

MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at the COPACC Meeting Rooms on 23 January 2013 at 5.00 pm.

1. OPENING PRAYER

Almighty God, we seek your blessing and guidance in our deliberations on behalf of the people of the Colac Otway Shire. Enable this Council's decisions to be those that contribute to the true welfare and betterment of our community.

AMEN

2. PRESENT

Cr Lyn Russell (Mayor)
Cr Brian Crook
Cr Michael Delahunty
Cr Stephen Hart
Cr Mick McCrickard
Cr Chris Smith
Cr Terry Woodcroft

Rob Small, Chief Executive Officer
Colin Hayman, General Manager, Corporate & Community Services
Neil Allen, General Manager, Infrastructure & Services
Doug McNeill, Acting General Manager, Sustainable Planning & Development
Rick Morrow, Manager Information Services
Rhonda Deigan, Executive Officer

3. APOLOGIES

Jack Green, General Manager, Sustainable Planning & Development

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

Questions Received in Writing Prior to the Meeting

James Judd – Colac

1. The estimated \$680,000 saving over 10 years to Council if it endorses the "Smart Street Lighting Program". What allowance has been made for the cost of installing more lights and the cost of running them during this period. If Council's growth is to fit in with the G21 growth projections for Colac plus financing costs for loan to be taken out to raise Council's contribution to the scheme costs plus all interest on the loan for the duration of the loan.

Response:

The cost of installing lights to meet future growth will be borne by developers. The cost of financing the scheme has been included in today's agenda under item OM132301-11 Great South Coast Street Smart Lighting Program.

Julie Smith - Ripponlea

1. Is Council aware that the Panel Report recommendation is that my land at 19 Lavers Hill - Cobden Rd be rezoned to RLZ as part of the changes to Exhibited Rezoning and that 4 College Drive also be considered for inclusion? (Page iv, point 7 of Panel Report)

Response

Both officers and Councillors have been provided with a copy of the panel report for Amendment C69, and are aware of the Panel's comments regarding the land at 19 Lavers Hill – Cobden Road.

The Panel responded to the submission by Julie Smith by supporting the idea of rezoning the land at this address to Rural Living Zone, subject to the preparation of a Domestic Wastewater Management Plan. It further indicated that Council should give consideration to the merits of including the adjoining property at 4 College Drive in that rezoning.

Whilst not specifically stating as much, the Panel would not have intended that these rezonings occur as part of Amendment C69. The properties did not form part of Amendment C69, and thus Council cannot include them in the amendment for rezoning after exhibition of the amendment. If Council supports the rezoning, it will need to occur through a separate amendment, following the preparation of a Domestic Wastewater Management Plan.

2. Is Council aware that a DWMP is required on my land and not on any other property north of the Great Ocean Rd in Lavers Hill which is currently zoned FZ?

Response

A Domestic Wastewater Management Plan is required to support any change in zoning which would allow a density of development less than one dwelling per 40 hectares under the State Government Guidelines for Open Potable Water Supply Catchments.

The land being rezoned to Township Zone north of the Great Ocean Road in Lavers Hill includes the Police Station and vacant land at 68-72 Great Ocean Road. Wannon Water, following extensive consultation in the preparation of the Rural Living Strategy and Amendment C69, supported these rezonings given one site was developed and the vacant lot could potentially be developed on the flat topmost section of the site without adverse impacts on water quality.

3. Do you know why the Planning Officer's recommendation that both the DWMP and any subsequent planning scheme amendment be undertaken at my cost when anyone involved in the C55 Amendment who had their issues addressed in the C69 Amendment were not required to contribute to costs involved?

Response

Amendment C69 proposes rezoning of a number of properties which were strategically supported through the Rural Living Strategy and Forrest Structure Plan, neither of which supported rezoning of the Smith's property at 19 Lavers Hill Cobden Road, Lavers Hill.

It is normal that a land owner, if requesting Council to rezone their land, pay the full costs of the amendment, including in this case the cost of preparing a Domestic Wastewater Management Plan.

The properties rezoned through Amendment C65 (as a follow-on amendment to Amendment C55) did not require any further strategic justification, but did need to be undertaken as a separate amendment, as in the case of the Smith's property. There is a very clear requirement for the appropriateness of rezoning of the Smith's property to be considered strategically through the preparation of a Domestic Wastewater Management Plan, which would be conducted in partnership with the water authority, Wannon Water.

4. Is Council aware that owners of other Lavers Hill properties to be rezoned are not required to pay for the rezoning?

Response

The few properties being rezoned at Lavers Hill through Amendment C69 were strategically justified through the Rural Living Strategy and could therefore be included in the Council initiated amendment without further site specific investigations.

5. Why has my property been singled out for this payment requirement?

Response

As noted in an earlier answer, it is normal that a land owner, if requesting Council to rezone their land, pay the full costs of the amendment, including in this case the cost of preparing a Domestic Wastewater Management Plan. The Smiths would not have been required to pay these costs if the land had been strategically supported through the Rural Living Strategy or a town wide Domestic Wastewater

Management Plan (which has not been conducted). It is proposed that subject to allocation of funding in a future Council budget, a town wide Domestic Wastewater Management Plan will be prepared that could include the Smith's property and thus negate the need for funding of a site specific assessment. The timing of this project is uncertain however as funding is not committed.

6. When can I expect the clause in the Planning Officer's Recommendation relating to this expense (page 74, final paragraph, and Page 79 Point 5) to be deleted from any documents?

Response

The report by planning officers in the Council meeting agenda cannot be changed.

7. Is it possible for my land to still be included in Amendment C69, rezoned to RLZ and that wastewater management issues be dealt with at the planning/building permit stage? Why/ Why Not?

Response

It is not possible for rezoning of the Smith property to occur through Amendment C69. Because the property was not included in the exhibited amendment, it will need to go through a separate amendment process that allows surrounding land owners to respond with submissions through an exhibition process, and for formal input into the process by Wannon Water which is responsible for management of the water catchment. Such a rezoning would only be possible if justified/supported by a Domestic Wastewater Management Plan.

8. Is it possible for my land to be a continued part of Amendment C69 in the form of a Follow On Amendment? Why/ why not?

Response

As noted in the previous answer, a rezoning of the Smith property can only be undertaken through a separate amendment process, which includes exhibition of the proposed rezoning and notice to the water authority, Wannon Water.

9. What is the time frame between the Council meeting and the presenting of the Amendment C69 to the State Planning Department?

Response

Council must submit an adopted amendment together with the prescribed information to the State Planning Minister under section 31 of the Planning and Environment Act 1987 within 10 business days of the date the amendment was adopted. Officers will arrange for submission of the amendment to the Minister as soon as practical after the Council resolution.

Questions Received Verbally at the Meeting

Malcolm Gardiner – Kawarren

Mr Gardiner asked that the following questions be taken on notice:

1. Could Council give some indication of when the answer will be given to the question asked by me and taken on notice at the December 2012 Council meeting?
2. Could Council ask their representative on the Corangamite Acid Sulfate Soils Multi-Agency Steering Committee to suggest that formal minutes be taken and that these minutes be made available to the public.

Response:

These questions were taken on notice.

Cr Smith asked for an answer to Malcolm Gardiner's request for an indication of when he will receive an answer to his question taken on notice at the December Council meeting.

The CEO responded that a response would be sent to Mr Gardiner within the next two days if possible.

Robert Missen – Beeac

1. In relation to Amendment C67 (Salinity Management Overlay), why is there no distinction in the salinity overlay maps between primary and secondary when the amendment document states that it is important. The maps do not even delineate between the lakes and other salinised areas?

Response:

Acting General Manager, Doug McNeill, stated that the mapping in the amendment scheme can only show the application of the overlay and there is only one overlay to apply to primary and secondary salinity affected areas. The mapping that has been exhibited by Council covers both those areas as there is no option for Council to split the information into two separate overlays.

2. If restorative landcare works have brought secondary salinity affected land back to full production, and climate science data suggests that a repeat of the once in a hundred and fifty year flood of the lake system is unlikely, how can the detailed overlay such as you have be justified?

Response:

Acting General Manager, Doug McNeill, agreed that while landcare works have improved the agricultural value of the land, the salinity mapping information that is available to Council and the Corangamite Catchment Management Authority has indicated areas that salt will be a potential issue if the land was to be developed. The overlay is intended to be a mechanism to warn landowners and potential purchasers that there is potential for salt to be found in the soil and to ensure that any planning decision making processes takes that into consideration. As a submitter in this process, Mr Missen has every right to make a submission to be heard by an Independent Panel should the officer's recommendation be adopted today.

3. If a salinity management overlay is non-negotiable, why doesn't Council adopt the same simple approach adopted by other municipalities, including the Golden Plains Shire, of mapping blanket broadacre areas?

Response:

Acting General Manager, Doug McNeill, advised that Council had been involved in a regional mapping project in 2006 to look at salinity with other Councils including the Surf Coast Shire and Golden Plains Shire. These Councils have already implemented salinity overlays that accord with this mapping as is being proposed here today. While Golden Plains Shire did have a blanket coverage of the overlay in their Planning Scheme which did cover most of their Shire, an amendment to reflect the mapping project had resulted in the coverage of this area being reduced and it now appears in their Planning Scheme in a similar way to what Council is proposing to introduce through Amendment C67.

Steve Branwhite – Pirron Yallock

1. Could Council please give a written response on the definition of "Farmland of Strategic Significance or value" as mentioned in the Colac Otway Shire's Municipal Strategic Statement?

Response:

Acting General Manager, Doug McNeill, undertook to provide a written explanation, however, the Rural Living Strategy developed in 2007 identified farmland of strategic significance in the north west of the Shire based on land with a high productive or economic value to the Shire.

2. Is that why you stated to me in a previous meeting that I would never get a planning permit for a house on that property?

Response:

The Mayor advised that the question would be taken on notice and responded to in writing.

Julie Smith – Lavers Hill

1. With respect to the requirement for a Domestic Wastewater Management Plan (DWMP) to be prepared on my land at Lavers Hill at my expense, does Council know of anyone who has dealt with Wannon Water as an individual and had any success?

Response:

Acting General Manager, Doug McNeill, advised that he was unaware of any DWMP having been prepared with Wannon Water in the past six years and he has not yet spoken to Wannon Water with respect to the matter. A meeting has been organized with Ms Smith, Wannon Water and Council in March 2013 to discuss this requirement and to progress the matter.

2. Should Wannon Water say that we only want to deal on a township basis, can I then request that Council undertake a DWMP on the area of Lavers Hill?

Response:

The Mayor advised that the meeting with the Planning Department and Wannon Water should provide an answer to this question.

6. DECLARATION OF INTEREST

Cr Smith:	Urgent Item of Business – Colac Area Health
Nature of Disclosure:	Direct
Nature of Interest:	Member of the Colac Area Health Board
Cr Hart:	OM132301-9 Proposed Planning Scheme Amendment C70 – Biodiversity Mapping
Nature of Disclosure:	Direct
Nature of Interest:	Maps attached to the agenda reveal that land I own may be affected by the amendment
Cr Hart:	OM132301-10 Adoption of Planning Scheme Amendment C69 (Rural Living Strategy & Forrest Structure Plan)
Nature of Disclosure:	Direct
Nature of Interest:	Owns land identified in the Rural Land Strategy (2206/2007) as an area recommended for the re-zoning to “Rural Living”. Subsequently, made submission to the C69 Amendment and panel hearing.
Cr Hart:	OM132301-13 Submission on Proposed Inclusion of the Great Ocean Road on the Victorian Heritage Register
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78A
Nature of Interest:	Owns land that fronts the Great Ocean Road, heritage listing may affect my amenity
Cr Delahunty:	OM132301-9 Proposed Planning Scheme Amendment C70 – Biodiversity Mapping
Nature of Disclosure:	Direct
Nature of Interest:	Owns land under biodiversity map
Cr Delahunty:	OM132301-13 Submission on Proposed Inclusion of the Great Ocean Road on the Victorian Heritage Register
Nature of Disclosure:	Direct
Nature of Interest:	Owns land adjoining Great Ocean Road
Cr Russell:	Urgent Item of Business – Colac Area Health
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78B
Nature of Interest:	Public Trustee of Colac Area Health Foundation
Colin Hayman:	OM132301-6 Second Quarter Financial Performance Report 2012-2013 – Additional Report
Nature of Interest:	Member of the Vision Super Defined Benefits Scheme Superannuation

Doug McNeill:	OM132301-10 Adoption of Planning Scheme Amendment C69 (Rural Living Strategy & Forrest Structure Plan)
Nature of Interest:	Family member affected by the report

7. CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on the 19/12/12.

MOVED Cr Stephen Hart seconded Cr Mick McCrickard that Council confirm the above minutes.

CARRIED 7 : 0

OFFICERS' REPORTS

Chief Executive Officer

- OM132301-1 CEO'S PROGRESS REPORT TO COUNCIL
- OM132301-2 TAXATION AND COUNCILLOR ALLOWANCES

Corporate and Community Services

- OM132301-3 COLAC ANGLERS CLUB - RENEWAL OF LEASE FOR CLUBROOM AT LAKE COLAC FORESHORE
- OM132301-4 COUNCIL PLAN SECOND QUARTER PERFORMANCE REPORT OCTOBER - DECEMBER 2012
- OM132301-5 MELBOURNE CUP DAY PUBLIC HOLIDAY
- OM132301-1 SECOND QUARTER FINANCIAL PERFORMANCE REPORT 2012-2013

Infrastructure and Services

- OM132301-7 APOLLO BAY AIRFIELD LICENCE AGREEMENTS
- OM132301-8 CRESSY-SHELFORD ROAD PROGRESS REPORT JANUARY 2013

Sustainable Planning and Development

- OM132301-9 PROPOSED PLANNING SCHEME AMENDMENT C70 - BIODIVERSITY MAPPING
- OM132301-10 ADOPTION OF PLANNING SCHEME AMENDMENT C69 (RURAL LIVING STRATEGY & FORREST STRUCTURE PLAN)
- OM132301-11 GREAT SOUTH COAST STREET SMART LIGHTING PROGRAM
- OM132301-12 GREAT OCEAN ROAD TOURISM INTERIM REGIONAL TOURISM BOARD REPORT TO STAKEHOLDERS
- OM132301-13 SUBMISSION ON PROPOSED INCLUSION OF THE GREAT OCEAN ROAD ON THE VICTORIAN HERITAGE REGISTER
- OM132301-14 G21 ECONOMIC DEVELOPMENT STRATEGY
- OM132301-15 PLANNING SCHEME AMENDMENT C67 (SALINITY MANAGEMENT OVERLAY) - CONSIDERATION OF SUBMISSIONS

General Business

- OM132301-16 ASSEMBLY OF COUNCILLORS
- OM132301-17 ITEM FOR SIGNING & SEALING - CREATION OF SEWERAGE EASEMENTS - 28-36 MAIN STREET, BIRREGURRA - 42-44 MAIN STREET, BIRREGURRA AND 30-34 JENNER STREET, BIRREGURRA

CHIEF EXECUTIVE OFFICER

ITEM	
OM132301-1	CEO'S PROGRESS REPORT TO COUNCIL
OM132301-2	TAXATION AND COUNCILLOR ALLOWANCES

OM132301-1

CEO'S PROGRESS REPORT TO COUNCIL

AUTHOR:	Rhonda Deigan	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	F11/3291

***MOVED Cr Brian Crook seconded Cr Stephen Hart
That Council notes the CEO's Progress Report to Council.***

CARRIED 7 : 0

OM132301-2

TAXATION AND COUNCILLOR ALLOWANCES

AUTHOR:	Colin Hayman	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	F11/2221

Original Recommendation(s)

That Council is/is not treated as an eligible local governing body under section 221B of the Income Tax Assessment Act 1936.

MOTION - MOVED Cr Stephen Hart seconded Cr Mick McCrickard:

That Council is treated as an eligible local governing body under section 221B of the Income Tax Assessment Act 1936.

CARRIED 4 : 3

DIVISION called by Cr Stephen Hart

***For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Mick McCrickard
Against the Motion: Cr Chris Smith, Cr Terry Woodcroft, Cr Michael Delahunty***

As this Resolution was NOT CARRIED UNANIMOUSLY by Council as required by Section 221B of the Income Tax Assessment Act 1936 it LAPSES.

CORPORATE AND COMMUNITY SERVICES

ITEM	
OM132301-3	COLAC ANGLERS CLUB - RENEWAL OF LEASE FOR CLUBROOM AT LAKE COLAC FORESHORE
OM132301-4	COUNCIL PLAN SECOND QUARTER PERFORMANCE REPORT OCTOBER - DECEMBER 2012
OM132301-5	MELBOURNE CUP DAY PUBLIC HOLIDAY
OM132301-6	SECOND QUARTER FINANCIAL PERFORMANCE REPORT 2012-2013

OM132301-3

COLAC ANGLERS CLUB - RENEWAL OF LEASE FOR CLUBROOM AT LAKE COLAC FORESHORE

AUTHOR:	Paul Carmichael	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F11/3291

MOVED Cr Brian Crook seconded Cr Terry Woodcroft

That Council:

- 1. Agrees to renew the lease with the Colac Anglers Club Inc. to occupy the building at 3 Fyans Street, Colac (on the Lake Colac Foreshore) for use as a clubroom for a period of five years – 1 July 2012 to 30 June 2017.***
- 2. Resolves that the lease document be signed and sealed by Council.***

CARRIED 7 : 0

OM132301-4

**COUNCIL PLAN SECOND QUARTER PERFORMANCE
REPORT OCTOBER - DECEMBER 2012**

AUTHOR:	Margaret Giudice	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	11/95772

MOVED Cr Brian Crook seconded Cr Terry Woodcroft

That Council receives the 2012/2013 Council Plan Second Quarter Performance Report for the three months ending 31 December 2012.

CARRIED 7 : 0

OM132301-5

MELBOURNE CUP DAY PUBLIC HOLIDAY

AUTHOR:	Colin Hayman	ENDORSED:	Rob Small
DEPARTMENT:	Corporate & Community Services	FILE REF:	11/96507

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

- 1. Nominates the Colac Show Day (Friday) to be the public holiday as a substitute for Melbourne Cup Day for the next 4 years being 2013, 2014, 2015 and 2016.***
- 2. Writes to the Minister for Innovation, Services and Small Business requesting the alternative arrangements for Melbourne Cup Day.***

MOTION - MOVED Cr Brian Crook seconded Cr Mick McCrickard:***That Council:***

- 1. Defers the decision on the Melbourne Cup Day Public Holiday until it receives community feedback.***
- 2. Allows six weeks for this process and encourages comment from schools, businesses and the community across the Shire on the options contained within the report or other feasible suggestions.***
- 3. Considers this matter for decision at the March 2013 Council meeting.***

CARRIED 7 : 0

**OM132301-6 SECOND QUARTER FINANCIAL PERFORMANCE REPORT
2012-2013**

AUTHOR:	Brett Exelby	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F11/3291

An additional report was provided at the meeting presenting options for the payment of the Defined Benefits Superannuation Liability. This report is included in the full minutes of this meeting.

Colin Hayman:	OM132301-6 Second Quarter Financial Performance Report 2012-2013 -- Additional Report
Nature of Interest:	Member of the Vision Super Defined Benefits Scheme Superannuation

Original Recommendation(s)

That Council receives the second quarter financial performance report for 2012-2013.

MOTION - MOVED Cr Stephen Hart seconded Cr Brian Crook:

That Council:

- 1. Receives the second quarter financial performance report for 2012-2013.***
- 2. Commits to paying the balance of the Defined Benefits Superannuation call by the end of February 2013 (earlier if practicable).***
- 3. Reduces the 2012-2013 Capital Works and Major Projects budget by \$693,983 to partially fund the Superannuation call made up as follows:***

PROJECTS/PROGRAM	Funds Available \$
Asphalt Programme	28,000
Reseals Program	7,834
Sealed Road Reconstruction Programme	117,372
Guardrail Installation Programme	80,000
Streetlight Replacement Programme	39,000
Drainage Pipe and Pit Network Renewal	50,000
Drainage Upgrade Programme	96,916
Open Space Renewal Programme	50,000
Events Equipment Renewal	17,000
Rehabilitation - Landfills	190,000
Carpark Improvements	3,381
Building Improvements	5,421
Parks, Environ & Reserves New	23,699
Other Miscellaneous Projects	1,543
SUB TOTAL	710,166

Less Over Expenditure	
Heavy Vehicle Truck Study	-16,183
TOTAL	693,983

4. **Funds the remaining balance of the Call by utilising funds from the Employee Long Service Leave Reserve.**
5. **Commits to paying back the funds to the Long Service Leave Reserve. The manner for repayment to be determined following further discussions at a Council workshop.**
6. **Commits to further discussion of the impacts of the payment of the Defined Benefits Superannuation as part of the workshop.**

CARRIED 5 : 2

DIVISION called by Cr Chris Smith

For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Mick McCrickard, Cr Terry Woodcroft

Against the Motion: Cr Chris Smith, Cr Michael Delahunty

INFRASTRUCTURE AND SERVICES

ITEM	
OM132301-7	APOLLO BAY AIRFIELD LICENCE AGREEMENTS
OM132301-8	CRESSY-SHELFORD ROAD PROGRESS REPORT JANUARY 2013

OM132301-7

APOLLO BAY AIRFIELD LICENCE AGREEMENTS

AUTHOR:	Neil Allen	ENDORSED:	Rob Small
DEPARTMENT:	Infrastructure & Services	FILE REF:	F11/3291

Cr Terry Woodcroft left the meeting at 6.12pm.

Original Recommendation(s)

That Council:

1. ***Notes the contents of the report for information.***
2. ***Subject to receiving formal advice from DSE, proposes a five (5) year Licence period to both the Licencees.***
3. ***Authorises the Chief Executive Officer to sign the five (5) year Licence should the Licencees agree to accept the five (5) year Licence proposal.***

MOTION - MOVED Cr Chris Smith:

1. ***That the two (2) current operators at the Apollo Bay Airfield be offered the opportunity to enter into a 3+3+3 Licence Agreement.***
2. ***That the licence SCHEDULE and LICENCE CONDITIONS shall be the same for both operators as the previous licence granted to Apollo Bay Aviation with the commencement date of 1 November 2009 with the following exceptions:***
 - a. ***The licence fee rate will be \$3.00/m2 each year***
 - b. ***The annual increase in fees will be in line with the Consumer Price Increase (CPI)***
 - c. ***That in the case of a 3+3+3 year licence, the licence will continue each three years unless:***
 - i. ***There is a breach of the Schedule or Licence Conditions***
 - ii. ***Council identifies through an Apollo Bay Airfield Management Plan that there is reason to terminate or alter the licence.***

Cr Terry Woodcroft returned to the meeting at 6.15pm.

The motion lapsed due to the lack of a seconder.

MOTION - MOVED Cr Chris Smith seconded Cr Michael Delahunty:

1. ***That the two (2) current operators at the Apollo Bay Airfield be offered the opportunity to enter into a five year Licence Agreement.***
2. ***That the licence SCHEDULE and LICENCE CONDITIONS shall be the same for both operators as the previous licence granted to Apollo Bay Aviation with the commencement date of 1 November 2009 with the following exceptions:***
 - a. ***The licence fee rate will be \$3.00/m2 each year***

- b. The annual increase in fees will be in line with the Consumer Price Increase (CPI).*
- 3. Subject to receiving formal advice from DSE, authorises the Chief Executive Officer to sign the five (5) year Licence should the Licencees agree to accept the five (5) year Licence proposal.*
- 4. That the licences commence from the date of signing by Council's Chief Executive Officer.*

CARRIED 7 : 0

OM132301-8**CRESSY-SHELFORD ROAD PROGRESS REPORT
JANUARY 2013**

AUTHOR:	Simon Howland	ENDORSED:	Neil Allen
DEPARTMENT:	Infrastructure & Services	FILE REF:	F11/3162

MOVED Cr Brian Crook seconded Cr Terry Woodcroft

That Councillors notes the Cressy-Shelford Road Progress Report as at January 2013.

CARRIED 7 : 0

SUSTAINABLE PLANNING AND DEVELOPMENT

ITEM	
OM132301-9	PROPOSED PLANNING SCHEME AMENDMENT C70 - BIODIVERSITY MAPPING
OM132301-10	ADOPTION OF PLANNING SCHEME AMENDMENT C69 (RURAL LIVING STRATEGY & FORREST STRUCTURE PLAN)
OM132301-11	GREAT SOUTH COAST STREET SMART LIGHTING PROGRAM
OM132301-12	GREAT OCEAN ROAD TOURISM INTERIM REGIONAL TOURISM BOARD REPORT TO STAKEHOLDERS
OM132301-13	SUBMISSION ON PROPOSED INCLUSION OF THE GREAT OCEAN ROAD ON THE VICTORIAN HERITAGE REGISTER
OM132301-14	G21 ECONOMIC DEVELOPMENT STRATEGY
OM132301-15	PLANNING SCHEME AMENDMENT C67 (SALINITY MANAGEMENT OVERLAY) - CONSIDERATION OF SUBMISSIONS

**OM132301-9 PROPOSED PLANNING SCHEME AMENDMENT C70 -
BIODIVERSITY MAPPING**

AUTHOR:	Gemma Browning	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/3291

Cr McCrickard left the meeting at 6.24pm.

Cr Hart:	OM132301-9 Proposed Planning Scheme Amendment C70 – Biodiversity Mapping
Nature of Disclosure:	Direct
Nature of Interest:	Maps attached to the agenda reveal that land I own may be affected by the amendment

Cr Delahunty:	OM132301-9 Proposed Planning Scheme Amendment C70 – Biodiversity Mapping
Nature of Disclosure:	Direct
Nature of Interest:	Owens land under biodiversity map

Having cited a conflict of interest in this item, Cr Hart and Cr Delahunty left the meeting at 6.26pm.

Original Recommendation(s)

That Council:

- 1. Proceeds with the preparation and exhibition of a planning scheme amendment to amend the Schedules 1, 2 and 4 of the Environmental Significance Overlay and Schedules 1 and 2 of the Vegetation Protection Overlay and the relevant planning scheme maps in accordance with the updated mapping of biodiversity values from the Biodiversity Mapping Report (2009) and makes relevant changes to the Municipal Strategic Statement.***
- 2. Requests the Planning Minister to authorise the preparation of the amendment.***

MOTION - MOVED Cr Chris Smith:

That Council does not proceed with the preparation and exhibition of a planning scheme amendment to amend the Schedules 1, 2 and 4 of the Environmental Significance Overlay and Schedules 1 and 2 of the Vegetation Protection Overlay and the relevant planning scheme maps in accordance with the updated mapping of biodiversity values from the Biodiversity Mapping Report (2009) and makes relevant changes to the Municipal Strategic Statement.

Cr McCrickard returned to the meeting at 6.27pm.

The motion lapsed due to the lack of a seconder.

MOTION - MOVED Cr Terry Woodcroft seconded Cr Brian Crook:

That Council:

- 1. Proceeds with the preparation and exhibition of a planning scheme amendment to amend the Schedules 1, 2 and 4 of the Environmental Significance Overlay and Schedules 1 and 2 of the Vegetation Protection Overlay and the relevant planning scheme maps in accordance with the updated mapping of biodiversity values from the Biodiversity Mapping Report (2009) and makes relevant changes to the Municipal Strategic Statement.**
- 2. Requests the Planning Minister to authorise the preparation of the amendment.**

CARRIED 4 : 1

DIVISION called by Cr Chris Smith

For the Motion: Cr Brian Crook, Cr Lyn Russell, Cr Mick McCrickard, Cr Terry Woodcroft

Against the Motion: Cr Chris Smith

Cr Delahunty returned to the meeting at 6.36 pm.

**OM132301-10 ADOPTION OF PLANNING SCHEME AMENDMENT C69
(RURAL LIVING STRATEGY & FORREST STRUCTURE
PLAN)**

AUTHOR:	Gemma Browning	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/3291

Doug McNeill:	OM132301-10 Adoption of Planning Scheme Amendment C69 (Rural Living Strategy & Forrest Structure Plan)
Nature of Interest:	Family member affected by the report

Cr Hart:	OM132301-10 Adoption of Planning Scheme Amendment C69 (Rural Living Strategy & Forrest Structure Plan)
Nature of Disclosure:	Direct
Nature of Interest:	Owns land identified in the Rural Land Strategy (2206/2007) as an area recommended for the re-zoning to "Rural Living". Subsequently, made submission to the C69 Amendment and panel hearing.

Having previously declared a conflict of interest in this item, Cr Hart remained absent from the meeting.

Original Recommendation(s)

That Council:

1. ***Adopts Amendment C69 with changes proposed by the Panel as follows:***
 - a) ***Deletion of the proposed rezoning of land at 70-90 Christies Road, Elliminyt.***
 - b) ***Minor text changes to the Municipal Strategic Statement in accordance with the attachments to this report.***
 - c) ***Minor text changes to the Restructure Plan in accordance with the attachments to this report.***
 - d) ***Modification to the boundary of the Low Density Residential Zone at 800 Corangamite Lake Road, Coragulac as shown in this report.***
 - e) ***Application of the Township Zone to the land at 2-6 Frizon Street, Forrest.***
2. ***Forwards the adopted amendment to the Minister for Planning for approval.***
3. ***Considers the appropriateness of rezoning land at 70-90 Christies Road to Farming Zone, and the future potential of land around Elliminyt for urban development as part of a review of the Colac Structure Plan.***
4. ***Advises the owners of land at 2 Forans Road, Barongarook that they should investigate options for making a planning permit application for subdivision of***

the two dwellings on their land under the current Farming Zone, or alternatively, if two titles already exist as presented to the Panel, consider a planning permit application for resubdivision under the proposed Rural Living Zone when it is introduced.

5. *Advises the owners of land at 19 Lavers Hill – Cobden Road, Lavers Hill that if they wish to pursue a rezoning of their land to Rural Living Zone, they will be responsible for bearing the costs of the preparation of any Domestic Waster Water Management Plan and any subsequent planning scheme amendment that may result.*

MOTION - MOVED Cr Chris Smith:

That Council does not adopt Amendment 69.

This motion lapsed due to the lack of a seconder.

MOTION - MOVED Cr Brian Crook seconded Cr Mick McCrickard:

That Council:

1. **Adopts Amendment C69 with changes proposed by the Panel as follows:**
 - a) *Deletion of the proposed rezoning of land at 70-90 Christies Road, Elliminyt.*
 - b) *Minor text changes to the Municipal Strategic Statement in accordance with the attachments to this report.*
 - c) *Minor text changes to the Restructure Plan in accordance with the attachments to this report.*
 - d) *Modification to the boundary of the Low Density Residential Zone at 800 Corangamite Lake Road, Coragulac as shown in this report.*
 - e) *Application of the Township Zone to the land at 2-6 Frizon Street, Forrest.*
2. **Forwards the adopted amendment to the Minister for Planning for approval.**
3. **Considers the appropriateness of rezoning land at 70-90 Christies Road to Farming Zone, and the future potential of land around Elliminyt for urban development as part of a review of the Colac Structure Plan.**
4. **Advises the owners of land at 2 Forans Road, Barongarook that they should investigate options for making a planning permit application for subdivision of the two dwellings on their land under the current Farming Zone, or alternatively, if two titles already exist as presented to the Panel, consider a planning permit application for resubdivision under the proposed Rural Living Zone when it is introduced.**
5. **Advises the owners of land at 19 Lavers Hill – Cobden Road, Lavers Hill that if they wish to pursue a rezoning of their land to Rural Living Zone, they will be responsible for bearing the costs of the preparation of any Domestic Waster Water Management Plan and any subsequent planning scheme amendment that may result.**

CARRIED 5 : 1

DIVISION called by Cr Chris Smith

For the Motion: Cr Brian Crook, Cr Lyn Russell, Cr Mick McCrickard, Cr Terry Woodcroft, Cr Michael Delahunty

Against the Motion: Cr Chris Smith

Cr Hart returned to the meeting at 7.04pm.

OM132301-11

GREAT SOUTH COAST STREET SMART LIGHTING PROGRAM

AUTHOR:	Dora Novak	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/3291

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council:

- 1. Finances the \$278,307 required for the Great South Coast Street Smart Lighting Program through a combination of funds from the Local Government Infrastructure Program and a loan.***
- 2. Approves use of \$122,000 of the Local Government Infrastructure Program funds to allow commencement of the project in 2012-13.***
- 3. Gives in-principle support to considering a \$156,000 loan in the 2013-14 Council Budget.***

CARRIED 6 : 1

DIVISION called by Cr Stephen Hart

For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Mick McCrickard, Cr Terry Woodcroft, Cr Michael Delahunty

Against the Motion: Cr Chris Smith

OM132301-12

**GREAT OCEAN ROAD TOURISM INTERIM REGIONAL
TOURISM BOARD REPORT TO STAKEHOLDERS**

AUTHOR:	Mike Barrow	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/3291

Original Recommendation(s)

That Council endorse the 'Great Ocean Road Tourism Interim Regional Tourism Board, Report to Stakeholders' Dec 2012, for a period of six weeks community engagement.

MOTION - MOVED Cr Stephen Hart seconded Cr Terry Woodcroft:

That Council:

1. **Notes the 'Great Ocean Road Tourism Interim Regional Tourism Board, Report to Stakeholders' December 2012 and puts it out for a period of six weeks community engagement.**
2. **Notes that Council's position is that:**
 - a. **The CEO position should be advertised and selected on a competitive basis.**
 - b. **Visitor Information Centre staffing and control should not pass to the Regional Tourism Board.**
 - c. **Costs do not increase to the Council.**
3. **In releasing the report, Council is not endorsing or agreeing to the proposed structure.**

CARRIED 7 : 0

OM132301-13 SUBMISSION ON PROPOSED INCLUSION OF THE GREAT OCEAN ROAD ON THE VICTORIAN HERITAGE REGISTER

AUTHOR:	Doug McNeill	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F12/414

Cr McCrickard left the meeting at 7.34pm.

Cr Hart:	OM132301-13 Submission on Proposed Inclusion of the Great Ocean Road on the Victorian Heritage Register
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78A
Nature of Interest:	Owens land that fronts the Great Ocean Road, heritage listing may affect my amenity

Cr Delahunty:	OM132301-13 Submission on Proposed Inclusion of the Great Ocean Road on the Victorian Heritage Register
Nature of Disclosure:	Direct
Nature of Interest:	Owens land adjoining Great Ocean Road

Having cited a conflict of interest in this item, Cr Delahunty and Cr Hart left the meeting at 7.35pm.

Original Recommendation(s)

That Council:

1. ***Lodges a written submission to the proposal for inclusion of the Great Ocean Road on the Victorian Heritage Register expressing its general support, but requesting that consideration be given to exempting Council from permit requirements for works within the Great Ocean Road road reserve within township boundaries such as Apollo Bay.***
2. ***Requests in the submission that the Heritage Council conduct a hearing into the proposal and that Council be heard at the hearing.***

MOTION - MOVED Cr Chris Smith seconded Cr Terry Woodcroft:

That Council:

1. ***Lodges a written submission to the proposal for inclusion of the Great Ocean Road on the Victorian Heritage Register expressing some support, but strongly requesting that consideration be given to exempting Council from permit requirements for works within the Great Ocean Road road reserve that Council has control of.***

2. *Requests in the submission that the Heritage Council conduct a hearing into the proposal and that Council be heard at the hearing.*

CARRIED 4 : 0

Cr McCrickard returned to the meeting at 7.37pm.

Cr Hart and Cr Delahunty returned to the meeting at 7.44pm.

OM132301-14

G21 ECONOMIC DEVELOPMENT STRATEGY

AUTHOR:	Mike Barrow	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/2221

Original Recommendation(s)

That Council endorses the Draft G21 Economic Development Strategy and the Governance Paper with the Advisory Board model of governance nominated as the preferred option for delivery of the Strategy.

MOTION - MOVED Cr Terry Woodcroft seconded Cr Brian Crook:

That Council withdraws item OM132301-14 G21 Economic Development Strategy and defers it to the February 2013 Council meeting.

CARRIED 7 : 0

OM132301-15 PLANNING SCHEME AMENDMENT C67 (SALINITY MANAGEMENT OVERLAY) - CONSIDERATION OF SUBMISSIONS

AUTHOR:	Gemma Browning	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F11/3291

Original Recommendation(s)

That Council:

- 1. Considers the written submissions received to Amendment C67 pursuant to section 22 of the Planning and Environment Act 1987 (the Act).**
- 2. Requests the Minister for Planning to appoint an Independent Planning Panel under Part 8 of the Act to consider all written submissions received to Amendment C67 pursuant to section 23 of the Act.**

MOTION - MOVED Cr Michael Delahunty seconded Cr Chris Smith:

That Council abandons the Amendment C67 process.

LOST 2 : 5

DIVISION called by Cr Delahunty

For the Motion: Cr Chris Smith, Cr Michael Delahunty

Against the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Mick McCrickard, Cr Terry Woodcroft

MOTION - MOVED Cr Stephen Hart seconded Cr Terry Woodcroft:

That Council:

- 1. Considers the written submissions received to Amendment C67 pursuant to section 22 of the Planning and Environment Act 1987 (the Act).**
- 2. Requests the Minister for Planning to appoint an Independent Planning Panel under Part 8 of the Act to consider all written submissions received to Amendment C67 pursuant to section 23 of the Act.**

CARRIED 5 : 2

DIVISION called by Cr Smith

For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Mick McCrickard, Cr Terry Woodcroft

Against the Motion: Cr Chris Smith, Cr Michael Delahunty

GENERAL BUSINESS

ITEM	
OM132301-16	ASSEMBLY OF COUNCILLORS
OM132301-17	ITEM FOR SIGNING & SEALING - CREATION OF SEWERAGE EASEMENTS - 28-36 MAIN STREET, BIRREGURRA - 42-44 MAIN STREET, BIRREGURRA AND 30-34 JENNER STREET, BIRREGURRA

OM132301-16

ASSEMBLY OF COUNCILLORS

AUTHOR:	Rhonda Deigan	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	F11/3291

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council notes the Assembly of Councillors reports for:

- ***Lake Colac Coordinating Committee*** ***11 December 2012***
- ***December Councillor Workshop*** ***12 December 2012***
- ***Councillor Briefing Session*** ***19 December 2012.***

CARRIED 7 : 0

OM132301-17

**ITEM FOR SIGNING & SEALING - CREATION OF
SEWERAGE EASEMENTS - 28-36 MAIN STREET,
BIRREGURRA - 42-44 MAIN STREET, BIRREGURRA
AND 30-34 JENNER STREET, BIRREGURRA**

AUTHOR:	Rhonda Deigan	ENDORSED:	Rob Small
DEPARTMENT:	Executive	FILE REF:	F11/3291

Original Recommendation(s)

***That Council resolves to approve the signing and sealing of the attached
Creation of Easement document consenting to the creation of sewerage
easements in favour of Barwon Water over:***

- a. 28-36 Main Street, Birregurra (C/T Vol 6701 Fol 028)***
- b. 42-44 Main Street, Birregurra (C/T 8652 Fol 259)***
- c. 30-34 Jenner Street, Birregurra (C/T Vol 7106 Fol 186).***

MOTION - MOVED Cr Stephen Hart seconded Cr Mick McCrickard:

***That Council defers item OM132301- Item for Signing & Sealing – Creation of
Sewerage Easements – 28-36 Main Street, Birregurra, 42-44 Main Street,
Birregurra and 30-34 Jenner Street, Birregurra, pending further information on
the impact of these easements.***

CARRIED 7 : 0

URGENT ITEM OF BUSINESS – COLAC AREA HEALTH – ACCIDENT AND EMERGENCY SERVICES

As the recent decision made by Colac Area Health to reduce the hours of operation of its Accident and Emergency Service was made after the agenda was prepared, Cr Crook indicated his intention to move an item of urgent business to discuss the issue.

Cr Smith:	Urgent Item of Business – Colac Area Health
Nature of Disclosure:	Direct
Nature of Interest:	Member of the Colac Area Health Board

Cr Russell:	Urgent Item of Business – Colac Area Health
Nature of Disclosure:	Indirect
Type of Indirect Interest:	78B
Nature of Interest:	Public Trustee of Colac Area Health Foundation

Having cited a conflict of interest in this item, the Mayor and Cr Smith left the meeting at 8.11pm. The Deputy Mayor, Cr Hart, chaired the meeting for this item.

MATTER OF URGENCY - MOVED Cr Brian Crook seconded Cr Mick McCrickard that the Colac Area Health decision to reduce the hours of operation of crisis care services be considered as an item of urgent business.

CARRIED 5: 0

MOTION - MOVED Cr Brian Crook seconded Cr Mick McCrickard:

That Council will:

- 1. Call for an urgent meeting with both the State Member for Polwarth, Terry Mulder, and the Federal Member for Corangamite, Darren Cheeseman, to demand an early solution to the impasse between the State and Federal Governments so that our health service can retain a 24 hour Accident and Emergency Service.***
- 2. Seek support from G21 and Great South Coast with respect to the issue of cuts to hospital services as a matter of urgency.***
- 3. Endorse the Mayor's role in chairing a public meeting so that the Colac Area Health Board can explain their decision and provide information as well as an opportunity for questions from the community.***

CARRIED 5: 0

The Mayor, Cr Russell, returned to the meeting at 8.23pm and resumed the position of Chair.

Cr Smith did not return to the meeting.

IN COMMITTEE

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft that pursuant to the provisions of Section 89(2) of the Local Government Act, the meeting be closed to the public and Council move "In-Committee" in order to deal with:

SUBJECT	REASON	SECTION OF ACT
Confidential Items for Consideration - Memos to Councillors - Landholder Concerns along the East Barwon River - Report Attachment and Otway Community College	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)

CARRIED 6 : 0

OUT OF COMMITTEE

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft that the meeting move out of committee.

CARRIED 6 : 0

The Meeting Was Declared Closed at 8.27pm

CONFIRMED AND SIGNED at the meeting held on 27 FEBRUARY 2013

.....*Lyn E Russell*.....**MAYOR**