

**MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at the Senior Citizens Centre, Apollo Bay on 26 November 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 Frank Buchanan (Mayor)  
Cr Brian Crook  
Cr Michael Delahunty  
Cr Stephen Hart  
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

**3. APOLOGIES**

Cr Lyn Russell

**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.

Before I move on to question time, in accordance with S49 of Local Law 4, I ask that any person addressing the chair, show respect for the position of Mayor and refer to me as Mr Mayor. I will not respond to any Councillor, Council officer or member of the community who refuses to observe this request.

From this time, in accordance with Local Law 4, agenda items will be considered as follows:

1. I will introduce the item and invite Councillors to ask questions of the relevant officers
2. I will then call for a mover, a seconder and if there is any Councillor who wishes to oppose the motion.
3. If the motion is not opposed, discussion will occur prior to the vote being taken.
4. The mover will be invited to speak to the motion, followed by the seconder and then, if required, the Councillor who opposed the motion.
5. Remaining Councillors will be given the opportunity to speak for or against the motion.
6. The mover will then be given the right of reply (if the motion has been opposed) before the motion is put to the vote.
7. There will be no further discussion of the item once the vote has been declared.

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

#### Carol Wilmink – Apollo Bay

1. Can I please have the 100Km sign on the Barham River Road changed back to an 80 Km zone sign? Preferably before the school holidays start.

#### **Response:**

**Council does not support the reduction of the speed limit on Barham River Road as the reduction is not supported by Speed Zoning Guidelines and advice from VicRoads. It is the responsibility of the driver to drive in a manner that suits the road conditions.**

**In May 2014, Council in conjunction with VicRoads placed speed zone signage on Barham River Road to clarify the speed limits and the approach and departure to the built up township of Apollo Bay.**

**Prior to this additional signage being erected, the speed limit was a default 100km/h as the road was un-signed and as it is a non-built up area. This length of road does not meet the warrant for a reduction in speed limit as set out by VicRoads Speed Zoning Guidelines. Please note, the alterations did not result in an increase to the speed limit.**

### Questions Received Verbally at the Meeting

#### Paul McFarlane – Apollo Bay

1. What value or emphasis do you put on Apollo Bay businesses when nothing has been done about our streetscape? Why has there been no negotiations with businesses over the completion date for the Pascoe Street carpark?

#### **Response:**

**The General Manager for Infrastructure & Services advised that Council had been in discussions with property owners, subject to the S173 agreements, regarding the completion date for the carpark.**

2. Most of the business owners of the affected properties are tenants, so why has Council not communicated with the tenants?

#### **Response:**

**The General Manager for Infrastructure & Services advised that weekly updates regarding the works on the Pascoe Street carpark are being provided to key stakeholders.**

3. What is being done about the streetscape issue in Pascoe Street?

#### **Response;**

**The Mayor took this question on notice.**

4. What is Council doing about the installation of slow vehicle turnouts on the Colac-Forrest Road?

**Response:**

**The Mayor advised that Council is engaged in ongoing advocacy talks with Vic Roads and will continue to seek slow vehicle turnouts for this road.**

**Leigh Barrett – Colac**

1. Would it be possible to reschedule the Planning Committee meeting proposed to be held on 11 November 2015 given that it falls on Remembrance Day?

**Response:**

**The CEO advised that the item was listed for discussion during the meeting and Councillors would then have the option to reschedule that meeting.**

2. With respect to the proposed new Governance Local Law No 4, why is Council seeking to restrict questions at question time?

**Response:**

**The CEO advised that it would be appropriate for Council to consider that point when deliberating that item during today's meeting.**

3. Given that the community has only six hours per year to ask questions of Council, how does this proposed change to question time fit in with Council's mission of "A strong advocacy and engagement approach to achieve a truly liveable community"?

**Response:**

**The CEO advised that question time is not the only opportunity for the community to engage with Council and cited the recently introduced "Community Conversations" and community consultation forums held to address specific issues as examples of alternatives to question time.**

4. Isn't question time the only formal discourse between the community and Council that is placed on record?

**Response:**

**The CEO stated that the intent of the change to question time is that if the community member is not present at the meeting, then the question would not be read out however, the community member would still receive a response to his/her question.**

5. What about shift workers who are unable to attend Council meetings but would still like their question asked at the meeting?

**Response:**

**The Mayor advised that there are plenty of opportunities for community members to ask questions of Council.**

**Gordon Curry – Apollo Bay**

1. With respect to previous requests for the use of a dust suppressant, could Council do something about the dust created by increased traffic along Telford Street which is a gravel road? This road is increasingly used by Apollo Bay airfield traffic.

**Response:**

The Mayor advised that it is difficult to mitigate dust from gravel roads without sealing the road.

The General Manager for Infrastructure & Services advised that Council had been trialling the use of dust suppressants, however results had indicated that the chemicals used had a negative impact on the quality of the road surface leading to damage to vehicles. The sealing of gravel roads is a significant cost with any sealing works needing to be prioritized in Council's works program based on need.

**Alex McKenzie – Colac**

1. With respect to proposed changes to question time, will Councillors be given a copy of the questions that are not read out during Council meetings?

**Response:**

The General Manager for Corporate & Community Services stated that Councillors would be provided with a copy of the questions and responses not read out at Council meetings.

**Alan Billing – Larpent**

1. With respect to the proposed Governance Local Law No 4, could Council advise how much the version in today's agenda differs from the version that went out to the public?

**Response:**

The General Manager for Corporate & Community Services stated that the changes were listed on page 42 of today's agenda.

2. In the interests of transparency, is it appropriate that the changes have not gone out for public consultation?

**Response:**

The CEO advised that given that the changes were not substantial in nature, it was not considered necessary to seek further public consultation.

3. Were the proposed changes to written questions part of the document that went out for public consultation?

**Response:**

The General Manager for Corporate & Community Services reiterated that the changes made to the document put out for public consultation were listed on page 42 of the agenda.

4. Does Council intend to hold a meeting to present its annual report to shareholders? What opportunity will there be for the community to discuss with Council the outcomes and the failures?

**Response:**

The General Manager for Corporate & Community Services stated that the annual report had been made available to the public for two weeks prior to

being adopted by Council at its 22 October 2014 Council meeting. Members of the public were invited to make comment on the document during that time.

5. So this is the only forum by which members of the community could seek clarification on the annual report from this time on?

**Response**

The CEO advised that she would be happy to receive questions of clarification relating to the annual report from Mr Billing.

**Yvonne Francis – Apollo Bay**

1. With respect to a previous petition regarding a request for a footpath in Montrose Avenue, what is Council doing to finish infrastructure, namely footpaths, in Apollo Bay to enable residents to walk more?

**Response:**

The CEO advised that she would need to take the question relating to the petition and when the footpath would be installed in Montrose Avenue on notice. Council makes decisions on infrastructure expenditure across the whole of the municipality. While Council is committed to increasing walkability in towns funding for new footpaths is allocated on a priority needs basis.

2. With respect to the recently installed signage facing the wrong direction on the Great Ocean Road, what responsibility does Council bear regarding the incorrect installation of signage?

**Response;**

The Mayor advised that Council officers had been requested to remedy the sign.

**Imara Morrow**

1. Is Council able to do something about the lack of slow vehicles turnouts on the road from Apollo Bay to Forrest?

**Response:**

The CEO advised that Council will contact Vic Roads, as the responsibility authority, again to request for the installation of slow vehicle turnouts for this road.

2. Could Council do anything about the signage for the foreshore marketplace to indicate that it is a shared zone with a speed limit of 10km?

**Response:**

The Mayor indicated that the matter would be referred to the Otway Coast Committee for their consideration.

**Tabling of Petition**

1. Petition from Birregurra residents requesting Colac Otway Shire Council fund the construction of a footpath from Main Street to the Railway Station, along Roadknight Street.

## 6. DECLARATION OF INTEREST

Cr Delahunty:	OM142611-10 Planning Scheme Amendment C74 (Apollo Bay Settlement Boundary & Urban Design Review) Consideration of Panel Report
Nature of Disclosure:	Direct
Nature of Interest:	Owns property in commercial district of Apollo Bay

Cr Woodcroft:	OM142611-18 2015 Australia Day Award Nominations (In-Committee)
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78B
Nature of Interest:	Membership on a particular committee and that may be seen to compromising impartiality

## 7. CONFIRMATION OF MINUTES

- **Ordinary Council Meeting held on the 22/10/14.**

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

***CARRIED 6: 0***

## **OFFICERS' REPORTS**

### **Chief Executive Officer**

- OM142611-1 CEO'S PROGRESS REPORT TO COUNCIL
- OM142611-2 2015 - SCHEDULE OF MEETING DATES

### **Corporate and Community Services**

- OM142611-3 S86 COMMITTEE OF MANAGEMENT
- OM142611-4 ADOPTION OF GOVERNANCE LOCAL LAW NO 4 - 2014
- OM142611-5 DRAFT TIGER RAIL TRAIL FEASIBILITY STUDY
- OM142611-6 FORMER COLAC HIGH SCHOOL SITE - ACQUISITION PROPOSAL S86 COMMITTEE OF MANAGEMENT

### **Infrastructure and Services**

- OM142611-7 PRINCES HIGHWAY DUPLICATION PROJECT
- OM142611-8 BLUEWATER FITNESS CENTRE REDEVELOPMENT PROJECT - PROGRESS REPORT
- OM142611-9 CONTRACT 1427 - BITUMINOUS SEALING WORKS

### **Sustainable Planning and Development**

- OM142611-10 PLANNING SCHEME AMENDMENT C74 (APOLLO BAY SETTLEMENT BOUNDARY AND URBAN DESIGN REVIEW) - CONSIDERATION OF PANEL REPORT
- OM142611-11 DRAFT FORREST MOUNTAIN BIKE TRAILS STRATEGIC PLAN

### **General Business**

- OM142611-12 ASSEMBLY OF COUNCILLORS
- OM142611-13 MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE
- OM142611-14 MINUTES OF COLAC COMMUNITY LIBRARY AND LEARNING CENTRE JOINT COMMITTEE

### **Notices of Motion**

- OM142611-15 RENEWABLE ENERGY TARGET
- OM142611-16 HARRINGTON MEMORIAL PARK

### **Reports from Delegates to Other Bodies**

- OM142611-17 MUNICIPAL ASSOCIATION OF VICTORIA - STATE COUNCIL MEETING



**CHIEF EXECUTIVE OFFICER**

<b>ITEM</b>	
<b>OM142611-1</b>	<b>CEO'S PROGRESS REPORT TO COUNCIL</b>
<b>OM142611-2</b>	<b>2015 - SCHEDULE OF MEETING DATES</b>

**OM142611-1****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 6 : 0***

**OM142611-2          2015 - SCHEDULE OF MEETING DATES**

AUTHOR:	Rhonda Deigan	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Executive	FILE REF:	CLF11/8

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

1. ***Confirms that the 2015 Ordinary Council meetings will be held on the following dates, times and locations:***
  - ***Wednesday 28 January 2015 at 4.00 pm at COPACC, Colac***
  - ***Wednesday 25 February 2015 at 4.00 pm at Apollo Bay***
  - ***Wednesday 25 March 2015 at 4.00 pm at COPACC, Colac***
  - ***Wednesday 22 April 2015 at 4.00 pm at COPACC, Colac***
  - ***Wednesday 27 May 2015 at 4.00 pm at COPACC, Colac***
  - ***Wednesday 24 June 2015 at 4.00 pm at COPACC, Colac***
  - ***Wednesday 22 July 2015 at 4.00 pm at COPACC, Colac***
  - ***Wednesday 26 August 2015 at 4.00 pm at Birregurra***
  - ***Wednesday 23 September 2015 at 4.00 pm at COPACC, Colac***
  - ***Wednesday 28 October 2015 at 4.00 pm COPACC, Colac***
  - ***Wednesday 25 November 2015 at 4.00 pm at Apollo Bay***
  - ***Wednesday 16 December 2015 at 4.00 pm at COPACC, Colac (third Wednesday)***
2. ***Confirms the date, time and location for the Colac Otway Shire Special Council Meeting as the 11 November 2015 at 4.00 pm at COPACC, Colac.***
3. ***Confirms that the 2015 Planning Committee meetings, if required, will be held at 10.30 am on the following dates, times and location:***
  - ***Wednesday 21 January 2015 at 10.30 am at COPACC, Colac (third Wednesday)***
  - ***Wednesday 11 February 2015 at 10.30 am at COPACC, Colac***
  - ***Wednesday 11 March 2015 at 10.30 am at COPACC, Colac***
  - ***Wednesday 8 April 2015 at 10.30 am at COPACC, Colac***
  - ***Wednesday 13 May 2015 at 10.30 am at COPACC, Colac***
  - ***Wednesday 10 June 2015 at 10.30 am at COPACC, Colac***
  - ***Wednesday 8 July 2015 at 10.30 am at COPACC, Colac***
  - ***Wednesday 12 August 2015 at 10.30 am at COPACC, Colac***
  - ***Wednesday 9 September 2015 at 10.30 am at COPACC, Colac***
  - ***Wednesday 14 October 2015 at 10.30 am at COPACC, Colac***
  - ***Wednesday 11 November 2015 at 10.30 am at COPACC, Colac***
  - ***Wednesday 9 December 2015 at 10.30 am at COPACC, Colac***

***\*Note that these dates will need to be confirmed by the Planning Committee.***

**MOTION - MOVED Cr Michael Delahunty:****That Council:**

1. **Confirms that the 2015 Ordinary Council meetings will be held on the following dates, times and locations:**
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  - **Wednesday 25 February 2015 at 4.00 pm at COPACC, Colac**
  - **Wednesday 25 March 2015 at 4.00 pm at COPACC, Colac**
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  - **Wednesday 23 September 2015 at 4.00 pm at COPACC, Colac**
  - **Wednesday 28 October 2015 at 4.00 pm COPACC, Colac**
  - **Wednesday 25 November 2015 at 4.00 pm at Apollo Bay**
  - **Wednesday 16 December 2015 at 4.00 pm at COPACC, Colac (third Wednesday)**
2. **Confirms the date, time and location for the Colac Otway Shire Special Council Meeting as the 11 November 2015 at 4.00 pm at COPACC, Colac.**
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  - **Wednesday 14 October 2015 at 10.30 am at COPACC, Colac**
  - **Wednesday 11 November 2015 at 10.30 am at COPACC, Colac**
  - **Wednesday 9 December 2015 at 10.30 am at COPACC, Colac**

**\*Note that these dates will need to be confirmed by the Planning Committee.**

**The motion lapsed due to the lack of a seconder**

**MOTION - MOVED Cr Chris Smith that:****That Council:**

1. **Confirms that the 2015 Ordinary Council meetings will be held on the following dates, times and locations:**
  - **Wednesday 28 January 2015 at 6.00 pm at COPACC, Colac**
  - **Wednesday 25 February 2015 at 6.00 pm at Apollo Bay**
  - **Wednesday 25 March 2015 at 6.00 pm at COPACC, Colac**
  - **Wednesday 22 April 2015 at 6.00 pm at COPACC, Colac**
  - **Wednesday 27 May 2015 at 4.00 pm at COPACC, Colac**
  - **Wednesday 24 June 2015 at 4.00 pm at COPACC, Colac**
  - **Wednesday 22 July 2015 at 4.00 pm at COPACC, Colac**
  - **Wednesday 26 August 2015 at 4.00 pm at Birregurra**
  - **Wednesday 23 September 2015 at 4.00 pm at COPACC, Colac**
  - **Wednesday 28 October 2015 at 4.00 pm COPACC, Colac**
  - **Wednesday 25 November 2015 at 6.00 pm at Apollo B**
  - **Wednesday 16 December 2015 at 6.00 pm at COPACC, Colac (third Wednesday)**
2. **Confirms the date, time and location for the Colac Otway Shire Special Council Meeting as the 18 November 2015 at 4.00 pm at COPACC, Colac.**
3. **Confirms that the 2015 Planning Committee meetings, if required, will be held at 10.30 am on the following dates, times and location:**
  - **Wednesday 21 January 2015 at 10.30 am at COPACC, Colac (third Wednesday)**
  - **Wednesday 11 February 2015 at 10.30 am at COPACC, Colac**
  - **Wednesday 11 March 2015 at 10.30 am at COPACC, Colac**
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  - **Wednesday 18 November 2015 at 10.30 am at COPACC, Colac**
  - **Wednesday 9 December 2015 at 10.30 am at COPACC, Colac**

**\*Note that these dates will need to be confirmed by the Planning Committee.**

**The motion lapsed due to the lack of a seconder.**

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

**MOTION 1 - MOVED Cr Stephen Hart seconded Cr Terry Woodcroft:**

**That Council:**

1. **Confirms that the 2015 Ordinary Council meetings will be held on the following dates, times and locations:**
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  - **Wednesday 28 October 2015 at 4.00 pm COPACC, Colac**
  - **Wednesday 25 November 2015 at 4.00 pm at Apollo Bay**
  - **Wednesday 16 December 2015 at 4.00 pm at COPACC, Colac (third Wednesday)**

**CARRIED 4 : 2**

**DIVISION called by Cr Chris Smith**

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

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

**MOTION 2 - MOVED Cr Stephen Hart seconded Cr Michael Delahunty:**

**That Council:**

1. **Confirms the date, time and location for the Colac Otway Shire Special Council Meeting as the 11 November 2015 at 4.00 pm at COPACC, Colac.**
2. **Confirms that the 2015 Planning Committee meetings, if required, will be held at 10.30 am on the following dates, times and location:**
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  - **Wednesday 9 September 2015 at 10.30 am at COPACC, Colac**

- **Wednesday 14 October 2015 at 10.30 am at COPACC, Colac**
- **Wednesday 11 November 2015 at 2.00 pm at COPACC, Colac**
- **Wednesday 9 December 2015 at 10.30 am at COPACC, Colac**

***\*Note that these dates will need to be confirmed by the Planning Committee.***

**VOTE 3 : 3**

***The Mayor used his casting vote to defeat the motion***

**LOST 3 : 4**

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

***For the Motion: Cr Stephen Hart, Cr Terry Woodcroft, Cr Michael Delahunty***

***Against the Motion: Cr Frank Buchanan, Cr Chris Smith, Cr Brian Crook, Cr Frank Buchanan (Casting Vote)***

***MOTION - MOVED Cr Chris Smith seconded Cr Brian Crook:***

***That Council:***

- 1. Confirms the date, time and location for the Colac Otway Shire Special Council Meeting as the 18 November 2015 at 4.00 pm at COPACC, Colac.***
- 2. Confirms that the 2015 Planning Committee meetings, if required, will be held at 10.30 am on the following dates, times and location:***
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***\*Note that these dates will need to be confirmed by the Planning Committee.***

**CARRIED 6 : 0**

**CORPORATE AND COMMUNITY SERVICES**

<b>ITEM</b>	
<b><u>OM142611-3</u></b>	<b>S86 COMMITTEE OF MANAGEMENT</b>
<b>OM142611-4</b>	<b>ADOPTION OF GOVERNANCE LOCAL LAW NO 4 - 2014</b>
<b>OM142611-5</b>	<b>DRAFT TIGER RAIL TRAIL FEASIBILITY STUDY</b>
<b>OM142611-6</b>	<b>FORMER COLAC HIGH SCHOOL SITE - ACQUISITION PROPOSAL</b>



OM142611-3

## S86 COMMITTEE OF MANAGEMENT

AUTHOR:	Colin Hayman	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Corporate & Community Services	FILE REF:	11/96643

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

***That Council:***

- 1. Pursuant to section 86 of the Local Government Act 1989, resolves to appoint the following nominated members to the Birregurra Hall Committee of Management until 24 November 2017:***

<b><i>Birregurra Hall</i></b>	<b><i>Gary McCormack, Ian McDonald, Margaret McDonald, Greg McKay, Brian Lawrence, Bryan Sanders</i></b>
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- 2. In accordance with section 81 sub-section(2) sub-section(a) of the Local Government Act 1989, resolves to exempt members of the Committee from being required to submit a primary or ordinary conflict of interest return in accordance with this section.***
- 3. Advises the Committee that a copy of minutes of meetings held be forwarded to Council for its record after each meeting and that a Treasurer's Report be provided on an annual basis.***

**CARRIED 6 : 0**

**OM142611-4 ADOPTION OF GOVERNANCE LOCAL LAW NO 4 - 2014**

AUTHOR:	Colin Hayman	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F14/5825

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

- 1. Adopts the Governance Local Law No 4 – 2014 as amended.***
- 2. Notes that the Governance Local Law No 4 – 2014 will come into effect on the day following the day on which notice of the making of the Local Law is published in the Government Gazette.***
- 3. Pursuant to s119(3) of the Act, gives notice in the Government Gazette and a public notice in the local paper specifying:***
  - (a) the title of the local law; and***
  - (b) the purpose and general purport of the local law; and***
  - (c) that a copy of the local law may be inspected at the Council office.***
- 4. Pursuant to s119(4) of the Act, forwards a copy of the adopted Governance Local Law No 4 – 2014 to the Minister for Local Government.***

**MOTION - MOVED Cr Chris Smith:*****That Council:***

- 1. Adopts the Governance Local Law No 4 – 2014 as amended with the exception of changes made to questions taken on notice.***
- 2. Notes that the Governance Local Law No 4 – 2014 will come into effect on the day following the day on which notice of the making of the Local Law is published in the Government Gazette.***
- 3. Pursuant to s119(3) of the Act, gives notice in the Government Gazette and a public notice in the local paper specifying:***
  - (a) the title of the local law; and***
  - (b) the purpose and general purport of the local law; and***
  - (c) that a copy of the local law may be inspected at the Council office.***
- 4. Pursuant to s119(4) of the Act, forwards a copy of the adopted Governance Local Law No 4 – 2014 to the Minister for Local Government.***

***The Motion lapsed due to the lack of a seconder.***

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

**That Council:**

- 1. Adopts the Governance Local Law No 4 – 2014 as amended.**
- 2. Notes that the Governance Local Law No 4 – 2014 will come into effect on the day following the day on which notice of the making of the Local Law is published in the Government Gazette.**
- 3. Pursuant to s119(3) of the Act, gives notice in the Government Gazette and a public notice in the local paper specifying:**
  - (a) the title of the local law; and**
  - (b) the purpose and general purport of the local law; and**
  - (c) that a copy of the local law may be inspected at the Council office.**
- 4. Pursuant to s119(4) of the Act, forwards a copy of the adopted Governance Local Law No 4 – 2014 to the Minister for Local Government.**

**AMENDMENT - MOVED Cr Chris Smith:**

**That the following words be added to Point 1:**

**“with the following change to clause 6 ‘if the person submitting the question is not in the public gallery during Question Time, the text of the question and the response shall not be read out at the Council meeting unless the question relates to the current Council meeting’ ”.**

**The motion lapsed due to the lack of a seconder.**

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

**That Council:**

- 1. Adopts the Governance Local Law No 4 – 2014 as amended.**
- 2. Notes that the Governance Local Law No 4 – 2014 will come into effect on the day following the day on which notice of the making of the Local Law is published in the Government Gazette.**
- 3. Pursuant to s119(3) of the Act, gives notice in the Government Gazette and a public notice in the local paper specifying:**
  - (a) the title of the local law; and**
  - (b) the purpose and general purport of the local law; and**
  - (c) that a copy of the local law may be inspected at the Council office.**
- 4. Pursuant to s119(4) of the Act, forwards a copy of the adopted Governance Local Law No 4 – 2014 to the Minister for Local Government.**

***CARRIED 5 : 1***

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

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

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

**OM142611-5 DRAFT TIGER RAIL TRAIL FEASIBILITY STUDY**

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

**Original Recommendation(s)**

***That Council endorses the draft Tiger Rail Trail Feasibility Study to be placed on public exhibition beyond the minimum 6 week period in accordance with Council's Community Engagement Policy 2010, until 22 January 2015.***

***MOTION - MOVED Cr Stephen Hart:***

***That Council:***

- 1. Endorses the draft Tiger Rail Trail Feasibility Study to be placed on public exhibition beyond the minimum 6 week period in accordance with Council's Community Engagement Policy 2010, until 22 January 2015.***
- 2. Notes that in exhibiting this study, Council is formally abandoning the proposal to extend the Tiger Rail Trail from its current termination north of Forrest to Birregurra.***

***Cr Hart withdrew this motion.***

***MOTION - MOVED Cr Brian Crook seconded Cr Terry Woodcroft:***

***That Council:***

- 1. Endorses the draft Tiger Rail Trail Feasibility Study to be placed on public exhibition beyond the minimum 6 week period in accordance with Council's Community Engagement Policy 2010, until 22 January 2015.***
- 2. Notes, in exhibiting this draft study, that the section from Barwon Downs to Birregurra be abandoned.***

***VOTE 3 : 3***

***In accordance with casting vote guidelines, the Mayor used his casting vote to vote in the negative and deferred the item to the 17 December 2014 Ordinary Council meeting.***

**OM142611-6 FORMER COLAC HIGH SCHOOL SITE - ACQUISITION PROPOSAL**

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

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

***That Council writes to the Minister for Education to advise that Council:***

- 1. Requests a contribution of land from the Department of Education and Early Childhood Development equating to 30% of the former Colac High School site.***
- 2. Requests that the land to be contributed from DEECD be located to the north boundary of the site and not encumbered by buildings.***
- 3. Requests that there be a need for any future development of the remaining land to incorporate off-road pedestrian linkages from the Princes Highway to the proposed open space.***
- 4. Advises that the Colac Woodturners and Woodcrafters Guild require support and assistance to secure a permanent site for their activities.***

***CARRIED 5 : 1***

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

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

***Against The Motion: Cr Chris Smith***

**INFRASTRUCTURE AND SERVICES**

<b>ITEM</b>	
<b>OM142611-7</b>	<b>PRINCES HIGHWAY DUPLICATION PROJECT</b>
<b>OM142611-8</b>	<b>BLUEWATER FITNESS CENTRE REDEVELOPMENT PROJECT - PROGRESS REPORT</b>
<b>OM142611-9</b>	<b>CONTRACT 1427 - BITUMINOUS SEALING WORKS</b>

OM142611-7

## PRINCES HIGHWAY DUPLICATION PROJECT

AUTHOR:	Paula Gardiner	ENDORSED:	Phil Corluka
DEPARTMENT:	Infrastructure & Services	FILE REF:	F14/6124

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

1. ***Writes to Vic Roads to advise Council seeks an outcome that ensures provision is made for pedestrians and cyclists within the urban area of Colac, and traffic treatments including:***
  - ***Retention of the current provision of pedestrian crossing points within the CBD area***
  - ***Provision of a new pedestrian bridge on the north side of the Barongarook Creek road bridge***
  - ***The realignment of traffic lanes on the Barongarook Creek bridge to allow for a 3m wide shared pathway on the southern side of the bridge deck***
  - ***Retention of the current traffic lane configuration along Murray Street between Bruce Street and Barongarook Creek***
  - ***Review of road safety in the vicinity of the proposed traffic light controlled intersection of Princes Highway and Gallop/Baillie Street***
  - ***Provision of advanced warning signage along the Princes Highway associated within the installation of traffic lights***
  - ***Review of the intersection design at Marriner Street to ensure future industrial needs are considered.***
2. ***Writes to Vic Roads to advise that Council does not support the VicRoads design proposal associated with the southern embankment treatment at the outer eastern entrance and indicates Council's preparedness to continue to work with VicRoads to deliver improved designs to achieve a high quality roadside landscape.***
3. ***Continues to liaise with VicRoads for the duration of the Princes Highway Duplication project.***
4. ***Writes to Vic Roads outlining Council's expectation that Vic Roads ensures that effective stakeholder communications and consultation continues to be undertaken and to confirm VicRoads is the agency responsible for leading, coordinating and managing all stakeholder communications associated with the Princes Highway Duplication project.***



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

**That Council:**

1. **Writes to Vic Roads to advise Council seeks an outcome that ensures provision is made for pedestrians and cyclists within the urban area of Colac, and traffic treatments including:**
  - a. **Retention of the current provision of pedestrian crossing points within the CBD area**
  - b. **Provision of a new pedestrian bridge on the north side of the Barongarook Creek road bridge**
  - c. **The realignment of traffic lanes on the Barongarook Creek bridge to allow for a 3m wide shared pathway on the southern side of the bridge deck**
  - d. **Retention of the current traffic lane configuration along Murray Street East between Bruce Street and Barongarook Creek**
  - e. **Review of the intersection design at Marriner Street to ensure future industrial needs are considered.**
2. **Writes to Vic Roads to advise that Council does not support the VicRoads design proposal associated with the southern embankment treatment at the outer eastern entrance and indicates Council's preparedness to continue to work with VicRoads to deliver improved designs to achieve a high quality roadside landscape.**
3. **Writes to Vic Roads to advise that Council does not support the Vic Roads design proposal for the traffic light controlled intersection of Princes Highway and Gallop/Baillie Streets.**
4. **Continues to liaise with VicRoads for the duration of the Princes Highway Duplication project.**

**LOST 2 : 4**

**DIVISION called by Cr Michael Delahunty**

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

**Against the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Terry Woodcroft, Cr Frank Buchanan**

**MOTION - MOVED Cr Brian Crook seconded Cr Terry Woodcroft:**

**That Council:**

1. **Writes to Vic Roads to advise Council seeks an outcome that ensures provision is made for pedestrians and cyclists within the urban area of Colac, and traffic treatments including:**
  - a. **Retention of the current provision of pedestrian crossing points within the CBD area**
  - b. **Provision of a new pedestrian bridge on the north side of the**

**Barongarook Creek road bridge**

- c. The realignment of traffic lanes on the Barongarook Creek bridge to allow for a 3m wide shared pathway on the southern side of the bridge deck**
  - d. Retention of the current traffic lane configuration along Murray Street between Bruce Street and Barongarook Creek**
  - e. Review of road safety in the vicinity of the proposed traffic light controlled intersection of Princes Highway and Gallop/Baillie Street. In reviewing this intersection, Council requires an assurance that Vic Roads will consult the local trucking industry and light industry in the vicinity**
  - f. Provision of advanced warning signage along the Princes Highway associated within the installation of traffic lights**
  - g. Review of the intersection design at Marriner Street to ensure future industrial needs are considered.**
- 2. Writes to Vic Roads to advise that Council does not support the VicRoads design proposal associated with the southern embankment treatment at the outer eastern entrance and indicates Council's preparedness to continue to work with VicRoads to deliver improved designs to achieve a high quality roadside landscape.**
  - 3. Continues to liaise with VicRoads for the duration of the Princes Highway Duplication project.**
  - 4. Writes to Vic Roads outlining Council's expectation that Vic Roads ensures that effective stakeholder communications and consultation continues to be undertaken and to confirm VicRoads is the agency responsible for leading, coordinating and managing all stakeholder communications associated with the Princes Highway Duplication project.**

**CARRIED 4 : 2**

**DIVISION called by Cr Chris Smith**

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

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

**OM142611-8 BLUEWATER FITNESS CENTRE REDEVELOPMENT PROJECT  
- PROGRESS REPORT**

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

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

***That Council notes the monthly status report for the Blue Water Fitness Centre Redevelopment Project covering the period to 1 October 2014 to 31 October 2014.***

***CARRIED 5 : 1***

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

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

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

**OM142611-9 CONTRACT 1427 - BITUMINOUS SEALING WORKS**

AUTHOR:	Roger Fox	ENDORSED:	Phil Corluka
DEPARTMENT:	Infrastructure & Services	FILE REF:	F14/8919

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

- 1. Accepts the lump sum tender of Inroads Pty Ltd of \$1,150,053.11 (excluding GST) and that lower priority sealing jobs will be deleted from the contact to ensure works are within the available budget of \$1,000,000.***
- 2. Delegates to the Chief Executive Officer authority to sign and place under Council seal the contract documents following award of Contract 1427.***

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

- 1. Accepts the lump sum tender of Inroads Pty Ltd of \$1,150,053.11 (excluding GST) and that lower priority sealing jobs will be deleted from the contact to ensure works are within the available budget of \$1,000,000.***
- 2. Delegates to the Chief Executive Officer authority to sign and place under Council seal the contract documents following award of Contract 1427.***
- 3. Requests that the Chief Executive Officer provides a list of deleted works to Council.***

***CARRIED 5 : 1******DIVISION called by Cr Chris Smith******For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Terry Woodcroft, Cr Michael Delahunty, Cr Frank Buchanan******Against the Motion: Cr Chris Smith***

**SUSTAINABLE PLANNING AND DEVELOPMENT**

<b>ITEM</b>	
<b>OM142611-10</b>	<b>PLANNING SCHEME AMENDMENT C74 (APOLLO BAY SETTLEMENT BOUNDARY AND URBAN DESIGN REVIEW) - CONSIDERATION OF PANEL REPORT</b>
<b>OM142611-11</b>	<b>DRAFT FORREST MOUNTAIN BIKE TRAILS STRATEGIC PLAN</b>

**OM142611-10 PLANNING SCHEME AMENDMENT C74 (APOLLO BAY SETTLEMENT BOUNDARY AND URBAN DESIGN REVIEW) - CONSIDERATION OF PANEL REPORT**

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

Cr Delahunty:	OM142611-10 Planning Scheme Amendment C74 (Apollo Bay Settlement Boundary & Urban Design Review) Consideration of Panel Report
Nature of Disclosure:	Direct
Nature of Interest:	Owns property in commercial district of Apollo Bay

***Having declared a conflict of interest in this item, Cr Delahunty left the meeting at 7.36pm***

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

***That Council:***

- 1. Adopts Amendment C74 with the following changes (as recommended by the Panel) pursuant to Section 29 of the Planning and Environment Act 1987:***
  - a. Amend maps forming part of the Amendment to:***
    - Delete the NRZ and DDO10 from areas of land identified as medium risk or high risk in Figure 3 – Extract from Lyons Evidence Statement: Appendix E.***
    - Delete the “D-EMO” and “D-SLO5” from areas of land identified as medium risk or high risk in Figure 3 – Extract from Lyons Evidence Statement: Appendix E and the area of projected coastal inundation, as identified in Figure 6 – Inundation Plan 2100: Beveridge Williams, Coastal Vulnerability Assessment Report, Appendix D.***
    - Delete the NRZ and DDO10 from areas of projected coastal inundation, as identified in Figure 6 – Inundation Plan 2100: Beveridge Williams, Coastal Vulnerability Assessment Report, Appendix D.***
    - Apply DPO5 to all of the ATI land, including that above the 40 metre AHD contour and the area subject to coastal inundation.***
  - b. Amend the DPO5 schedule to include changes to the proposed landslide provisions as detailed in Appendix B.***
  - c. Amend the DPO5 schedule to provide that the proposed minimum lot size requirement for a Development Plan is the same as it is for the Mariners Vue land, being a minimum average lot size of 600sqm with an absolute minimum lot size of 450sqm, as detailed in Appendix B.***

- d. *Amend the DDO10 schedule to remove the mandatory minimum lot size requirements, but require an additional permit trigger for a dwelling on a lot less than 600sqm, as detailed in Appendix B.*
2. *Submits the adopted amendment, together with prescribed information, to the Minister for Planning for approval pursuant to Section 31 of the Planning and Environment Act 1987.*
3. *Advises the Minister for Planning that Council accepts each of the Panel's recommendations.*
4. *Authorises the Chief Executive Officer (or delegate) to finalise the amendment documentation for Ministerial approval.*
5. *Writes to all submitters, informing them of Council's decision and to thank them for their interest in this matter.*

**CARRIED 4 : 1**

**DIVISION called by Cr Chris Smith**

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

**Against the Motion: Cr Chris Smith**

**Cr Delahunty returned to the meeting at 7.47pm**

OM142611-11

**DRAFT FORREST MOUNTAIN BIKE TRAILS  
STRATEGIC PLAN**

AUTHOR:	Michael Swanson	ENDORSED:	Doug McNeill
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/3291

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

***That Council:***

- 1. Endorses the draft Forrest Mountain Bike Trails Strategic Plan for public exhibition.***
- 2. Extends the exhibition period beyond the minimum six week period, until 22 January 2015 in recognition of the Christmas/New Year period.***

***CARRIED 6 : 0***



GENERAL BUSINESS

ITEM	
OM142611-12	ASSEMBLY OF COUNCILLORS
OM142611-13	MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE
OM142611-14	MINUTES OF COLAC COMMUNITY LIBRARY AND LEARNING CENTRE JOINT COMMITTEE

**OM142611-12 ASSEMBLY OF COUNCILLORS**

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

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

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

- ***Friends of Colac Botanic Gardens (revised) 9 October 2014***
- ***Councillor Workshop 15 October 2014***
- ***Councillor Briefing Session 22 October 2014***
- ***Councillor Workshop 29 October 2014***
- ***Councillor Workshop 5 November 2014***
- ***Councillor Workshop 12 November 2014***

***CARRIED 6 : 0***

**OM142611-13 MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE**

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

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

***That Council notes the Minutes of the Old Beechy Rail Trail Committee for 4 August 2014.***

***CARRIED 6 : 0***

**OM142611-14 MINUTES OF COLAC COMMUNITY LIBRARY AND  
LEARNING CENTRE JOINT COMMITTEE**

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

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

***That Council notes the minutes of the Colac Community Library and Learning Centre (CCLLC) Joint Committee for 6 August 2014.***

***CARRIED 6 : 0***

NOTICES OF MOTION

ITEM	
OM142611-15	RENEWABLE ENERGY TARGET
OM142611-16	HARRINGTON MEMORIAL PARK

**OM142611-15 RENEWABLE ENERGY TARGET (CR BRIAN CROOK)****Original Recommendation**

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

**MOTION - MOVED Cr Brian Crook seconded Cr Terry Woodcroft:**

*That Council resolves that the Chief Executive Officer writes to the Prime Minister, The Honourable Tony Abbott MP and the Minister for Environment, The Honourable Greg Hunt MP, with copies to the local Member for Corangamite, Sarah Henderson MP, Labour and Green Party counterparts and cross benches, requesting requesting that the Renewable Energy Target (RET) be retained in its current form, given the significant implications and uncertainty for our local economy and for Council in achieving its 2020 Carbon Neutral Target.*

**CARRIED 4 : 2**

**DIVISION called by Cr Chris Smith**

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

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

**OM142611-16 HARRINGTON MEMORIAL PARK (CR MICHAEL DELAHUNTY)****Original Recommendation**

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

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

**That Council:**

- 1. Requests that the CEO investigates and provides an officer report to open Council by February 2015 which details the differences between the works that have occurred at Harrington Park in 2012 to 2014 compared to the previously approved plans that were outlined to the community in December 2012.**
- 2. Defers the establishment of the Section 86 Harrington Memorial Park Committee of Management until satisfactory resolution of the works program associated with the Multi Use Recreation Facility and consideration of a report to be provided to Council by March 2015 on the future management options of Harrington Memorial Park.**

**CARRIED 6 : 0**

**REPORTS FROM DELEGATES TO OTHER BODIES**

<b>ITEM</b>	
<b>OM142611-17</b>	<b>MUNICIPAL ASSOCIATION OF VICTORIA - STATE COUNCIL MEETING</b>



**OM142611-17      MUNICIPAL ASSOCIATION OF VICTORIA - STATE  
COUNCIL MEETING**

*MOVED Cr Stephen Hart seconded Cr Michael Delahunty*

*That Council:*

- 1.    Notes the report from the MAV delegate.*
- 2.    Congratulates Crs Crook and Smith for their respective Councillor  
Service awards for each serving ten years as Councillors.*

**CARRIED 5 : 1**

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

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

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

**IN COMMITTEE**

**MOVED Cr Terry Woodcroft seconded Cr Michael Delahunty 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" at 8.23pm in order to deal with:**

<b>SUBJECT</b>	<b>REASON</b>	<b>SECTION OF ACT</b>
Minutes of In-Committee Council Meeting held on 22 October 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)
2015 Australia Day Award Nominations	this matter may prejudice the Council or any person	Section 89 (2) (h)
Contract 1427 - Bituminous Sealing Works	this matter deals with contractual matters	Section 89 (2) (d)

**CARRIED 6 : 0**

Cr Smith left the meeting at 8.30pm.


**OUT OF COMMITTEE**

**MOVED Cr Brian Crook seconded Cr Terry Woodcroft that the meeting move out of committee.**

**CARRIED 5 : 0**

*The Meeting Was Declared Closed at 8.34pm*

**CONFIRMED AND SIGNED** at the meeting held on 17 DECEMBER 2014

.....MAYOR