

1. OPENING PRAYER

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

AMEN

2. PRESENT

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

Rob Small, Chief Executive Officer
Brett Exelby, Acting General Manager, Corporate & Community Services
Adam Lehmann, Acting General Manager, Infrastructure & Services
Jack Green, General Manager, Sustainable Planning & Development
Rhonda Deigan, Executive Officer

3. APOLOGIES

Cr Frank Buchanan, Cr Stuart Hart, Colin Hayman, Neil Allen

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. What percentage is added to proposed increases or deducted from decreases in rates to allow for any shortfall as a result of objections to Council's valuations being allowed or are future rates inflated to cover any shortfall?

Response:

There is no calculated allowance to cater for objections to valuations. Should there be a reduction in income as a result of objections to valuations, Council would have to reassess the level of services provided to our community.

2. If errors in budget items are made in print, how long will it take for those to be picked up and adjusted? Is it months or years and then only settle errors with those who object to charges or everyone overcharged then include in any refunds compound interest until paid at rate charged on late rate payments.

Response:

The error referred to by Mr Judd appeared in the draft budget presented to Council on 13 June 2012. The error was picked up and corrected in the budget adopted by Council on 27 June 2012.

3. If one transaction has no affect on valuations when it affects the price paid for all nearby sales, how can you claim it has no affect on total valuations for revaluations?

Response:

As previously explained to Mr Judd in a letter to him dated 19 June 2012, for the purposes of the 2012 revaluation, valuers have analysed property sales occurring in the period between August 2010 and March 2012. An analysis of sales of multiple commercial properties within Colac allows the valuers to determine what the level of value for such properties is as at the valuation date. Any abnormally low or high sales in comparison to the general value is further investigated. Other factors also considered by valuers might include: rental income, level of outgoings, age and condition of buildings, availability of carparking and type of business.

Questions Received Verbally at the Meeting

Julie Smith

1. How will the new rural planning zone reforms affect agenda item OM122507-6 Planning Scheme Amendment C69 - Consideration of Submissions?

Response:

The General Manager Sustainable Planning & Development stated that it is the intention of the recommendation that this matter be referred to an independent planning panel. This panel would consider any changes to planning zones as a matter of course. The community would also get a further opportunity to make a submission to this panel.

Jeremy McCreadie – Lavers Hill

1. Now that the Planning Minister has called for more flexibility in town planning, do Councillors agree with his statements?

Response:

The General Manager Sustainable Planning & Development stated that Council officers were in the process of reviewing the information from the Minister and would update Councillors at a future workshop as to how the Council and the community might benefit from the changes. Any issues which will impact on the Rural Living Strategy will be addressed through the panel stage.

2. Will there be another process in place to deal with the changes forecast by the State Government?

Response:

The General Manager Sustainable Planning & Development advised that there would not be any specific process but that the Panel established to consider submissions to the Rural Living Strategy and the Forest Structure Plan would look at any changes and make sure that the planning proposal is consistent with those changes.

3. So the changes forecast by the State Government will be considered by the Panel?

Response:

The General Manager Sustainable Planning & Development reiterated that the Panel would consider any changes to planning zones that have a material impact on the Rural Living Strategy and the Forest Structure Plan.

4. Does Council embrace having more flexibility with the farm zones?

Response:

The General Manager Sustainable Planning & Development advised that until the proposed changes have been reviewed, Council would not be in a position to make a statement. However, in principle, Council would be very supportive of having more flexibility with respect to decision making around planning zones.

6. DECLARATION OF INTEREST

Cr Stephen Hart:	OM122507-6 Planning Scheme Amendment C69 - Consideration of Submissions
Nature of Disclosure:	Direct Interest
Nature of Interest:	Owns land identified in the Rural Land Strategy (2006/2007) and later reports as part of an area for possible re-zoning to "Rural Living" and has made a submission to the amendment

Based on previous declarations of interest, the CEO, on behalf of Cr Stuart Hart, declared the following interest.

Cr Stuart Hart:	OM122507-6 Planning Scheme Amendment C69 - Consideration of Submissions
Nature of Disclosure:	Direct Interest
Nature of Interest:	Owns land in proposed area for re-zoning

7. CONFIRMATION OF MINUTES

- **Ordinary Council Meeting held on the 27/06/12.**

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

CARRIED 5 : 0

OFFICERS' REPORTS

Chief Executive Officer

OM122507-1 CEO'S REPORT

Corporate and Community Services

OM122507-2 STATUTORY MEETING DATE 2012

Infrastructure and Services

OM122507-3 ROAD MANAGEMENT COMPLIANCE REPORT

OM122507-4 PETITION IN RELATION TO PROPOSED CHANGES TO WYE RIVER
AND SEPARATION CREEK WASTE/RECYCLING

Sustainable Planning and Development

OM122507-5 OTWAYS TOURISM ADVISORY COMMITTEE

OM122507-6 PLANNING SCHEME AMENDMENT C69 - CONSIDERATION OF
SUBMISSIONS

OM122507-7 GREAT SOUTH COAST STREET SMART LIGHTING PROGRAM

OM122507-8 2012 - 13 SMALL TOWN IMPROVEMENT PROGRAM ALLOCATIONS

General Business

OM122507-9 MINUTES OF COLAC COMMUNITY LIBRARY AND LEARNING CENTRE
JOINT COMMITTEE

OM122507-10 ASSEMBLY OF COUNCILLORS

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<u>CHIEF EXECUTIVE OFFICER</u>		
<u>OM122507-1 CEO'S REPORT</u>		
Department: Executive	Cr Lyn Russell	
<u>Recommendation(s)</u>	Cr Chris Smith	
<i>That Council notes the CEO's Progress Report to Council.</i>	Cr Brian Crook	

MOVED Cr Lyn Russell seconded Cr Geoff Higgins that the recommendation to item OM122507-1 CEO's Report, as listed in the Consent Calendar be adopted.

CARRIED 5 : 0

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion
W = Withdrawal

ITEM	D	W
<p><u>CORPORATE AND COMMUNITY SERVICES</u></p> <p><u>OM122507-2 STATUTORY MEETING DATE 2012</u></p> <p>Department: Corporate and Community Services</p> <p><u>Recommendation(s)</u></p> <p><i>That Council confirm that the Statutory Meeting of the Colac Otway Shire Council be held on Wednesday 7 November 2012 at 5.00 pm in the Colac Otway Performing Arts and Cultural Centre.</i></p>		

MOVED Cr Brian Crook seconded Cr Lyn Russell that the recommendation to item OM122507-2 Statutory Meeting Date 2012, as listed in the Consent Calendar be adopted.

CARRIED 5 : 0

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>INFRASTRUCTURE AND SERVICES</u></p> <p><u>OM122507- 3 ROAD MANAGEMENT COMPLIANCE REPORT</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council receives the Road Management Plan Compliance Report for January to March 2012 for information.</i></p>		
<p><u>OM122507- 4 PETITION IN RELATION TO PROPOSED CHANGES TO WYE RIVER AND SEPARATION CREEK WASTE/RECYCLING</u></p> <p>Department: Infrastructure</p> <p><u>Recommendation(s)</u></p> <p><i>That Council writes to the originator of the Petition, Mr Peter Jacobs advising him that Council's current actions and future intentions are as follows:</i></p> <ol style="list-style-type: none"> <i>1. The Petition has been provided to the Council and will be considered in the determination of future waste and recycling collection in Wye River and Separation Creek.</i> <i>2. Council has proposed the following course of action;</i> <ul style="list-style-type: none"> <i>• An experienced Engineering Consultant has been engaged to advise on:</i> <ul style="list-style-type: none"> <i>○ Safety</i> <i>○ Road access and suitability for waste trucks</i> <i>○ Traffic Issues</i> <i>○ Potential for road improvements and traffic control</i> <i>○ Reviewing potential road upgrade options</i> 		

<ul style="list-style-type: none"> ○ <i>Reviewing Traffic Control options</i> ● <i>Officers are engaged in the following;</i> <ul style="list-style-type: none"> ○ <i>Looking at waste and recycling collection options</i> ○ <i>Reviewing the current service.</i> <p>3. The proposed process from here is as follows:</p> <ul style="list-style-type: none"> ● <i>Consultants report to be received on 31 July 2012</i> <ul style="list-style-type: none"> ○ <i>Report sent to the Consultation Group for comment on 1 August 2012</i> ○ <i>Allow 2 weeks to comment (15 August 2012)</i> ● <i>Meeting with the Consultation Group, Sunday 19th August 2012 at Wye River Surf Club at 10:00am.</i> <ul style="list-style-type: none"> ○ <i>Officers, CEO, Manager Major Contracts, Manager Sustainable Assets</i> ○ <i>Councilors' Mayor, Cr Stephen Hart, Cr Buchanan</i> ○ <i>Consultants</i> ● <i>Council prepares report for Council Briefing Session 22 August 2012, based on report findings and consultation comments.</i> ● <i>Public Meeting – Discuss options on Sunday 26 August 2012 at the Wye River Surf Club at 10:00am.</i> ● <i>Council Briefing session Wednesday 12 September 2012 on preferred option.</i> ● <i>Special Council meeting 19 September 2012 for adoption of report and recommendations.</i> 		
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MOVED Cr Lyn Russell seconded Cr Geoff Higgins that recommendations to items listed in the Consent Calendar be adopted.

CARRIED 5 : 0

CONSENT CALENDAR**OFFICERS' REPORT**

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>SUSTAINABLE PLANNING AND DEVELOPMENT</u> <u>OM122507-5 OTWAYS TOURISM ADVISORY COMMITTEE</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Establishes an Otways Tourism Community Advisory Committee based on the draft Otways Tourism Advisory Committee Terms of Reference.</i> <i>2. Appoints Councillor _____ to be the Councillor representative on the Committee.</i> 		Cr Brian Crook
<p><u>OM122507-6 PLANNING SCHEME AMENDMENT C69 – CONSIDERATION OF SUBMISSIONS</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council requests the Minister for Planning to appoint an independent planning panel to hear submissions to Amendment C69.</i></p>		Cr Chris Smith
<p><u>OM122507-7 GREAT SOUTH COAST STREET SMART LIGHTING PROGRAM</u></p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. Supports the CEO writing to GSC confirming Colac Otway Shire's commitment to the Great South Coast Street Smart Lighting Program and to funding the remaining \$278,307 required to complete all the streetlights in the Colac Otway Shire over a four year period starting in 2013/2014; and</i> 	Cr Brian Crook	

<p>2. <i>Be briefed by the end of 2012 on the respective merits of options for financing the program to enable Council to make a decision on which approach is most suitable prior to finalising the 2013/2014 budget.</i></p>																				
<p>OM122507-8 2012 - 13 SMALL TOWN IMPROVEMENT PROGRAM ALLOCATIONS</p> <p>Department: Sustainable Planning and Development</p> <p><u>Recommendation(s)</u></p> <p><i>That Council approves the annual \$80,000 funding allocations of the 2012/13 Small Town Improvement Program (STIP) recommended by the STIP Advisory Committee as follows:</i></p> <table border="0"> <tr> <td><i>Apollo Bay Mothers Beach Facilities</i></td> <td style="text-align: right;"><i>\$11,000</i></td> </tr> <tr> <td><i>Barwon Downs Combined Community / Tennis Club / CFA Centre</i></td> <td style="text-align: right;"><i>\$25,000</i></td> </tr> <tr> <td><i>Beeac Street Furniture Upgrade</i></td> <td style="text-align: right;"><i>\$8,500</i></td> </tr> <tr> <td><i>Beech Forest Main Street Beautification</i></td> <td style="text-align: right;"><i>\$5,500</i></td> </tr> <tr> <td><i>Birregurra Railway Station Beautification</i></td> <td style="text-align: right;"><i>\$1,500</i></td> </tr> <tr> <td><i>Carlisle River Recreation Reserve Fencing</i></td> <td style="text-align: right;"><i>\$8,200</i></td> </tr> <tr> <td><i>Swan Marsh / Pirron Yallock Sports Reserve Master Plan</i></td> <td style="text-align: right;"><i>\$10,000</i></td> </tr> <tr> <td><i>Forrest Main Street Drinking Fountain</i></td> <td style="text-align: right;"><i>\$5,300</i></td> </tr> <tr> <td><i>Cressy Duverney Street Precinct Stage 2</i></td> <td style="text-align: right;"><i>\$5,000</i></td> </tr> </table>	<i>Apollo Bay Mothers Beach Facilities</i>	<i>\$11,000</i>	<i>Barwon Downs Combined Community / Tennis Club / CFA Centre</i>	<i>\$25,000</i>	<i>Beeac Street Furniture Upgrade</i>	<i>\$8,500</i>	<i>Beech Forest Main Street Beautification</i>	<i>\$5,500</i>	<i>Birregurra Railway Station Beautification</i>	<i>\$1,500</i>	<i>Carlisle River Recreation Reserve Fencing</i>	<i>\$8,200</i>	<i>Swan Marsh / Pirron Yallock Sports Reserve Master Plan</i>	<i>\$10,000</i>	<i>Forrest Main Street Drinking Fountain</i>	<i>\$5,300</i>	<i>Cressy Duverney Street Precinct Stage 2</i>	<i>\$5,000</i>	<p>Cr Chris Smith Cr Brian Crook</p>	
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MOVED Cr Lyn Russell seconded Cr Brian Crook that recommendations to items listed in the Consent Calendar, with the exception of items OM122507-5 Otways Tourism Advisory Committee and OM122507-6 Planning Scheme Amendment C69 – Consideration of Submissions, be adopted.

CARRIED 5 : 0

OM122507-5 OTWAYS TOURISM ADVISORY COMMITTEE***MOTION - MOVED Cr Brian Crook seconded Cr Geoff Higgins:******That Council:***

- 1. Establishes an Otways Tourism Community Advisory Committee based on the draft Otways Tourism Advisory Committee Terms of Reference.***
- 2. Appoints Councillor Lyn Russell to be the Councillor representative on the Committee.***

CARRIED: 5 : 0**OM122507-6 PLANNING SCHEME AMENDMENT C69 – CONSIDERATION OF SUBMISSIONS**

Cr Stephen Hart:	OM122507-6 Planning Scheme Amendment C69 - Consideration of Submissions
Nature of Disclosure:	Direct Interest
Nature of Interest:	Owns land identified in the Rural Land Strategy (2006/2007) and later reports as part of an area for possible re-zoning to "Rural Living" and has made a submission to the amendment

Based on previous declarations of interest, the CEO, on behalf of Cr Stuart Hart, declared the following interest.

Cr Stuart Hart:	OM122507-6 Planning Scheme Amendment C69 - Consideration of Submissions
Nature of Disclosure:	Direct Interest
Nature of Interest:	Owns land in proposed area for re-zoning

Having declared a conflict on interest in this item, the Mayor left the meeting at 3.33pm and the Deputy Mayor, Cr Lyn Russell, took the Chair.

MOTION - MOVED Cr Chris Smith:***That Council:***

- 1. Requests the Minister for Planning to appoint an independent planning panel to hear submissions to Amendment C69.***
- 2. Writes to the Minister of Planning to express that Council is pleased to see the Minister is looking into the inequity with farming/rural living zones.***

This motion lapsed due to the lack of a seconder.

MOVED Cr Brian Crook seconded Cr Geoff Higgins

That Council requests the Minister for Planning to appoint an independent planning panel to hear submissions to Amendment C69.

CARRIED 4 : 0

The Mayor returned to the meeting at 3.45 and resumed the Chair.

CONSENT CALENDAROFFICERS' REPORT

D = Discussion

W = Withdrawal

ITEM	D	W
<p><u>GENERAL BUSINESS</u></p> <p><u>OM122507-9 MINUTES OF COLAC COMMUNITY LIBRARY AND LEARNING CENTRE JOINT COMMITTEE</u></p> <p>Department: General Business</p> <p><u>Recommendation(s)</u></p> <p><i>That Council notes the minutes of the Colac Community Library and Learning Centre (CCLLC) Joint Committee for 9 November 2011.</i></p>		
<p><u>OM122507-10 ASSEMBLY OF COUNCILLORS</u></p> <p>Department: General Business</p> <p><u>Recommendation(s)</u></p> <p><i>That Council notes the Assembly of Councillors reports for:</i></p> <ul style="list-style-type: none"> • <i>Neighbourhood Safer Places – Forrest 29 May 2012</i> • <i>Friends of Colac Botanic Gardens 14 June 2012</i> • <i>CEO's Performance Review 25 June 2012</i> • <i>Councillor Briefing Session 27 June 2012</i> • <i>Wye River Separation Creek Waste Meeting 8 July 2012</i> • <i>Councillor Workshop 11 July 2012</i> • <i>Friends of Colac Botanic Gardens AGM 12 July 2012</i> • <i>Saleyards Sub Committee Meeting 13 July 2012</i> 		

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

CARRIED 5 : 0

IN COMMITTEE

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

SUBJECT	REASON	SECTION OF ACT
Contract 1206 - Provision of Building Surveying & Inspection Services	this matter deals with contractual matters	Section 89 (2) (d)
Contract 1217 - Provision of Planning Consultancy Services	this matter deals with contractual matters	Section 89 (2) (d)
Contract Approval	this matter deals with contractual matters	Section 89 (2) (d)
Contract 1226 - Building Maintenance Services	this matter deals with contractual matters	Section 89 (2) (d)

CARRIED 5 : 0

OUT OF COMMITTEE

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

CARRIED 5 : 0

The Meeting Was Declared Closed at 3.50 pm

CONFIRMED AND SIGNED at the meeting held on 22 AUGUST 2012

SLB

.....MAYOR

