

MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at the COPACC Meeting Rooms on 26 October 2011 at 3:00 pm.

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 Brian Crook (Mayor)
Cr Frank Buchanan
Cr Lyn Russell
Cr Stephen Hart
Cr Stuart Hart
Cr Geoff Higgins
Cr Chris Smith

Jack Green, Acting Chief Executive Officer
Colin Hayman, General Manager, Corporate & Community Services
Neil Allen, General Manager, Infrastructure & Services
Rhonda Deigan, Executive Officer

Part: Brett Exelby, Manager Finance & Customer Service

3. APOLOGIES

Rob Small, Chief Executive Officer

4. MAYORAL STATEMENT

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present and welcomes any descendents here today.

Colac Otway Shire encourages active community input and participation in Council decisions. Council meetings provide one of these opportunities as members of the community may ask questions to Council either verbally at the meeting or in writing.

Please note that some questions may not be able to be answered at the meeting, these questions will be taken on notice. Council meetings also enable Councillors to debate matters prior to decisions being taken.

I ask that we all show respect to each other and respect for the office of an elected representative.

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by

court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982.'

Thank you, now question time. 30 minutes is allowed for question time.

I remind you that you must ask a question, if you do not have 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

Bernie Franke and Bert Franke - Barramunga.

1. In regards to native timber harvesting and regeneration on private land in the Otways, does Council agree with DSE in their position that there should be no harvesting of any large trees, or does Council support a more commonsense approach?

Response:

Council is supportive 'in principle' of selective native timber harvesting in the Otways. This is evidenced by its support of the recent application for selective harvesting at the Franke property. The size and type of trees that should be retained through a selective logging process need to be assessed on a site by site basis. DSE is a referral authority under Section 55 of the Planning and Environment Act and Council is bound under that Act to include any conditions on a permit that are requested by the Department. Council relies on DSE for its technical expertise and advice in this area.

2. If Council does not agree with DSE, then why did the planning department, via Council's lawyer, state to the recent VCAT hearing on the 19th of October, that it agreed with DSE's conditions for harvesting (including 'no harvesting of large trees')?

Response:

Council's position on the application for review against conditions on the permit at the recent VCAT hearing was to support the conditions imposed by DSE. Council had no reason to take a different position on this matter given the DSE's technical expertise and responsibility in native vegetation management. Council indicated to VCAT its support for the issue of a permit for selective native timber harvesting on the site subject to conditions.

3. Given that the value of forested private land in the Otways is unable to be determined at the current time due to the uncertainty about whether harvesting and regeneration can occur or not, would the Council be prepared to support landholders by hosting a public forum on the issue? **Context:** We recognize that this problem is not of Council's making (in fact Council has had its hands tied on this issue and the problem lies with various state government agencies who are unable to make up their minds as to whether timber harvesting is banned or supported). We suggest that if the state government agencies want to ban timber harvesting and regeneration on private land, then they make this

clear and **not expect Council to continue to take responsibility for decisions it has no say in, does not agree with and is forced to spend ratepayers money to defend.**

We suggest that Council's Environment Department would be best placed to run the forum and the purpose would be to look at some possible solutions and a way forward.

Response:

Council will take the suggestion of holding a forum with land owners on notice and further consider the merit or otherwise of the idea. As noted above, Council has no option but to include conditions requested by DSE on a permit where the Department is a Section 55 referral authority. Council did write to the Corangamite Catchment Management Authority and Department of Planning and Community Development in 2010 requesting discussions about native timber harvesting in the Otways, and expressing concerns about how the current state policies constrain native timber harvesting in the Shire. There have been several discussions between Shire Officers and those agencies since that have sought to progress the issue.

James Judd – Colac

Why is this Council no longer prepared to encourage safe walking and driving practices such as jaywalking prohibited and going against red walk and driving lights at crossings and running yellow lights when changed before reaching crossings? Much emphasis was given to these practices by some past local area Councillors at Council meetings.

Response:

While Council recognises the need for safe walking and driving practices, it is not the role of Council to police pedestrians or motorists with respect to the issues you raise. This is the responsibility of the Victorian Police. Council, together with Vic Roads, will continue to put into place the infrastructure and signage required to increase pedestrian and motorist safety, however it is up to all users to obey the rules and laws that govern the use of our footpaths and roads.

Questions Received Verbally at the Meeting

Dieter Wessner – Colac

In relation to a previous question asked and taken on notice at the August Council meeting with respect to punitive charges being placed on waste contractors who are in default of delivery services, how long does it take Council to answer questions?

Response:

The General Manager for Infrastructure and Services apologized for the delay and stated that a response would be sent as soon as possible.

Paul David Cross – Colac

Is Council aware that the figures quoted in a recent Colac Herald article related to a user survey of the Corangamite Regional Library Corporation service, which includes 12 libraries and four mobile services, and not just the Joint Use Library?

Response:

The General Manager for Corporate and Community Services stated that he was aware that the user survey was undertaken on the whole of the Corangamite Regional

Library Corporation service and not just the Colac Community Library and Learning Centre.

Isn't the real purpose of the Central Business District (CBD) and Entrances Project to enable expansion of Council offices at a significant cost to ratepayers?

Response:

The Mayor stated that this was not the purpose of the study. The purpose of the CBD and Entrances Project was a genuine attempt to raise the presentation of the city and the theme of a "botanic city" has been well received by the community. The community reference group has been working hard on this study and it is very much a community project.

Isn't the real purpose of the purchase of the Civic Home Hardware site for the expansion of the Council offices?

Response:

The Mayor advised that the purchase of the property had been considered by Council as a strategic decision and that the exact future of the site had yet to be defined. In terms of its location, it offers Council a number of excellent possibilities, including carparking, but no discussion had been held about expanding Council offices on to the site.

In relation to the Apollo Bay Harbour Development, isn't the real purpose of obtaining written confirmation from the State Government, that other developments at the harbor will not go ahead without private resort development, just for the Council to politically cover itself as opposed to actively advocating the State Government not to pursue private development which is what the ratepayers want?

Response:

The Mayor stated that the Notice of Motion moved by Cr Stephen Hart at the last meeting was a genuine attempt by Council to clarify the State Government's position with respect to conditions on the investment of public funds for the development of the Apollo Bay Harbour.

Victoria Moore – Gerangamete

Given the success experienced in other cities, would Council consider designating an area in Colac for the youth of this town to express themselves through graffiti art where they can have an input into our environment?

Response:

The Mayor in thanking Ms Moore for her comments and suggestions, encouraged her to provide a submission through the CBD and Entrances project community consultation process.

Lyn Foster – Colac

Could Council consider the establishment of a Women's Studio for art, sculpture and pottery classes?

Response:

The Mayor advised that this suggestion was something that could be considered during the Masterplan development process for the former Colac High School site.

Tabling of a Petition

The Mayor tabled a petition received from the Birregurra Community Group to the Colac Otway Shire in support of the completion of the Birregurra to Forrest Tiger Rail Trail.

6. DECLARATION OF INTEREST

Colin Hayman	OM112610-8 End of Year Financial Management Report
Nature of Disclosure:	Indirect

7. CONFIRMATION OF MINUTES

- **Ordinary Council Meeting held on the 28/09/11**
- **Special Council Meeting held on the 12/10/11.**

MOVED Cr Stephen Hart seconded Cr Lyn Russell that Council confirm the above minutes.

CARRIED 7 : 0

OFFICERS' REPORTS

Chief Executive Officer

- OM112610-1 CEO'S PROGRESS REPORT TO COUNCIL
- OM112610-2 LOAN SERVICES TENDER
- OM112610-3 GREAT SOUTH COAST GROUP

Corporate and Community Services

- OM112610-4 COUNCIL ANNUAL REPORT 2010/2011
- OM112610-5 COUNCIL SUPPORT TO NEIGHBOURHOOD HOUSES POLICY
- OM112610-6 COLAC COMMUNITY LIBRARY AND LEARNING CENTRE - SERVICE REVIEW
- OM112610-7 LOCAL GOVERNMENT ELECTIONS 2012
- OM112610-8 END OF YEAR FINANCIAL MANAGEMENT REPORT
- OM112610-9 APPOINTMENT OF NEW MEMBER - SWAN MARSH HALL AND TENNIS RESERVE COMMITTEE OF MANAGEMENT
- OM112610-10 FIRST QUARTER PERFORMANCE REPORT 2011-2012

Infrastructure and Services

- OM112610-11 ROAD MANAGEMENT PLAN COMPLIANCE REPORT
- OM112610-12 STRUCTURAL ASSESSMENT OF COUNCIL BRIDGES

Sustainable Planning and Development

- OM112610-13 COMMUNITY REFERENCE GROUP - BIRREGURRA STRUCTURE PLAN AND NEIGHBOURHOOD CHARACTER STUDY
- OM112610-14 PROPOSED PLANNING SCHEME AMENDMENT C65
- OM112610-15 G21 REGIONAL GROWTH PLAN UPDATE - PHASE 2: GROWTH SCENARIOS AND PRINCIPLES

General Business

- OM112610-16 ASSEMBLY OF COUNCILLORS

Notices of Motion

- OM112610-17 ORDINARY COUNCIL MEETING AGENDAS
- OM112610-18 LOCAL GOVERNMENT INFRASTRUCTURE PROGRAM

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>CHIEF EXECUTIVE OFFICER</u></p> <p><u>OM112610-1 CEO'S PROGRESS REPORT TO COUNCIL</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council notes the CEO's Progress Report to Council.</i></p>	<p>CR CHRIS SMITH</p> <p>CR LYN RUSSELL</p> <p>CR STEPHEN HART</p>	
<p><u>OM112610-2 LOAN SERVICES TENDER</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council notes that the resolution from In-Committee item OM102605-9 Loan Services Tender has been publicly disclosed.</i></p>	<p>CR CHRIS SMITH</p> <p>CR STEPHEN HART</p>	
<p><u>OM112610-3 GREAT SOUTH COAST GROUP</u></p> <p>Department: Executive</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Formally endorses its membership of the Great South Coast Group until June 2012.</i> <i>2. Refers consideration of ongoing funding of the Great South Coast Group to its 2012/2013 and 2013/2014 Budgets.</i> <i>3. Agrees to work closely with the Great South Coast Group, its Board, Pillar Groups and associated working groups to further the Great South Coast objectives.</i> 		<p>CR STEPHEN HART</p>

MOVED Cr Stephen Hart seconded Cr Geoff Higgins that recommendations to items listed in the Consent Calendar, with the exception of item OM112610-3 Great South Coast Group, be adopted.

CARRIED 7 : 0

OM112610-3 GREAT SOUTH COAST GROUP

MOVED Cr Stephen Hart seconded Cr Lyn Russell:

That Council defers this matter to a Council workshop to discuss and address any issues of concern regarding the Great South Coast Group.

CARRIED 6 : 1

DIVISION called by Cr Stephen Hart

For the Motion: Cr Brian Crook, Cr Geoff Higgins, Cr Frank Buchanan, Cr Stuart Hart, Cr Lyn Russell, Cr Stephen Hart

Against the Motion: Cr Chris Smith

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>CORPORATE AND COMMUNITY SERVICES</u></p> <p><u>OM112610-4 COUNCIL ANNUAL REPORT 2010/2011</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Notes the completion of the 2010/2011 Annual Report document and process.</i> <i>2. Notes the Auditor's unqualified reports on the Financial Statements, Standard Statements and Performance Statement.</i> <i>3. Notes the Annual Report was submitted to the Minister for Local Government by 30 September 2011, as required.</i> <i>4. Considers and receives the 2010/2011 Annual Report as presented to this meeting in accordance with sections 131 and 134 of the Local Government Act 1989.</i> 	<p>CR CHRIS SMITH</p> <p>CR STEPHEN HART</p>	
<p><u>OM112610-5 COUNCIL SUPPORT TO NEIGHBOURHOOD HOUSES POLICY</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council endorses the draft "Council Support to Neighbourhood Houses Policy" for community consultation to commence early November 2011 for a period of six weeks.</i></p>	<p>CR LYN RUSSELL</p> <p>CR CHRIS SMITH</p>	

<p><u>OM112610-6 COLAC COMMUNITY LIBRARY AND LEARNING CENTRE - SERVICE REVIEW</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation</u></p> <p><i>That Council receives the Colac Community Library and Learning Centre Service Review report.</i></p>		<p>CR FRANK BUCHANAN</p>
<p><u>OM112610-7 LOCAL GOVERNMENT ELECTIONS 2012</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Appoints the Municipal Association of Victoria as the Council's agent to undertake a public tender for the provision of electoral services for the 2012 local government election.</i> <i>2. Authorises the Chief Executive Officer to sign and seal the Deed of Agreement with the Municipal Association of Victoria for the tendering for the provision of electoral services for the 2012 local government election.</i> <i>3. Acknowledges that by authorising the Chief Executive Officer to enter into the contract for the provision of electoral services, it is committing to the allocation of funds for the procurement of electoral services in the 2012/2013 Council budget.</i> <i>4. Pursuant to section 41A of the Local Government Act 1989 resolves to conduct the 2012 general election exclusively by postal voting.</i> 		
<p><u>OM112610-8 END OF YEAR FINANCIAL MANAGEMENT REPORT</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council notes the End of Financial Year Management Report 2010/11.</i></p>	<p>CR CHRIS SMITH</p> <p>CR STEPHEN HART</p>	

<p><u>OM112610-9 APPOINTMENT OF NEW MEMBER - SWAN MARSH HALL AND TENNIS RESERVE COMMITTEE OF MANAGEMENT</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council appoints Mr. Michael Sproules to the Swan Marsh Hall and Tennis Reserve Committee of Management until the conclusion of the current committee's term in May 2012.</i></p>	<p>CR CHRIS SMITH</p>	
<p><u>OM112610-10 FIRST QUARTER PERFORMANCE REPORT 2011-2012</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Receives the first quarter performance report 2011-2012.</i> <i>2. Notes the reallocation of Council funds resulting from the deferral of the Gellibrand landfill rehabilitation.</i> <i>3. Notes the funding of \$25,000 required for the resurfacing of two (2) netball courts at Eastern Reserve is to be sourced from savings within the Capital Works and Major Projects Program during the 2011/12 financial year.</i> <i>4. Notes that surplus Council funds of \$23,736 resulting from the deferral of the project "Pipeline Road Major Re-sheet" will be reported to a future Capital Works Quarterly report for reallocation.</i> <i>5. Notes that surplus Council funds of \$50,265 resulting from the deferral of the "Old Beech Forest Road – major Re-sheet" will be reported to a future Capital Works Quarterly report for reallocation.</i> 		<p>CR STEPHEN HART</p>

MOVED Cr Stephen Hart seconded Cr Stuart Hart that recommendations to items listed in the Consent Calendar, with the exception of items OM112610-6 Colac Community Library And Learning Centre - Service Review and OM112610-10 First Quarter Performance Report 2011-2012, be adopted.

CARRIED 7 : 0

OM112610-6 COLAC COMMUNITY LIBRARY AND LEARNING CENTRE - SERVICE REVIEW

MOTION - MOVED Cr Frank Buchanan seconded Cr Lyn Russell:

That Council receives the Colac Community Library and Learning Centre Service Review report and congratulates Corangamite Regional Library Corporation Chief Executive Officer, Roslyn Cousins, for her report and all the staff for making a success of the Colac Community Library and Learning Centre.

CARRIED 7 : 0

OM112610-10 FIRST QUARTER PERFORMANCE REPORT 2011-2012

***MOVED Cr Stephen Hart seconded Cr Stuart Hart:
That Council:***

- 1. Receives the first quarter performance report 2011-2012.***
- 2. Notes the reallocation of Council funds resulting from the deferral of the Gellibrand landfill rehabilitation.***
- 3. Notes the funding of \$25,000 required for the resurfacing of two (2) netball courts at Eastern Reserve is to be sourced from savings within the Capital Works and Major Projects Program during the 2011/12 financial year.***
- 4. Notes that surplus Council funds of \$23,736 resulting from the deferral of the project "Pipeline Road Major Re-sheet" will be reported to a future Capital Works Quarterly report for reallocation.***
- 5. Notes that surplus Council funds of \$50,265 resulting from the deferral of the "Old Beech Forest Road – major Re-sheet" will be reported to a future Capital Works Quarterly report for reallocation.***
- 6. Instructs the Chief Executive Officer to ensure that the \$23,736 referred to in point 4 and the \$50,265 referred to in point 5 must be re-allocated to similar projects such as roads or roads and bridges.***

CARRIED 7 : 0

CONSENT CALENDAR**OFFICERS' REPORT****D = Discussion****W = Withdrawal**

ITEM	D	W												
<u>INFRASTRUCTURE AND SERVICES</u> <u>OM112610-11 ROAD MANAGEMENT PLAN COMPLIANCE REPORT</u> Department: Infrastructure <u>Recommendation(s)</u> <i>That Council receives the Road Management Plan Compliance Report for April to June 2011 for information.</i>														
<u>OM112610-12 STRUCTURAL ASSESSMENT OF COUNCIL BRIDGES</u> Department: Infrastructure <u>Recommendation(s)</u> <i>That Council:</i> 1. <i>Resolves to implement the following load limits</i> <table> <tr> <th><u>Bridge No.</u></th><th><u>Road Name</u></th><th><u>Load Limit</u></th></tr> <tr> <td>CS053</td><td>Daffys Lane</td><td>13 tonnes</td></tr> <tr> <td>CS074</td><td>Skenes Creek Valley Road</td><td>16 tonnes</td></tr> <tr> <td>CS059</td><td>Watsons Access</td><td>5 tonnes</td></tr> </table> 2. <i>Provides a written response to all those parties who provided formal feedback through the public consultation process.</i> 3. <i>Refers the work to rehabilitate each of the structures to Council's Long Term Capital Works and Major Projects Program for detailed costing and prioritisation within the relevant programs.</i>	<u>Bridge No.</u>	<u>Road Name</u>	<u>Load Limit</u>	CS053	Daffys Lane	13 tonnes	CS074	Skenes Creek Valley Road	16 tonnes	CS059	Watsons Access	5 tonnes		CR CHRIS SMITH
<u>Bridge No.</u>	<u>Road Name</u>	<u>Load Limit</u>												
CS053	Daffys Lane	13 tonnes												
CS074	Skenes Creek Valley Road	16 tonnes												
CS059	Watsons Access	5 tonnes												

MOVED Cr Stephen Hart seconded Cr Lyn Russell that recommendations to item OM112610-11 Road Management Plan Compliance Report, as listed in the Consent Calendar, be adopted.

CARRIED 7 : 0

OM112610-12 STRUCTURAL ASSESSMENT OF COUNCIL BRIDGES

MOTION - MOVED Cr Stephen Hart seconded Cr Lyn Russell:

That Council:

1. **Resolves to implement the following load limits**

<u>Bridge No.</u>	<u>Road Name</u>	<u>Load Limit</u>
CS053	Daffys Lane	13 tonnes
CS074	Skenes Creek Valley Road	16 tonnes

2. **Refers the work to rehabilitate each of the structures to Council's Long Term Capital Works and Major Projects Program for detailed costing and prioritisation within the relevant programs.**

CARRIED 7 : 0

MOTION - MOVED Cr Stephen Hart seconded Cr Lyn Russell:

That Council:

1. **Resolves to implement the following load limits**

<u>Bridge No.</u>	<u>Road Name</u>	<u>Load Limit</u>
CS059	Watsons Access	5 tonnes

2. **Provides a written response to all those parties who provided formal feedback through the public consultation process.**
3. **Refers the work to rehabilitate the bridge to Council's Long Term Capital Works and Major Projects Program for detailed costing and prioritisation within the relevant programs.**
4. **Works with the property owner in relation to the provision of permits to enable access when heavier loads are required.**

AMENDMENT - MOVED Cr Chris Smith seconded Cr Frank Buchanan:

That the following point be added to the above recommendation:

5. **Requests that this load limit be brought before Council in 12 months time for re-evaluation.**

CARRIED 7 : 0

MOTION - MOVED Cr Stephen Hart seconded Cr Lyn Russell:

That Council:

1. **Resolves to implement the following load limits**

<u>Bridge No.</u>	<u>Road Name</u>	<u>Load Limit</u>
CS059	Watsons Access	5 tonnes

2. **Provides a written response to all those parties who provided formal feedback through the public consultation process.**

3. *Refers the work to rehabilitate the bridge to Council's Long Term Capital Works and Major Projects Program for detailed costing and prioritisation within the relevant programs.*
4. *Works with the property owner in relation to the provision of permits to enable access when heavier loads are required.*
5. *Requests that this load limit be brought before Council in 12 months time for re-evaluation.*

CARRIED 7 : 0

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></p> <p><u>OM112610-13 COMMUNITY REFERENCE GROUP - BIRREGURRA STRUCTURE PLAN AND NEIGHBOURHOOD CHARACTER STUDY</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council endorses the addition of Fiona Brandschild and Vicki Jeffrey to membership of the Birregurra Structure Plan and Neighbourhood Character Study Community Reference Group.</i></p>	<p>CR LYN RUSSELL</p> <p>CR CHRIS SMITH</p>	
<p><u>OM112610-14 PROPOSED PLANNING SCHEME AMENDMENT C65</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council resolves to request authorisation from the Minister for Planning to prepare and exhibit an amendment to:</i></p> <ol style="list-style-type: none"> <i>1. Rezone land at 490 Princes Highway, Colac West from the Farming Zone to the Rural Activity Zone.</i> <i>2. Rezone land at 494-498 Princes Highway, Colac West from the Farming Zone to the Rural Activity Zone.</i> <i>3. Rezone land at 10 Flaxmill Road, Colac East from the Farming Zone to the Rural Activity Zone.</i> <i>4. Remove Schedule 7 to the Design and Development Overlay from land bound by Cawood Street, Great Ocean Road, Murray Street and McLachlan Street and apply Schedule 6 to the Design and Development Overlay to this land.</i> <i>5. Amend wording of Schedule 7 of the Design and Development Overlay (DDO7) to reinforce design objectives.</i> <i>6. Amend wording of Clause 43.01 Schedule to the Heritage Overlay to make minor administrative corrections.</i> 		<p>CR FRANK BUCHANAN</p>

7. Amend wording of Clause 43.05 Schedule to the Neighbourhood Character Overlay to make minor administrative corrections.		
<p><u>OM112610-15 G21 REGIONAL GROWTH PLAN UPDATE - PHASE 2: GROWTH SCENARIOS AND PRINCIPLES</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>Notes the Draft Principles and Scenarios for Growth that have been developed after targeted consultation during the first stage of engagement.</i> <i>Notes that Stage 2 of the engagement process will occur over November and December 2011.</i> 		

MOVED Cr Lyn Russell seconded Cr Geoff Higgins that recommendations to items listed in the Consent Calendar, with the exception of item OM112610-14 Proposed Planning Scheme Amendment C65, be adopted.

CARRIED 7 : 0

OM112610-14 PROPOSED PLANNING SCHEME AMENDMENT C65

MOTION - MOVED Cr Frank Buchanan seconded Cr Lyn Russell:

That Council resolves to request authorisation from the Minister for Planning to prepare and exhibit an amendment to:

- 1. Rezone land at 490 Princes Highway, Colac West from the Farming Zone to the Rural Activity Zone.***
- 2. Rezone land at 494-498 Princes Highway, Colac West from the Farming Zone to the Rural Activity Zone and apply an Environmental Audit Overlay (EAO) to the site.***
- 3. Rezone land at 10 Flaxmill Road, Colac East from the Farming Zone to the Rural Activity Zone.***
- 4. Remove Schedule 7 to the Design and Development Overlay from land bound by Cawood Street, Great Ocean Road, Murray Street and McLachlan Street and apply Schedule 6 to the Design and Development Overlay to this land.***
- 5. Amend wording of Schedule 7 of the Design and Development Overlay (DDO7) to reinforce design objectives.***
- 6. Amend wording of Clause 43.01 Schedule to the Heritage Overlay to make minor administrative corrections.***
- 7. Amend wording of Clause 43.05 Schedule to the Neighbourhood Character Overlay to make minor administrative corrections.***

CARRIED 4 : 3

CONSENT CALENDAR**OFFICERS' REPORT****D = Discussion****W = Withdrawal**

ITEM	D	W
<p><u>GENERAL BUSINESS</u></p> <p><u>OM112610-16 ASSEMBLY OF COUNCILLORS</u></p> <p>Department: General Business</p> <p><u>Recommendation(s)</u></p> <p><i>That Council notes the Assembly of Councillors reports for:</i></p> <ul style="list-style-type: none"> • <i>Councillor Briefing Session - 28 September 2011</i> • <i>Central Reserve Advisory Committee - 5 October 2011</i> • <i>Councillor Workshop - 12 October 2011.</i> 		

MOVED Cr Stephen Hart seconded Cr Lyn Russell that recommendations to item OM112610-16 Assembly of Councillors, as listed in the Consent Calendar, be adopted.

CARRIED 7 : 0

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<u>NOTICES OF MOTION</u> <u>OM112610-17 ORDINARY COUNCIL MEETING AGENDAS</u> Department: Notices of Motion <u>Recommendation</u> <i>That Council consider the contents of this Notice of Motion.</i>		
<u>OM112610-18 LOCAL GOVERNMENT INFRASTRUCTURE PROGRAM</u> Department: Notices of Motion <u>Recommendation</u> <i>That Council consider the contents of this Notice of Motion.</i>		

OM112610-17 ORDINARY COUNCIL MEETING AGENDAS**The following revised recommendation was moved by Cr Stephen Hart:****MOTION - MOVED Cr Stephen Hart seconded Cr Stuart Hart:****That Council:**

- 1. Notes that it has been the practice of Colac Otway Shire Council to release Ordinary Meeting agendas on the Monday immediately prior to meetings held on a Wednesday.**
- 2. Notes that this Council is committed to open and transparent processes and believes the delay in releasing agendas to the public is unnecessary.**
- 3. Instructs the Chief Executive Officer to take all reasonable steps to ensure that future Ordinary Meeting agendas are available for the public at Council offices no later than 9.00am on the last working day of the week before the Wednesday meeting.**

4. *Instructs the Chief Executive Officer to take all reasonable steps to ensure that future Ordinary Meeting agendas are available for the public on the Council's web site no later than 9.00am on the last working day of the week before the Wednesday meeting.*

CARRIED 7 : 0

OM112610-18 LOCAL GOVERNMENT INFRASTRUCTURE PROGRAM

MOTION - MOVED Cr Stephen Hart seconded Cr Geoff Higgins that:

That Council:

1. *Notes the decision at the September 2011 Ordinary Council meeting to allocate all of the Local Government Infrastructure Program, in excess of the \$200,000 being saved, for 2011/2012, to repair or replace a bridge or bridges, in addition to any works funded via the usual Council budget process.*
2. *Notes that this amounts to approximately \$361,000 extra for bridges in the 2011/2012 year.*
3. *Instructs the Chief Executive to allocate all of the Local Government Infrastructure Program, in excess of the \$200,000 being saved, for 2012/2013, to repair or replace bridges, in addition to any works funded via the usual Council budget process.*

CARRIED 4 : 3

DIVISION called by Cr Geoff Higgins

For the Motion: Cr Geoff Higgins, Cr Chris Smith, Cr Stuart Hart, Cr Stephen Hart

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

IN COMMITTEE

MOVED Cr Frank Buchanan seconded Cr Lyn Russell 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
Sale of 6 Murray Street Colac	this matter deals with contractual matters; AND this matter may prejudice the Council or any person	Section 89 (2) (d) (h)
Audit Committee Independent Member	this matter deals with contractual matters; AND this matter may prejudice the Council or any person	Section 89 (2) (d) (h)
Council Approval Contract 1116 - Bituminous Sealing Works	this matter deals with contractual matters	Section 89 (2) (d)
Contract Approval Contract 1118 - J Barrys Road Bridge Design & Construct	this matter deals with contractual matters	Section 89 (2) (d)
Chairperson - Joint Use Committee Colac Community Library and Learning Centre (CCLLC)	this matter may prejudice the Council or any person	Section 89 (2) (h)
Confidential Item for Consideration - Presentation at Councillor Workshop	this matter deals with a proposed development; AND this matter may prejudice the Council or any person	Section 89 (2) (e) (h)

CARRIED 7 : 0

Cr Geoff Higgins and Cr Stuart Hart left the In-Committee meeting at 6.30 pm

OUT OF COMMITTEE

MOVED Cr Lyn Russell seconded Cr Stephen Hart that the meeting move out of committee.

CARRIED 5 : 0

The Meeting Was Declared Closed at 6.40 pm

CONFIRMED AND SIGNED at the meeting held on 23 NOVEMBER 2011

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