

MINUTES of the **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held at the COPACC Meeting Rooms on 22 October 2014 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 Brian Crook
Cr Michael Delahunty
Cr Stephen Hart
Cr Frank Buchanan
Cr Chris Smith
Cr Terry Woodcroft

Sue Wilkinson, Chief Executive Officer
Colin Hayman, General Manager, Corporate & Community Services
Phil Corluka, General Manager, Infrastructure & Services
Doug McNeill, A/General Manager, Sustainable Planning & Development
Rhonda Deigan, Executive Officer

Part: Carmen Lawrence, Manager Organisational Support & Development
Ashley Roberts, Manager Finance & Customer Service
Blathin Butler, A/Manager Planning & Building
Don Lewis, Senior Strategic Planner

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

Questions Received in Writing Prior to the Meeting

James Judd

1. Has any consideration been given by Council to its securities to support borrowings should those willing to loan funds demand firm assets are put up as security? Not projections based on forward rate income as in a severe downturn the amount recoverable is not a certainty in any year. Council could find income not enough to cover expenses.

Response:

Council's borrowings are restricted to what is authorised by the Loans Council Victoria and approved by the State. It is standard practice across the industry for borrowing to be secured against Councils rate income.

Council's indicators show that debt servicing and redemption levels as a percentage of rate income is extremely low (at 3.23% as at 30 June 2014).

Council also measures its total indebtedness (including all liabilities, not just loans) against its total realisable assets (excludes infrastructure and heritage assets). Again this ratio (19.28% at 30 June 2014) shows Council has capacity to repay debt at short notice and gives Council a low risk rating in this regard.

In terms of providing security for loans, whilst Council does as explained measure our capacity to repay debt from realisable assets and takes this ratio into consideration when determining loan finance, it is not Council's position or role to offer assets as security – it is the lender who determines what security will be required.

2. Why did Council promote a planning scheme as the Elliminyt Planning Scheme then without giving any notice it would be called another name before being presented to Council for acceptance? People do expect names not to change unless you are willing to give advance notice of any change.

Response:

The Colac Otway Planning Scheme applies to the whole municipality and has been in place since 1994 when amalgamation of Councils was facilitated by the State Government. Any reference to the Planning Scheme by Council in recent years has been to the Colac Otway Planning Scheme.

David & Wendy Walsh – Elliminyt

1. It is our concern that the Colac Sustainable Planning & Development Department is putting design above safety by placing a pedestrian link of 120metres long, with no passive surveillance without taking into consideration the Department of Planning and Community Development "Safer Design Guidelines" which have been developed to assist planners and designers apply design principles that will improve the safety of the built environment, minimise the opportunity for crime and promote safe, accessible and liveable places. At what point in design did connectivity become more important than the safety of the users of the pedestrian link and community, now and in the future?

Response:

All policies and guidelines referred to in the planning scheme must be balanced against each other to achieve net community benefit. The officer report on this item responds to concerns raised about the safety of proposed pedestrian links.

2. Is it normal practice for the Colac Sustainable Planning and Development Department when writing an assessment of the submissions received to the draft plans Agenda 22 October 2014 Ordinary Council Meeting OM14221042 Page 93 Area 3 Submitters 6,7,10,13 to discredit landowner 10 & 7 by omitting in a public document their major concerns in regard to the Safety and Design aspects of the Pedestrian Link to the users, wider community, and land holders and, only report on 6,7,10,13s other personal grievances?

Response:

The officer report does not discredit submitters, but rather identifies concerns about the safety and design impacts of the proposed pedestrian links and responds to these.

3. Is it a normal practice of the Colac Sustainable Planning Development Department to penalise forward thinking landowners for the mistakes of other landowners and their own department, when the forward thinking landowners on unlocked land have much to lose and nothing to gain by the inclusion of a Pedestrian Link and having a DPO placed on their property?

Response:

Council has facilitated the preparation of draft development plans to enable landowners (or successive owners of land) to further subdivide their land in future if they wish, which is currently constrained by the Development Plan Overlay. Landowners who choose not to subdivide their properties in the future would not be affected by any development plan that is approved by Council.

4. Is it normal practice of the Colac Sustainable Planning Development Department to impose restrictions on current property owners by stating Page 93 OM14221042 Agenda SPDD October Ordinary Council Meeting "The Plan does not impose a need for the current property owners to provide the pedestrian link as this would only be a requirement for any subdivision proposal by the current or future owners of the land in the event they make a decision to subdivide the land." Is this forcing property owners to not further subdivide their property to protect their lifestyle and privacy for which the land was purchased and developed originally, therefore hindering further development of land in the shire?

Response:

The approval of development plans is intended to facilitate the ability of landowners to subdivide their land if they choose to. If a landowner chooses to further subdivide their land, it would need to be generally in compliance with any adopted plan.

5. When and what law states it is the Colac Sustainable Planning and Development Department's responsibility to provide Development Plans in a DPO?

Response:

The existing Development Plan Overlay requires a development plan to be approved by Council.

6. As stated on page 83 Agenda Ordinary Council Meeting October 2014 OM14221042 "It is Council's role to approve the Development Plan and there are no appeal rights to VCAT against Council's decision" Why are we unable to appeal the Council's decision in regard to the inclusion of a Pedestrian Link at 167 Aireys St Elliminyt/129 Main Street Elliminyt if it is adopted by Council?

Response:

The existing Development Plan Overlay which requires development plans to be approved by Council does not provide residents with third-party VCAT appeal rights. The absence of this formal objection and appeal extends to the consideration of individual applications that are generally in accordance with an approved development plan. Despite this, Council consulted extensively to ensure residents had an opportunity to make submissions before a decision was taken.

Despite there being no direct appeal options, there is a 'catch all' clause in the Planning and Environment Act Section 149 which might allow for a hearing on concerns about council decisions such as this, subject to the tribunal's discretion.

7. If a landowner or developer requires a neighbour's property/land to eg unlock their property because they have locked themselves in, is it not the landowners or developers responsibility to approach their neighbour, purchase, demolish and develop in accordance with local planning laws to achieve their desired outcome?

Response:

The aim of the Development Plans is to enable landowners to further subdivide land if they wish. Any subdivision of land within an approved Development Plan can only be undertaken willingly by the landowner. Should plans be approved, some land owners may not be able to subdivide their land until other landowners do so themselves, or may seek to negotiate with neighbours to seek an outcome agreeable to both parties.

8. In reference to Document OM14280540 Draft Colac Development Plans May Ordinary Council Meeting Sustainable Planning and Development Page 73 "Whilst Initial Opposition to this link was raised by both affected landholders, the

link is critical for residents south of Aireys Street to access the open space." Is this acceptable practice for Colac Sustainable Planning and Development to mislead councillors or can they please explain what "Initial opposition" means?

Response:

The officer report to the May meeting was reflecting that whilst land owners had expressed concern about the pedestrian link in Area 3, the proposal had been retained on the draft plan for public exhibition.

Donna & Greg McKenzie - Elliminyt

1. It was stated at Council's last meeting on the 24 September, 2014, in response to our tabled question, "When will we be issued with a copy of the final plan and, do we get a further opportunity to provide formal comments on the plan before being considered by Council for approval?" The final sentence of Council's response was, "**A final plan reflecting council's decisions will be prepared and made available following this meeting**". Our question is, why has a copy of the final plan still not been made available to us prior to this Council Meeting, especially given that it's at this meeting, that Councillors will debate and vote whether to adopt the plan or not?

Response:

The response to this question at the September Council meeting was that a copy of any plan approved by Council at tonight's meeting would be made available to the public at the earliest opportunity.

2. Council Officers have continually stated that the pedestrian link is 'critical' for residents south of Aireys Street to access the 'Open Space' in Site 3 (written evidence of this is shown in Document OM142805-10, page 73 attached, tabled at Council's May meeting). However, the Document OM142210-12 (included in tonight's Agenda), now states on page 93 under the heading 'Officer Response' that, "the pedestrian link is 'not essential'" and on page 101 under the heading 'Option 2' that, "The Plan for area 3 could still proceed without this link". On page 94 it further states that, "This has been the most contentious aspect of the draft plans, and is strongly opposed by four submitters". Our questions is, did Council Officers lead all four submitters (ourselves and our three adjoining neighbours), to believe that the pedestrian link was 'critical' and that it must be included in the plan for Site 3, when it is now evident that this is not the case?

Response:

The pedestrian link remains an important part of the Development Plan for Area 3 for reasons outlined in the officer report. However, it has been acknowledged that whilst the plan could proceed without the link, the effectiveness of the open space for Area 3 would be compromised by not including a direct connection from Aireys Street to the south.

3. We refer you to page 83 (paragraph 3), wherein it states that. "It is Council's role to approve the Development Plans and there are no appeal rights to VCAT against Council's decision". Our question is why aren't landholders able to appeal Council's decision if they are not happy with the outcome?

Response:

The existing Development Plan Overlay which requires development plans to be approved by Council does not provide residents with third-party VCAT appeal rights. The absence of this formal objection and appeal extends to the consideration of individual applications that are generally in accordance with an approved development plan. Despite this, Council

consulted extensively to ensure residents had an opportunity to make submissions before a decision was taken.

Despite there being no direct appeal options, there is a 'catch all' clause in the Planning and Environment Act Section 149 which might allow for a hearing on concerns about council decisions such as this, subject to the tribunal's discretion.

4. The matter concerning the measurement of the width of the pedestrian link has not been addressed even though this was raised at a meeting at our property on the 17 September, 2014 and in our final submission dated 28 September, 2014 (copy attached). We confirm that we were finally advised in writing on the 9 September, 2014 that, "...the intention is for the link to be approximately 7 metres in width". Approximately 7 metres is not a definite measurement and we feel it's vital that we be given a definite measurement, given the detrimental impact, the loss of land will have on the property owners concerned, if the pedestrian link is retained. Approximately means, about close to, roughly, more or less, in the vicinity of etc. We are troubled that the word 'approximately' has been used, as there is no guarantee in the future, that Council Officers won't actually increase the width of the pedestrian link to say, 8-10 metres. Our question is why can't a 'definite' measurement be provided to the affected property owners?

Response:

Affected landholders have been advised that a 7 metre width is considered appropriate for a pedestrian link in the Development Plan areas and if Council adopts the development plans, this would be reflected on the final plans.

Questions Received Verbally at the Meeting

Simon Arundell – Bungador

1. Would the Mayor and the CEO like to come out to Bungador one day to see the results of experts? Mr Arundell explained the works included incorrectly built bridges and culvert crossings.

Response:

The Mayor advised that she would visit Bungador at a time that is convenient with the General Manager Infrastructure and Services.

2. What would you preference most, an expert or commonsense?

Response:

The Mayor advised that her preference would be for a combination of both.

3. With respect to the annual financial report, the Colac Otway Shire Council lost \$126,000 in VLine tickets, could you please explain how that occurred?

Response:

The Mayor advised that the annual financial performance report was listed for noting in the meeting agenda.

4. Is the Council going to make the same mistake next year?

Response:

The Mayor advised that she could not answer that question.

5. Why is Council selling VLine tickets?

Response:

The General Manager for Corporate and Community Services explained there was no loss made on the purchase of VLine and Otway Fly tickets as the tickets were on-sold to the community.

The Mayor advised that Council sold those tickets, for the convenience of the community, through its visitor information centres.

6. Why is Council involved in selling tickets for VLine, which should be left for private business, instead of doing what it is meant to do?

Response:

The Mayor repeated that the tickets are sold for the convenience of community members through visitor information centres.

7. Is the Shire going to go ahead and spend thousands of dollars on the Pirron Yallock Recreation Reserve clubrooms or are they going to revise the fact that they have condemned the old clubrooms?

Response:

The Mayor advised that Council would be proceeding with the redevelopment of the clubrooms.

8. Has Council started to put anything on paper yet for Murray Street so that residents get what they want and not what Vic Roads want? Does Council have a plan for Murray Street?

Response:

The Mayor advised that Vic Roads was the responsible authority for Murray Street. Council is working with Vic Roads with respect to Murray Street and a possible by-pass. The Minister for Roads has confirmed that it is a Vic Roads decision.

9. Why has Warrnambool already started planning for a future by-pass?

Response:

The Mayor stated that she was not in a position to comment on Warrnambool.

10. What value have properties in Colac East fallen as a result of the future possibility of not being able to park outside their properties.

Response:

The Mayor advised that Vic Roads were working with residents in Colac East regarding that issue.

Alan Billing – Larpent

1. With respect to the Development Plans, have Councillors been provided with the cost implications of this proposal given the cost of land acquisition and future development and maintenance of walkways?

Response:

The General Manager for Sustainable Planning and Development advised that there would not be any purchase of land. Public Open Space is provided through contributions paid on subdivisions over three lots. If land is not required for public open space then a financial contribution is taken and put

into a reserve for the future establishment of a public open space and the infrastructure provided on that space. If a particular landowner contributes more land than he/she is required to do so, then the funds in that reserve would be used to compensate him/her accordingly.

2. At whose expense would the walkways be developed and maintained?

The General Manager for Sustainable Planning and Development advised that it would be Council's responsibility to maintain public open space and walkways on an ongoing basis. The cost of that maintenance hasn't been provided to Councillors previously.

3. So Councillors are required to make a decision without knowing the ultimate cost?

The General Manager for Sustainable Planning and Development advised that the cost of maintaining the public open space and the walkways on an ongoing basis has not been provided to Councillors to date. These are high level strategic plans which are aimed at directing where development might be in an integrated way across the three precincts. There has not been the level of information prepared that Mr Billing is seeking.

Alex McKenzie

1. If the Development Plans go through, will the property owners be rated on capital value, will they be rated on those blocks whether they subdivide them or not?

Response

The General Manager for Corporate and Community Services advised that as with any subdivision, the valuers would make an assessment on any proposal and value the land accordingly.

2. Would property owners be rated on each individual block?

Response:

The Mayor advised that the blocks would not be rated separately based on the adoption of the proposed Development Plans.

6. DECLARATION OF INTEREST

Cr Delahunty:	OM142210-17 Building & works comprising the construction of two drying kilns, control room, heat plant & carpark at 7-15 & 18-24 Forest Street, Colac (PP172/2014-1)
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78B
Nature of Interest:	Associated with company which produced geo-technical report and bushfire management statement

Cr Russell:	OM142210-9 Contract 1407 – Older Persons & Ability Support Services (OPASS) Food Services (Meals on Wheels) Colac
Nature of Disclosure:	Direct
Nature of Interest:	Public Trustee and Director of an organisation who tendered for this contract

Cr Russell:	OM142210-16 Contract 1407 – Older Persons & Ability Support Services (OPASS) Food Services (Meals on Wheels) Colac
Nature of Disclosure:	Direct
Nature of Interest:	Public Trustee and Director of an organisation who tendered for this contract

7. CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on the 24/09/14.

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

CARRIED 7 : 0

MOTION - MOVED Cr Brian Crook seconded Cr Stephen Hart that items OM142210-12 Colac Development Plans (DPO 3, 4, 5) Project - Consideration of submissions to draft plans, OM142210-13 Planning Scheme Amendment C73 (Apollo Bay Harbour) -Consideration of submissions and OM142210-17 Buildings and Works Comprising the Construction of Two Drying Kilns, Control Room, Heat Plant and Car Park at 7-15 & 18-24 Forest Street, Colac (PP172/2014-1) be the first three items debated on today's agenda.

CARRIED 7: 0

OFFICERS' REPORTS

Sustainable Planning and Development

- OM142210-12 COLAC DEVELOPMENT PLANS (DPO 3, 4, 5) PROJECT - CONSIDERATION OF SUBMISSIONS TO DRAFT PLANS
- OM142210-13 PLANNING SCHEME AMENDMENT C73 (APOLLO BAY HARBOUR) - CONSIDERATION OF SUBMISSIONS
- OM142210-17 BUILDINGS AND WORKS COMPRISING THE CONSTRUCTION OF TWO DRYING KILNS, CONTROL ROOM, HEAT PLANT AND CAR PARK AT 7-15 & 18-24 FOREST STREET, COLAC (PP172/2014-1) BE THE FIRST THREE ITEMS DEBATED ON TODAY'S AGENDA.

Chief Executive Officer

- OM142210-1 CEO'S PROGRESS REPORT TO COUNCIL

Corporate and Community Services

- OM142210-2 REVIEW OF COUNCIL POLICIES
- OM142210-3 2013/2014 ANNUAL REPORT
- OM142210-4 ANNUAL FINANCIAL PERFORMANCE REPORT 2013-2014
- OM142210-5 FIRST QUARTER FINANCIAL PERFORMANCE REPORT 2014-2015
- OM142210-6 OPERATIONAL PLAN FIRST QUARTER PERFORMANCE REPORT JULY-SEPTEMBER 2014

Infrastructure and Services

- OM142210-7 HEARN STREET - SINCLAIR STREET SOUTH INTERSECTION
- OM142210-8 BLUEWATER FITNESS CENTRE REDEVELOPMENT PROJECT - PROGRESS REPORT
- OM142210-9 CON 1407 - OLDER PERSONS AND ABILITY SUPPORT SERVICES
(OPASS) FOOD SERVICES (MEALS ON WHEELS) COLAC

Sustainable Planning and Development

- OM142210-10 SMALL TOWN IMPROVEMENT PROGRAM 2014/2015 - STAGE TWO
- OM142210-11 FUEL PRICES WORKING PARTY

General Business

- OM142210-14 ASSEMBLY OF COUNCILLORS
- OM142210-15 MINUTES FROM YOUTH COUNCIL MEETINGS

SUSTAINABLE PLANNING AND DEVELOPMENT

ITEM	
<u>OM142210-12</u>	<u>COLAC DEVELOPMENT PLANS (DPO 3, 4, 5) PROJECT - CONSIDERATION OF SUBMISSIONS TO DRAFT PLANS</u>
<u>OM142210-13</u>	<u>PLANNING SCHEME AMENDMENT C73 (APOLLO BAY HARBOUR) - CONSIDERATION OF SUBMISSIONS</u>
<u>OM142210-17</u>	<u>BUILDINGS AND WORKS COMPRISING THE CONSTRUCTION OF TWO DRYING KILNS, CONTROL ROOM, HEAT PLANT AND CAR PARK AT 7-15 & 18-24 FOREST STREET, COLAC (PP172/2014-1) BE THE FIRST THREE ITEMS DEBATED ON TODAY'S AGENDA.</u>

OM142210-12

**COLAC DEVELOPMENT PLANS (DPO 3, 4, 5) PROJECT -
CONSIDERATION OF SUBMISSIONS TO DRAFT PLANS**

AUTHOR:	Don Lewis	ENDORSED:	Doug McNeill
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/3291

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

- 1. Adopts the Development Plan for Area 3 with the following changes:**
 - a. Relocates the pedestrian link at 177 Aireys Street to the adjoining property to the east, 167 Aireys Street, alongside the boundary with 177 Aireys Street.**
 - b. Includes an east/west road link from Hart Street opposite Mahoney Drive along the northern boundary of 144 Hart Street.**
- 2. Adopts the Development Plan for Area 4 with the following changes:**
 - a. Removes the pedestrian link near the intersection of Irrewillipe Road and Main Street.**
 - b. Extends the east/west road full length to replace the part pedestrian link off Hart Street.**
 - c. Includes the existing shed at 179 Main Street within the indicative future allotment fronting Main Street.**
 - d. Extends the proposed road to allow additional access to the existing property at 185 Main Street.**
- 3. Adopts the Development Plan for Area 5 as exhibited.**

Revised Officer Recommendation(s)**That Council:**

- 1. Adopts the Development Plan for Area 3 with the following changes:**
 - a. Relocates the pedestrian link at 177 Aireys Street to the adjoining property to the east, 167 Aireys Street, alongside the boundary with 177 Aireys Street.**
 - b. Includes an east/west road link from Hart Street opposite Mahoney Drive along the northern boundary of 144 Hart Street.**
- 2. Adopts the Development Plan for Area 4 with the following changes:**
 - a. Removes the pedestrian link near the intersection of Irrewillipe Road and Main Street.**
 - b. Deletes the part east/west pedestrian link over the properties at 166 and 170 Hart Street.**
 - c. Includes a new east/west road off Hart Street along the boundary between 162 Hart Street and 166 Hart Street.**
- 3. Adopts the Development Plan for Area 5 as exhibited.**
 - a. Includes the existing shed at 179 Main Street within the indicative future**

allotment fronting Main Street.

- b. Extends the proposed road to allow additional access to the existing property at 185 Main Street.*

In accordance with Local Law 4 (Part 66), Cr Hart requested that he be permitted to put a motion to the vote in three separate parts. The Mayor agreed to this request.

MOTION 1 - MOVED Cr Stephen Hart seconded Cr Frank Buchanan:

That Council abandons the Development Plan for Area 3.

CARRIED 5 : 2

DIVISION called by Cr Michael Delahunty

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

Against the Motion: Cr Brian Crook, Cr Michael Delahunty

MOTION 2 - MOVED Cr Stephen Hart seconded Cr Frank Buchanan:

That Council adopts the Development Plan for Area 4 with the following changes:

- a. Removes the pedestrian link near the intersection of Irwillipe Road and Main Street.***
- b. Deletes the part east/west pedestrian link over the properties at 166 and 170 Hart Street.***
- c. Includes a new east/west road off Hart Street along the boundary between 162 Hart Street and 166 Hart Street.***

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

MOTION 3 - MOVED Cr Stephen Hart seconded Cr Terry Woodcroft:

That Council adopts the Development Plan for Area 5 as exhibited.

- a. Includes the existing shed at 179 Main Street within the indicative future allotment fronting Main Street.***
- b. Extends the proposed road to allow additional access to the existing property at 185 Main Street.***

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

OM142210-13 PLANNING SCHEME AMENDMENT C73 (APOLLO BAY HARBOUR) - CONSIDERATION OF SUBMISSIONS

AUTHOR:	Don Lewis	ENDORSED:	Doug McNeill
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/3291

Original Recommendation(s)

That Council:

1. ***Supports Submissions 1-3, 5-7, 11-24, 26-27, 29-32, 35-37 and 39-40 that support the amendment in its entirety.***
2. ***Does not support Submissions 9, 10, 28 and 33 that object to the amendment.***
3. ***Does not support Submissions 8, 25, 34 and 38 that seek a change to the amendment.***
4. ***Supports Submission 4 and changes Amendment C73 by amending Clause 4.0 of Schedule 2 of the Special Use Zone by adding the following:***

“A Coastal Hazard Vulnerability Assessment (CHVA) that establishes the design heights of the buildings that are protected from sea level rise and storm surge impacts”.
5. ***Amends Clause 4.0 concerning the Development Plan by adding the following:***

“The Development Plan may be approved in stages”
6. ***Refers all submissions to the independent panel appointed to consider the amendment.***

MOTION - MOVED Cr Michael Delahunty:

That Council:

1. ***Supports Submissions 1-3, 5-7, 11-24, 26-27, 29-32, 35-37 and 39-40 that support the amendment in its entirety.***
2. ***Does not support Submissions 9, 10, 28 and 33 that object to the amendment.***
3. ***Does not support Submissions 8, 25, 34 and 38 that seek a change to the amendment.***
4. ***Supports Submission 4 and changes Amendment C73 by amending***

Clause 4.0 of Schedule 2 of the Special Use Zone by adding the following:

“A Coastal Hazard Vulnerability Assessment (CHVA) that establishes the design heights of the buildings that are protected from sea level rise and storm surge impacts”.

- 5. Refers all submissions to the independent panel appointed to consider the amendment.**

The motion lapsed due to the lack of a seconder.

MOTION - MOVED Cr Chris Smith:

That Council:

- 1. Supports Submissions 1-3, 5-7, 11-24, 26-27, 29-32, 35-37 and 39-40 that support the amendment in its entirety.**
- 2. Does support Submissions 9, 10, 28 and 33 in relation to the issue of additional boat parking spaces.**
- 3. Does support Submissions 8, 25, 34 and 38 that seek a change to the amendment.**
- 4. Supports Submission 4 and changes Amendment C73 by amending Clause 4.0 of Schedule 2 of the Special Use Zone by adding the following:**

“A Coastal Hazard Vulnerability Assessment (CHVA) that establishes the design heights of the buildings that are protected from sea level rise and storm surge impacts”.
- 5. Amends Clause 4.0 concerning the Development Plan by adding the following:**

“The Development Plan may be approved in stages”.
- 6. Refers all submissions to the independent panel appointed to consider the amendment.**

The motion lapsed due to the lack of a seconder.

MOTION - MOVED Cr Frank Buchanan seconded Cr Stephen Hart:

That Council:

- 1. Supports Submissions 1-3, 5-7, 11-24, 26-27, 29-32, 35-37 and 39-40 that support the amendment in its entirety.**
- 2. Does not support Submissions 9, 10, 28 and 33 that object to the amendment.**
- 3. Does not support Submissions 8, 25, 34 and 38 that seek a change to**

- the amendment.*
4. ***Supports Submission 4 and changes Amendment C73 by amending Clause 4.0 of Schedule 2 of the Special Use Zone by adding the following:***

“A Coastal Hazard Vulnerability Assessment (CHVA) that establishes the design heights of the buildings that are protected from sea level rise and storm surge impacts”.
 5. ***Amends Clause 4.0 concerning the Development Plan by adding the following:***

“The Development Plan may be approved in stages”
 6. ***Refers all submissions to the independent panel appointed to consider the amendment.***
 7. ***Notes its strong preference for the Development Plan prepared under the provisions of the proposed Special Use Zone 2 (SUZ2) to be prepared as a single plan for the entire harbour precinct in the first instance.***

CARRIED 6 : 1

DIVISION called by Cr Frank Buchanan

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

OM142210-17 BUILDINGS AND WORKS COMPRISING THE CONSTRUCTION OF TWO DRYING KILNS, CONTROL ROOM, HEAT PLANT AND CAR PARK AT 7-15 & 18-24 FOREST STREET, COLAC (PP172/2014-1)

AUTHOR:	Brendan O'Loan	ENDORSED:	Doug McNeill
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F14/8600

Cr Delahunty:	OM142210-17 Building & works comprising the construction of two drying kilns, control room, heat plant & carpark at 7-15 & 18-24 Forest Street, Colac (PP172/2014-1)
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78B
Nature of Interest:	Associated with company which produced geo-technical report and bushfire management statement

Having declared a conflict of interest in this item, Cr Delahunty left the meeting at 6.20pm.

RESOLUTION - MOVED Cr Terry Woodcroft seconded Cr Brian Crook:

That Council resolves to grant a planning permit for buildings and works comprising the construction of two continuous drying kilns, control room, heat plant and car park at 7-15 & 18-24 Forest Street, Colac in accordance with the plans received by the Responsible Authority on 8 October 2014, subject to the following conditions:

Conditions:

Endorsed Plans

- 1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***

Car Park

- 2. Prior to the commencement of the development or otherwise as agreed in writing with the Responsible Authority the area/s set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:***

- a) Constructed;***
- b) Properly formed to such levels that they can be used in accordance with the plans.***

The areas must be constructed, and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

Landscaping

- 3. Prior to the commencement of development, or within such other timeframe***

as approved in writing by the Responsible Authority, details of landscaping between the proposed car park and the western boundary (Forest Street) to effectively screen the car parking area from Forest Street, must be submitted to and approved in writing by the Responsible Authority.

4. *Within three months of the approval of the landscape plan, or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must thereafter be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.*

Conditions required by Country Fire Authority

Bushfire Management Plan

5. *Before the development starts, a bushfire management plan must be submitted to and endorsed by the Responsible Authority. The plan must show the following bushfire mitigation measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:*

Defendable space

- a) *Show an area of defendable space of 19mts around the proposed buildings where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:*

- *Grass must be short cropped and maintained during the declared fire danger period.*
- *All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.*
- *Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.*
- *Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.*
- *Shrubs must not be located under the canopy of trees.*
- *Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.*
- *Trees must not overhang or touch any elements of the building.*
- *The canopy of trees must be separated by at least 5 metres.*
- *There must be a clearance of at least 2 metres between the lowest tree branches and ground level.*

Construction standards

- b) *Nominate a minimum Bushfire Attack Level of BAL-12.5 that the building will be designed and constructed.*

Water supply

- c) *Show 10,000lts of effective water supply for fire fighting purposes which meets the following requirements:*
- *Is stored in an above ground water tank constructed of concrete or metal.*
 - *All fixed above-ground water pipes and fittings required for fire*

fighting purposes must be made of corrosive resistant metal.

The water supply must also –

- ***Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).***
- ***The outlet/s of the water tank must be within 4m of the accessway and be unobstructed.***
- ***Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.***
- ***Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).***

Access

d) Show the access for fire fighting purposes which meets the following requirements:

- ***Curves must have a minimum inner radius of 10m.***
- ***The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.***
- ***Have a minimum trafficable width of 3.5m of all- weather construction.***
- ***Be clear of encroachments for at least 0.5m on each side and 4m above the accessway.***
- ***Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.***
- ***Incorporate a turning area for fire fighting vehicles close to the building.***

Expiry

6. This permit will expire if one of the following circumstances applies:

- a) ***The development is not commenced within two years of the date of this permit.***
- b) ***The development is not completed within four years of the date of this permit.***

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six (6) months afterwards, or if the request for the extension of time is made within 12 months after the permit expires and the development started lawfully before the permit expired.

Note:

1. ***Powercor has advised that it will be necessary to provide evidence that the proposed gas connection for the gas fired boilers complies with Energy Safe Victoria (ESV) and the gas operator assets requirements.***

CARRIED: 6 : 0

Cr Delahunty returned to the meeting at 6.24pm.

CHIEF EXECUTIVE OFFICER

ITEM	
OM142210-1	CEO'S PROGRESS REPORT TO COUNCIL

OM142210-1**CEO'S PROGRESS REPORT TO COUNCIL**

AUTHOR:	Rhonda Deigan	ENDORSED:	Sue Wilkinson
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>OM142210-2</u>	<u>REVIEW OF COUNCIL POLICIES</u>
<u>OM142210-3</u>	<u>2013/2014 ANNUAL REPORT</u>
<u>OM142210-4</u>	<u>ANNUAL FINANCIAL PERFORMANCE REPORT 2013-2014</u>
<u>OM142210-5</u>	<u>FIRST QUARTER FINANCIAL PERFORMANCE REPORT 2014-2015</u>
<u>OM142210-6</u>	<u>OPERATIONAL PLAN FIRST QUARTER PERFORMANCE REPORT JULY-SEPTEMBER 2014</u>

OM142210-2**REVIEW OF COUNCIL POLICIES**

AUTHOR:	Colin Hayman	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Corporate & Community Services	FILE REF:	F14/3798

MOVED Cr Stephen Hart seconded Cr Michael Delahunty

That Council adopts the following revised policies:

- ***Policy No 18.5 Councillor Support Policy***
- ***Policy No 18.9 Gifts, Benefits and Hospitality Policy.***

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

OM142210-3 2013/2014 ANNUAL REPORT

AUTHOR:	Margaret Giudice	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F11/3291

MOVED Cr Brian Crook seconded Cr Terry Woodcroft

That Council:

- 1. Notes the completion of the 2013/2014 Annual Report document and process.***
- 2. Notes the Auditor's unqualified reports on the Financial Statements, Standard Statements and Performance Statement.***
- 3. Notes the Annual Report was submitted to the Minister for Local Government by 30 September 2014 as required.***
- 4. Considers and receives the 2013/14 Annual Report as presented to this meeting in accordance with Sections 131 and 134 of the Local Government Act 1989.***

CARRIED 6 : 1

DIVISION called by Cr Stephen Hart

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

OM142210-4 ANNUAL FINANCIAL PERFORMANCE REPORT 2013-2014

AUTHOR:	Ashley Roberts	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F11/3291

MOVED Cr Stephen Hart seconded Cr Michael Delahunty

That Council notes the Annual Financial Performance Report 2013-2014.

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

**OM142210-5 FIRST QUARTER FINANCIAL PERFORMANCE REPORT
2014-2015**

AUTHOR:	Ashley Roberts	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F11/3291

MOVED Cr Terry Woodcroft seconded Cr Michael Delahunty

That Council notes the first quarter financial performance report for 2014-2015.

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

**OM142210-6 OPERATIONAL PLAN FIRST QUARTER PERFORMANCE
REPORT JULY-SEPTEMBER 2014**

AUTHOR:	Margaret Giudice	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F11/3291

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council notes the 2014/2015 Operational Plan First Quarter Performance Report for the three months ending 30 September 2014.

CARRIED 6 : 1

DIVISION called by Cr Stephen Hart

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

INFRASTRUCTURE AND SERVICES

ITEM	
<u>OM142210-7</u>	<u>HEARN STREET - SINCLAIR STREET SOUTH INTERSECTION</u>
<u>OM142210-8</u>	<u>BLUEWATER FITNESS CENTRE REDEVELOPMENT PROJECT - PROGRESS REPORT</u>
<u>OM142210-9</u>	<u>CON 1407 - OLDER PERSONS AND ABILITY SUPPORT SERVICES (OPASS) FOOD SERVICES (MEALS ON WHEELS) COLAC</u>

OM142210-7**HEARN STREET - SINCLAIR STREET SOUTH
INTERSECTION**

AUTHOR:	Ronan Corcoran	ENDORSED:	Phil Corluka
DEPARTMENT:	Infrastructure & Services	FILE REF:	F14/6414

MOVED Cr Stephen Hart seconded Cr Brian Crook

That Council notes the Hearn Street and Sinclair Street South intersection report.

CARRIED 7 : 0

**OM142210-8 BLUEWATER FITNESS CENTRE REDEVELOPMENT
PROJECT - PROGRESS REPORT**

AUTHOR:	Adam Lehmann	ENDORSED:	Phil Corluka
DEPARTMENT:	Infrastructure & Services	FILE REF:	F13/7721

MOVED Cr Terry Woodcroft seconded Cr Brian Crook

That Council notes the monthly status report for the Blue Water Fitness Centre Redevelopment Project covering the period to 1 September 2014 to 30 September 2014.

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

**OM142210-9 CON 1407 - OLDER PERSONS AND ABILITY
SUPPORT SERVICES (OPASS) FOOD SERVICES
(MEALS ON WHEELS) COLAC**

AUTHOR:	Andrew Kavanagh	ENDORSED:	Phil Corluka
DEPARTMENT:	Infrastructure & Services	FILE REF:	F14/447

Cr Russell:	OM142210-9 Contract 1407 – Older Persons & Ability Support Services (OPASS) Food Services (Meals on Wheels) Colac
Nature of Disclosure:	Direct
Nature of Interest:	Public Trustee and Director of one organisation who tendered for this contract

Having declared a conflict of interest in this item, Cr Russell left the meeting at 7.30pm. Cr Buchanan took the Chair as Deputy Mayor.

MOVED Cr Terry Woodcroft seconded Cr Brian Crook

That Council:

- 1. Awards Contract 1407 for Older Persons and Ability Support Services (OPASS) Food Services (Meals on Wheels) Colac to RKF Pty Ltd (t/as Community Chef) at the schedule of rates disclosed in the confidential Tender Evaluation Panel Report, subject to annual CPI adjustment, for a period of three (3) years with an option to extend for an additional two (2) years (subject to further council resolution).***
- 2. Delegates to the Chief Executive Officer authority to sign and place under Council seal the contract documents following award of Contract 1407.***

CARRIED 6 : 0

Cr Russell returned to the meeting at 7.33pm and resumed as Chair of the meeting.

SUSTAINABLE PLANNING AND DEVELOPMENT

ITEM	
<u>OM142210-10</u>	<u>SMALL TOWN IMPROVEMENT PROGRAM 2014/2015 - STAGE TWO</u>
<u>OM142210-11</u>	<u>FUEL PRICES WORKING PARTY</u>

**OM142210-10 SMALL TOWN IMPROVEMENT PROGRAM 2014/2015
- STAGE TWO**

AUTHOR:	Katrina Kehoe	ENDORSED:	Doug McNeill
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F14/2210

MOVED Cr Terry Woodcroft seconded Cr Frank Buchanan

That Council:

- 1. Approves the remaining allocation of Small Town Improvement Program funds to the following projects:***
 - Cororooke to Coragulac pathway, subject to obtaining external funding \$25,000***
 - Birregurra Heritage Walk - upgrade \$17,000***
- 2. Notes that issues arising from the preparation of a Preliminary Cultural Heritage Study that affect construction costs for the Cororooke to Coragulac pathway may necessitate a further report to Council.***

CARRIED 7 : 0

OM142210-11 FUEL PRICES WORKING PARTY

AUTHOR:	Tony White	ENDORSED:	Doug McNeill
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/3696

MOVED Cr Michael Delahunty seconded Cr Terry Woodcroft

That Council:

- 1. Notes the outcomes of the Fuel Prices Working Party established following the resolution of Council on 23 April 2014.***
- 2. Endorses the submission to the Harper Review into Competition Law Policy.***

CARRIED 7 : 0

GENERAL BUSINESS

ITEM	
<u>OM142210-14</u>	<u>ASSEMBLY OF COUNCILLORS</u>
<u>OM142210-15</u>	<u>MINUTES FROM YOUTH COUNCIL MEETINGS</u>

OM142210-14 ASSEMBLY OF COUNCILLORS

AUTHOR:	Rhonda Deigan	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Executive	FILE REF:	F14/6031

MOVED Cr Frank Buchanan seconded Cr Terry Woodcroft

That Council notes the Assembly of Councillors reports for:

- ***Friends of Colac Botanic Gardens*** ***11 September 2014***
- ***Site Visit – Aireys Street, Elliminyt*** ***17 September 2014***
- ***Councillor Workshop*** ***17 September 2014***
- ***Councillor Briefing Session*** ***24 September 2014***
- ***Councillor Workshop*** ***1 October 2014***
- ***Central Reserve Advisory Committee*** ***1 October 2014***
- ***Councillor Workshop*** ***8 October 2014***
- ***Friends of Colac Botanic Gardens*** ***9 October 2014***
- ***Saleyards Advisory Committee*** ***10 October 2014.***

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

OM142210-15 MINUTES FROM YOUTH COUNCIL MEETINGS

AUTHOR:	Rhonda Deigan	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Executive	FILE REF:	11/96640

MOVED Cr Frank Buchanan seconded Cr Brian Crook

That Council notes the minutes arising from Youth Council meeting held on 8 September 2014.

CARRIED 7 : 0

IN COMMITTEE

MOVED Cr Terry Woodcroft seconded Cr Brian Crook 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
Minutes of In-Committee Council Meeting held on 24 September 2014	this matter deals with personnel matters; AND this matter deals with contractual matters; AND this matter deals with legal advice; AND this matter may prejudice the Council or any person.	Section 89 (2) (a) (d) (f) (h)
CONTRACT 1407 - Older Persons & Ability Support Services (OPASS) Food Services (Meals on Wheels) Colac	this matter deals with contractual matters	Section 89 (2) (d)

CARRIED 7 : 0

Cr Smith left the meeting at 7.55pm.

OUT OF COMMITTEE

MOVED Cr Stephen Hart seconded Cr Michael Delahunty that the meeting move out of committee.

CARRIED 6 : 0

The Meeting Was Declared Closed at 7.58 pm

CONFIRMED AND SIGNED at the meeting held on 26 NOVEMBER 2014



.....MAYOR

