



Colac Otway
SHIRE

MEETING OF SPECIAL COUNCIL

MINUTES

WEDNESDAY 20 MARCH 2019

AT 4:00 PM

COPACC



COLAC OTWAY SHIRE SPECIAL COUNCIL MEETING

20 MARCH 2019

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COLAC OTWAY SHIRE COUNCIL SPECIAL MEETING

MINUTES of the *SPECIAL MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at COPACC
on 20 March 2019 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 Brian Crook
Cr Kate Hanson
Cr Stephen Hart
Cr Joe McCracken
Cr Chris Potter
Cr Jason Schram (Mayor)
Cr Chris Smith

Peter Brown, Chief Executive
Errol Lawrence, General Manager, Corporate Services
Tony McGann, General Manager, Infrastructure & Leisure Services
Ian Seuren, General Manager, Development & Community Services
Sarah McKew, Manager, Governance & Communications
Lyndal McLean, Governance Coordinator
Doug McNeill, Manager, Planning, Building & Health
Suzanne Barker, Contractor
Jeremy Rudd, Manager Assets & Project Delivery
Tim Brain, Development Engineer
Simon Clarke, Strategic Planning & Major Projects Coordinator
Alison Martin, Communications Coordinator
Jane Preston-Smith, Executive Officer, Development & Community Services

3. APOLOGIES

Nil

4. WELCOME & ACKNOWLEDGEMENT OF COUNTRY

I would like to start this evening by acknowledging the traditional custodians and law makers of this land, their elders past and present and welcome any descendants here today.

I would also like to advise that all Council meetings are audio recorded, with the exception of confidential matters. This includes the public participation sections of 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 unauthorized recording of the meeting.

5. QUESTION TIME

This is a Special Council meeting required under legislation. The sole purpose of the Special Council Meeting is to consider submissions regarding:

- Colac Stormwater Development Strategy; and
- Amendment C97 – Colac 2050 Growth Plan.

A public question time of thirty minutes is allowed but I need to emphasise to everyone here that Council's meeting procedures in our Local Law do not allow you to ask questions on topics that aren't on the agenda tonight.

If you have general questions about other matters, I encourage you to ask them at the next Ordinary Council meeting.

To ensure that everyone has the opportunity to ask questions, I may need to limit the number of questions from each person to two. Then, once everyone has had an opportunity to ask their initial questions, and if time permits, I will invite further questions.

As I call you to the lectern, please remember this is not a forum for debate or statements; 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.

Please note that whilst we will do our best, it may not be possible to answer all questions without notice tonight. If this is the case, they will be answered later.

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

James Judd

Are the funds required to carry out works by Council that it has to fund in the C97 Planning Scheme Amendment going to be found by deleting other matters needing to be done so funds can be found?

Response from General Manager, Development & Community Services

All of the initiatives identified in the draft Colac 2050 Growth Plan and planning scheme amendment C97 would be subject to budget consideration by Council in the future. Much of the future strategic planning to prepare Development Plans and Shared Infrastructure Plans for growth areas to be rezoned will be developer funded.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Nil

6. DECLARATIONS OF INTEREST

Cr McCracken	SC192003-1
Nature of Disclosure:	Indirect Interest
Type of Interest:	Section 78B
Nature of Interest:	During the meeting, a submitter (St Mary's Parish) raised matters relating to my employer, Trinity College Colac, which may cause a conflict due to conflicting duties.

SPECIAL COUNCIL MEETING

COLAC STORMWATER DEVELOPMENT STRATEGY - CONSIDERATION OF SUBMISSIONS

SC192003-1

LOCATION / ADDRESS	Colac	GENERAL MANAGER	Tony McGann
OFFICER	Jeremy Rudd	DIVISION	Infrastructure & Leisure Services
TRIM FILE	F15/10336	CONFIDENTIAL	No
ATTACHMENTS	<ol style="list-style-type: none"> 1. OM Council Report - Stormwater Development Strategy - July 2018 2. Colac Stormwater Development Strategy - Submission Table with Officer Response Name Removed for Council Report pdf 3. Colac Stormwater Development Strategy_Engeny_Rev0 Final March 2019 pdf 4. Colac Stormwater Development Strategy Combined Letter and Information Brochure for Print 16 October 2018 spread FINAL 		
PURPOSE	To consider submissions received to the exhibition of the draft Colac Stormwater Development Strategy		

RESOLUTION

MOVED Cr Chris Smith

I move that Standing Orders be suspended to enable the consideration of submissions regarding the Colac Stormwater Development Strategy (item SC192003-1 on the agenda), in the form of up to 5 minutes' presentation time for each submitter, during which time questions from Councillors may be put.

CARRIED 7 : 0

The meeting adjourned at 4.04pm.

Having declared a conflict of interest, Cr Joe McCracken adjourned from the meeting at 4.12pm and did not take part in debate nor vote on the matter.

Cr McCracken	SC192003-1
Nature of Disclosure:	Indirect Interest
Type of Interest:	Section 78B
Nature of Interest:	During the meeting, a submitter (St Mary's Parish) raised matters relating to my employer, Trinity College Colac, which may cause a conflict due to conflicting duties.

RESOLUTION

MOVED Cr Stephen Hart

I move that Standing Orders be resumed.

CARRIED 6 : 0

The meeting resumed at 4.14pm.

RECOMMENDATION

That Council adopts the Colac Stormwater Development Strategy.

ALTERNATIVE MOTION

MOVED Cr Chris Smith

That Council does not adopt the Colac Stormwater Development Strategy.

LAPSED due to no seconder

ALTERNATIVE MOTION

MOVED Cr Chris Potter

That Council:

- 1. adopts the Colac Stormwater Development Strategy;*
- 2. advocates to VicRoads and VicTrack to improve Deans Creek flow capacity at the Princes Highway and the railway line.*

This motion was WITHDRAWN by Cr Chris Potter

RESOLUTION

MOVED Cr Chris Potter, seconded Cr Stephen Hart

That Council adopts the Colac Stormwater Development Strategy.

CARRIED 5 : 1

DIVISION

For the motion: Cr Chris Potter, Cr Stephen Hart, Cr Brian Crook, Cr Kate Hanson, Cr Jason Schram

Against the motion: Cr Chris Smith

Jane Preston-Smith attended the meeting at 4.44pm.

Jeremy Rudd left the meeting at 4.49pm.

Cr Joe McCracken returned to the meeting at 4.49pm.

SPECIAL COUNCIL MEETING
COLAC OTWAY AMENDMENT C97 - COLAC 2050
GROWTH PLAN - CONSIDERATION OF SUBMISSIONS
 SC192003-2

LOCATION / ADDRESS	Colac	GENERAL MANAGER	Ian Seuren
OFFICER	Simon Clarke	DIVISION	Development & Community Services
TRIM FILE	F18/8048	CONFIDENTIAL	No
ATTACHMENTS	<ol style="list-style-type: none"> 1. Amendment C97 - Colac 2050 - Framework Plan Exhibition Version - Submitter Location map 2. Amendment C97 - Colac 2050 Growth Plan - Submission Table with Officer Response for Council Report No Name 3. Colac Otway Amendment C97 - Clause 21.03 - Post Exhibition Version - For Council Report 		
PURPOSE	To consider submissions received as part of the public exhibition of the Amendment		

RESOLUTION

MOVED Cr Joe McCracken

I move that Standing Orders be suspended to enable the consideration of submissions regarding Amendment C97 – Colac 2050 Growth Plan (item SC192003-2 on the agenda), in the form of up to 5 minutes’ presentation time for each submitter, during which time questions from Councillors may be put.

CARRIED 7 : 0

The meeting adjourned at 4.50pm.

RESOLUTION

MOVED Cr Joe McCracken

I move that Standing Orders be resumed.

CARRIED 7: 0

The meeting resumed at 5.22pm.

RECOMMENDATION

That Council:

- 1. Pursuant to section 22 (1) of the Planning and Environment Act 1987, has considered all submissions received to the Colac Otway Amendment C97.*
- 2. Pursuant to section 23 (1)(a) of the Planning and Environment Act 1987, makes changes to Amendment C97 as noted in this report and attachments.*
- 3. Makes changes to the draft Colac 2050 Growth Plan as noted in this report and attachment.*
- 4. Pursuant to section 23 (1)(b) of the Planning and Environment Act 1987, refers submissions to a panel to be appointed by the Minister for Planning.*
- 5. Authorises officers/suitable persons to represent Council at the Planning Panel hearing generally in accordance with the response to issues outlined in this report and its attachments, and to make minor changes to the Amendment in response to matters raised during the panel process.*

ALTERNATIVE MOTION

MOVED Cr Jason Schram, seconded Cr Chris Smith

That Council:

- 1. Pursuant to section 22 (1) of the Planning and Environment Act 1987, has considered all submissions received to the Colac Otway Amendment C97.*
- 2. Pursuant to section 23 (1)(a) of the Planning and Environment Act 1987, makes changes to Amendment C97 as noted in this report and attachment as well as the following changes to the Colac 2050 Framework Plan as proposed by the Amendment:*
 - a) Extend the urban boundary to the west to include parts of the land immediately north of the Princes Highway and east of Lake Corangamite Road (part 490 and 494 Princes Highway, and part of 470 Princes Highway) as an area for future non-core commercial and retail uses.*
 - b) Identify the land generally to the south west of the corner of Drapers Road and the Princes Highway to Triggs Road as an investigation area to explore suitable commercial uses to improve and enhance the entrance to Colac.*
 - c) Extend the urban boundary to the south of Harris Road, east of the Deans Creek and west of Christies Road (70 and 90 Christies Road, 130 Harris Road, part of 180 Harris Road, and part of 335 Irrewillipe Road) to include the land as future residential land subject to a development plan, and remove the notation referring to rezoning of 70, 90 & 102 Christies Road to Farming Zone.*
 - d) Identify the land bordered by Pound Road, Cants Road, Sinclair Street South and Neale Street to be included as low density residential.*
- 3. Makes changes to the draft Colac 2050 Growth Plan as noted in this report and attachment, and in point 2 above.*

4. Pursuant to section 23 (1)(b) of the Planning and Environment Act 1987, refers submissions to a panel to be appointed by the Minister for Planning.
5. Authorises officers/suitable persons to represent Council at the Planning Panel hearing generally in accordance with the response to issues outlined in this report and its attachments, and to make minor changes to the Amendment in response to matters raised during the panel process.

LOST 1 : 6

For the motion: Cr Jason Schram

Against the motion: Cr Kate Hanson, Cr Brian Crook, Cr Stephen Hart, Cr Chris Potter, Cr Joe McCracken, Cr Chris Smith

The meeting adjourned at 6.11pm for a short break.
The meeting resumed at 6.18pm.

ALTERNATIVE MOTION

MOVED Cr Joe McCracken, seconded Cr Stephen Hart

That Council:

1. Pursuant to section 22 (1) of the Planning and Environment Act 1987, has considered all submissions received to the Colac Otway Amendment C97.
2. Pursuant to section 23 (1)(a) of the Planning and Environment Act 1987, makes changes to Amendment C97 as noted in this report and attachment as well as the following changes to the Colac 2050 Framework Plan as proposed by the Amendment:
 - a) Identify the land bordered by Colac-Lavers Hill Road, Friends Road, Forest Street South and the exhibited urban boundary to be included as low density residential and within the urban boundary.
 - b) Identify the land bordered by Pound Road, Cants Road, Sinclair Street South and Neale Street to be included as low density residential.
3. Makes changes to the draft Colac 2050 Growth Plan as noted in this report and attachment, and in point 2 above.
4. Pursuant to section 23 (1)(b) of the Planning and Environment Act 1987, refers submissions to a panel to be appointed by the Minister for Planning.
5. Authorises officers/suitable persons to represent Council at the Planning Panel hearing generally in accordance with the response to issues outlined in this report and its attachments, and to make minor changes to the Amendment in response to matters raised during the panel process.

CARRIED 5 : 2

DIVISION

For the motion: Cr Joe McCracken, Cr Chris Potter, Cr Stephen Hart, Cr Brian Crook, Cr Kate Hanson

Against the motion: Cr Chris Smith, Cr Jason Schram

Jane Preston-Smith left the meeting at 6.11pm.

Tim Brain left the meeting at 6.11pm.



The meeting was declared closed at 6.32pm

CONFIRMED at the meeting held on 24 APRIL 2019

A handwritten signature in black ink, written over a horizontal dotted line. The signature is stylized and appears to be "M. J. ...".