

**Colac Otway  
SHIRE**

**MINUTES**

**SPECIAL COUNCIL MEETING**

**OF THE**

**COLAC-OTWAY SHIRE**

**COUNCIL**

**9 MAY 2012**

**at 1:00 PM**

**COPACC, Gellibrand Street Colac**

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982.

**COLAC-OTWAY SHIRE EXTRAORDINARY SPECIAL COUNCIL MEETING**

**9 MAY 2012**

**TABLE OF CONTENTS**

**OFFICERS' REPORTS**

<b>SC120905-1</b>	<b>Road Discontinuance - 1505 Old Beech Forest Road, Beech Forest .....</b>	<b>5</b>
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MINUTES of the **SPECIAL COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held at the COPACC, Gellibrand Street Colac on 9 May 2012 at 1.00pm.

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**1. OPENING PRAYER**

**2. PRESENT**

Cr Stephen Hart (Mayor)  
Cr Brian Crook  
Cr Stuart Hart  
Cr Lyn Russell  
Cr Chris Smith

Rob Small, Chief Executive Officer

Colin Hayman, General Manager, Corporate and Community Services  
Neil Allen, General Manager, Infrastructure and Services  
Jack Green, General Manager, Sustainable Planning and Development  
Maree Redmond, Executive Officer

**3. APOLOGIES**

Cr Frank Buchanan

**4. MAYORAL STATEMENT**

Colac Otway Shire encourages active community input and participation in Council decisions. Council meetings provide one of these opportunities as members of the community may ask questions relating to matters being considered by Council at the current meeting. I ask that we all respect each other during this process by:

- being courteous and respectful in the way in which you speak;
- not speaking unless you have been permitted to by me as chairperson;
- respecting the local laws which govern meeting procedure (copies of these are here for your information); and
- understanding that I have a responsibility to ensure proper meeting procedure and the upholding of the local law.

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

I remind you that you must ask a question, if you do not have a question you will be asked to sit down and the next person will be invited to ask a question. This is not a forum for public debate or statements.

**5. QUESTION TIME**

Nil

**6. DECLARATION OF INTEREST**

Nil

**7. VERBAL SUBMISSIONS**

Nil

**OFFICERS' REPORTS**

**Infrastructure and Services**

SC120905-1 ROAD DISCONTINUANCE - 1505 OLD BEECH FOREST ROAD, BEECH FOREST

**Rob Small  
Chief Executive Officer**

SC120905-1

**ROAD DISCONTINUANCE - 1505 OLD BEECH FOREST ROAD, BEECH FOREST**

AUTHOR:	Adam Lehmann	ENDORSED:	Neil Allen
DEPARTMENT:	Infrastructure & Services	FILE REF:	F11/759

**Purpose**

The purpose of this report is to consider submissions under section 223 of the *Local Government Act 1989* in relation to the proposal to discontinue a portion of unused road located in Beech Forest as previously reported to Council at its meeting of 22 February 2012.

**Declaration of Interests**

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

**Background**

Council at its meeting of 22 February 2012 resolved:

*That Council:*

1. *Gives public notice under Section 223 of the Local Government Act 1989, of its intention to discontinue the section of road designated R1 and shown hatched on Plan of Subdivision PS627750J.*
2. *Subject to a six week notification period, hears and considers submissions should any be received. All submissions are to be heard in accordance with section 223 of the Local Government Act 1989. The Special Council Meeting, if required, is intended to be held on Wednesday 9 May 2012, at 1.00pm in the COPACC Meeting Room. Formal advice of the time and place of the meeting will be provided to those parties wanting to be heard in support of their written submission and will be advertised in the local print media should any be received*
3. *If required, makes a final decision following preparation of a report by the General Manager Infrastructure and Services based on the recommendations of the Council meeting.*
4. *Subject to no submissions being received and complying with its statutory requirements, instructs the Chief Executive Officer to execute the road discontinuance via a notice published in the Victoria Government Gazette.*

Council will need to hear all submissions received prior to further considering the proposal to implementing the road discontinuance as proposed.

**Council Plan / Other Strategies / Policy*****Land Use and Development***

Council will engage, plan and make decisions about land use and development that takes into account the regulatory role of Council, its diverse geography, social, community, economic and environmental impacts for current and future generations.

This proposal has been considered in accordance with Council Policy 13.1 - Closure of Unused Government Roads, Licensing of an Unused Road or Water Frontage Policy.

### **Issues / Options**

Council has two options available with respect to this matter; to support the proposal to discontinue the subject portion of road and allow the relevant statutory process to proceed; or to not support the proposal.

At the close of the consultation period, two (2) submissions had been received from interested parties. No request was made by either party to be heard in support of their written submissions. Councillors have previously been issued a memo providing a copy of the submissions received.

For many years this portion of road has been fenced and managed as part of the Beech Forest Quarry. The section of road to be closed services no broader community benefit.

### **Proposal**

Prior to making a decision in relation to this matter Council must hear any persons requesting to be heard in accordance with section 223 of the *Local Government Act 1989*. Based on submissions being received and the earlier resolution of Council, a further report will be presented to Council with recommendations in relation to initiating the formal statutory process of discontinuing the subject portion of road.

### **Financial and Other Resource Implications**

As with all similar dealings, Council aims to remain cost neutral, excluding minor administrative costs such as officer time for the preparation of reports, etc.

### **Risk Management & Compliance Issues**

No risk management considerations are applicable at this time.

### **Environmental and Climate Change Considerations**

There are no environmental considerations applicable at this time. The site has been used as a quarry and is highly degraded and as such, has no conservation values of note.

### **Community Engagement**

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

The method selected is “consult” and will include advertising the proposal and allowing for submissions from interested persons to be made.

Council’s intention to discontinue the subject portion of road was advertised in the Colac Herald on 16 March 2012 with the submission period closing 27 April 2012.

A total of two (2) submissions have been received and need to be considered pursuant to section 223 of the Act. Copies of these submissions have been provided as a separate attachment to this report. No objections were received in relation to the proposal.

### **Implementation**

The outcomes of this hearing will require a further report to be presented to Council for resolution.



**Conclusion**

From Council's perspective, the road is not reasonably required and currently serves no broader public amenity. Access to existing private property will not be compromised should the road discontinuance process be implemented.

**Attachments**

1. Plan of Subdivision PS627750J 1 Page
2. Locality Plan 1 Page

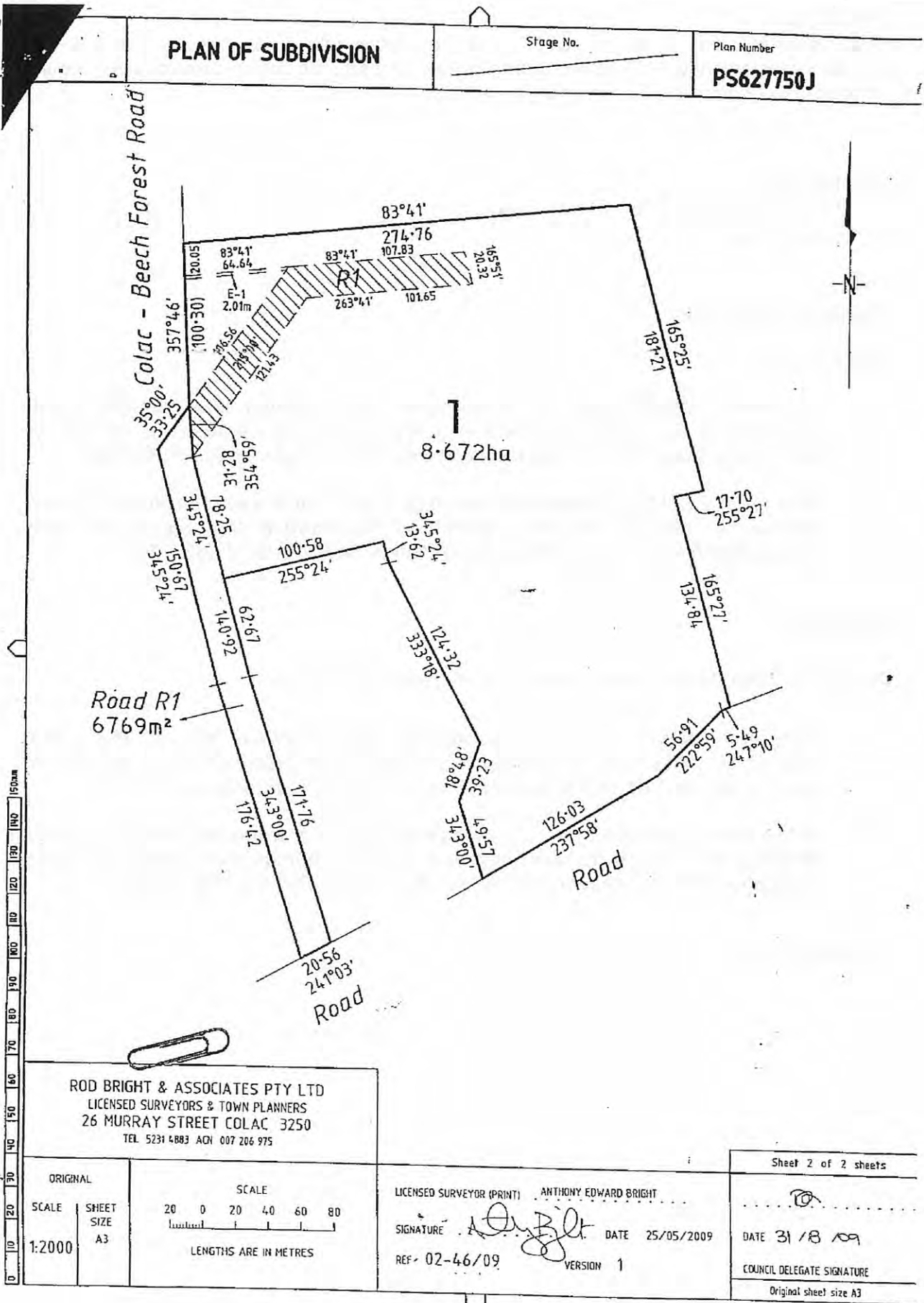
**Recommendation(s)*****That Council:***

1. ***Considers submissions in accordance with section 223 of the Local Government Act 1989 in relation to a proposal to discontinue the section of road designated R1 and shown hatched on Plan of Subdivision PS627750J.***
2. ***Notes that a further report be provided to Council at the next Ordinary Council Meeting in relation to the proposal to discontinue the section of road designated R1 and shown hatched on Plan of Subdivision PS627750J.***

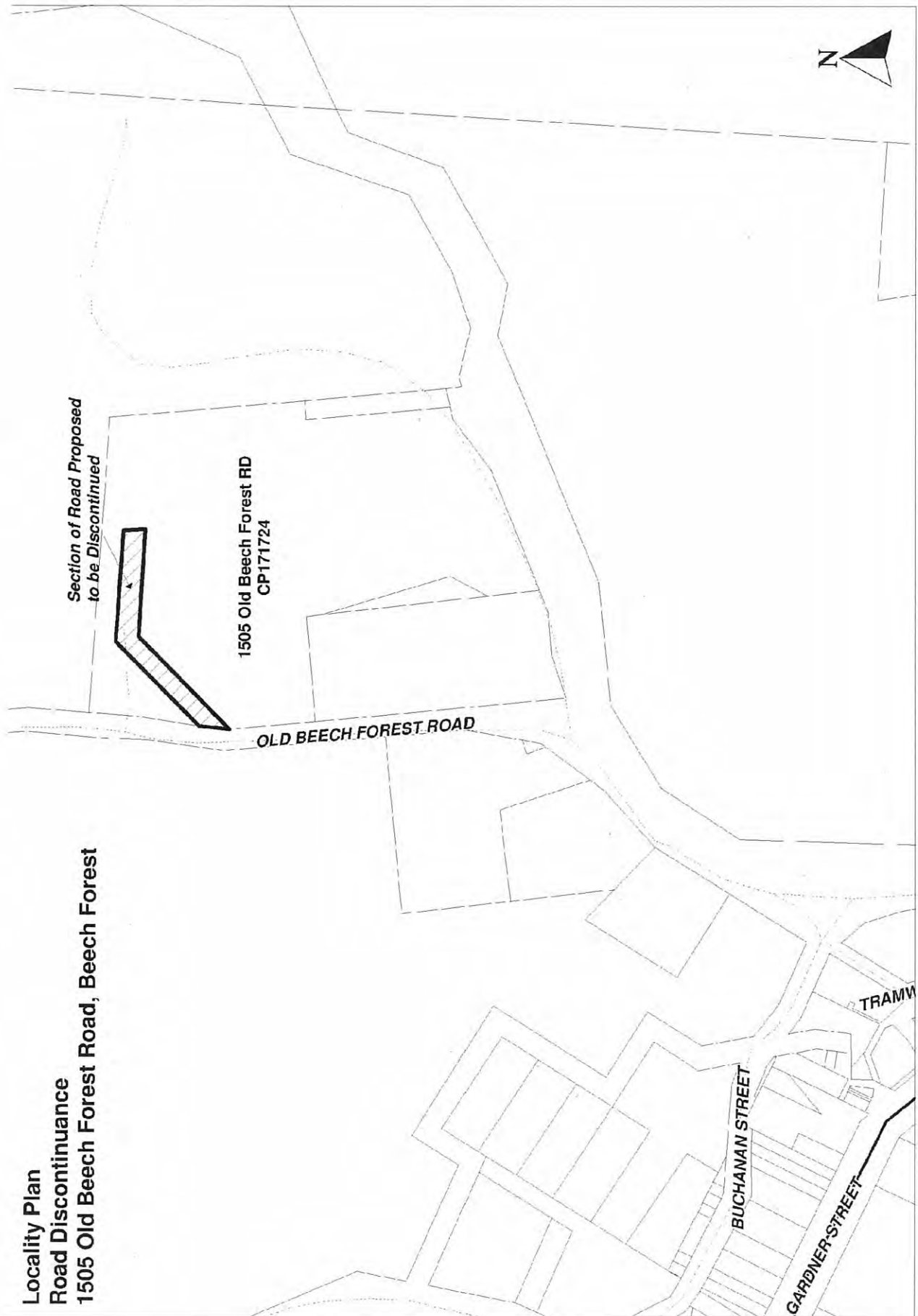
**Resolution*****MOVED Cr Brian Crook seconded Cr Lyn Russell that Council:***

1. ***Considers submissions in accordance with section 223 of the Local Government Act 1989 in relation to a proposal to discontinue the section of road designated R1 and shown hatched on Plan of Subdivision PS627750J.***
2. ***Notes that a further report be provided to Council at the next Ordinary Council Meeting in relation to the proposal to discontinue the section of road designated R1 and shown hatched on Plan of Subdivision PS627750J.***

**CARRIED 5 : 0**







**Locality Plan  
Road Discontinuance  
1505 Old Beech Forest Road, Beech Forest**



*The Meeting Was Declared Closed at 1:03 pm*

**CONFIRMED AND SIGNED** at the meeting held on 23 MAY 2012

*SLR*

.....MAYOR

