coast Street Smart Lighting Program.***
- 2. Gives support to increasing the LGIP funds allocated to this project from \$122,000 to \$261,000 to enable LED globes to be installed in the street lights in the Colac Otway Shire.***

**CARRIED 7 : 0**

OM142602-20

**COLAC OTWAY BUSHFIRE PLANNING PROJECT - DRAFT  
REPORT FOR CONSULTATION**

AUTHOR:	Don Lewis	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/3291

Cr Hart:	OM142602-20 Colac Otway Bushfire Planning Project – Draft Report for Consultation
Nature of Disclosure:	Direct
Nature of Interest:	Owens a property in Lavers Hill and a property near Lavers Hill which are covered in this report. The property near Lavers Hill is one of a group of properties that may have been re-zoned to “Rural Living” subject to this report.

***Having declared a conflict of interest in this item, Cr Hart left the meeting at 7.14pm.***

***MOVED Cr Michael Delahunty seconded Cr Terry Woodcroft***

***That Council receives the draft Colac Otway Bushfire Planning Project Report and endorses the document for public consultation for a period of 6 weeks.***

***CARRIED 6 : 0***

***Cr Hart returned to the meeting at 7.17pm.***



OM142602-21

**SMALL TOWN IMPROVEMENT PROGRAM (STIP)  
GUIDELINES REVIEW**

AUTHOR:	Katrina Kehoe	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	11/96428

**Original Recommendations*****That Council:***

1. ***Endorses the amendments to the Small Town Improvement Program (STIP) guidelines to broaden the eligible community groups or representatives who can apply where no formal Progress Association/Action Group/Advancement Association exists.***
2. ***Endorses the amendment to exclude the funding of development, update or review of Township Master Plans or Community Infrastructure Plans or similar strategic documents from STIP funds.***
3. ***Endorses the amendment to remove Apollo Bay from the eligible small towns who can apply for STIP funding.***

**MOTION - MOVED Cr Frank Buchanan seconded Cr Stephen Hart:*****That Council:***

1. ***Endorses the amendments to the Small Town Improvement Program (STIP) guidelines to broaden the eligible community groups or representatives who can apply where no formal Progress Association/Action Group/Advancement Association exists.***
2. ***Endorses the amendment to exclude the funding of development, update or review of Township Master Plans or Community Infrastructure Plans or similar strategic documents from STIP funds.***

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

**MOTION - MOVED Cr Brian Crook seconded Cr Michael Delahunty:**

**That Council:**

1. **Endorses the amendments to the Small Town Improvement Program (STIP) guidelines to broaden the eligible community groups or representatives who can apply where no formal Progress Association/Action Group/Advancement Association exists.**
2. **Endorses the amendment to exclude the funding of development, update or review of Township Master Plans or Community Infrastructure Plans or similar strategic documents from STIP funds.**
3. **Endorses the amendment to remove Apollo Bay from the eligible small towns who can apply for STIP funding.**

**AMENDMENT - MOVED Cr Chris Smith seconded Cr Stephen Hart:**

**That the following be added at point 4:**

**“Requests that Council officers bring back to Council at the March 2014 meeting a program for Apollo Bay which achieves the same opportunities that the Small Town Improvement Program would have.”**

**LOST 3 : 4**

**DIVISION called by Cr Stephen Hart**

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

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

**MOTION - MOVED Cr Brian Crook seconded Cr Michael Delahunty:**

**That Council:**

1. **Endorses the amendments to the Small Town Improvement Program (STIP) guidelines to broaden the eligible community groups or representatives who can apply where no formal Progress Association/Action Group/Advancement Association exists.**
2. **Endorses the amendment to exclude the funding of development, update or review of Township Master Plans or Community Infrastructure Plans or similar strategic documents from STIP funds.**
3. **Endorses the amendment to remove Apollo Bay from the eligible small towns who can apply for STIP funding.**

**LOST 3 : 4**

**DIVISION called by Cr Chris Smith**

**For the Motion: Cr Brian Crook, Cr Lyn Russell, Cr Michael Delahunty**

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

**GENERAL BUSINESS**

<b>ITEM</b>	
<b><u>OM142602-22</u></b>	<b><u>ASSEMBLY OF COUNCILLORS</u></b>

**OM142602-22 ASSEMBLY OF COUNCILLORS**

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

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

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

- ***Councillor Briefing Session*** ***18 December 2013***
- ***Councillor Workshop*** ***15 January 2014***
- ***Councillor Briefing Session*** ***22 January 2014***
- ***Councillor Workshop*** ***29 January 2014***
- ***Central Reserve Advisory Committee*** ***5 February 2014***
- ***Councillor Workshop*** ***12 February 2014.***

***CARRIED 7 : 0***

**NOTICES OF MOTION**

<b>ITEM</b>	
<b><u>OM142602-23</u></b>	<b><u>CAPITAL UPGRADE AND RENEWAL EXPENDITURE</u></b>

**OM142602-23 CAPITAL UPGRADE AND RENEWAL EXPENDITURE (CR  
MICHAEL DELAHUNTY)**

**Recommendation**

*That Council consider the contents of this Notice of Motion.*

**Original Recommendation**

*That Council instructs the CEO to ensure that all future draft budget estimates meet the following parameters:*

- 1. The sum of the upgrade expenditure and renewal expenditure to be not less than 100% of depreciation, where upgrade and renewal expenditure areas comprise components as listed in the 2012-2013 Colac Otway Shire annual report and additional areas as may be added from time to time.*
- 2. Capital Replacement expenditure to be not less than 150% of depreciation where capital replacement expenditure areas comprise components as listed in the 2012-2013 Colac Otway Shire annual report and additional areas as may be added from time to time.*
- 3. The ratios detailed in points (1) and (2) be developed with existing depreciation schedules or higher rates if evidence indicates accelerated depreciation or where different rates are mandated by State or Federal Government agencies.*
- 4. These ratios be maintained at the levels stated in points (1) and (2), as a minimum, for all future budgets unless and until this resolution has been explicitly rescinded or amended to permit lower ratios.*

**MOTION - MOVED Cr Michael Delahunty seconded Cr Frank Buchanan:**

*That Council instructs the CEO to ensure that all future draft budget estimates meet the following parameters:*

- 1. The sum of the renewal expenditure to be not less than 100% of depreciation, where renewal expenditure areas comprise components as listed in the 2012-2013 Colac Otway Shire annual report and additional areas as may be added from time to time.*
- 2. Capital Replacement expenditure to be not less than 150% of depreciation where capital replacement expenditure areas comprise components as listed in the 2012-2013 Colac Otway Shire annual report and additional areas as may be added from time to time.*
- 3. The ratios detailed in points (1) and (2) be developed with existing depreciation schedules or higher rates if evidence indicates accelerated depreciation or where different rates are mandated by State or Federal Government agencies.*

4. *These ratios be maintained at the levels stated in points (1) and (2), as a minimum, for all future budgets unless and until this resolution has been explicitly rescinded or amended to permit lower ratios.*

**CARRIED 5 : 2**

***DIVISION called by Cr Michael Delahunty***

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

***Against the Motion: Cr Brian Crook, Cr Lyn Russell***

**MATTER OF URGENCY - MOVED** Cr Michael Delahunty seconded Cr Stephen Hart that Councillor Representation on the Great South Coast Group Board be considered as a matter of urgent business to ensure Councillor representation at the Great South Coast Group Strategic Planning and Board meetings being held on 13 and 14 March 2014.

**CARRIED 7: 0**

**URGENT ITEM OF BUSINESS - COUNCILLOR REPRESENTATION ON GREAT SOUTH COAST GROUP BOARD**

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

**Purpose**

To seek Council approval for a new Councillor representative on the Great South Coast Group Board.

**Declaration of Interests**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

**Background**

Cr Lyn Russell, as Mayor, was appointed to the Board of the Great South Coast Group at the November 2013 Statutory Council meeting.

Cr Russell was also appointed to the Rural Councils of Victoria Board and the G21 Regional Alliance Board at that same meeting. As Timber Towns Committee generally meet on the same day and at the same venue as Rural Councils of Victoria, Cr Russell was also appointed to that committee.

Since then, it has become apparent that a number of meetings involving these three important Boards are scheduled to occur on the same day. It is therefore necessary to appoint a new councillor representative to the Great South Coast Group Board to ensure Colac Otway Shire Councillor representation at their meetings.

**Council Plan / Other Strategies / Policy**

**Good Governance**

Means we care about and are responsive to the community, encourage democratic participation and involve people in decisions that affect them. We strive for excellence in financial management and council services, and always look for better ways to do things.

*Our Goal:*

Ensure transparency of governance practices, the capability of our organisation and effective resource management.



**Issues / Options**

Currently Cr Russell is the Council appointed Councillor representative to the Great South Coast Group Board. Due to the clash of scheduling of some Rural Councils of Victoria and G21 Board meetings, Cr Russell is not able to attend all of the Great South Coast Group Board meetings. This means that Council does not have a vote at these meetings.

**Proposal**

That Cr Buchanan, as Deputy Mayor, be appointed as the Councillor representative on the Great South Coast Group Board in place of Cr Russell. This will ensure that Council is able to vote on regional issues affecting this Shire.

**Financial and Other Resource Implications**

There are no financial or other resource implications.

**Risk Management & Compliance Issues**

As a member of the Great South Coast Group, it is important that Council has Councillor representation at the Board meetings and is able to vote on regional issues affecting this Shire.

**Environmental and Climate Change Considerations**

There are no environmental or climate change considerations.

**Community Engagement**

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of January 2010, which details five levels of engagement – inform, consult, involve, collaborate and empower.

There is no community engagement relating to this report.

**Implementation**

If Cr Buchanan is appointed to the Great South Coast Group Board, the group will be advised accordingly.

**Conclusion**

To ensure ongoing Colac Otway Shire Councillor representation at Great South Coast Group Board meetings, and given Cr Russell's unavailability to attend meetings, Cr Buchanan should be appointed to the Great South Coast Group Board.

**Attachments**

Nil

***MOVED Cr Michael Delahunty seconded Cr Brian Crook***

***That Council appoint Cr Buchanan as the Councillor Representative to the Great South Coast Group Board.***

***CARRIED 7 : 0***

**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:***

<b>SUBJECT</b>	<b>REASON</b>	<b>SECTION OF ACT</b>
Contract 1322 - Bluewater Fitness Centre Redevelopment Update	this matter deals with contractual matters; AND this matter may prejudice the Council or any person	Section 89 (2) (d) (h)

***AMENDMENT - MOVED Cr Michael Delahunty seconded Cr Chris Smith:***

***That Council does not go In-committee but that confidential information on page 8 be removed.***

***ADJOURNMENT - MOVED Cr Stephen Hart seconded Cr Chris Smith:***

***That Council adjourn the meeting for five minutes to allow a review of the report to identify confidential information.***

***LOST 3 : 4***

***DIVISION called by Cr Stephen Hart***

***For the Motion: Cr Chris Smith, Cr Stephen Hart, Cr Michael Delahunty***

***Against the Motion: Cr Brian Crook, Cr Lyn Russell, Cr Terry Woodcroft, Cr Frank Buchanan***

***AMENDMENT - MOVED Cr Michael Delahunty seconded Cr Chris Smith:***

***That Council does not go In-Committee but that confidential information on page 8 be removed.***

***LOST 3 : 4***

***DIVISION called by Cr Stephen Hart***

***For the Motion: Cr Chris Smith, Cr Stephen Hart, Cr Michael Delahunty***

***Against the Motion: Cr Brian Crook, Cr Lyn Russell, Cr Terry Woodcroft, Cr Frank Buchanan***

***AMENDMENT - MOVED Cr Chris Smith seconded Cr Stephen Hart:***

***That the following point be added to the original motion:***

***"That Council release a report on Contract 1322 Bluewater Fitness Centre Redevelopment Update in the March 2014 Open Council meeting."***

***CARRIED 7 : 0***

**MOVED Cr Terry Woodcroft seconded Cr Frank Buchanan:**

**That:**

- 1. Pursuant to the provisions of Section 89(2) of the Local Government Act, the meeting be closed to the public and Council move "In-Committee" in order to deal with:**

<b>SUBJECT</b>	<b>REASON</b>	<b>SECTION OF ACT</b>
<b>Contract 1322 - Bluewater Fitness Centre Redevelopment Update</b>	<b>this matter deals with contractual matters; AND this matter may prejudice the Council or any person</b>	<b>Section 89 (2) (d) (h)</b>

- 2. That Council release a report on Contract 1322 Bluewater Fitness Centre Redevelopment Update in the March 2014 Open Council meeting.**

**CARRIED 7 : 0**

**OUT OF COMMITTEE**

**MOVED Cr Stephen Hart seconded Cr Chris Smith that the meeting move out of committee.**

**CARRIED 7 : 0**

*The Meeting Was Declared Closed at 9.21pm*

**CONFIRMED AND SIGNED** at the meeting held on 26 MARCH 2014

.....*Lyn E Russell.*.....**MAYOR**

