

COLAC OTWAY SHIRE COUNCIL ORDINARY MEETING OF COUNCIL

MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at the COPACC Meeting Rooms on 25 March 2015 at 4.00pm.

1. OPENING PRAYER

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

AMEN

2. PRESENT

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

Sue Wilkinson, Chief Executive Officer
Colin Hayman, General Manager, Corporate & Community Services
Phil Corluka, General Manager, Infrastructure & Services
Doug McNeill, A/General Manager, Sustainable Planning & Development
Rhonda Deigan, Executive Officer

APOLOGIES

Nil

3. DECLARATION OF INTEREST

Nil

Pursuant to Sections 77, 78 and 79 of the Local Government Act 1989, direct and indirect conflict of interest must be declared prior to debate on specific items within the agenda; or in writing to the Chief Executive Officer before the meeting. Declaration of indirect interests must also include the classification of the interest (in circumstances where a Councillor has made a Declaration in writing, the classification of the interest must still be declared at the meeting), ie:

- a) direct financial interest
- b) indirect interest by close association
- c) indirect interest that is an indirect financial interest
- d) indirect interest because of conflicting duties

- e) indirect interest because of receipt of an applicable gift
- f) indirect interest as a consequence of becoming an interested party
- g) indirect interest as a result of impact on residential amenity
- h) conflicting personal interest.

A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.

Councillors are also encouraged to declare circumstances where there may be a perceived conflict of interest.

4. WELCOME & ACKNOWLEDGEMENT OF COUNTRY

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

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

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

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

All Council and Committee meetings are audio recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings.

Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy.

In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

Council will not use or disclose the recordings for any other purpose. It is an offence to make an unauthorised recording of the meeting.

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 submitted in writing for the 25 March 2015 Council meeting.

James Judd

1. Has any decision yet been handed down or funds recovered from Council's outlay to the Colac Otway Friendly Directory 2012 edition never produced. If no decision yet reached what was:
 - a. Total amount outlaid to advertise?
 - b. Total officer's time used up to seek an outcome?
 - c. Total of all legal expenses accrued to date?

Response:

- ***The information Council provided in correspondence dated October 13, 2014 is still current.***
 - ***Council sought a refund of \$2544.30 from the owner of the Regional Friendly Directory for advertising we did not receive.***
 - ***Council lodged complaints with both the Colac Police, and Consumer Affairs Victoria on this issue. We have also spoken directly to the owner of the Regional Friendly Directory.***
 - ***In March 2014, Consumer Affairs Victoria made contact with the owner of the Regional Friendly Directory, who agreed to publish the phone book to make good on her commitment to the Colac businesses which paid to advertise. Unfortunately, the publication has not taken place, and a refund has not been forthcoming either.***
 - ***Council has not, and will not, take legal action over the matter because in all probability, it would cost more in legal fees than we could hope to recover. We have, however, invested several days of officer time in total pursuing the issue.***
 - ***Council entered into an agreement with the owner of the Regional Friendly Directory in good faith and it is disappointing to both us and ratepayers that this businesswoman has chosen not to honour her commitment to the community.***
 - ***Council has done everything in its power to compel the owner of the Regional Friendly Directory to produce the phone book, or refund the money. Unless Consumer Affairs Victoria or Colac Police are willing to take the issue further, we are doubtful of achieving a positive outcome in this matter.***
2. Instead of Council only holding out of town meetings at the same two locations each year, when will it consider holding the same number of meetings each year on the basis that it varies locations each year? This municipality is not only a combination of three municipalities but includes parts of at least two others.

Response:

Your comments in relation to venues for future Council meetings will be referred to Councillors for their consideration during discussion on 2016 meeting dates and venues.

3. Why did Council promote and establish the new library outside the urban area so it would not be required to have good street lighting install all the way out to it?

Response:

Street lighting has been provided in line with existing guidelines and the library has been built within the urban area. It should also be noted that the opening hours of the library are 8.30 am to 5.30 pm Monday to Thursday (except during School Holidays) and Fridays 8.30 am to 7.00 pm. Other than Fridays during April to September the Library is only open during daylight hours.

Questions from the gallery

Peter Jacobs – Separation Creek

Why has Council ignored the results of the community survey taken with respect to the inclusion of a basketball court and toilet at Harrington Memorial Park (78% in favour) and the petition in favour of a community garden, composting toilet and basketball court?

Response:

The General Manager for Corporate and Community Services stated that while Council acknowledges the results of the survey and the petition the focus of the works has been in line with the scope of the project included in the application for funding from the State Government.

Barb Birkett – Apollo Bay

Why would Council opt for a staged development of a Development Plan for the Apollo Bay Harbour?

Response:

The Acting General Manager for Sustainable Planning and Development advised that it is the preference of officers for a development plan that deals with issues in an integrated fashion. The officer recommendation is to allow the preparation of a development plan in a staged manner in order to address any unforeseen issues that might arise in the future.

Chris Dance – Skenes Creek

Why would the advice of the panel, which in itself is extremely logical, be ignored by a Council that has a reputation for leadership in planning and that has officer representation that exemplifies logic and good planning?

Response:

The Mayor referred Mr Dance to the previous response.

Jenny Handscomb – Birregurra

Are Councillors aware that the costings for a 1.5 metre footpath designated to serve the distance between Birregurra Main Street and the railway station as cited by officers in today's Council meeting agenda, and the recent Birregurra Roadknight Street path "Q and A" flyer are the same as costings provided in 2012 for a 3 metre wide path shared by single pedestrian pathway to service the exact same location and distance?

Response:

The Acting General Manager for Sustainable Planning & Development advised that the costings in the report and the recent fact sheet circulated to Birregurra residents around the cost of the Roadknight Street pathway, are considered to be accurate current costings on what it would cost to deliver the project and that he is not able to comment on figures provided in 2012.

John Riches – Apollo Bay

Do planning officers agree that the clause in Clause 5 Build Form and Siting that states that *"Built form should be of a height which does not intrude upon the southern skyline of the harbour precinct as viewed from the north of the harbour and the town centre. The height of development should taper down towards the east, in line with the taper of the landscape."*

is an effective tool to prevent the construction of unacceptably high buildings and is a better mechanism to control heights in the harbour than a randomly selected building height which in the original documentation was based on the commercial zone, and incorrectly quoted as 9 metres when it is 10.5 metres and in particular when taking into consideration the difficulties of determining suitable building heights on the steep slopes of the site and where the building is constructed on either the rock shelf or on a promenade or on the level of the fishing co-op?

Response:

The Acting General Manager for Sustainable Planning and Development advised that the exhibited version of the amendment did contain a proposal for a 9 metre maximum building height and no more than two storeys. The aim of that clause was to give to the community some security that there would not be any buildings taller than that in response to long held community concern. The panel had considered submissions with respect to height limit and came to the conclusion that the prescriptive height limit should be taken out of the special use zone and be replaced by a clause that gave direction around what the height should be in a general sense to protect the skyline and has left the determination on what the height should be to be achieved during the development of the development plan. Council will be considering that matter during today's meeting.

Jane Gross – Apollo Bay

Given that Council has engaged and paid an independent panel of objective specialists to carry out a panel hearing around the Apollo Bay Harbour Planning Scheme Amendment and who have thoroughly examined and heard submissions, why would Council not then accept that independent Panel's recommendation in full?

Response:

The Acting General Manager for Sustainable Planning and Development advised that it was not unusual for Council not to adopt all of a panel's recommendations. The panel has provided advice to Council and while there is bulk support for most of the recommendations, officers are recommending to vary some of the recommendations. The panel is not like VCAT in that it is a statutory body acting as an independent review panel that provides advice to Council on how it should respond to submissions.

Sarah Handscomb – Birregurra

How much longer does the Birregurra Traders and Friends Association have to wait before it receives the costings for a 1.5 metre wide footpath on Roadknight Street, Birregurra?

Response:

The Acting General Manager Sustainable Planning and Development advised that the costings for various footpath options have been provided to the community.

Tim Cobb – Skenes Creek

Given the unanimous support of the community, does Council support an upgrade of facilities at Apollo Bay Harbour to include an additional demountable toilet and cold water

shower by November 2015 in time for next summer and will Council, in considering the Planning Scheme Amendment C73 Panel Report at today's meeting ensure that there is flexibility to implement such an upgrade before the development plan process is completed?

Response:

The CEO advised that such an infrastructure request would need to be considered as part of the budget process for 2015/2016 and encouraged Mr Cobb and the Apollo Bay community to advocate for the works as part of that process. The CEO advised that the question regarding allowing flexibility within the planning scheme for such works to occur would be debated by Council today.

Sherryl Smith – Wye River

When does Council intend to complete the Harrington Memorial Park project, including revegetation, pathways, making the driveway wheelchair accessible and installation of flora and fauna signage as included in the original application and when it is completed, what level of maintenance can we expect on the park?

Response:

The General Manager for Corporate and Community Services took the question on notice.

Tony Webber – Apollo Bay

Will Council consider the proposal prepared by Graham Bentley for the Apollo Bay Harbour C73 Planning Scheme Amendment during the preparation of the development plan?

Response:

The Acting General Manager for Sustainable Planning and Development acknowledged the proposal prepared by Graham Bentley and advised that it would be one of a number of documents considered during the preparation of the development plan for the Apollo Bay Harbour.

Les Barry - Colac

With reference to responses provided by the CEO to questions raised by the Colac Otway Ratepayers and Residents' Association, the CEO is encouraged to inspect the site of the former pound as the works referred to in the responses have not yet been completed.

Response:

The CEO advised that she would follow up on any unresolved issues associated with the site of the former pound and added that she regularly travels around the shire looking at issues.

MOVED Cr Chris Smith that in light of the number of people in the gallery, question time be extended by up to 30 minutes to allow further questions from the gallery.

The motion lapsed due to the lack of a seconder.

MOTION - MOVED Cr Chris Smith seconded Cr Michael Delahunty that in light of the number of people in the gallery, question time be extended by up to 15 minutes to allow further questions from the gallery.

CARRIED 7 : 0

Beryl Gamble – Elliminyt

When is the Shire going to take a little pride in our town and do something about the overgrown weeds and rubbish at the entrances to the town?

Response:

The Mayor advised that Ms Gamble's comments were noted.

Peter Jacobs – Separation Creek

Would the Shire be prepared to draw up a master plan for Harrington Memorial Park similar to that prepared for the public reserve in Cororooke that could then be submitted to the community for feedback and comment?

Response:

The CEO advised that the preparation of a master plan for Harrington Memorial Park is not in the works program.

Chris Dance – Skenes Creek

How significant do Councillors see the Apollo Bay Harbour precinct being on the west coast of Victoria?

Response:

The General Manager for Sustainable Planning and Development advised that this Council had treated the Apollo Bay Harbour project as a high priority over a number of years and there has been a strong commitment from Council to come up with a plan for the harbour that will increase tourism and use of that area with the full support of the community.

Sarah Handscomb – Birregurra

Why has Regional Development Victoria not funded any footpaths in the shire, why have we been given this information and what actions did Council actually take to obtain funding from Regional Development Victoria for a footpath? Did it submit an application and what records have been kept of its attempts to actually obtain funding for a much needed footpath?

Response:

The General Manager for Sustainable Planning and Development advised that advice received in the past, particularly with respect to the Birregurra footpath, is that in previous attempts by Council to access funding from RDV and State Government departments to support the construction of it, officers have been advised that unless it was a shared path, that provided a much wider purpose than just a footpath, no funding would be provided. Therefore the footpath was made wider and applications were made through expressions of interest for funding and those applications were unsuccessful. The result being that Council will need to fund the footpath itself.

Jenny Handscomb

Are Councillors aware that the term "pathway" in this matter has a technical status designating its singular and specific meaning as a "shared pedestrian and bicycle path"

when application is made to State Government for funding? Could Councillors please take note of how the terms "footpath" and "pathway" are being used in this debate?

Response:

The CEO advised that irrespective of the definition of "pathway", what is before Council today is a request to fund a project that is well in excess of the \$20,000 that is available. Therefore, irrespective of the nature of the path or its width, there is not enough funding available to construct it.

John Riches – Apollo Bay

How did Council officers form the view that the that staging of the development is justified because of the divisive nature of the community when there has been unanimous support by every group represented on the community reference group for a pool to be a permitted use on the harbour?

Response:

The General Manager for Sustainable Planning and Development advised that officers are aware of past issues with respect to the development of the Apollo Bay Harbour. While there currently is a high level of support for the pool, its ultimate feasibility is yet to be established and officers are highlighting the need for Council to protect its own interests when making decisions about the harbour in the time it takes to complete a development plan.

Jane Gross – Apollo Bay

How can Councillors be assured that the staging of the development plan will not result in ad-hoc development at the Apollo Bay Harbour?

Response:

The General Manager for Sustainable Planning and Development advised that it was Council's preference that the development plan be completed in an integrated manner that allowed Council the flexibility to address any unforeseen issues as they arise.

Tony Webber – Apollo Bay

Will a handrail be installed as part of the planned works on the Sand Road Bridge?

Response:

The General Manager for Infrastructure and Services advised that the works are to restore the structural integrity of the bridge and do not include the installation of a handrail.

6. TABLING OF RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS

These responses will not be read out but will be included in the minutes of this meeting.

Nil

7. PETITIONS/JOINT LETTERS (if required)

Nil

8. CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on 25/02/15.

Moved Cr Stephen Hart and seconded Cr Lyn Russell that Council confirm the above minutes subject to the inclusion of the word: "appropriate" prior to "officer report" in the motion moved by Cr Smith at item OM152502-4 Harrington Memorial Park Redevelopment Project .

CARRIED 6 : 1

As per Governance Local Law No 4, clause 34:

34. Objection to Confirmation of Minutes

- (1) If a Councillor is dissatisfied with the accuracy of the minutes, then he or she must:
 - (a) state the item or items with which he or she is dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (2) Except where sub-clause (1) applies, no vote shall be recorded against a motion to adopt the minutes.

OM152503-1 CEO'S PROGRESS REPORT TO COUNCIL

AUTHOR:	Rhonda Deigan	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Executive	FILE REF:	F11/3291

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

CARRIED 7 : 0

OM152503-2

HARRINGTON MEMORIAL PARK MANAGEMENT OPTIONS

AUTHOR:	Ian Seuren	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F14/217

Original Recommendation 1

That Council rescinds its resolution of the 23 October 2013 meeting: "That Council endorses the establishment of the Section 86 Harrington Memorial Park Committee of Management."

Original Recommendation 2

That Council Determines to directly manage Harrington Memorial Park.

MOTION - MOVED Cr Chris Smith

That Council:

- 1. Still supports the resolution of the 23 October 2013 Council meeting which was "That Council endorses the establishment of the Section 86 Harrington Memorial Park Committee of Management"***
- 2. Will take the appropriate steps to instigate an S86 Committee for Harrington Memorial Park as soon as possible.***

The motion lapsed due to the lack of a seconder.

MOTION - MOVED Cr Lyn Russell seconded Cr Terry Woodcroft:

Motion 1

That Council rescinds its resolution of the 23 October 2013 meeting: "That Council endorses the establishment of the Section 86 Harrington Memorial Park Committee of Management."

Motion 2

That Council:

- 1. Determines to directly manage Harrington Memorial Park.***
- 2. Consults with the Wye River & Separation Creek Progress Association Inc. and the broader community of any proposed new works within Harrington Memorial Park.***
- 3. Provides a report annually to the Wye River & Separation Creek Progress Association Inc. on the maintenance and use of Harrington Memorial Park for***

inclusion in the agenda of their Annual General Meeting.

CARRIED 6 : 1

DIVISION called by Cr Lyn Russell

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

Against the Motion: Cr Chris Smith

OM152503-3

**CENTRAL RESERVE REDEVELOPMENT - PROJECT
REFERENCE GROUP**

AUTHOR:	Ian Seuren	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F14/6181

Original Recommendation(s)

That Council nominates Councillor to Chair the Central Reserve Redevelopment Project Reference Group.

MOTION - MOVED Cr Lyn Russell seconded Cr Terry Woodcroft:

That Council nominates Councillor Brian Crook to Chair the Central Reserve Redevelopment Project Reference Group.

CARRIED 5 : 2

DIVISION called by Cr Chris Smith

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

Against the Motion: Cr Chris Smith, Cr Michael Delahunty

**OM152503-4 PROPOSED NAMING OF UNNAMED ROAD
DOWNES ROAD, GERANGAMETE**

AUTHOR:	Paul Carmichael	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F14/217

Original Recommendation(s)

That Council:

- 1. Commences statutory procedures pursuant to clause 5, schedule 10 of the Local Government Act 1989 to apply the name "Downes Road" to the unnamed road extending south easterly from alongside 545 Dewings Bridge Road to Seven Bridges Road, Gerangamete.***
- 2. Advertises in the Colac Herald on 10 April 2015 and Birregurra Mail and submissions be invited in accordance with the provisions of section 223 of the Local Government Act 1989 and Council's Community Engagement Policy.***
- 3. Notes that submissions will be accepted for a 6 week period closing on Friday 22 May 2015.***
- 4. Resolves to hear and consider any submissions received pursuant to Section 223 of the Local Government Act 1989 at a Special Council Meeting on Wednesday, 3 June 2015 at 1.00pm at COPACC.***
- 5. In the event that no submissions are received, authorises the Chief Executive Officer, or her delegate, on behalf of Council, to do all things required to finalise the renaming of the road.***

MOTION - MOVED Cr Michael Delahunty:

That Council:

- 1. Commences statutory procedures pursuant to clause 5, schedule 10 of the Local Government Act 1989 to apply the name "Downes Road" to the unnamed road extending south easterly from alongside 545 Dewings Bridge Road to Seven Bridges Road, Gerangamete.***
- 2. Advertises in the Colac Herald on 10 April 2015 and Birregurra Mail and submissions be invited in accordance with the provisions of section 223 of the Local Government Act 1989 and Council's Community Engagement Policy.***
- 3. Notes that submissions will be accepted for a 6 week period closing on Friday 22 May 2015.***
- 4. Resolves to hear any valid objections received pursuant to Section 223 of the Local Government Act 1989 at a Special Council Meeting on Wednesday, 3 June 2015 at 1.00pm at COPACC.***

5. *In the event that no valid objections are received, authorises the Chief Executive Officer, or her delegate, on behalf of Council, to do all things required to finalise the renaming of the road.*

As this motion was in breach of Section 223 of the Local Government Act 1989 it was ruled out of order by the Mayor and subsequently withdrawn by Cr Delahunty.

MOTION - MOVED Cr Terry Woodcroft seconded Cr Brian Crook:

That Council:

1. *Commences statutory procedures pursuant to clause 5, schedule 10 of the Local Government Act 1989 to apply the name "Downes Road" to the unnamed road extending south easterly from alongside 545 Dewings Bridge Road to Seven Bridges Road, Gerangamete.*
2. *Advertises in the Colac Herald on 10 April 2015 and Birregurra Mail and submissions be invited in accordance with the provisions of section 223 of the Local Government Act 1989 and Council's Community Engagement Policy.*
3. *Notes that submissions will be accepted for a 6 week period closing on Friday 22 May 2015.*
4. *Resolves to hear and consider any submissions received pursuant to Section 223 of the Local Government Act 1989 at a Special Council Meeting on Wednesday, 3 June 2015 at 1.00pm at COPACC.*
5. *In the event that no submissions are received, authorises the Chief Executive Officer, or her delegate, on behalf of Council, to do all things required to finalise the renaming of the road.*

AMENDMENT - MOVED Cr Chris Smith seconded Cr Michael Delahunty:

That the following wording be added as point 6:

"That all relevant landholders and residents will be notified via mail of the submission period"

LOST 2 : 5

DIVISION called by Cr Chris Smith

For the Motion: Cr Chris Smith, Cr Michael Delahunty

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

MOTION - MOVED Cr Terry Woodcroft seconded Cr Brian Crook:

That Council:

1. *Commences statutory procedures pursuant to clause 5, schedule 10 of the Local Government Act 1989 to apply the name "Downes Road" to the unnamed*

road extending south easterly from alongside 545 Dewings Bridge Road to Seven Bridges Road, Gerangamete.

- 2. Advertises in the Colac Herald on 10 April 2015 and Birregurra Mail and submissions be invited in accordance with the provisions of section 223 of the Local Government Act 1989 and Council's Community Engagement Policy.*
- 3. Notes that submissions will be accepted for a 6 week period closing on Friday 22 May 2015.*
- 4. Resolves to hear and consider any submissions received pursuant to Section 223 of the Local Government Act 1989 at a Special Council Meeting on Wednesday, 3 June 2015 at 1.00pm at COPACC.*
- 5. In the event that no submissions are received, authorises the Chief Executive Officer, or her delegate, on behalf of Council, to do all things required to finalise the renaming of the road.*

CARRIED 6 : 1

DIVISION called by Cr Chris Smith

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

Against the Motion: Cr Chris Smith

**OM152503-5 BLUEWATER FITNESS CENTRE REDEVELOPMENT
PROJECT - PROGRESS REPORT**

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

MOVED Cr Brian Crook seconded Cr Terry Woodcroft

That Council notes the monthly status report for the Blue Water Fitness Centre Redevelopment Project covering the period to 1 February 2015 to 28 February 2015.

CARRIED 6 : 1

DIVISION called by Cr Chris Smith

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

Against the Motion: Cr Chris Smith

OM152503-6 STRATEGIC ROAD REVIEW

AUTHOR:	Paula Gardiner	ENDORSED:	Phil Corluka
DEPARTMENT:	Infrastructure & Services	FILE REF:	F11/1809

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

- 1. Endorses the draft Strategic Road Network Review for public consultation; and***
- 2. Places the draft Strategic Road Network Review on exhibition for a period of six (6) weeks commencing 3 April 2015 and concluding 14 May 2015.***

MOTION - MOVED Cr Michael Delahunty seconded Cr Brian Crook:***That Council:***

- 1. Endorses the draft Strategic Road Network Review, including:***
 - Cape Otway Road***
 - Collins Road***
 - Barongarook Road***
 - Bushby's Road***
 - Old Yeo Road***
 - Nalangil Road***
 - Irrewillipe Road***
 - Barry's Road***
 - Mount Hesse Road***
 - Warrowie Road******for public consultation; and***
- 2. Places the draft Strategic Road Network Review on exhibition for a period of six (6) weeks commencing 3 April 2015 and concluding 14 May 2015.***
- 3. Requests that in the advertising of this for submissions, that the names of the roads be included in the advertisement.***

CARRIED 7 : 0

OM152503-7**CONTRACT 1433 - SUPPLY AND DELIVERY OF GRADER**

AUTHOR:	Andrew Kavanagh	ENDORSED:	Phil Corluka
DEPARTMENT:	Infrastructure & Services	FILE REF:	11/96582

MOVED Cr Terry Woodcroft seconded Cr Stephen Hart

That Council:

- 1. Awards Contract 1433 for Supply and Delivery of one John Deere 670GP at the changeover price of \$325,176.50 (excluding GST, stamp duty and registration costs) inclusive of trade-in.***
- 2. Delegates authority to General Manager, Infrastructure & Services to sign the contract documents following award of Contract 1433.***

CARRIED 7 : 0

OM152503-8

CONTRACT 1509 - SAND ROAD BRIDGE REHABILITATION

AUTHOR:	Roger Fox	ENDORSED:	Phil Corluka
DEPARTMENT:	Infrastructure & Services	FILE REF:	F11/3291

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

- 1. Awards Contract 1509 for Sand Road Bridge Rehabilitation to Timber Restoration Systems Pty Ltd at the lump sum tender price of \$435,890.45 (excluding GST).***
- 2. Delegates to the Chief Executive Officer authority to sign and place under Council seal the contract documents following award of Contract 1509.***

MOTION - MOVED Cr Chris Smith:

That Council defers this item for a month so Council can understand what other bridge is next in the hierarchy list to be completed if this one wasn't.

This motion lapsed due to the lack of a seconder.

MOTION - MOVED Cr Lyn Russell seconded Cr Stephen Hart:***That Council:***

- 1. Awards Contract 1509 for Sand Road Bridge Rehabilitation to Timber Restoration Systems Pty Ltd at the lump sum tender price of \$435,890.45 (excluding GST).***
- 2. Delegates to the Chief Executive Officer authority to sign and place under Council seal the contract documents following award of Contract 1509.***

CARRIED 7 : 0

OM152503-9

**SMALL TOWN IMPROVEMENT PROGRAM STIP 2014/2015 -
ALTERNATIVE PROPOSALS FOR BIRREGURRA**

AUTHOR:	Katrina Kehoe	ENDORSED:	Doug McNeill
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	11/95454

Original Recommendation One

That Council writes to the applicants of the Roadknight Street footpath proposal advising that:

- a) ***Council acknowledges that the construction of a footpath along Roadknight Street has been identified as one of a number of priorities for the Birregurra community.***
- b) ***The maximum \$20,000 STIP allocation is insufficient to cover the significant cost of a footpath along Roadknight Street Birregurra and STIP is not a suitable program to fund this proposal at this time or in the future. There are no other sources of capital works funding available for the construction of a footpath at this time and any future consideration would need to be in the context of Council's future budget processes.***
- c) ***Council will continue to seek future external grant opportunities to fund the Roadknight Street footpath, as it will with other footpaths identified as priorities across the Shire.***

Original Recommendation Two

That Council:

- a) ***Notes that the proposal by the Birregurra Community Group, to upgrade the Rotunda, existing seating and installation of bike racks and bin enclosures is consistent with the outcomes of the Birregurra Community Infrastructure Plan and the Birregurra Structure Plan which were both endorsed by Council after extensive community consultation; and***
- b) ***Notes that the elements of the Birregurra Community Group proposal have been the subject of further community consultation conducted by the Birregurra Community Group and through a drop in session conducted by Council officers, wherein the majority of those consulted continued to support the project elements identified in the proposal; and***
- c) ***Notes that if the Birregurra Community Group proposal is unsuccessful then the STIP funding will not be allocated.***
- d) ***Approves the application by the Birregurra Community Group, to upgrade the Rotunda, existing seating and installation of bike racks and bin enclosures, as an alternative project for expenditure of the \$20,000 STIP funds for Birregurra.***

Original Recommendation Three

That Council endorses changes to the Small Town Improvement Program (STIP) Guidelines as follows:

“Should a project not be able to proceed, for example, where an application for external grant funds has been unsuccessful, the funds shall be returned to the budget and the community can apply for STIP allocations in the following year”.

MOTION - MOVED Cr Chris Smith:

That Council uses the \$20,000 STIP allocation for Birregurra to create 103 metres of gravel path, or thereabouts, along the appropriate section of road starting at the township end.

This motion lapsed due to the lack of a seconder.

MOTION - MOVED Cr Chris Smith:

That Council will spend \$15,000 of the STIP allocation on creating as much path as we possibly can and the balance to be spent on the rotunda, existing seating and installation of bike racks.

This motion lapsed due to the lack of a seconder.

MOTION - MOVED Cr Michael Delahunty seconded Cr Stephen Hart:

Motion 1

That Council writes to the applicants of the Roadknight Street footpath proposal advising that:

- a) **Council acknowledges that the construction of a footpath along Roadknight Street has been identified as one of a number of priorities for the Birregurra community.**
- b) **The maximum \$20,000 STIP allocation is insufficient to cover the significant cost of a footpath along Roadknight Street Birregurra and STIP is not a suitable program to fund this proposal at this time.**
- c) **Council will continue to seek external grant opportunities to fund the Roadknight Street footpath, as it may with other footpaths identified as priorities across the Shire.**

Motion 2

That Council approves the application by the Birregurra Community Group to upgrade the Rotunda and existing seating at an indicative cost of \$2,000.

Motion 3

That Council endorses changes to the Small Town Improvement Program (STIP) Guidelines as follows:

“Should a project not proceed the funds shall be returned to the STIP budget and the community can apply for STIP allocations in subsequent years”.

AMENDMENT - MOVED Cr Chris Smith:

That the following words be added to motion 2

“That the remaining funds are reserved in Council for a STIP application from Birregurra”.

The motion lapsed due to the lack of a seconder.

MOTION - MOVED Cr Michael Delahunty seconded Cr Stephen Hart:**Motion 1**

That Council writes to the applicants of the Roadknight Street footpath proposal advising that:

- a) Council acknowledges that the construction of a footpath along Roadknight Street has been identified as one of a number of priorities for the Birregurra community.*
- b) The maximum \$20,000 STIP allocation is insufficient to cover the significant cost of a footpath along Roadknight Street Birregurra and STIP is not a suitable program to fund this proposal at this time.*
- c) Council will continue to seek external grant opportunities to fund the Roadknight Street footpath, as it may with other footpaths identified as priorities across the Shire.*

Motion 2

That Council approves the application by the Birregurra Community Group to upgrade the Rotunda and existing seating at an indicative cost of \$2,000.

Motion 3

That Council endorses changes to the Small Town Improvement Program (STIP) Guidelines as follows:

“Should a project not proceed the funds shall be returned to the STIP budget and the community can apply for STIP allocations in subsequent years”.

CARRIED 6 : 1

DIVISION called by Cr Stephen Hart

For the Motion: Cr Chris Smith, Cr Stephen Hart, Cr Lyn Russell, Cr Terry Woodcroft, Cr Michael Delahunty, Cr Frank Buchanan

Against the Motion: Cr Brian Crook

OM152503-10

**PLANNING SCHEME AMENDMENT C73 PANEL REPORT
(APOLLO BAY HARBOUR)**

AUTHOR:	Blaithin Butler	ENDORSED:	Doug McNeill
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F13/4504

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

- 1. Supports all recommendations of the Panel, except the recommendation to delete the ability to prepare a Development Plan in stages, and the deletion of the redevelopment of the Mother's Beach car park and the boat trailer/car park from the list of developments exempt from the requirement for a permit.***
- 2. Adopts Amendment C73 pursuant to Section 29 of the Planning and Environment Act 1987 with changes as outlined in the Special Use Zone – Schedule 2 (Attachment 1).***
- 3. Submits the adopted amendment, together with prescribed information, to the Minister for Planning for approval pursuant to Section 31 of the Planning and Environment Act 1987.***
- 4. Advises the Minister for Planning that Council accepts each of the Panel's recommendations except the deletion of the ability to prepare a Development Plan in stages and the deletion of the redevelopment of the Mother's Beach car park and the boat trailer/car park from the list of developments exempt from the requirement for a permit.***
- 5. Authorises the Chief Executive Officer (or delegate) to finalise the amendment documentation for Ministerial approval.***
- 6. Writes to all submitters, informing them of Council's decision and thanking them for their interest in this matter.***

MOTION - MOVED Cr Chris Smith:

That Council supports the recommendation of the Panel to delete the ability to prepare a development plan in stages.

The motion lapsed due to the lack of a seconder.

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

- 1. Supports all recommendations of the Panel.***
- 2. Adopts Amendment C73 pursuant to Section 29 of the Planning and Environment***

Act 1987 with changes as outlined in the Special Use Zone – Schedule 2 (Attachment 1).

- 3. Submits the adopted amendment, together with prescribed information, to the Minister for Planning for approval pursuant to Section 31 of the Planning and Environment Act 1987.*
- 4. Advises the Minister for Planning that Council accepts each of the Panel's recommendations.*
- 5. Authorises the Chief Executive Officer (or delegate) to finalise the amendment documentation for Ministerial approval.*
- 6. Writes to all submitters, informing them of Council's decision and thanking them for their interest in this matter.*

LOST 3 : 4

DIVISION called by Cr Chris Smith

For the Motion: Cr Chris Smith, Cr Michael Delahunty, Cr Frank Buchanan

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

MOTION - MOVED Cr Brian Crook seconded Cr Lyn Russell:

That Council:

- 1. Supports all recommendations of the Panel, except the recommendation to delete the ability to prepare a Development Plan in stages, and the deletion of the redevelopment of the Mother's Beach car park and the boat trailer/car park from the list of developments exempt from the requirement for a permit.*
- 2. Adopts Amendment C73 pursuant to Section 29 of the Planning and Environment Act 1987 with changes as outlined in the Special Use Zone – Schedule 2 (Attachment 1).*
- 3. Submits the adopted amendment, together with prescribed information, to the Minister for Planning for approval pursuant to Section 31 of the Planning and Environment Act 1987.*
- 4. Advises the Minister for Planning that Council accepts each of the Panel's recommendations except the deletion of the ability to prepare a Development Plan in stages and the deletion of the redevelopment of the Mother's Beach car park and the boat trailer/car park from the list of developments exempt from the requirement for a permit.*
- 5. Authorises the Chief Executive Officer (or delegate) to finalise the amendment documentation for Ministerial approval.*
- 6. Writes to all submitters, informing them of Council's decision and thanking them for their interest in this matter.*

CARRIED 5 : 2

DIVISION called by Cr Chris Smith

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

Against the Motion: Cr Chris Smith, Cr Michael Delahunty

OM152503-11**ADOPTION OF FORREST MOUNTAIN BIKE TRAILS
STRATEGIC PLAN**

AUTHOR:	Michael Swanson	ENDORSED:	Doug McNeill
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F13/1516

MOVED Cr Michael Delahunty seconded Cr Terry Woodcroft

That Council adopts the final Forrest Mountain Bike Trails Strategic Plan.

CARRIED 7 : 0

OM152503-12 ASSEMBLY OF COUNCILLORS

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

Original Recommendation(s)

That Council notes the Assembly of Councillors reports for:

- ***Central Reserve Advisory Committee*** ***4 February 2015***
- ***Friends of Colac Botanic Gardens*** ***12 February 2015***
- ***Colac Regional Saleyards Advisory Committee*** ***16 February 2015***
- ***Councillor Workshop*** ***18 February 2015***
- ***Councillor Briefing Session*** ***25 February 2015***
- ***Strategic Planning Workshop*** ***4 March 2015***
- ***Councillor Workshop*** ***11 March 2015***

MOTION - MOVED Cr Lyn Russell seconded Cr Stephen Hart:

That Council notes the Assembly of Councillors reports for:

- ***Central Reserve Advisory Committee*** ***4 February 2015***
- ***Friends of Colac Botanic Gardens*** ***12 February 2015***
- ***Colac Regional Saleyards Advisory Committee*** ***16 February 2015***
- ***Councillor Workshop*** ***18 February 2015***
- ***Councillor Briefing Session*** ***25 February 2015***
- ***Strategic Planning Workshop*** ***4 March 2015***
- ***Councillor Workshop*** ***11 March 2015***

subject to the correction of Cr Delahunty's title in the assembly of councillors record for 11 March 2015.

CARRIED 7 : 0

OM152503-13

**ITEM FOR SIGNING & SEALING - STOCK UNDERPASS -
960 IRREWILLIPE ROAD, BARONGAROOK WEST**

AUTHOR:	Paula Gardiner	ENDORSED:	Phil Corluka
DEPARTMENT:	Infrastructure & Services	FILE REF:	11/95455

MOVED Cr Lyn Russell seconded Cr Terry Woodcroft

That Council delegates the Chief Executive Officer to sign and seal the Stock Underpass Agreement between Colac Otway Shire Council, Simon David Scott and Norman Harold Lowe for a stock underpass under Irrewillipe Road, Barongarook West.

CARRIED 7 : 0

**OM152503-14 ITEM FOR SIGNING & SEALING - STOCK UNDERPASS -
1425 IRREWILLIPE ROAD, IRREWILLIPE EAST**

AUTHOR:	Paula Gardiner	ENDORSED:	Phil Corluka
DEPARTMENT:	Infrastructure & Services	FILE REF:	F14/9403

MOVED Cr Lyn Russell seconded Cr Terry Woodcroft

That Council delegates the Chief Executive Officer to sign and seal the Stock Underpass Agreement between Colac Otway Shire Council and J J & F E Parsons for a stock underpass under Irrewillipe Road, Irrewillipe East.

CARRIED 7 : 0

IN COMMITTEE

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

SUBJECT	REASON	SECTION OF ACT
Minutes of the In-Committee Meeting held on 25 February 2015	this matter deals with contractual matters	Section 89 (2) (d)
Contract 1433 - Supply and Delivery of Grader	this matter deals with contractual matters	Section 89 (2) (d)
Contract 1509 – Sand Road Bridge Rehabilitation	this matter deals with contractual matters	Section 89 (2) (d)
Confidential Item for Consideration - Colac Otway Performing Arts & Cultural Centre - Future Directions	this matter deals with contractual matters; AND this matter may prejudice the Council or any person	Section 89 (2) (d) (h)

CARRIED 7 : 0

Cr Smith left the meeting at 7.41pm


OUT OF COMMITTEE

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

CARRIED 6 : 0

The Meeting Was Declared Closed at 7.48pm

CONFIRMED AND SIGNED at the meeting held on 22 APRIL 2015

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

