

**MINUTES** of the **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held at the Birregurra Public Hall, Birregurra on 27 June 2012 at 3.00 pm. Venue was changed from the Birregurra Community Health Centre to accommodate a large gallery. Notices were placed in local media advising of this change.

---

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

Rob Small, Chief Executive Officer  
Colin Hayman, General Manager, Corporate & Community Services  
Neil Allen, General Manager, Infrastructure & Services  
Jack Green, General Manager, Sustainable Planning & Development  
Brett Exelby, Manager, Finance & Customer Services  
Adam Lehmann, Manager, Sustainable Assets  
Rhonda Deigan, Executive Officer

**PART:** Doug McNeill, Manager, Planning & Building

**3. APOLOGIES**

Nil

**4. MAYORAL STATEMENT**

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

Colac Otway Shire encourages community input and participation in Council decisions. Council meetings provide an opportunity for the community to ask Council questions, either verbally at the meeting or in writing.

Please note that Council may not be able to answer some questions at the meeting. These will be answered later.

Council meetings enable Councillors to debate matters prior to decisions being made. I ask that we all behave in a courteous manner.

An audio recording of this meeting is being made for the purpose of ensuring the minutes of the meeting are accurate. 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. 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

### Tabling of Documents

The Mayor tabled the following documents:

- Petition received with respect to Wye River and Separation Creek Waste Collection Service.
- Letter from Wye River & Separation Creek Progress Association Inc. in relation to Wye River and Separation Creek Waste Collection Service.

### Questions Received in Writing Prior to the Meeting

#### Andrew Buchanan – Skenes Creek

Re: COS Settlement Boundary and Urban Design Review. Area 1.

Under "Additional Controls/conditions", page 10. and "Referral" on page 11.

Given the size of the potential subdivision along the Great Ocean Road, Will Council list the Commonwealth Environment Minister as a referral body for any application to subdivide land in area 1?

#### **Response:**

***Given the inclusion of the Great Ocean Road on the National Heritage List, the proponent of any greenfield subdivision of Area 1 (should the land be rezoned for residential development) would most likely need to refer the proposal to the Federal Environment Minister to determine whether approval is required under the Environment Protection and Biodiversity Conservation Act. Under the provisions of the Act, this referral is not the responsibility of Council.***

***The General Manager Sustainable Planning & Development added that while it was not Council's responsibility, Council will list the Federal Environment Minister as a referral body as part of the process.***

#### James Judd - Colac

1. When will Council make sure Special Council meetings are not held in the week following a long weekend since this reduces the advance time if any that agendas are available to the public. Refer Council's advice agendas for "Special Council

meetings" are never provided prior to Monday before a meeting. A number of times each year Council offices are not open on Mondays.

**Response:**

**While Council makes every effort to ensure that agendas are made available to the public on the Friday prior to a Special Council meeting, this is not always possible. Council will continue to schedule its Special Council meetings as and when required to meet our reporting requirements.**

2. If agendas are proof read before distribution. How is it officer reports have mistakes in them on very many occasions? If they were proof read by an observant person, errors would be adjusted prior to distribution. Or at least in open Council attention would be drawn to an item by an officer prior to it being put to a vote.

**Response:**

**As advised to Mr Judd in a previous response to him, Council does proof read its agendas. Unfortunately, given the size of Council agendas, it may be possible for one or two errors to go unnoticed.**

3. If a Special meeting is called on a Wednesday and Councillors need to only be informed 24 hours clear prior to a meeting, how can you explain the agendas must be available to the public on the Monday prior to the meeting since the Monday is often a public holiday and the Shire offices are not open. The June proposed date for a Special meeting follows such a weekend. As Councillors are supposed to receive agendas a full day prior to the public it is possible an agenda would not be provided prior to the day of meeting or after it if both Monday and Tuesday are holidays. This happens on a regular basis.

**Response:**

**This question has previously been answered. Special Council meeting agendas are prepared as per our legal and statutory responsibilities and provided to the public at the earliest opportunity.**

**Gary Owen - Forrest**

Re: The Forrest Brewing Company.

1. How is it that a planning permit allowing a 50 seat restaurant, can hold a liquor license allowing a maximum capacity of 223 patrons?

**Response:**

**The planning permit issued for the Forest Brewing Company permitted use of the site for a restaurant and ancillary microbrewery. A condition of the permit was that there be no more than 50 seats associated with the restaurant. There was no restriction placed on the number of patrons attending the premises for purchase and tastings of beer associated with the microbrewery. The liquor licence issued for the premises has a patron limit of 223 patrons based on the floor area of the premises. It is important to note that the predominant approved use of the site is for a restaurant, and the microbrewery (ie production and sales of beer) must at all times operate as the less dominant activity on the site to maintain compliance with the permit. The effluent treatment system has been upgraded to the satisfaction of Council's Environmental Health Officer for the current use.**

2. Why is Council spending \$40,000 redeveloping an existing bitumen car parking area in front of the brewery that will only benefit the brewery patrons and owners, when public utilities are in need of more safe and secure access?

**Response:**

**The formalisation of a public car park at the intersection of Grant Street and Turner Drive will have a number of benefits to local business operators, residents and visitors to Forrest. These include providing a car parking facility that will reduce the ad hoc approach to parking within the area and improve road safety by formalising the entry and exit movement of vehicles from the service road onto Grant Street.**

**It is important to note the car park that is to be constructed is a public car park, and as such is available for use by any member of the public regardless of the nature of their business in the Forrest township.**

**The improvement of parking in this area has been identified within the Forrest Community Infrastructure Plan, and Council believes this project meets the objectives of the Community Infrastructure Plan.**

**It is acknowledged and identified within the Community Infrastructure Plan that significant improvement works can be carried out within the township of Forrest. Council are actively seeking grant funding to assist with the delivery of infrastructure projects within the township of Forrest as identified within the Community Infrastructure Plan.**

3. Why is the Forrest Brewing Company, a relatively new "Private Enterprise", having only been operating for just over 14 months, receiving preferential treatment, over three "Public Institutions" (the church, community hall and primary school) that have been in existence for well over five decades?

**Response:**

**Council does not believe the Forrest Brewing Company is receiving preferential treatment. As a condition of the planning permit, which was issued for the development and operation of the Forrest Brewing Company, the Forrest Brewing Company were required to provide a cash contribution in lieu of providing on-site car parking. This was due to the existing site being unable to accommodate the required parking space calculated for the development. The contribution paid by the Forrest Brewing Company is being used by Council to offset the cost of the public car park being constructed.**

**It is important to note that when developers pay a contribution in lieu of providing onsite car parking, it does so with the understanding that the contribution will be used to fund works in the vicinity of the development that provides parking or improves parking. It is considered by Council that the project undertaken for the formalisation of the public car park is in line with this understanding.**

4. Why, particularly after spending ratepayers money to erect signs, are Council and their by-laws officers not taking the appropriate steps to enforce parking laws and have the brewery patrons comply with legal parking requirements for the safety and amenity of the local area and residents of Forrest?

**Response:**

**Having been made aware of Mr Owens concerns, Local Laws officers commenced monitoring of parking in the vicinity of the site. Mr Owen is aware of this, and has**

*been advised that despite increased attention being given to these issues, it is difficult for Council to monitor parking behaviour closely outside of working hours and on weekends when many of the problems occur. However, Council officers are monitoring the area when they are travelling through Forrest on their routine inspections across the Shire and have found that the new signage is not having the desired effect. As a result other options are being investigated to improve the parking situation in this area.*

**Morag Campbell – Wye River**

Re: Proposed implementation of a change in waste management services for Wye River

1. How is it that Council employees can make a decision such as this without any consultation with the councilors or the ratepayers?

***Response:***

*A decision on the resolution of this matter has not yet been made. A presentation was made to Council at the workshop on 13 June 2012 to advise Council of the concerns and that a letter would go to residents seeking comments in relation to a way forward.*

*Under WorkSafe provisions, senior officers have a personal duty of care in relation to ensuring a safe working environment for employees and contractors and are now working through the issues to determine a final solution, as required under law.*

**Peter Mitchell – Wye River**

1. Where in Wye River & Separation Creek does the General Manager Infrastructure & Services propose to locate the three 'drop off facilities'?

***Response:***

*The long term solution in relation to the waste and recycling collection at Wye River and Separation Creek has not been resolved. Officers are still in the process of reviewing a number of solutions which could include drop off facilities, however these have not yet been finalised.*

2. What has changed in Wye River & Separation Creek since the contractor entered into his contract that has now made this such a dangerous operation?

***Response:***

*Council has become aware of safety issues in relation to the collection service at Wye River that it was not aware of at the start of the contract. In line with Council's obligation to provide a safe working environment, Council must review these operations.*

3. If the answer to the above question is that the roads have become unsafe, does Council believe they have an obligation to the ratepayers to fix the roads?

***Response:***

*Council has a duty of care to the community, contractors and Council staff. The issue of safety is more than just roads. There are requirements in relation to the safe backing of waste trucks. Safety must also be considered in relation to collection of waste in narrow roads and the gradient of the roads that waste contractors are required to use.*

4. Does the contractor have a smaller waste collection truck they could employ?

**Response:**

**Council is currently undertaking an investigation with the contractor in relation to the preferred resolution to this matter as this is not necessarily about the size of the truck.**

5. Why hasn't the Shire policed their own by-law regarding 'wheelie bins' being left on the roadway after they have been emptied?

**Response:**

**Council has in the past written to a number of property owners regarding wheelie bins being left on the roadside after they have been emptied. In this instance Council is reviewing the overall Wye River service which includes the leaving bins on the roadside after they have been emptied. Council is investigating a longer term solution.**

6. Why won't the Council use yellow lines to control kerbside parking in Wye River & Separation Creek thus making the egress of large vehicles such as the garbage truck & the CFA tanker safer?

**Response:**

**Council will review all options in relation to this service as part of a review being undertaken.**

7. Does the General Manager Infrastructure & Services seriously believe that the ratepayers of Wye River & Separation Creek will make a 65 km round trip to Apollo Bay to drop of their green waste?

**Response:**

**As part of the review, there are a number of green waste options which Council is currently investigating.**

**Debbie McIntyre**

**RE: Birregurra Neighbourhood Character Study**

1. Considering that two of the three submissions put forward to Council were concerned about the lot sizes and multi level dwellings on sites in Area C why is there no rationale for the Community Reference Group's response to this in the minutes of the Birregurra Neighbourhood Character Study CRG meeting?

**Response:**

**The minutes of the Community Reference Group for this project are only a summary of matters discussed in the meeting. They do not reflect the full discussion that takes place. The Reference Group's response as captured in the minutes of its May meeting was that "there is currently no minimum lot size in Birregurra and 600m2 lot proposal for Area 'C' is considered a conservative setting and would effectively reduce available infill land supply for Birregurra." The Reference Group accepted that the 600m2 minimum lot size in Area C was striking an appropriate balance between preservation of town character and allowing a greater level of infill development closer to the town centre, and was a higher chance of being supported by State Government for inclusion in the planning scheme than a more restrictive approach as advocated by some submitters.**

2. Who determines that that 600m2 lot proposal is a "conservative" setting? Conservative compared to what?

**Response:**

*The project consultant explained at the May meeting of the Community Reference Group that introducing a minimum subdivision lot size of 600m2 in Birregurra would be a conservative approach when compared with other residential subdivisions across the region and in Victoria generally. It was explained to the group that 600m2 would be higher than the predominant size of lots in urban areas and would still provide for significant area around buildings to provide space for landscaping and to retain the low density character of the area. The 600m2 lot size is compared with a higher minimum of 1000m2 for Area D, and would encourage higher densities closer to the town centre. It is important that the project strikes an appropriate balance between achieving the preferred town character and facilitating suitable opportunities for diversity of household sizes to meet the future needs of residents. The consultant's recommendations have been derived from their experience in undertaking neighbourhood character studies elsewhere and their understanding of what level of planning control has a likelihood of being supported by the State Government for inclusion in the Colac Otway Planning Scheme. The Community Reference Group supports the recommended approach.*

3. The response to Cr Crook's question regarding the Department of Planning and Community Development again reveals the underlying goal of providing maximum opportunity for infill development within Birregurra. Again, this comment reflects the inability of the Hansen group to fully understand the character, appeal and desire of the current residents that reside in the Birregurra township. This, in turn, reflects the complicated, and generally unclear consultation process that this study has gone through where community consultation has either been ignored, repressed or not taken into account at all.

**Response:**

*One of the discussion points at the May meeting of the Community Reference Group was the need to ensure that recommendations of the Study are grounded in a thorough strategic assessment, taking into account established practice/precedents elsewhere, and that they are in a form that has a good chance of being supported by the Department of Planning and Community Development. Council cannot amend its own planning scheme to introduce controls to manage development in Birregurra without State Government approval. There is a long history of Councils across the State who have been unsuccessful in amending their planning schemes in this way because the amendments were not supported by independent panels or the State Planning Minister. The consultant Hansen Partnership has produced a high quality study report that has represented well the desires of the local Birregurra community.*

*Consultation undertaken throughout the Neighbourhood Character project has been extensive, resulting in a very low number of opposing submissions to the draft Plan. This contrasts with the significant public unease expressed to the draft Birregurra Structure Plan in 2010. The draft document was on exhibition for six weeks between 2 April 2012 and 14 May 2012. In addition, a 'drop in' information session was held on Saturday 14 April 2012 outside the Birregurra General Store where the study team were available to answer questions and encourage submissions. This followed two earlier opportunities in the project for written submissions and attendance at drop-in information sessions and a community meeting. Council has undertaken several mass mail outs of project information at key stages, and the Community Reference Group, which was established at the beginning of the project, has played an important role in providing feedback on behalf of the community.*

4. Is the goal of the Colac Otway Shire to maintain the character of Birregurra while development occurs (which is in line with the G21 current draft plan), or does the Shire have the goal of providing maximum opportunity for infill development at the risk of losing the very soul & character of Birregurra.

**Response:**

**The Birregurra Neighbourhood Character Study has been undertaken by the Shire to ensure that future development is managed so that the Birregurra township character is preserved. The Study recommends 'guidelines' to be applied to new development to ensure that such development respects and enhances the valued characteristics of the township. As noted in response to earlier questions, Council must ensure that an appropriate balance is struck between preserving township character and allowing some infill development in order to appropriately respond to future community housing needs, state planning policies, and to ensure that the project has every chance of being successfully implemented into the Planning Scheme.**

**Yvonne Sheppard – Wye River**

**Re: Proposed implementation of a change in waste management services for Wye River**

1. Has this matter arisen because the contractor is now insisting on using a larger truck, perhaps to accept both types of waste on a single run?

**Response:**

**This matter has not arisen in relation to the contractor wanting to use a larger truck or accept both types of waste on a single run.**

2. In the consultant's report - which the Shire refuses to release - what does the confidential matter pertain to?

**Response:**

**A copy of the report will be provided when Council has finished undertaking its assessment of this proposal and is in a better position to understand all the issues.**

3. Why is the Shire apparently unconcerned about the health and safety of all the other users of the roads cited in their letter, including many vehicles larger than the current truck used by the contractor?

**Response:**

**Council has recently had this matter brought to its attention and is working through the issues in relation to health and safety for all users including other large vehicles.**

4. Has the Shire considered that, by identifying 'extreme' and 'high risk' roads in the townships, with no apparent intention to fix them, it may be quite vulnerable to litigation should a serious incident occur on one of these roads?

**Response:**

**The first step in resolving any issues is to identify what the issues are and in particular what level of risks are apparent. As such Council is well aware that having identified high risks it will have some concerns in relation to safety on these roads and this is why Council is undertaking an assessment of the safety of waste collection trucks using this road.**



5. Why has the Shire offered no alternative solutions?

**Response:**

**Council is currently working through the various solutions and will review those prior to discussing the matter with the community.**

6. Why has the Shire refused to meet with the community on this crucial matter?

**Response:**

**The Shire has not refused to meet the community on this matter. The Shire is currently working through a number of issues in relation to this and a meeting will be scheduled shortly.**

**Joanne Tyler – President - Wye River and Separation Creek Progress Association**

1. Your letter of June 4 has advised ratepayers that a waste management consultant has prepared a report on Wye River and Separation Creek. This appears to have been taken into account in the rating of some roads as high risk or extreme risk. Given the impact of these ratings on community safety and provision of services, how will the Wye River and Separation Creek Progress Association be provided with access to the Waste Management Consultant's report?

**Response:**

**A copy of the report will be provided when Council has finished undertaking its assessment of this proposal and is in a better position to understand all the issues.**

2. The Wye River and Separation Creek Progress Association has noted in our letter to Rob Small of June 17 that community consultation needs to be given a much greater emphasis in decision making about our area. What steps have been taken to arrange the weekend community forum about waste matters that we have requested?

**Response:**

**A community forum will be arranged in relation to these matters and a notice will be provided to the community when a date has been finalised.**

3. What is the framework for quality assurance and risk management used in determining appropriate means of waste management in the shire?

**Response:**

**All contracts must demonstrate that they are able to provide a suitable safe working method and in particular are able to comply with Worksafe requirements. Council has a duty of care in relation to Occupational Health & Safety requirements for both its employees and contractors who work for Council.**

4. When does the current contract for provision of waste services in Wye River and Separation Creek expire?

**Response:**

**The contract commenced on 6 September 2010 for an initial five (5) year period with options at the sole discretion of Council for an extension of up to a further five (5) years. Council had originally specified in the contract that the contractor will use small trucks to collect the waste and recycling from the area.**

5. The letter of June 4 has been interpreted as meaning that a decision about future provision of waste management services has already been made. Is this the case, and if so will the new contract be made public?

**Response:**

***In relation to the letter of 4 June, Council acknowledges that there are a number of risks in relation to ongoing provision of this service in its current form. A decision in relation to the final waste services has not yet been made. Council is still working through the issues.***

**Rex Brown and Sibylle Noras, Separation Creek**

1. Can we have all options on the table for an optimum solution? (For example could include small trucks for difficult streets; local turning spots; combined collection with all garbage types collected together with a combination of large and small trucks; and some signs to limit parking at selected turning locations?)

**Response:**

***Council is investigating a number of options with the intention of determining an optimum solution.***

2. Given the extreme reaction from ratepayers in Wye/ Sep Ck, will the Council be going through a process of realistic face to face consultation about options for changes to the garbage collection in our villages?

**Response:**

***Council will be discussing various options with the community after a detailed assessment and evaluation has taken place.***

3. Will there be an early public meeting where all ratepayers are informed of the options?

**Response:**

***Council will be having a public meeting with ratepayers in relation to the proposals.***

4. If a public meeting is not proposed in the next few weeks, will council forward a letter to all ratepayers advising them of a public meeting in early July so those interested can work constructively together? (ratepayers do not have access to contact details of non residents, the majority of ratepayers, due to privacy)

**Response:**

***It is Council's intention to conduct a public meeting. Council is still undertaking investigations and as such a firm date has not be finalised at this time.***

5. When did the current garbage contract start/ finish? Was the contractor required to do due diligence before entering into the contract?

**Response:**

***The contract commenced on 6 September 2010 for an initial 5 year period with options at the sole discretion of Council for an extension of up to a further 5 years. Council had originally specified in the contract that the contractor will use small trucks to collect the waste and recycling from the area.***

6. How long have issues been known? Why raise them now?

**Response:**

**In January 2012 some members of the community expressed concerns about the negative impact of the aesthetics of the area and the nuisance caused by waste bins being left out on the narrow road reserves for long periods after collection day. In response to the concerns, Council, the waste contractor and some representatives of the Wye River and Separation Creek communities undertook a joint inspection of the sites. Although initially concentrating on the issue of bins being left out for prolonged periods, the inspection revealed greater concerns regarding the risk of providing the bin based service.**

**In relation to safety issues the matter was brought to the waste officers' attention on 16 April 2012 during an onsite inspection, where risks were identified included steep terrain, inability to stop and reverse safely, vehicles parked on the roads and pedestrians, including young children, walking on the roads.**

**However the extent of the problem did not become clear to management until a report was prepared for management's consideration. Further work was then requested by management to clarify the problem and detailed maps were developed by officers. The matter was then discussed at a Council workshop on 13 June 2012 advising Council of the concerns and that a letter would go to residents seeking comments to assist officers in determining a solution. Council has a duty of care to provide a safe working place for the community, Council employees and Contractors.**

7. Is council aware of the difficulty that frail/ elderly ratepayers would have operating heavy skip covers?

**Response:**

**Council is aware of the difficulty that some elderly ratepayers would have operating heavy skip covers. Council is still working through the options in relation to the method of collection and disposal and skips are one option. Notwithstanding Council will consider frail and elderly ratepayers in any solution it determines into the future, however, any solution must also have safety as a priority.**

8. Is council concerned with the possibility of vermin if skips are used and rubbish stocked at houses prior to depositing at skips?

**Response:**

**Council is aware of the possibility of vermin in skips and will consider this in development of any solution.**

9. Is council concerned at the impact of unsightly skips and rubbish bags, on tourism?

**Response:**

**Council is aware of the impact of unsightly skips and rubbish bags etc on tourism and the general community and any solution that Council adopts will have considered these impacts to determine the best outcome for all involved.**

10. Is council looking at long term safety of roads in the villages for all users?

**Response:**

**Council needs to ensure that roads are safe for users. Council also has a duty of care to determine if certain vehicles can or cannot use the road safely. The assessment**

**for waste collection will take road safety into consideration as part of the overall assessment.**

11. Can we have the consultant's report released publicly?

**Response:**

**Officers are still in the process of resolving the issues and coming up with a suitable solution. When Council has completed undertaking its assessments and considered the options, it will have no problem in releasing the report publicly however it is not normal practice to release a report to the community when officers are still in the process of working through the issues and determining a solution.**

12. Do council / officers understand that the Progress Association do not purport to represent all ratepayers? ie as the Progress Association has written recently, consulting with a few progress association members does not necessarily give the views of the community?

**Response:**

**Council is aware that the Progress Association does not purport to represent all ratepayers and the Progress Association has never advised Council that it is representing all ratepayers.**

#### **Prudence Campbell – Birregurra**

**Re: Mount Gellibrand Windfarm**

1. Did Acciona energy obtain enough in-depth data in relation to noise, tonality and infrasound?

**Response:**

**The wind farm proponent obtained a planning permit in 2006 following a comprehensive analysis of a range of issues, including amenity and health impacts. The planning permit conditions required a range of plans and other documents to be prepared and submitted for approval prior to commencement of the development. The State Government was responsible for overseeing these processes as the Planning Authority for the proposal, and has supported the development having been satisfied that the information before it was satisfactory. Council did not have any role in administering these processes.**

2. Will the Council take more leadership and request that more current testing be carried out with emphasis on updated turbine sound assessment over long distances with the bigger 3mw turbines?

**Response:**

**Council is not the Planning Authority for the wind farm development. The State Government is responsible for the planning permit. The proponent has a valid planning permit that it is entitled to act upon, and there is no requirement for further testing to be undertaken.**

3. Is it actually unhealthy to live in proximity to 3mw wind turbines?

**Response:**

**Council is unable to answer this question. Proponents are required to meet the requirements of State requirements such as the 'Policy and Planning Guidelines for**

***Development of Wind Energy Facilities', and issues about impacts on human health and amenity are assessed rigorously through the planning permit process for each specific development.***

4. Are you aware of problems surrounding windfarms at Waubra, Waterloo (SA) and Oaklands Hills?

***Response:***

***Council is aware of concerns expressed by communities elsewhere about wind farms in their localities, including at Waubra, in a general sense. It is also aware that representatives of several municipalities in Victoria are working with the MAV to discuss such concerns with the State Government.***

#### **Questions Received Verbally at the Meeting**

##### **Dieter Wessner – Colac**

1. Are all Council vehicles fitted with towbars or are they extras which are paid for by the driver?

***Response:***

***The CEO advised that if the towbar is required to be fitted by Council, Council will meet the cost of its installation. If the towbar is not required by Council, the cost is met by the driver of the vehicle.***

##### **Joanne Tyler – President, Wye River & Separation Creek Progress Association**

1. How will the Wye River and Separation Creek Progress Association have access to the waste management consultant's report referred to in the letter sent by Council in relation to Wye River and Separation Creek waste collection services?

***Response:***

***The CEO advised that the report has been received for Council's consideration. Officers are currently reviewing the report and gathering further information for a report to Council on available options. A public meeting is to be held in Wye River on 8 July 2012 before any decision is made on future waste collection services. Once the report has been processed by Council, it together with the information gathered by Council, will be shared with the community.***

2. What is the framework for quality assurance and risk management used by Council in determining appropriate waste management within the Shire?

***Response:***

***The CEO stated that there were a number of occupational, health and safety issues around waste collection services in Wye River and Separation Creek. These include the requirement for garbage to be side loaded and not rear loaded and that trucks must not reverse more than 30 metres.***

**Andrew Pattison – Separation Creek**

1. Has Council considered the public health implications of the communal skips and, if so, what type of studies have been undertaken in this regard?

**Response:**

**The CEO stated that Council was still exploring options therefore no decision has yet been made with respect to waste collection in Wye River and Separation Creek. If the communal skips were the option chosen, Council would investigate the issues that have arisen through their use in other Shires.**

2. What environmental impact studies have been undertaken with respect to odour, contamination, rodent infestation and any impact on native wildlife.

**Response:**

**The CEO reiterated that Council was still exploring options therefore no decision has yet been made with respect to waste collection in Wye River and Separation Creek. However, Council would not expect to undertake any environmental impact study but would take into account any issues that would impact upon the environment.**

**John Jellie – Colac**

1. Cr Frank Buchanan, as a Councillor on the Community Reference Group, what are your views on the proposal to have the truck bypass going across the lake?

**Response:**

**Cr Frank Buchanan advised that he believed that the Colac Lake is a significant asset to Colac and that he would be putting an amendment to item 10 to that effect. Further, Cr Buchanan stated that the community needed to be asked what major projects they would like to see implemented at the lake and at other major assets.**

**Jim Ryan – Colac**

1. Given the concerns of a number of community residents concerning proposals for heavy vehicles to go through heavy residential areas, is Council prepared to make a final decision in relation to residential areas to allay the concerns of the residents?

**Response:**

**The CEO advised that the Council has a resolution on its books that it will not look at short term options or any options that pass through residential property in Colac or past schools. Further debate today will look at bypass options.**

**Rex Brown – Separation Creek**

1. Is Council aware of the difficulty elderly or frail residents would experience in operating heavy skips covers if the skip proposal goes ahead?

**Response:**

**The CEO advised that any decision made by Council would take that matter into account and be included in consultation with the community and our analysis of the report. The CEO further stated that it was unfortunate that the letter has led some people to believe that Council had already made a decision on this issue, when no decision has yet been made.**

2. Given that the contractor would have had to have done due diligence before doing the contract and that there are rules for Council staff concerning health and safety guidelines, which of the health and safety conditions have changed since the contract was awarded.

**Response:**

**The CEO advised that he did not think that any of the health and safety guidelines had changed. The issue of the contract is part of the discussions that will be held with the contractor, however Council does have a responsibility to protect the safety of its contractors.**

**Peter Jacobs – Separation Creek**

1. Is Council aware that recycled and green waste collected from Separation Creek and Wye River in the summer period was being placed in landfill and is that still happening today?

**Response:**

**The CEO stated that he was aware that there had been a high level of contamination in summer due to the number of visitors to the region. While that continues to be monitored, the CEO advised that he was unaware himself of the current status of the recycled and green waste and that he would take the question on notice.**

**Chris Burrow - Birregurra**

1. Given that the draft Neighbourhood Character Study is to be voted on today, what guarantees or processes have been put in place to avoid Birregurra turning into another Waurn Ponds or Point Cook? What controls have been put in place to avoid over development?

**Response:**

**The General Manager, Sustainable Planning & Development stated by ceasing work on the Birregurra Structure Plan, undertaking a Neighbourhood Character Study and by establishing the community reference group, Council had indicated that it wanted to work with the community to consider those issues. The G21 Regional Growth Plan has no plans for large scale development in Birregurra. The structure plan that will be developed in line with the Neighbourhood Character Study will enable Council to make long term plans for future development taking into account the outstanding character of the town. There is no intention to over develop Birregurra.**

2. Will Council put in a covenant or overlay to protect homes of a certain character from being demolished and replaced with brick buildings? Is there some mechanism that could be adopted by the Council to manage that process?

**Response:**

**The General Manager, Sustainable Planning & Development advised that controls, in the form of overlays, have been put into the study.**

**Michael Delahunty – Gerangamete**

1. Given the resolution of 23 May 2012 with respect to the Alternative Heavy Vehicle Route investigation, why is Route 7 still listed for possible investigation given that it bisects the Elliminyt Primary School?

**Response:**

**The General Manager for Infrastructure & Services advised that the consultant had explained to the community reference group that the proposed routes were corridors not any one particular road. The consultant has recommended that corridors, that are in fact large tracts of land of up to one kilometre wide, be further investigated.**

2. Given that Council adopted the resolution of the 23 May 2012 following the receipt of a petition, will the Council reject the options of heavy vehicle bypass routes being placed through farmland if it receives a similar petition?

**Response:**

**The CEO advised that the current options that Council will debate today are to go forward for further investigation and were not for any definitive decision. This investigation will uncover any contentious issues and will result in a more robust decision.**

3. With regard to the investigation conducted by Council officers regarding the rail corridor, and the brief sent to the public rail authority, was it made clear that land acquisition would be an integral part of the corridor development, not only for this option but also for other options?

**Response:**

**The CEO advised that it was.**

**Sibylle Noras, Separation Creek**

1. With respect to waste collection in Wye River and Separation Creek is Council looking at the long term safety of the roads in our villages for all users?

**Response:**

**The CEO responded that Council does have concerns with the long term safety and the viability of infrastructure in these small hamlets. They are however, extremely problematic and expensive issues to resolve and Council has faced division in the community when it has tried to address these issues in the past.**

**Jess Dorney – Apollo Bay**

1. In relation to Apollo Bay footpaths, where is the footpath strategy at and what is the community consultation process that is around that strategy?

**Response:**

**The General Manager for Infrastructure & Services explained that the footpath strategy had been through a consultation process and had been adopted for all on-road footpaths. The strategy does not include off-road footpaths at this stage but this will happen into the future. The footpaths identified in the strategy have been referred to Council's capital works program for funding based on their priority.**



**Jennifer Mitchell – Wye River**

1. Will Council at the public meeting in Wye River on 8 July 2012 present the costs of the various waste collection solutions?

***Response:***

***The CEO advised that costs would be provided as far as can be achieved within the timelines. It is hoped that Council will have information around costs by that time.***

**Bruce Foracre - Birregurra**

1. With respect to the alternative heavy vehicle route, has Council considered that with the new freeway coming to Colac that it might need a more permanent bypass around Colac for all traffic?

***Response:***

***The CEO stated that yes of course Council had been considered and most of the options being considered for a bypass would go around Colac rather than through it. The piece of work that we have been involved with has a number of elements. One was to find an alternative heavy vehicle route on a short to medium term basis. The community have indicated that there is no satisfactory solution to that. As a result of that, the options that we will discuss today are largely ones that will bypass the town and it is incumbent on this Council and future Councils to press for the completion of a bypass as soon as possible.***

**Victoria Moore – Gerangamete**

1. Considering the continued inundation of the Apollo Bay and Skenes Creek foreshores and the damage that has already been caused to our infrastructure, would it not be advisable for the Council to take a more conservative view in regard to the development along that area which is placing more stress on the Great Ocean Road?

***Response:***

***The CEO stated that while Council did have concerns with tidal surges and inundation on the Great Ocean Road. The piece of land that we are talking about, Area 1, sits substantially above the tidal level and was therefore not such a concern with respect to future development. We are working with the foreshore committee, the Department of Sustainability and Environment and Vic Roads in terms of protecting infrastructure into the future and it is understood that the threats are closer into town than the area Ms Moore is referring to.***

2. In view of that, I suggest that the continued development will result in more people travelling through that area which will lead to more stress on that stretch of coastline. Do you consider that to be part of the equation?

***Response:***

***The CEO responded that it would be considered. However the site is well above the tidal level that would give us concerns in terms of tidal surges and erosion and the access to that area needs to be maintained irrespective of whether that development goes ahead or not in the interests of the existing populations.***

## 6. DECLARATION OF INTEREST

Cr Crook:	OM122706-3 2012/2013 Community Funding Program
Nature of Disclosure:	Direct
Nature of Interest:	Wrote a letter of support for Polwarth Tennis Association's bid for funding from philanthropic groups. The same letter was used in support of Council's Community Funding Program

Cr Crook:	OM122706-4 2012/2013 Community funding Program COPACC Assistance
Nature of Disclosure:	Direct
Nature of Interest:	Wrote a letter of support for Polwarth Tennis Association's bid for funding from philanthropic groups. The same letter was used in support of Council's Community Funding Program COPACC Assistance Fund

Cr Crook:	OM122706-10 Colac Road Hierarchy and Heavy Vehicle Route Investigation
Nature of Disclosure:	Direct
Nature of Interest:	Resident of Wilson Street which is being considered as a short term option.

Cr Crook:	OM122706-11 Petition in relation to the Colac Road Hierarchy and Heavy Vehicle Route
Nature of Disclosure:	Direct
Nature of Interest:	Resident of Wilson Street which is being considered as a short term option.

Rob Small	OM122706-2 Festival & Events Support Scheme 2012-2013
Nature of Disclosure:	Direct
Nature of Interest:	Board member of one of the recipients of the Festival & Events Support Scheme 2012-2013

## 7. CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on the 23/05/12
- Special Council Meeting held on the 13/6/12.

***MOVED Cr Geoff Higgins seconded Cr Lyn Russell that Council confirm the above minutes.***

***CARRIED 7 : 0***

## **OFFICERS' REPORTS**

### **Chief Executive Officer**

OM122706-1 CEO'S PROGRESS REPORT TO COUNCIL

### **Corporate and Community Services**

OM122706-2 FESTIVAL & EVENTS SUPPORT SCHEME 2012-13  
OM122706-3 2012-2013 COMMUNITY FUNDING PROGRAM  
OM122706-4 2012-2013 COMMUNITY FUNDING PROGRAM COPACC ASSISTANCE  
OM122706-5 REVIEW OF COUNCIL POLICIES  
OM122706-6 AUTHORISATION OF OFFICERS (PLANNING AND ENVIRONMENT ACT)  
OM122706-7 DISCONTINUANCE OF PART OF YAUGHER ROAD, ROAD RESERVE, FORREST  
OM122706-8 COUNCIL PLAN REVIEW (INCLUDING STRATEGIC RESOURCE PLAN)  
OM122706-9 ADOPTION OF THE 2012-2013 BUDGET

### **Infrastructure and Services**

OM122706-10 COLAC ROAD HIERACHY AND HEAVY VEHICLE ROUTE INVESTIGATION  
OM122706-11 PETITION IN RELATION TO THE COLAC ROAD HIERARCHY HEAVY VEHICLE TRUCK ROUTE  
OM122706-12 PORT OF APOLLO BAY MANAGEMENT AGREEMENT WITH DEPARTMENT OF TRANSPORT (DOT)  
OM122706-13 APOLLO BAY DRAINAGE STRATEGY - DRAFT REPORT

### **Sustainable Planning and Development**

OM122706-14 APOLLO BAY SETTLEMENT BOUNDARY & URBAN DESIGN REVIEW – ADOPTION OF FINAL REPORT  
OM122706-15 BIRREGURRA NEIGHBOURHOOD CHARACTER STUDY - ADOPTION OF FINAL REPORT  
OM122706-16 COLAC OTWAY SHIRE COUNCIL ENVIRONMENTAL SUSTAINABILITY POLICY  
OM122706-17 COLAC OTWAY FIRE MANAGEMENT PLAN  
OM122706-18 MUNICIPAL RELIEF AND RECOVERY PLAN  
OM122706-19 MUNICIPAL EMERGENCY MANAGEMENT PLAN

### **General Business**

OM122706-20 ASSEMBLY OF COUNCILLORS  
OM122706-21 OTHER COMMITTEE MINUTES - COLAC YOUTH COUNCIL  
OM122706-22 MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE  
OM122706-23 CLIMATE RESILIENT COMMUNITIES GRANT

### **Notices of Motion**

OM122706-24 CORANGAMITE ACID SULFATE SOIL MULTI-AGENCY STEERING COMMITTEE  
OM122706-25 INLAND ACID SULFATE SOIL SITE - YEODENE  
OM122706-26 OTWAY TO COLAC PIPELINE - RELEASE OF WATER

**Reports from Delegates to Other Bodies**

OM122706-27 REPORT FROM DELEGATE TO OTHER BODY - MUNICIPAL  
ASSOCIATION OF VICTORIA STATE COUNCIL MEETING

CONSENT CALENDAROFFICERS' REPORT

D = Discussion  
W = Withdrawal

ITEM	D	W
<p><u>CHIEF EXECUTIVE OFFICER</u></p> <p><u>OM122706-1</u>      <u>CEO'S PROGRESS REPORT TO COUNCIL</u></p> <p>Department: Executive</p> <p><u><i>Recommendation(s)</i></u></p> <p><i>That Council notes the CEO's Progress Report to Council.</i></p>		

***MOVED Cr Stuart Hart seconded Cr Frank Buchanan that the recommendation to item OM122706-1 CEO's Progress Report to Council, as listed in the Consent Calendar be adopted.***

***CARRIED 7 : 0***

CONSENT CALENDAROFFICERS' REPORT

D = Discussion  
W = Withdrawal

ITEM	D	W																																																																																																												
<u>CORPORATE AND COMMUNITY SERVICES</u>																																																																																																														
<u>OM122706-2 FESTIVAL &amp; EVENTS SUPPORT SCHEME 2012-13</u>																																																																																																														
Department: Corporate and Community Services																																																																																																														
<u>Recommendation(s)</u>																																																																																																														
<i>That Council:</i>																																																																																																														
<p>1. <i>That Council adopts the recommendations made by the Festival and Events Support Scheme Advisory Committee for categories of the various events and funding allocations to events under the Colac Otway Festival and Events Support Scheme 2012-13.</i></p>																																																																																																														
<table border="0"> <thead> <tr> <th data-bbox="188 1048 295 1081"></th> <th data-bbox="188 1048 662 1081">Event</th> <th data-bbox="188 1048 662 1081">Funding</th> <th data-bbox="188 1048 662 1081">Category</th> </tr> </thead> <tbody> <tr> <td data-bbox="188 1081 295 1115">1</td> <td data-bbox="188 1081 662 1115">Run Colac</td> <td data-bbox="188 1081 662 1115">\$500</td> <td data-bbox="188 1081 662 1115">Seed</td> </tr> <tr> <td data-bbox="188 1115 295 1149"></td> <td data-bbox="188 1115 662 1149"></td> <td data-bbox="188 1115 662 1149"></td> <td data-bbox="188 1115 662 1149">(Community)</td> </tr> <tr> <td data-bbox="188 1149 295 1182">2</td> <td data-bbox="188 1149 662 1182">GMHBA Fun Run</td> <td data-bbox="188 1149 662 1182">\$500</td> <td data-bbox="188 1149 662 1182">Seed</td> </tr> <tr> <td data-bbox="188 1182 295 1216"></td> <td data-bbox="188 1182 662 1216"></td> <td data-bbox="188 1182 662 1216"></td> <td data-bbox="188 1182 662 1216">(Community)</td> </tr> <tr> <td data-bbox="188 1216 295 1249">3</td> <td data-bbox="188 1216 662 1249">OBRT Fun Run</td> <td data-bbox="188 1216 662 1249">\$500</td> <td data-bbox="188 1216 662 1249">Seed</td> </tr> <tr> <td data-bbox="188 1249 295 1283"></td> <td data-bbox="188 1249 662 1283"></td> <td data-bbox="188 1249 662 1283"></td> <td data-bbox="188 1249 662 1283">(Community)</td> </tr> <tr> <td data-bbox="188 1283 295 1317">4</td> <td data-bbox="188 1283 662 1317">Warrion Flower Show</td> <td data-bbox="188 1283 662 1317">\$1,000</td> <td data-bbox="188 1283 662 1317">Bronze</td> </tr> <tr> <td data-bbox="188 1317 295 1350"></td> <td data-bbox="188 1317 662 1350"></td> <td data-bbox="188 1317 662 1350"></td> <td data-bbox="188 1317 662 1350">(Community)</td> </tr> <tr> <td data-bbox="188 1350 295 1384">5</td> <td data-bbox="188 1350 662 1384">Heritage Festival</td> <td data-bbox="188 1350 662 1384">\$1,000</td> <td data-bbox="188 1350 662 1384">Bronze</td> </tr> <tr> <td data-bbox="188 1384 295 1417"></td> <td data-bbox="188 1384 662 1417"></td> <td data-bbox="188 1384 662 1417"></td> <td data-bbox="188 1384 662 1417">(Community)</td> </tr> <tr> <td data-bbox="188 1417 295 1451">6</td> <td data-bbox="188 1417 662 1451">Forrest 6 Hour Race</td> <td data-bbox="188 1417 662 1451">\$1,000</td> <td data-bbox="188 1417 662 1451">Bronze</td> </tr> <tr> <td data-bbox="188 1451 295 1485"></td> <td data-bbox="188 1451 662 1485"></td> <td data-bbox="188 1451 662 1485"></td> <td data-bbox="188 1451 662 1485">(Community)</td> </tr> <tr> <td data-bbox="188 1485 295 1518">7</td> <td data-bbox="188 1485 662 1518">Colac Orchid Show</td> <td data-bbox="188 1485 662 1518">\$500</td> <td data-bbox="188 1485 662 1518">Bronze</td> </tr> <tr> <td data-bbox="188 1518 295 1552"></td> <td data-bbox="188 1518 662 1552"></td> <td data-bbox="188 1518 662 1552"></td> <td data-bbox="188 1518 662 1552">(Community)</td> </tr> <tr> <td data-bbox="188 1552 295 1585">8</td> <td data-bbox="188 1552 662 1585">Colac Otway Youth Expo</td> <td data-bbox="188 1552 662 1585">\$2,500</td> <td data-bbox="188 1552 662 1585">Silver</td> </tr> <tr> <td data-bbox="188 1585 295 1619"></td> <td data-bbox="188 1585 662 1619"></td> <td data-bbox="188 1585 662 1619"></td> <td data-bbox="188 1585 662 1619">(Community)</td> </tr> <tr> <td data-bbox="188 1619 295 1653">9</td> <td data-bbox="188 1619 662 1653">Colac Garden and Lifestyle Expo</td> <td data-bbox="188 1619 662 1653">\$1,000</td> <td data-bbox="188 1619 662 1653">Silver</td> </tr> <tr> <td data-bbox="188 1653 295 1686"></td> <td data-bbox="188 1653 662 1686"></td> <td data-bbox="188 1653 662 1686"></td> <td data-bbox="188 1653 662 1686">(Community)</td> </tr> <tr> <td data-bbox="188 1686 295 1720">10</td> <td data-bbox="188 1686 662 1720">100<sup>th</sup> Centenary Beeac Golf Club</td> <td data-bbox="188 1686 662 1720">\$2,500</td> <td data-bbox="188 1686 662 1720">Silver</td> </tr> <tr> <td data-bbox="188 1720 295 1753"></td> <td data-bbox="188 1720 662 1753"></td> <td data-bbox="188 1720 662 1753"></td> <td data-bbox="188 1720 662 1753">(Community)</td> </tr> <tr> <td data-bbox="188 1753 295 1787">11</td> <td data-bbox="188 1753 662 1787">Alvie Festival</td> <td data-bbox="188 1753 662 1787">\$2,000</td> <td data-bbox="188 1753 662 1787">Silver</td> </tr> <tr> <td data-bbox="188 1787 295 1821"></td> <td data-bbox="188 1787 662 1821"></td> <td data-bbox="188 1787 662 1821"></td> <td data-bbox="188 1787 662 1821">(Community)</td> </tr> <tr> <td data-bbox="188 1821 295 1854">12</td> <td data-bbox="188 1821 662 1854">Forrest 2 Day Mountain Bike Festival</td> <td data-bbox="188 1821 662 1854">\$1,000</td> <td data-bbox="188 1821 662 1854">Silver</td> </tr> <tr> <td data-bbox="188 1854 295 1888"></td> <td data-bbox="188 1854 662 1888"></td> <td data-bbox="188 1854 662 1888"></td> <td data-bbox="188 1854 662 1888">(Community)</td> </tr> <tr> <td data-bbox="188 1888 295 1921">13</td> <td data-bbox="188 1888 662 1921">Colac Allstar Game</td> <td data-bbox="188 1888 662 1921">\$500</td> <td data-bbox="188 1888 662 1921">Silver</td> </tr> <tr> <td data-bbox="188 1921 295 1955"></td> <td data-bbox="188 1921 662 1955"></td> <td data-bbox="188 1921 662 1955"></td> <td data-bbox="188 1921 662 1955">(Community)</td> </tr> </tbody> </table>		Event	Funding	Category	1	Run Colac	\$500	Seed				(Community)	2	GMHBA Fun Run	\$500	Seed				(Community)	3	OBRT Fun Run	\$500	Seed				(Community)	4	Warrion Flower Show	\$1,000	Bronze				(Community)	5	Heritage Festival	\$1,000	Bronze				(Community)	6	Forrest 6 Hour Race	\$1,000	Bronze				(Community)	7	Colac Orchid Show	\$500	Bronze				(Community)	8	Colac Otway Youth Expo	\$2,500	Silver				(Community)	9	Colac Garden and Lifestyle Expo	\$1,000	Silver				(Community)	10	100 <sup>th</sup> Centenary Beeac Golf Club	\$2,500	Silver				(Community)	11	Alvie Festival	\$2,000	Silver				(Community)	12	Forrest 2 Day Mountain Bike Festival	\$1,000	Silver				(Community)	13	Colac Allstar Game	\$500	Silver				(Community)	Cr Lyn Russell Cr Chris Smith Cr Brian Crook	
	Event	Funding	Category																																																																																																											
1	Run Colac	\$500	Seed																																																																																																											
			(Community)																																																																																																											
2	GMHBA Fun Run	\$500	Seed																																																																																																											
			(Community)																																																																																																											
3	OBRT Fun Run	\$500	Seed																																																																																																											
			(Community)																																																																																																											
4	Warrion Flower Show	\$1,000	Bronze																																																																																																											
			(Community)																																																																																																											
5	Heritage Festival	\$1,000	Bronze																																																																																																											
			(Community)																																																																																																											
6	Forrest 6 Hour Race	\$1,000	Bronze																																																																																																											
			(Community)																																																																																																											
7	Colac Orchid Show	\$500	Bronze																																																																																																											
			(Community)																																																																																																											
8	Colac Otway Youth Expo	\$2,500	Silver																																																																																																											
			(Community)																																																																																																											
9	Colac Garden and Lifestyle Expo	\$1,000	Silver																																																																																																											
			(Community)																																																																																																											
10	100 <sup>th</sup> Centenary Beeac Golf Club	\$2,500	Silver																																																																																																											
			(Community)																																																																																																											
11	Alvie Festival	\$2,000	Silver																																																																																																											
			(Community)																																																																																																											
12	Forrest 2 Day Mountain Bike Festival	\$1,000	Silver																																																																																																											
			(Community)																																																																																																											
13	Colac Allstar Game	\$500	Silver																																																																																																											
			(Community)																																																																																																											

14	<i>Rainforest Ride</i>	<i>Nil</i>	<i>Silver (Community)</i>		
15	<i>Birregurra and Warncoort Open Studio Weekend</i>	<i>\$1,000</i>	<i>Silver (Community)</i>		
16	<i>Otway Soup Festival</i>	<i>\$1,000</i>	<i>Silver (Community)</i>		
17	<i>Community Choir at Birregurra Festival</i>	<i>\$500</i>	<i>Silver (Community)</i>		
18	<i>Opera in the Otways</i>	<i>\$3,000</i>	<i>Gold (Community)</i>		
19	<i>Gellibrand River Blues and Blueberry Festival</i>	<i>\$4,000</i>	<i>Gold (Community)</i>		
20	<i>CrossXPollination Exhibition</i>	<i>\$2,000</i>	<i>Gold (Community)</i>		
21	<i>Colac CFA 125<sup>th</sup> Celebration</i>	<i>\$5,000</i>	<i>Platinum (Community)</i>		
22	<i>Amy Gran Fondo</i>	<i>\$2,000</i>	<i>Platinum (Community)</i>		
23	<i>Carols by Candlelight</i>	<i>\$5,000</i>	<i>Platinum (Community)</i>		
24	<i>Kona Odyssey</i>	<i>\$1,000</i>	<i>Platinum (Commercial)</i>		
25	<i>Seafood Festival</i>	<i>\$4,000</i>	<i>Platinum (Community)</i>		
26	<i>Colac Kana Festival</i>	<i>\$5,000</i>	<i>Platinum (Community)</i>		
27	<i>Apollo Bay Music Festival</i>	<i>\$5,000</i>	<i>Platinum (Community)</i>		
28	<i>GOR Marathon</i>	<i>\$4,000</i>	<i>Platinum (Commercial)</i>		
29	<i>Birregurra Weekend Festival</i>	<i>\$3,000</i>	<i>Platinum (Community)</i>		
	<b>TOTAL FUNDING</b>	<b>\$60,000</b>			
<b>OM122706-3      2012-2013 COMMUNITY FUNDING PROGRAM</b>					<b>Cr Lyn Russell</b>
Department: Corporate and Community Services					
<b>Recommendation(s)</b>					
<b>That Council:</b>					
1. Approves the recommendations from the Grants/Community Funding Advisory Committee for grants from the 2012/2013 Community Funding Program, total expenditure under each of the funding categories as follows:					

<b>a. Recreation Facilities \$80,605</b>			
<i>Apollo Bay Arts Inc (Gallery)</i>	<i>\$4,500</i>		
<i>Apollo Bay Pony Club</i>	<i>\$4,905</i>		
<i>Beeac Tennis Club</i>	<i>\$3,000</i>		
<i>Beech Forest Progress Association</i>	<i>\$3,700</i>		
<i>City United Cricket Club</i>	<i>\$4,000</i>		
<i>Colac Aero Club</i>	<i>\$3,850</i>		
<i>Colac Aerodrome Committee of Management</i>	<i>\$4,000</i>		
<i>Colac Central Bowling Club Inc</i>	<i>\$875</i>		
<i>Colac Cricket Club</i>	<i>\$4,500</i>		
<i>Colac Football Netball Club Inc</i>	<i>\$4,000</i>		
<i>Colac Pony Club</i>	<i>\$3,670</i>		
<i>Elliminyt Public Hall Inc</i>	<i>\$2,740</i>		
<i>Elliminyt Tennis Club</i>	<i>\$150</i>		
<i>Forrest Public Hall</i>	<i>\$4,000</i>		
<i>Irrewarra Beeac Football Netball Club</i>	<i>\$4,500</i>		
<i>Irrewillipe Sports &amp; Entertainment Complex</i>	<i>\$1,975</i>		
<i>Johanna Public Purpose Reserve Committee Inc.</i>	<i>\$2,650</i>		
<i>Simpson Car Club Inc</i>	<i>\$4,500</i>		
<i>Victorian Field &amp; Game Association (Colac Incorporated)</i>	<i>\$4,500</i>		
<i>Warrion Cricket Club</i>	<i>\$4,400</i>		
<i>Warrion Hall Committee</i>	<i>\$1,800</i>		
<i>Warrion Recreation Reserve CoM</i>	<i>\$4,000</i>		
<i>Yuulong Hall Committee</i>	<i>\$4,390</i>		
<b>b. Community Projects \$25,280</b>			
<i>Apollo Bay Tuesday Arts Group</i>	<i>\$3,000</i>		
<i>Colac &amp; District Family History Group Inc</i>	<i>\$2,445</i>		
<i>Colac Tigers Football/Netball Club</i>	<i>\$1,370</i>		
<i>Colac Wood Turners &amp; Wood Crafters Guild Inc</i>	<i>\$2,050</i>		
<i>Otway Health &amp; Community Services</i>	<i>\$3,500</i>		
<i>Polwarth &amp; District Tennis Association Inc</i>	<i>\$4,000</i>		
<i>SES Colac Unit</i>	<i>\$1,600</i>		
<i>Southern Otway Food Co-operative</i>	<i>\$4,315</i>		
<i>The Rotary Club of Colac West</i>	<i>\$3,000</i>		
<b>c. Small Equipment &amp; Training \$13,935</b>			
<i>Apollo Bay Youth Club</i>	<i>\$850</i>		
<i>Barongarook Hall &amp; Tennis Reserve Committee</i>	<i>\$1,000</i>		
<i>Birregurra Community Group</i>	<i>\$1,000</i>		
<i>Colac &amp; District Football League Netball Assoc.</i>	<i>\$875</i>		
<i>Colac &amp; District Historical Society</i>	<i>\$540</i>		
<i>Colac &amp; District Pipes &amp; Drums Inc</i>	<i>\$1,000</i>		



<p>Colac Basketball Association Inc \$1,000                  Colac Chorale \$1,000                  Colac Pony Club \$525                  Colac Swim Club Inc \$949                  Colac Table Tennis Association Inc \$997                  Colac Toy Library \$423                  Elliminyt Tennis Club Inc \$189                  Irrewillipe Sports &amp; Entertainment Complex \$750                  Larpent Hall Committee \$525                  Larpent Indoor Bias Bowls Club \$312                  Lions Club of Forrest &amp; District \$1,000                  Otway Districts Football Netball Club Inc \$1,000</p>			
<p><b>OM122706-4 2012-2013 COMMUNITY FUNDING PROGRAM COPACC ASSISTANCE</b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council approves the officer recommendations from the Grants/Community Funding Advisory Committee for the 2012/2013 Community Funding Program, as follows:</i></p> <p><b>COPACC Assistance \$10,000:</b></p> <p>Let's Dance \$500                  Meriba Service Club of Colac \$1,286                  Colac West Primary School \$700                  The Colac Players Inc \$2,500                  South West Do Care \$2,864                  FReeZA Colac (Lac &amp; Co Productions) \$500                  Polwarth District Tennis Association Inc \$900                  Colac Otway Disability Accommodation Inc \$750</p>			<p>Cr Lyn Russell</p>
<p><b>OM122706-5 REVIEW OF COUNCIL POLICIES</b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council adopts the following revised policies:</i></p> <ul style="list-style-type: none"> <li>• Policy No 7.3 Risk Management Policy</li> <li>• Policy No 16.1 Internal Audit Policy.</li> </ul>			

<p><b><u>OM122706-6</u></b>      <b><u>AUTHORISATION OF OFFICERS (PLANNING AND ENVIRONMENT ACT)</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Appoints Statutory Planning Officers Beverly Merrett and Gemma Browning as authorised officers pursuant to the Planning and Environment Act 1987.</i></b></li> <li><b><i>2. Notes that the Instrument of Appointment and Authorisation comes into force immediately the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it.</i></b></li> <li><b><i>3. Delegates to the Chief Executive Officer authority to sign and place under Council Seal the Instrument of Appointment and Authorisation.</i></b></li> </ol>		Cr Chris Smith
<p><b><u>OM122706-7</u></b>      <b><u>DISCONTINUANCE OF PART OF YAUGHER ROAD, ROAD RESERVE, FORREST</u></b></p> <p>Department: Corporate and Community Services</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Having conducted statutory procedures to discontinue a triangular shaped portion of the Yaugher Road reserve of 6,228 metres sq in area and received no submissions in regard to the proposal hereby resolves this portion of road reserve be discontinued pursuant to clause 3, schedule 10 of the Local Government Act 1989.</i></b></li> <li><b><i>2. Transfers the portion of land to the owner of the abutting property (2 Yaugher Road, Forrest) in return for a 7,048 metres sq. portion of land abutting Birregurra-Forrest Road (being part of 2235 Birregurra-Forrest Road, Forrest) in accordance with its 2008 agreement with the owner of that property.</i></b></li> <li><b><i>3. Notes that the Council's resolution to discontinue this part of the Yaugher Road road reserve be published in the Victorian Government Gazette.</i></b></li> <li><b><i>4. Delegates to the Chief Executive Officer authority to sign and place under Council seal any documents connected with the transfer of this land to the owner of 2235 Birregurra-Forrest Road, Forrest where required.</i></b></li> </ol>		

OM122706-8	<b><u>COUNCIL PLAN REVIEW (INCLUDING STRATEGIC RESOURCE PLAN)</u></b>	Cr Chris Smith
Department: Corporate and Community Services		
<b><u>Recommendation(s)</u></b>		
<b><i>That Council adopts the revised Council Plan 2009/2013 (including the Strategic Resource Plan 2012-2013 to 2015-2016) and forwards a copy of the Plan to the Minister for Local Government.</i></b>		
OM122706-9	<b><u>ADOPTION OF THE 2012-2013 BUDGET</u></b>	Cr Chris Smith
Department: Corporate and Community Services		
<b><u>Recommendation(s)</u></b>		
<b><i>That Council:</i></b>		
<b><i>1. Having considered all submissions received, adopts the 2012-2013 Budget annexed to this resolution as Attachment 1 in accordance with Section 130 of the Local Government Act 1989 (the Act).</i></b>		
<b><i>2. Authorises the Chief Executive Officer to:</i></b>		
<b><i>a. Give public notice of this decision to adopt the 2012-2013 Budget, in accordance with Section 130(2) of the Act;</i></b>		
<b><i>b. Forward a copy of the adopted Budget to the Minister for Local Government before 31 August 2012, in accordance with Section 130(4) of the Act;</i></b>		
<b><i>c. Make available a copy of the adopted Budget at the Rae Street Office and the Apollo Bay Customer Service Centre for public inspection in accordance with Section 130(9) of the Act; and</i></b>		
<b><i>d. Thank persons making submissions to the budget in writing for their submission and advise of the outcome of the budget decision.</i></b>		
<b><i>3. Authorises the amount intended to be raised.</i></b>		
<b><i>An amount of \$ 23,262,718 be declared as the amount that Council intends to raise by general rates, municipal charge and service (Waste Management) charges, which is calculated as follows:</i></b>		

<b>Category</b>	<b>Income</b>		
<b>General Rates (including Supplementary rates)</b>	<b>\$ 18,634,887</b>		
<b>Municipal Charge</b>	<b>\$ 2,054,859</b>		
<b>Annual Service (Waste Management) Charges</b>	<b>\$ 2,572,972</b>		
<b>TOTAL</b>	<b>\$ 23,262,718</b>		
<b>4. Authorises a general rate be declared for the period commencing 1 July 2012 to 30 June 2013 and that:</b>			
<b>4.1 It be declared that the general rate be raised by the application of differential rates.</b>			
<b>4.2 A differential rate be respectively declared for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each differential rate so declared:</b>			
<b><u>4.2.1 Residential Land – Colac, Colac East, Colac West or Elliminyt</u></b>			
<b>Any land which is located in Colac, Colac East, Colac West or Elliminyt that is not zoned for commercial or industrial use and which:</b>			
<b>4.2.1.1 is vacant or used primarily for residential purposes and is less than 1.0 hectare in area; and</b>			
<b>4.2.1.2 does not have the characteristics of:</b>			
<b>a) Rural Farm Land;</b>			
<b>b) Holiday Rental Land; or</b>			
<b>c) Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt.</b>			
<b><u>4.2.2 Residential Land – Balance of Shire</u></b>			
<b>Any land which is 1.0 hectare or more in area or which is not located in Colac, Colac East, Colac West or Elliminyt that:</b>			
<b>4.2.2.1 is vacant or used primarily for residential purposes; and</b>			
<b>4.2.2.2 does not have the characteristics of:</b>			
<b>a) Rural Farm Land;</b>			
<b>b) Holiday Rental Land;</b>			
<b>c) Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt; or</b>			
<b>d) Commercial/Industrial Land – Balance of Shire.</b>			

**4.2.3 Rural Farm Land**

*Any land which is "Farm Land" within the meaning of Section 2 of the Valuation of Land Act 1960.*

**4.2.4 Holiday Rental Land**

*Any land that contains a dwelling, cabin or house or part of a house that:*

*4.2.4.1 is used for the provision of holiday accommodation for the purpose of generating income; or*

*4.2.4.2 is made generally available for holiday accommodation and is a secondary or supplemental source of income for the owner.*

*Note: Typically, the category will include absentee owned holiday houses, owner occupied "Bed and Breakfast" establishments, farm properties with accommodation cabins, holiday farms and the like.*

*The category will not include land used to provide tourist/holiday accommodation on an overtly commercial scale and basis where the provision of accommodation is an integral part of the use of the property. The types of properties excluded from this category would include motels, resorts, hotels with accommodation, caravan parks, centrally managed and promoted multi unit developments and the like.*

**4.2.5 Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt**

*Any land which is located in Colac, Colac East, Colac West or Elliminyt which:*

*4.2.5.1 does not have the characteristics of:*

- a) Rural Farm Land;*
- b) Residential Land – Colac, Colac East, Colac West or Elliminyt; or*
- c) Holiday Rental Land; and*

*4.2.5.2 is used primarily for:*

- a) the sale of goods or services;*
  - b) other commercial purposes; or*
  - c) industrial purposes*
- or which is vacant but zoned for commercial or industrial use.*

**4.2.6 Commercial/Industrial Land – Balance of Shire**

*Any land which is not located in Colac, Colac East, Colac West or Elliminyt which:*

- 4.2.6.1** *does not have the characteristics of:*
- a) *Rural Farm Land;*
  - b) *Residential Land – Balance of Shire; or*
  - c) *Holiday Rental Land; and*

- 4.2.6.2** *is used primarily for:*
- a) *the sale of goods or services;*
  - b) *other commercial purposes; or*
  - c) *industrial purposes*  
*or which is vacant but zoned for commercial or industrial use.*

- 4.3** *Each differential rate will be determined by multiplying the Capital Improved Value of each rateable land (categorised by the characteristics described in Clause 4.2 of this Resolution) by the relevant cents in the dollar indicated in the following table:*

<i>Residential- Colac, Colac East, Colac West, Elliminyt</i>	<i>0.3759 cents in the dollar of CIV</i>
<i>Residential- Balance of Shire</i>	<i>0.3195 cents in the dollar of CIV</i>
<i>Rural- Farm</i>	<i>0.2970 cents in the dollar of CIV</i>
<i>Holiday Rental</i>	<i>0.3759 cents in the dollar of CIV</i>
<i>Commercial/Industrial – Colac, Colac East, Colac West, Elliminyt</i>	<i>0.6203 cents in the dollar of CIV</i>
<i>Commercial/Industrial- Balance of Shire</i>	<i>0.5263 cents in the dollar of CIV</i>

- 4.4** *It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:*

- 4.4.1** *the respective objectives of each differential rate be those specified in Appendix B of the 2012-2013 Budget Document.*
- 4.4.2** *the respective types or classes of land which are subject to each differential rate be those defined in the Schedule to this Recommendation; and*
- 4.4.3** *the respective uses and levels of each differential rate in relation to those respective types or classes of land be those described in the Schedule to this Recommendation; and*

<p><b>4.4.4 the relevant:</b></p> <p><b>4.4.4.1 uses of;</b></p> <p><b>4.4.4.2 geographical locations of; and</b></p> <p><b>4.4.4.3 planning scheme zonings of; and</b></p> <p><b>4.4.4.4 types of buildings on the respective types or classes of land be those identified in Appendix B of the 2012-2013 Budget Document.</b></p> <p><b>5 Authorises a Municipal Charge be declared for the period commencing 1 July 2012 to 30 June 2013 to cover some of the administrative costs of the Council.</b></p> <p><b>5.1 The Municipal Charge be the sum of \$149 per annum for each rateable property in respect of which a municipal charge can be levied.</b></p> <p><b>6 Authorises the following Annual Service (Waste Management) Charges</b></p> <p><b>6.1 An annual service (waste management) charge of \$277.00 per annum be declared for:</b></p> <p><b>6.1.1 all land used primarily for residential or commercial purposes; or</b></p> <p><b>6.1.2 other land in respect of which a weekly waste collection and disposal service is provided, for the period 1 July 2012 to 30 June 2013.</b></p> <p><b>6.2 An annual service (waste management) charge of \$186.00 per annum be declared for:</b></p> <p><b>6.2.1 all land used primarily for residential or commercial purposes; or</b></p> <p><b>6.2.2 other land in respect of which a fortnightly waste collection and disposal service is provided, for the period 1 July 2012 to 30 June 2013.</b></p> <p><b>7 Authorises a Special Charge of \$0.20 per hectare will be declared on those properties located within the Aire River Drainage Scheme for the period 1 July 2012 to 30 June 2013.</b></p> <p><b>8 Authorises a Special Charge for the Tirrengower drainage works previously declared by Council be fixed at \$2.50 per hectare for the period 1 July 2012 to 30</b></p>		
--	--	--

<p><b>June 2013.</b></p> <p><b>9 Declares that it be recorded that Council requires any person to pay interest at the maximum rate fixed under Section 2 of the Penalty Interest Rates Act 1983 as the rate set out in accordance with Section 172(2) of the Act on any amounts of rates and charges which:</b></p> <p><b>9.1 that person is liable to pay; and</b></p> <p><b>9.2 have not been paid by the date specified for their payment.</b></p> <p><b>10 Allows a lump sum payment and 4 instalment payments for the 2012-2013 year, on the dates published in the Victoria Government Gazette by the Minister and in accordance with Section 167 of the Act.</b></p> <p><b>11 Authorises the General Manager Corporate &amp; Community Services, Manager Finance and Customer Service and the Revenue Co-ordinator to levy and recover the general rates, municipal charge and annual service charges in accordance with the Act.</b></p> <p><b>12 Proposes to utilize \$200,000 from the Plant Replacement Reserve for the purpose of providing matching funding for the redevelopment of the Central Reserve Oval.</b></p> <p><b>13 Proposes to repay the \$200,000 to the Plant Replacement Reserve over a maximum term of three years.</b></p> <p><b>14 Proposes to borrow up to \$1,500,000 strictly for the purpose of proposed works at the Colac Livestock Selling Centre. The final amount to be borrowed and the term of the loan will be dependent on the tender process/s and the repayment schedule at the time the funds are required.</b></p>		
---	--	--

**MOVED Cr Lyn Russell seconded Cr Stuart Hart that recommendations to items listed in the Consent Calendar, with the exception of items OM122706-3, OM122706-4, OM122706-6, OM122706-8 and OM122706-9, be adopted.**

**CARRIED 7 : 0**



Cr Crook:	OM122706-3 2012/2013 Community Funding Program
Nature of Disclosure:	Direct
Nature of Interest:	Wrote a letter of support for Polwarth Tennis Association's bid for funding from philanthropic groups. The same letter was used in support of Council's Community Funding Program

Cr Crook:	OM122706-4 2012/2013 Community funding Program COPACC Assistance
Nature of Disclosure:	Direct
Nature of Interest:	Wrote a letter of support for Polwarth Tennis Association's bid for funding from philanthropic groups. The same letter was used in support of Council's Community Funding Program COPACC Assistance Fund

Citing a conflict of interest in items OM122706-3 2012/2013 Community Funding Program and OM122706-4 2012/2013 Community funding Program COPACC Assistance, Cr Crook left the meeting at 3.47pm.

### **OM122706-3 2012/2013 COMMUNITY FUNDING PROGRAM**

***MOVED Cr Lyn Russell seconded Cr Frank Buchanan***

***That Council:***

- Approves the recommendations from the Grants/Community Funding Advisory Committee for grants from the 2012/2013 Community Funding Program, total expenditure under each of the funding categories as follows:***

***a. Recreation Facilities \$80,605***

<b><i>Apollo Bay Arts Inc (Gallery)</i></b>	<b><i>\$4,500</i></b>
<b><i>Apollo Bay Pony Club</i></b>	<b><i>\$4,905</i></b>
<b><i>Beeac Tennis Club</i></b>	<b><i>\$3,000</i></b>
<b><i>Beech Forest Progress Association</i></b>	<b><i>\$3,700</i></b>
<b><i>City United Cricket Club</i></b>	<b><i>\$4,000</i></b>
<b><i>Colac Aero Club</i></b>	<b><i>\$3,850</i></b>
<b><i>Colac Aerodrome Committee of Management</i></b>	<b><i>\$4,000</i></b>
<b><i>Colac Central Bowling Club Inc</i></b>	<b><i>\$875</i></b>
<b><i>Colac Cricket Club</i></b>	<b><i>\$4,500</i></b>
<b><i>Colac Football Netball Club Inc</i></b>	<b><i>\$4,000</i></b>
<b><i>Colac Pony Club</i></b>	<b><i>\$3,670</i></b>
<b><i>Elliminyt Public Hall Inc</i></b>	<b><i>\$2,740</i></b>
<b><i>Elliminyt Tennis Club</i></b>	<b><i>\$150</i></b>
<b><i>Forrest Public Hall</i></b>	<b><i>\$4,000</i></b>
<b><i>Irrewarra Beeac Football Netball Club</i></b>	<b><i>\$4,500</i></b>
<b><i>Irwillipe Sports &amp; Entertainment Complex</i></b>	<b><i>\$1,975</i></b>
<b><i>Johanna Public Purpose Reserve Committee Inc.</i></b>	<b><i>\$2,650</i></b>
<b><i>Simpson Car Club Inc</i></b>	<b><i>\$4,500</i></b>
<b><i>Victorian Field &amp; Game Association (Colac Incorporated)</i></b>	<b><i>\$4,500</i></b>
<b><i>Warrion Cricket Club</i></b>	<b><i>\$4,400</i></b>
<b><i>Warrion Hall Committee</i></b>	<b><i>\$1,800</i></b>
<b><i>Warrion Recreation Reserve CoM</i></b>	<b><i>\$4,000</i></b>

<i>Yuulong Hall Committee</i>	<b>\$4,390</b>
<b>b. Community Projects \$25,280</b>	
<i>Apollo Bay Tuesday Arts Group</i>	<b>\$3,000</b>
<i>Colac &amp; District Family History Group Inc</i>	<b>\$2,445</b>
<i>Colac Tigers Football/Netball Club</i>	<b>\$1,370</b>
<i>Colac Wood Turners &amp; Wood Crafters Guild Inc</i>	<b>\$2,050</b>
<i>Otway Health &amp; Community Services</i>	<b>\$3,500</b>
<i>Polwarth &amp; District Tennis Association Inc</i>	<b>\$4,000</b>
<i>SES Colac Unit</i>	<b>\$1,600</b>
<i>Southern Otway Food Co-operative</i>	<b>\$4,315</b>
<i>The Rotary Club of Colac West</i>	<b>\$3,000</b>
<b>c. Small Equipment &amp; Training \$13,935</b>	
<i>Apollo Bay Youth Club</i>	<b>\$850</b>
<i>Barongarook Hall &amp; Tennis Reserve Committee</i>	<b>\$1,000</b>
<i>Birregurra Community Group</i>	<b>\$1,000</b>
<i>Colac &amp; District Football League Netball Assoc.</i>	<b>\$875</b>
<i>Colac &amp; District Historical Society</i>	<b>\$540</b>
<i>Colac &amp; District Pipes &amp; Drums Inc</i>	<b>\$1,000</b>
<i>Colac Basketball Association Inc</i>	<b>\$1,000</b>
<i>Colac Chorale</i>	<b>\$1,000</b>
<i>Colac Pony Club</i>	<b>\$525</b>
<i>Colac Swim Club Inc</i>	<b>\$949</b>
<i>Colac Table Tennis Association Inc</i>	<b>\$997</b>
<i>Colac Toy Library</i>	<b>\$423</b>
<i>Elliminyt Tennis Club Inc</i>	<b>\$189</b>
<i>Irrewillipe Sports &amp; Entertainment Complex</i>	<b>\$750</b>
<i>Larpent Hall Committee</i>	<b>\$525</b>
<i>Larpent Indoor Bias Bowls Club</i>	<b>\$312</b>
<i>Lions Club of Forrest &amp; District</i>	<b>\$1,000</b>
<i>Otway Districts Football Netball Club Inc</i>	<b>\$1,000</b>

**CARRIED 6 : 0**

**OM122706-4      2012-2013 COMMUNITY FUNDING PROGRAM COPACC  
ASSISTANCE**

**MOVED Cr Lyn Russell seconded Cr Frank Buchanan**

**That Council approves the officer recommendations from the Grants/Community Funding Advisory Committee for the 2012/2013 Community Funding Program, as follows:**

**COPACC Assistance \$10,000:**

<i>Let's Dance</i>	<b>\$500</b>
<i>Meriba Service Club of Colac</i>	<b>\$1,286</b>
<i>Colac West Primary School</i>	<b>\$700</b>
<i>The Colac Players Inc</i>	<b>\$2,500</b>
<i>South West Do Care</i>	<b>\$2,864</b>
<i>FReeZA Colac (Lac &amp; Co Productions)</i>	<b>\$500</b>
<i>Polwarth District Tennis Association Inc</i>	<b>\$900</b>
<i>Colac Otway Disability Accommodation Inc</i>	<b>\$750</b>

**CARRIED 6 : 0**

Cr Crook returned to the meeting at 3.56pm.

**OM122706-6      AUTHORISATION OF OFFICERS (PLANNING AND ENVIRONMENT ACT)**

***MOVED Cr Lyn Russell seconded Cr Geoff Higgins***

***That Council:***

- 1. Appoints Statutory Planning Officers Beverly Merrett and Gemma Browning as authorised officers pursuant to the Planning and Environment Act 1987.***
- 2. Notes that the Instrument of Appointment and Authorisation comes into force immediately the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it.***
- 3. Delegates to the Chief Executive Officer authority to sign and place under Council Seal the Instrument of Appointment and Authorisation.***

***CARRIED 7 : 0***

**OM122706-8      COUNCIL PLAN REVIEW (INCLUDING STRATEGIC RESOURCE PLAN)**

***MOVED Cr Brian Crook seconded Cr Geoff Higgins***

***That Council adopts the revised Council Plan 2009/2013 (including the Strategic Resource Plan 2012-2013 to 2015-2016) and forwards a copy of the Plan to the Minister for Local Government.***

***CARRIED 7 : 0***

**OM122706-9      ADOPTION OF THE 2012-2013 BUDGET**

***MOVED Cr Frank Buchanan seconded Cr Lyn Russell***

***That Council:***

- 1. Having considered all submissions received, adopts the 2012-2013 Budget annexed to this resolution as Attachment 1 in accordance with Section 130 of the Local Government Act 1989 (the Act).***
- 2. Authorises the Chief Executive Officer to:***
  - a. Give public notice of this decision to adopt the 2012-2013 Budget, in accordance with Section 130(2) of the Act;***
  - b. Forward a copy of the adopted Budget to the Minister for Local Government before 31 August 2012, in accordance with Section 130(4)***

*of the Act;*

- c. *Make available a copy of the adopted Budget at the Rae Street Office and the Apollo Bay Customer Service Centre for public inspection in accordance with Section 130(9) of the Act; and*
- d. *Thank persons making submissions to the budget in writing for their submission and advise of the outcome of the budget decision.*

**3. Authorises the amount intended to be raised.**

*An amount of \$ 23,262,718 be declared as the amount that Council intends to raise by general rates, municipal charge and service (Waste Management) charges, which is calculated as follows:*

<i>Category</i>	<i>Income</i>
<i>General Rates (including Supplementary rates)</i>	<i>\$ 18,634,887</i>
<i>Municipal Charge</i>	<i>\$ 2,054,859</i>
<i>Annual Service (Waste Management) Charges</i>	<i>\$ 2,572,972</i>
<b>TOTAL</b>	<b><u>\$ 23,262,718</u></b>

**4. Authorises a general rate be declared for the period commencing 1 July 2012 to 30 June 2013 and that:**

- 4.1 *It be declared that the general rate be raised by the application of differential rates.*
- 4.2 *A differential rate be respectively declared for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each differential rate so declared:*

**4.2.1 Residential Land – Colac, Colac East, Colac West or Elliminyt**  
*Any land which is located in Colac, Colac East, Colac West or Elliminyt that is not zoned for commercial or industrial use and which:*

- 4.2.1.1 *is vacant or used primarily for residential purposes and is less than 1.0 hectare in area; and*
- 4.2.1.2 *does not have the characteristics of:*
  - a) *Rural Farm Land;*
  - b) *Holiday Rental Land; or*
  - c) *Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt.*

**4.2.2 Residential Land - Balance of Shire**  
*Any land which is 1.0 hectare or more in area or which is not located in Colac, Colac East, Colac West or Elliminyt that:*

- 4.2.2.1 *is vacant or used primarily for residential purposes; and*
- 4.2.2.2 *does not have the characteristics of:*
  - a) *Rural Farm Land;*
  - b) *Holiday Rental Land;*
  - c) *Commercial/Industrial Land – Colac, Colac East, Colac West or Elliminyt; or*
  - d) *Commercial/Industrial Land – Balance of Shire.*

**4.2.3 Rural Farm Land**

*Any land which is "Farm Land" within the meaning of Section 2 of the Valuation of Land Act 1960.*

**4.2.4 Holiday Rental Land**

*Any land that contains a dwelling, cabin or house or part of a house that:*

**4.2.4.1** *is used for the provision of holiday accommodation for the purpose of generating income; or*

**4.2.4.2** *is made generally available for holiday accommodation and is a secondary or supplemental source of income for the owner.*

*Note: Typically, the category will include absentee owned holiday houses, owner occupied "Bed and Breakfast" establishments, farm properties with accommodation cabins, holiday farms and the like.*

*The category will not include land used to provide tourist/holiday accommodation on an overtly commercial scale and basis where the provision of accommodation is an integral part of the use of the property. The types of properties excluded from this category would include motels, resorts, hotels with accommodation, caravan parks, centrally managed and promoted multi unit developments and the like.*

**4.2.5 Commercial/Industrial Land - Colac, Colac East, Colac West or Elliminyt**

*Any land which is located in Colac, Colac East, Colac West or Elliminyt which:*

**4.2.5.1** *does not have the characteristics of:*

- a)** *Rural Farm Land;*
- b)** *Residential Land – Colac, Colac East, Colac West or Elliminyt; or*
- c)** *Holiday Rental Land; and*

**4.2.5.2** *is used primarily for:*

- a)** *the sale of goods or services;*
  - b)** *other commercial purposes; or*
  - c)** *industrial purposes*
- or which is vacant but zoned for commercial or industrial use.*

**4.2.6 Commercial/Industrial Land - Balance of Shire**

*Any land which is not located in Colac, Colac East, Colac West or Elliminyt which:*

**4.2.6.1** *does not have the characteristics of:*

- a)** *Rural Farm Land;*
- b)** *Residential Land – Balance of Shire; or*
- c)** *Holiday Rental Land; and*

**4.2.6.2** *is used primarily for:*

- a)** *the sale of goods or services;*
  - b)** *other commercial purposes; or*
  - c)** *industrial purposes*
- or which is vacant but zoned for commercial or industrial use.*

- 4.3 Each differential rate will be determined by multiplying the Capital Improved Value of each rateable land (categorised by the characteristics described in Clause 4.2 of this Resolution) by the relevant cents in the dollar indicated in the following table:**

<i>Residential- Colac, Colac East, Colac West, Elliminyt</i>	<i>0.3759 cents in the dollar of CIV</i>
<i>Residential- Balance of Shire</i>	<i>0.3195 cents in the dollar of CIV</i>
<i>Rural- Farm</i>	<i>0.2970 cents in the dollar of CIV</i>
<i>Holiday Rental</i>	<i>0.3759 cents in the dollar of CIV</i>
<i>Commercial/Industrial - Colac, Colac East, Colac West, Elliminyt</i>	<i>0.6203 cents in the dollar of CIV</i>
<i>Commercial/Industrial- Balance of Shire</i>	<i>0.5263 cents in the dollar of CIV</i>

- 4.4 It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:**

- 4.4.1 the respective objectives of each differential rate be those specified in Appendix B of the 2012-2013 Budget Document.**
- 4.4.2 the respective types or classes of land which are subject to each differential rate be those defined in the Schedule to this Recommendation; and**
- 4.4.3 the respective uses and levels of each differential rate in relation to those respective types or classes of land be those described in the Schedule to this Recommendation; and**
- 4.4.4 the relevant:**
- 4.4.4.1 uses of;**
- 4.4.4.2 geographical locations of; and**
- 4.4.4.3 planning scheme zonings of; and**
- 4.4.4.4 types of buildings on the respective types or classes of land be those identified in Appendix B of the 2012-2013 Budget Document.**

- 5 Authorises a Municipal Charge be declared for the period commencing 1 July 2012 to 30 June 2013 to cover some of the administrative costs of the Council.**

- 5.1 The Municipal Charge be the sum of \$149 per annum for each rateable property in respect of which a municipal charge can be levied.**

- 6 Authorises the following Annual Service (Waste Management) Charges**

- 6.1 An annual service (waste management) charge of \$277.00 per annum be declared for:**

- 6.1.1** *all land used primarily for residential or commercial purposes; or*
- 6.1.2** *other land in respect of which a weekly waste collection and disposal service is provided, for the period 1 July 2012 to 30 June 2013.*
- 6.2** *An annual service (waste management) charge of \$186.00 per annum be declared for:*
- 6.2.1** *all land used primarily for residential or commercial purposes; or*
- 6.2.2** *other land in respect of which a fortnightly waste collection and disposal service is provided, for the period 1 July 2012 to 30 June 2013.*
- 7** *Authorises a Special Charge of \$0.20 per hectare will be declared on those properties located within the Aire River Drainage Scheme for the period 1 July 2012 to 30 June 2013.*
- 8** *Authorises a Special Charge for the Tirrengower drainage works previously declared by Council be fixed at \$2.50 per hectare for the period 1 July 2012 to 30 June 2013.*
- 9** *Declares that it be recorded that Council requires any person to pay interest at the maximum rate fixed under Section 2 of the Penalty Interest Rates Act 1983 as the rate set out in accordance with Section 172(2) of the Act on any amounts of rates and charges which:*
- 9.1** *that person is liable to pay; and*
- 9.2** *have not been paid by the date specified for their payment.*
- 10** *Allows a lump sum payment and 4 instalment payments for the 2012-2013 year, on the dates published in the Victoria Government Gazette by the Minister and in accordance with Section 167 of the Act.*
- 11** *Authorises the General Manager Corporate & Community Services, Manager Finance and Customer Service and the Revenue Co-ordinator to levy and recover the general rates, municipal charge and annual service charges in accordance with the Act.*
- 12** *Proposes to utilise \$200,000 from the Plant Replacement Reserve for the purpose of providing matching funding for the redevelopment of the Central Reserve Oval.*
- 13** *Proposes to repay the \$200,000 to the Plant Replacement Reserve over a maximum term of three years.*
- 14** *Proposes to borrow up to \$1,500,000 strictly for the purpose of proposed works at the Colac Livestock Selling Centre. The final amount to be borrowed and the term of the loan will be dependent on the tender process/s and the repayment schedule at the time the funds are required.*

**CARRIED 4 : 3**

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

***For the Motion: Cr Brian Crook, Cr Geoff Higgins, Cr Frank Buchanan, Cr Lyn Russell***

***Against the Motion: Cr Chris Smith, Cr Stuart Hart, Cr Stephen Hart***



CONSENT CALENDAROFFICERS' REPORT

D = Discussion  
W = Withdrawal

ITEM	D	W
<p><b><u>INFRASTRUCTURE AND SERVICES</u></b></p> <p><b><u>OM122706-10 COLAC ROAD HIERACHY AND HEAVY VEHICLE ROUTE INVESTIGATION</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Investigates the following corridor routes within the next stage of the study:</i></b> <ul style="list-style-type: none"> <li><b><i>Route 3 – Lake Route</i></b></li> <li><b><i>Route 2 – North of the Lake</i></b></li> <li><b><i>Route 8 – Outer Southern Route</i></b></li> <li><b><i>Route 7 – Inner Southern Route</i></b></li> </ul> </li> <li><b><i>2. Instructs the consultant to conduct the consultation process for the next stage of the study after the Council elections on 27 October 2012 and report the final recommendation on the preferred route back to the new Council.</i></b></li> <li><b><i>3. Abandons any further investigation of the Rail Corridor as part of this study.</i></b></li> <li><b><i>4. Abandons any further investigation of specific short term options as part of this study.</i></b></li> <li><b><i>5. Requests Vicroads in conjunction with Council, to review short term mitigation measures that can help to alleviate issues associated with heavy vehicles on Murray Street, Colac, outside the heavy vehicle deviation study.</i></b></li> </ol>		<p><b>Cr Frank Buchanan</b></p>

<p><b>OM122706-11</b>     <b><u>PETITION IN RELATION TO THE COLAC ROAD HIERARCHY HEAVY VEHICLE TRUCK ROUTE</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></p> <p><i>That Council writes to the originators of the Petition advising them as follows:</i></p> <ol style="list-style-type: none"> <li>1. <i>That their Petition has been provided to the Council and the consultant, and will be considered in the determination of a final route for a Heavy Vehicle Truck Route.</i></li> <li>2. <i>That Council has previously resolved at the Council meeting of 23 May 2012, as follows:</i></li> </ol> <p><i>“That Council notes:</i></p> <ol style="list-style-type: none"> <li>1. <i>That it has a report on possible heavy vehicle transport routes for Colac.</i></li> <li>2. <i>That it does not accept any short term options and instructs that no more Council time is spent investigating short term options.</i></li> </ol> <p><b>And also:</b></p> <p><i>That Council notes that Council does not accept any alternative routes to Murray Street where the alternative routes are in residential areas and/or close to any school.”</i></p>		Cr Lyn Russell
<p><b>OM122706-12</b>     <b><u>PORT OF APOLLO BAY MANAGEMENT AGREEMENT WITH DEPARTMENT OF TRANSPORT (DOT)</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li>1. <i>Endorses the five (5) year Port of Apollo Bay Management Agreement with the Department of Transport (DOT).</i></li> <li>2. <i>Endorses the Port of Apollo Bay Management Agreement to commence from 1 July 2012 and continue up to 30 June 2017.</i></li> </ol>		

<p>3. <i>Authorises the Chief Executive Officer to sign and seal the Port of Apollo Bay Management Agreement subject to any further negotiations/clarifications with DOT and finalisation.</i></p> <p>4. <i>Advises DOT that should any difficulties be faced with any of the Port of Apollo Bay Agreement clauses, the Council and DOT will continue to work together to resolve the issues in an amicable manner and any amendments made to the areas of concern achieving the best outcome from a smooth Port operations point of view.</i></p>		
<p><b>OM122706-13      <u>APOLLO BAY DRAINAGE STRATEGY - DRAFT REPORT</u></b></p> <p>Department: Infrastructure</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li>1. <i>Endorses the draft Apollo Bay Drainage Strategy for public consultation.</i></li> <li>2. <i>Places the draft Apollo Bay Drainage Strategy on exhibition for a minimum six (6) week period.</i></li> </ol>		

***MOVED Cr Lyn Russell seconded Cr Brian Crook that recommendations to items listed in the Consent Calendar, with the exception of items OM122706-10 and OM122706-11, be adopted.***

**CARRIED 7 : 0**

Cr Crook:	OM122706-10 Colac Road Hierarchy and Heavy Vehicle Route Investigation
Nature of Disclosure:	Direct
Nature of Interest:	Resident of Wilson Street which is being considered as a short term option.

Cr Crook:	OM122706-11 Petition in relation to the Colac Road Hierarchy and Heavy Vehicle Route
Nature of Disclosure:	Direct
Nature of Interest:	Resident of Wilson Street which is being considered as a short term option.

Citing a conflict of interest in items OM122706-10 Colac Road Hierarchy and Heavy Vehicle Route Investigation and OM122706-11 Petition in relation to the Colac Road Hierarchy and Heavy Vehicle Route, Cr Crook left the meeting at 4.40pm.

**OM122706-10 COLAC ROAD HIERACHY AND HEAVY VEHICLE ROUTE INVESTIGATION**

**Original Recommendation(s)**

**That Council:**

- 1. Investigates the following corridor routes within the next stage of the study:**
  - Route 3 – Lake Route**
  - Route 2 – North of the Lake**
  - Route 8 – Outer Southern Route**
  - Route 7 – Inner Southern Route**
- 2. Instructs the consultant to conduct the consultation process for the next stage of the study after the Council elections on 27 October 2012 and report the final recommendation on the preferred route back to the new Council.**
- 3. Abandons any further investigation of the Rail Corridor as part of this study.**
- 4. Abandons any further investigation of specific short term options as part of this study.**
- 5. Requests Vicroads in conjunction with Council, to review short term mitigation measures that can help to alleviate issues associated with heavy vehicles on Murray Street, Colac, outside the heavy vehicle deviation study.**

**MOTION - MOVED Cr Frank Buchanan seconded Cr Lyn Russell:**

**That Council:**

- 1. Investigates the following corridor route within the next stage of the study:**
  - Route 2 – North of the Lake**
- 2. Instructs the consultant to conduct the consultation process for the next stage of the study after the Council elections on 27 October 2012 and report the final recommendation on the preferred route back to the new Council.**
- 3. Abandons any further investigation of the Rail Corridor as part of this study.**
- 4. Abandons any further investigation of specific short term options as part of this study.**
- 5. Requests Vicroads in conjunction with Council, to review short term mitigation measures that can help to alleviate issues associated with heavy vehicles on Murray Street, Colac, outside the heavy vehicle deviation study.**

**Vote: 3 : 3**

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

**Lost 3 : 4**

**MOTION - MOVED Cr Chris Smith that Council proceeds no further with the Alternative Heavy Vehicle Route investigation until a new Council is elected.**

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

**MOTION - MOVED Cr Lyn Russell:**

**That Council:**

- 1. Investigates the following corridor routes within the next stage of the study:  
Route 3 – Lake Route  
Route 2 – North of the Lake  
Route 8 – Outer Southern Route**
- 2. Instructs the consultant to conduct the consultation process for the next stage of the study after the Council elections on 27 October 2012 and report the final recommendation on the preferred route back to the new Council.**
- 3. Abandons any further investigation of the Rail Corridor as part of this study.**
- 4. Abandons any further investigation of specific short term options as part of this study.**
- 5. Requests Vicroads in conjunction with Council, to review short term mitigation measures that can help to alleviate issues associated with heavy vehicles on Murray Street, Colac, outside the heavy vehicle deviation study.**

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

**MOTION - MOVED Cr Chris Smith that Council acknowledges that dealing with the Alternative Heavy Vehicle Route around Colac is a monumental mess and that it not be considered again until the next Council has been elected.**

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

**MOTION - MOVED Cr Geoff Higgins:**

**That Council:**

- 1. Investigates the following corridor routes within the next stage of the study:  
Route 3 – Lake Route  
Route 2 – North of the Lake**

**Route 8 – Outer Southern Route  
Dennis Street in conjunction with Murray Street.**

- 2. Instructs the consultant to conduct the consultation process for the next stage of the study after the Council elections on 27 October 2012 and report the final recommendation on the preferred route back to the new Council.**
- 3. Abandons any further investigation of the Rail Corridor as part of this study.**
- 4. Abandons any further investigation of specific short term options as part of this study.**
- 5. Requests Vicroads in conjunction with Council, to review short term mitigation measures that can help to alleviate issues associated with heavy vehicles on Murray Street, Colac, outside the heavy vehicle deviation study.**

**This motion was ruled out of order by the Mayor.**

Council moved on to the next item.

**OM122706-11      PETITION IN RELATION TO THE COLAC ROAD HIERARCHY  
HEAVY VEHICLE TRUCK ROUTE**

**MOVED Cr Lyn Russell seconded Cr Frank Buchanan**

**That Council writes to the originators of the Petition advising them as follows:**

- 1. That their Petition has been provided to the Council and the consultant, and will be considered in the determination of a final route for a Heavy Vehicle Truck Route.**
- 2. That Council has previously resolved at the Council meeting of 23 May 2012, as follows:**

**“That Council notes:**

- 1. That it has a report on possible heavy vehicle transport routes for Colac.**
- 2. That it does not accept any short term options and instructs that no more Council time is spent investigating short term options.”**

**And also:**

**“That Council notes that Council does not accept any alternative routes to Murray Street where the alternative routes are in residential areas and/or close to any school.”**

**CARRIED 6 : 0**

Cr Crook returned to the meeting at 5.10pm.

At the conclusion of deliberations on item OM122706-27, the following procedural motion was passed:

**MOTION - MOVED Cr Lyn Russell that Council returns to agenda item OM122706-10 Colac Road Hierarchy and Heavy Vehicle Route Investigation for further consideration**  
**CARRIED 6: 1**

Cr Crook:	OM122706-10 Colac Road Hierarchy and Heavy Vehicle Route Investigation
Nature of Disclosure:	Direct
Nature of Interest:	Resident of Wilson Street which is being considered as a short term option.

Having cited a conflict of interest in this item, Cr Crook left the meeting at 6.51pm.

**OM122706-10 COLAC ROAD HIERARCHY AND HEAVY VEHICLE ROUTE INVESTIGATION**

**MOTION - MOVED Cr Lyn Russell seconded Cr Frank Buchanan:**

**That Council:**

1. **Investigates the following corridor routes within the next stage of the study:**  
Route 3 – Lake Route  
Route 2 – North of the Lake  
Route 8 – Outer Southern Route
2. **Instructs the consultant to conduct the consultation process for the next stage of the study after the Council elections on 27 October 2012 and report the final recommendation on the preferred route back to the new Council.**
3. **Abandons any further investigation of the Rail Corridor as part of this study.**
4. **Abandons any further investigation of specific short term options as part of this study.**
5. **Requests Vicroads in conjunction with Council, to review short term mitigation measures that can help to alleviate issues associated with heavy vehicles on Murray Street, Colac, outside the heavy vehicle deviation study.**

**CARRIED 4 : 2**

**DIVISION called by Cr Chris Smith**

**For the Motion: Cr Geoff Higgins, Cr Frank Buchanan, Cr Lyn Russell, Cr Stephen Hart**  
**Against the Motion: Cr Chris Smith, Cr Stuart Hart**

Cr Crook returned to the meeting at 6.58pm.

CONSENT CALENDAROFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<p><b><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u></b></p> <p><b><u>OM122706-14 APOLLO BAY SETTLEMENT BOUNDARY &amp; URBAN DESIGN REVIEW - ADOPTION OF FINAL REPORT</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Adopts the Final Apollo Bay Settlement Boundary and Urban Design Review Report, June 2012.</i></b></li> <li><b><i>2. Requests authorisation from the State Planning Minister to prepare and exhibit an amendment to the Colac Otway Planning Scheme to implement the planning related outcomes of the project.</i></b></li> <li><b><i>3. Refers urban design recommendations of the Final Project report, including capital works proposals, to future budget processes for consideration, and inclusion in the 10 year capital works and major projects list.</i></b></li> </ol>		<p>Cr Stuart Hart</p>
<p><b><u>OM122706-15 BIRREGURRA NEIGHBOURHOOD CHARACTER STUDY - ADOPTION OF FINAL REPORT</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. Adopts the Birregurra Neighbourhood Character Study final report, June 2012.</i></b></li> <li><b><i>2. Requests authorisation from the State Planning Minister to prepare and exhibit an amendment to the Colac Otway Planning Scheme to implement the planning related outcomes of the project.</i></b></li> </ol>	<p>Cr Brian Crook Cr Chris Smith</p>	



<p>3. <i>Exhibits the Planning Scheme Amendment in conjunction with the implementation of the Birregurra Structure Plan when it is completed and adopted by Council.</i></p> <p>4. <i>Requires staff to consider the preferred character outcomes of the Study when planning and designing public infrastructure improvements within Birregurra in the future.</i></p>		
<p><b><u>OM122706-16 COLAC OTWAY SHIRE COUNCIL ENVIRONMENTAL SUSTAINABILITY POLICY</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation</u></b></p> <p><i>That Council formally adopts the Colac Otway Shire Environmental Sustainability Policy 2012.</i></p>		
<p><b><u>OM122706-17 COLAC OTWAY FIRE MANAGEMENT PLAN</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council:</i></b></p> <ol style="list-style-type: none"> <li>1. <i>Endorses the draft "Colac Otway Fire Management Plan" for release for public comment for a period of six weeks.</i></li> <li>2. <i>Notes that any public comment received will be analysed and incorporated where suitable to enable the plan to be submitted to Council for adoption.</i></li> </ol>	Cr Stuart Hart	
<p><b><u>OM122706-18 MUNICIPAL RELIEF AND RECOVERY PLAN</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation</u></b></p> <p><i>That Council adopts the Colac Otway Shire Municipal Relief and Recovery Plan.</i></p>	Cr Stuart Hart	

<p><b><u>OM122706-19</u>      <u>MUNICIPAL EMERGENCY MANAGEMENT PLAN</u></b></p> <p>Department: Sustainable Planning and Development</p> <p><b><u>Recommendation</u></b></p> <p><b><i>That Council adopts the Colac Otway Shire Municipal Emergency Management Plan.</i></b></p>	<p><b>Cr Stuart Hart</b></p>	
--	----------------------------------	--

***MOVED Cr Lyn Russell seconded Cr Brian Crook that recommendations to items listed in the Consent Calendar, with the exception of item OM122706-14 Apollo Bay Settlement Boundary & Urban Design Review - Adoption of Final Report, be adopted.***

**CARRIED 7 : 0**

**OM122706-14      APOLLO BAY SETTLEMENT BOUNDARY & URBAN DESIGN REVIEW -  
ADOPTION OF FINAL REPORT**

***MOVED Cr Stuart Hart seconded Cr Lyn Russell***

***That Council:***

- 1. Adopts the Final Apollo Bay Settlement Boundary and Urban Design Review Report, June 2012.***
- 2. Requests authorisation from the State Planning Minister to prepare and exhibit an amendment to the Colac Otway Planning Scheme to implement the planning related outcomes of the project.***
- 3. Refers urban design recommendations of the Final Project report, including capital works proposals, to future budget processes for consideration, and inclusion in the 10 year capital works and major projects list.***

***AMENDMENT - MOVED Cr Chris Smith:***

***That a further point be added:***

- 4. That Area 1 be removed as a potential residential zone at this point.***

***This amendment lapsed due the lack of a seconder.***

***MOVED Cr Stuart Hart seconded Cr Lyn Russell***

***That Council:***

- 1. Adopts the Final Apollo Bay Settlement Boundary and Urban Design Review Report, June 2012.***

2. ***Requests authorisation from the State Planning Minister to prepare and exhibit an amendment to the Colac Otway Planning Scheme to implement the planning related outcomes of the project.***
3. ***Refers urban design recommendations of the Final Project report, including capital works proposals, to future budget processes for consideration, and inclusion in the 10 year capital works and major projects list.***

**CARRIED 6 : 1**

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

***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***

The Mayor adjourned the meeting at 5.40pm to allow Councillors a short break. The meeting resumed at 6.01pm.

CONSENT CALENDAROFFICERS' REPORT

D = Discussion  
W = Withdrawal

ITEM	D	W
<p><b><u>GENERAL BUSINESS</u></b></p> <p><b><u>OM122706-20 ASSEMBLY OF COUNCILLORS</u></b></p> <p>Department: General Business</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council notes the Assembly of Councillors reports for:</i></b></p> <ul style="list-style-type: none"> <li>• <b><i>Councillor Briefing Session 26 April 2012</i></b></li> <li>• <b><i>Colac Road Hierarchy Heavy Vehicle Meeting 15 May 2012</i></b></li> <li>• <b><i>Councillor Briefing Session 23 May 2012</i></b></li> <li>• <b><i>Audit Committee Report to Councillors 30 May 2012</i></b></li> <li>• <b><i>Festival &amp; Events Support Scheme Advisory Committee 30 May 2012</i></b></li> <li>• <b><i>Small Towns Improvement Program Meeting 5 June 2012</i></b></li> <li>• <b><i>Grants/Community Funding Advisory Committee 6 June 2012</i></b></li> <li>• <b><i>Councillor Workshop 13 June 2012</i></b></li> </ul>		
<p><b><u>OM122706-21 OTHER COMMITTEE MINUTES - COLAC YOUTH COUNCIL</u></b></p> <p>Department: General Business</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council notes the minutes from:</i></b></p> <ul style="list-style-type: none"> <li>• <b><i>Colac Youth Council meeting held on 16 April 2012</i></b></li> <li>• <b><i>Colac Youth Council meeting held on 14 May 2012</i></b></li> </ul>		

<p><b><u>OM122706-22 MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE</u></b></p> <p>Department: General Business</p> <p><b><u>Recommendation(s)</u></b></p> <p><b><i>That Council notes the Minutes and Executive Officer Report of the Old Beechy Rail Trail Committee for 2 April 2012.</i></b></p>	<p><b>Cr Chris Smith</b></p>	
<p><b><u>OM122706-23 CLIMATE RESILIENT COMMUNITIES GRANT</u></b></p> <p>Department: General Business</p> <p><b><u>Recommendation</u></b></p> <p><b><i>That Council endorses the updated version of the deed of agreement for the Climate Resilient Communities of the Barwon South West grant that has been signed and sealed by the Chief Executive Officer and sent to the Minister for Environment.</i></b></p>		

***MOVED Cr Lyn Russell seconded Cr Geoff Higgins that recommendations to items listed in the Consent Calendar be adopted.***

**CARRIED 7 : 0**

**CONSENT CALENDAR**

**OFFICERS' REPORT**

D = Discussion  
W = Withdrawal

ITEM	D	W
<p><b><u>NOTICES OF MOTION</u></b></p> <p><b><u>OM122706-24      CORANGAMITE ACID SULFATE SOIL MULTI-AGENCY STEERING COMMITTEE</u></b></p> <p>Department: Notices of Motion</p> <p><b><u>Recommendation</u></b></p> <p><i>That Council consider the contents of this Notice of Motion.</i></p>		
<p><b><u>OM122706-25      INLAND ACID SULFATE SOIL SITE - YEODENE</u></b></p> <p>Department: Notices of Motion</p> <p><b><u>Recommendation</u></b></p> <p><i>That Council consider the contents of this Notice of Motion.</i></p>		
<p><b><u>OM122706-26      OTWAY TO COLAC PIPELINE - RELEASE OF WATER</u></b></p> <p>Department: Notices of Motion</p> <p><b><u>Recommendation</u></b></p> <p><i>That Council consider the contents of this Notice of Motion.</i></p>		

**OM122706-24      CORANGAMITE ACID SULFATE SOIL MULTI-AGENCY STEERING COMMITTEE****Recommendation**

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

**MOTION - MOVED Cr Stuart Hart seconded Cr Geoff Higgins that:**

**Council Notes:**

- 1. That it has an appointed representative on the Corangamite Acid Sulfate Soil Multi-Agency Steering Committee.*
- 2. That the Council instructs the CEO to advise its appointed representative to move a motion that this committee investigates the cause(s) of the acidification of the "Big Swamp" at Yeodene.*
- 3. That the complete unedited investigation results are promptly forwarded to Council for consideration.*

**AMENDMENT - MOVED Cr Chris Smith seconded Cr Brian Crook that:**

**Council Notes:**

- 1. That it has an appointed representative on the Corangamite Acid Sulfate Soil Multi-Agency Steering Committee.*
- 2. That the Council instructs the CEO to advise its appointed representative to move a motion that this committee investigates the cost and scope of investigating the cause(s) of the acidification of the "Big Swamp" at Yeodene.*

*Carried 7 : 0*

**MOTION - MOVED Cr Stuart Hart seconded Cr Geoff Higgins that:**

**Council Notes:**

- 1. That it has an appointed representative on the Corangamite Acid Sulfate Soil Multi-Agency Steering Committee.*
- 2. That the Council instructs the CEO to advise its appointed representative to move a motion that this committee investigates the cost and scope of investigating the cause(s) of the acidification of the "Big Swamp" at Yeodene.*

**CARRIED 7 : 0**

**OM122706-25 INLAND ACID SULFATE SOIL SITE - YEODENE****Recommendation**

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

**MOTION - MOVED Cr Stuart Hart seconded Cr Geoff Higgins that:**

**Council Notes:**

1. *The "Big Swamp" at Yeodene is now known to be an "Actual Inland Acid Sulfate Soil Site".*
2. *Council requests that the Environmental Protection Agency (EPA) investigate this site known as "Big Swamp" at Yeodene and determines whether it should be declared a contaminated area.*
3. *That the complete EPA unedited investigation results are promptly forwarded to Council for consideration.*

**CARRIED 7 : 0**

**OM122706-26 OTWAY TO COLAC PIPELINE - RELEASE OF WATER****Recommendation(s)**

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

**MOTION - MOVED Cr Stuart Hart seconded Cr Chris Smith that:**

**Council Notes:**

1. *That Council requests Southern Rural Water to investigate and report to Council, that if Barwon Water is releasing water into Boundary Creek, why the supplementary water does not reach the stream flow gauging station Number 233228 at the Colac to Forrest Road bridge when there are no rainfall flushing events.*
2. *That the complete Southern Rural Water unedited investigation results are promptly forwarded to Council for consideration.*

**CARRIED 7 : 0**



**CONSENT CALENDAR**

**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<b><u>REPORTS FROM DELEGATES TO OTHER BODIES</u></b>		
<p><b><u>OM122706-27      REPORT FROM DELEGATE TO OTHER BODY - MUNICIPAL ASSOCIATION OF VICTORIA STATE COUNCIL MEETING</u></b></p> <p>Department: Reports from Delegates to Other Bodies</p> <p><b><u>Recommendation</u></b></p> <p><b>Council notes the report regarding the Municipal Association of Victoria State Council meeting on 23 May 2012.</b></p>		

***MOVED Cr Lyn Russell seconded Cr Brian Crook that recommendations to item OM122706-27 Report from Delegate to Other Body - Municipal Association of Victoria State Council Meeting, as listed in the Consent Calendar, be adopted.***

***CARRIED 7 : 0***

At the conclusion of deliberations on item OM122706-27, the following procedural motion was passed:

***MOTION - MOVED Cr Lyn Russell that Council returns to agenda item OM122706-10 Colac Road Hierarchy and Heavy Vehicle Route Investigation for further consideration***

***CARRIED 6: 1***

Refer to Agenda Item OM122706-10 Colac Road Hierarchy and Heavy Vehicle Route Investigation.

**IN COMMITTEE**

**MOVED Cr Stuart Hart 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:**

<b>SUBJECT</b>	<b>REASON</b>	<b>SECTION OF ACT</b>
Confidential Items for Consideration - Memos & Email to Councillors (Audit Committee Report, CEO's Performance Review, Miller Street Accommodation Units & Wye River-Separation Creek Waste Collection)	this matter deals with personnel matters; AND this matter deals with contractual matters; AND this matter may prejudice the Council or any person	Section 89 (2) (a) (d) (h)
Report from Delegate to Other Bodies - Audit Committee Minutes	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 1209 - External Plant Hire	this matter deals with contractual matters	Section 89 (2) (d)
Contract 1210 - Annual Supply of Concrete Works	this matter deals with contractual matters	Section 89 (2) (d)
Contract 1215 - Special Employment Arrangements - Parks & Gardens Staff	this matter deals with contractual matters	Section 89 (2) (d)
Contract 1219 - Provision of Recruitment Services - Casual Employees	this matter deals with contractual matters	Section 89 (2) (d)

**CARRIED 7 : 0**

**OUT OF COMMITTEE**

**MOVED Cr Brian Crook seconded Cr Lyn Russell that the meeting move out of committee.**

**CARRIED 7 : 0**

*The Meeting Was Declared Closed at 7.07 pm*

**CONFIRMED AND SIGNED** at the meeting held on 25 JULY 2012

.....*SKAC*.....**MAYOR**