



ORDINARY COUNCIL MEETING

**MINUTES**

WEDNESDAY 23 AUGUST 2017

AT 4PM

COPACC

**Next Council Meeting: 27 September 2017**  
**Forrest Public Hall, Forrest**

# COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

23 AUGUST 2017

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## COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at  
COPACC on 23 August 2017 at 4pm

### 1. I DECLARE THIS MEETING OPEN

#### 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 Kate Hanson  
Cr Stephen Hart  
Cr Joe McCracken  
Cr Chris Potter (Mayor)  
Cr Jason Schram  
Cr Chris Smith  
Cr Terry Woodcroft

Sue Wilkinson, Chief Executive Officer  
Trevor Olsson, Acting General Manager, Corporate Services  
Tony McGann, General Manager, Infrastructure & Leisure Services  
Gareth Smith, General Manager, Development & Community Services  
Sarah McKew, Acting Manager, Governance & Customer Service  
Lyndal McLean, Acting Governance Officer  
Ian Seuren, Manager, Arts & Leisure  
Bláithín Butler, Statutory Planning Coordinator  
Vige Satkunarajah, Acting Manager, Planning, Building & Health  
Gary Warrener, Manager, Economic Development & Events  
Tamzin McLennan, Communications Coordinator  
Melanesia Carson, Communications Officer  
Jeremy Rudd, Manager, Capital & Major Projects  
Frank Castles, Project Delivery Coordinator  
Stewart Anderson, Manager, Environment & Community Safety  
Vicki Jeffrey, Arts & Leisure Project Officer  
Jonathon Brett, Environmental Health Coordinator

### 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 unauthorised recording of the meeting.

#### **5. QUESTION TIME**

A maximum of 30 minutes is allowed for question time. To ensure that each member of the gallery has the opportunity to ask questions, it may be necessary to allow a maximum of two questions from each person in the first instance. Once everyone has had an opportunity to ask their initial questions, and if time permits, the Mayor will invite further questions.

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. Question time is not a forum for public debate or statements.

#### **QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING**

##### **Geoff Cole**

**Would Council be willing to consider an alternative means of leaf collection to that of the street sweeper? A good example would be a proven developed machine like the Trilo series – say on YouTube 'Trilo.com (Leaf vacuum trailer) eg model SG670 which incorporates a vacuum sweep nozzle system which would be good for guttering situations. A self-powered suction unit would allow light truck or ute tow – but PTO is available/tractor.**

**Disclaimer: I have no interest in either the manufacture of or sale of the above machinery.**

##### ***Response from General Manager, Infrastructure & Leisure Services***

Thank you for providing a suggestion on leaf collection technologies from abroad. Council's Services & Operations Department have recently trialled equipment with similar techniques and technology and we are keen to improve our efficiency in providing this seasonal service.

James Judd

1. Prior to Council authorising rezoning of farmland or unused land, call for a financial guarantee to be lodged with Council that any required services or works will be completed before being made available for sale. Otherwise, the clock is being turned back many decades when the only requirements were for an area to be
  - a) Surveyed
  - b) Pegs put in ground to indicate property boundaries with lot numbers of all joining lots
  - c) An indication in ground of about half a meter of direction of boundary, but no roads or services provided. This was still the case many decades after federation.

*Response from General Manager, Development and Community Services*

Rezoning of land neither requires surveying nor connection to services.

If a parcel of land is proposed to be subdivided regardless of its zoning and or usage, a Plan of Subdivision prepared by a qualified land surveyor must be submitted to Council with accurate measurements boundaries, dimensions, size of each lot created for Certification. This will be the plan appears on the land title. Further, prior to the issue of the Statement of Compliance conditions in the respective planning permit for subdivision must be complied with. These requirements include provision and construction of access for each lot created to the standard specified in the permit and connection to services.

For large subdivisions that create access streets, shared paths, street drainage, street trees and the like require provision of such requirements prior to the issue of the Statement of Compliance.

Councils can collect refundable financial deposits as guarantees for infrastructure provided in major subdivisions. If the infrastructure provided fails due to poor workmanship and quality, Council can use the deposit to rebuild/reinstate these assets. If there is no such failure during the specified time, the deposit must be reimbursed to the applicant, or the balance if the event of a failure occurs.

There is no requirement for boundaries to be specified on the ground as part of the subdivision process. It may be up to the developers if and when the lots are for sale.

2. In view of the amount of news making headlines in recent weeks about recycling of waste, can Council confirm to those that accept Council's waste collection services, all recyclable waste not contaminated is used in goods manufactured from recycled waste, not sent to land fill or other areas for disposal and the extra disposal expenses passed onto Council, plus in the long term onto those paying the waste collection charge?

*Response from General Manager, Corporate Services*

Colac Otway Shire recycling processing contractors, SKM, sorts the collected kerbside recyclables into various commodities, which are then sold to various companies around Australia and overseas, none of the following products get sent to landfill, therefore, there are no additional costs to Council.

Council recycled 2085 tonnes last financial year which were sorted and recycled into the following classifications:

- Paper/cardboard: This is highly sought and is supplied to local and overseas markets for re use.
- Glass: Container glass is separated into different colours, and then broken up so that it is ready for use by manufacturers like Oi and Arora within Australia. Some of the product is refined and sold off as glass sands to various local markets. The colour-sorting process adds value to the recyclable glass.
- Metals: Aluminium and steel are sold off to smelters overseas.
- Plastics: These are generally separated into specific product types and traded for re use to local and overseas markets.

**3. When will Council promptly improve the toilets at Memorial Square in Colac? They are far too often taken over by women who block all entrances to males to use any of these facilities.**

***Response from General Manager, Infrastructure & Leisure Services***

The Memorial Square toilets have been identified for improvement in the draft Colac Memorial Square Master Plan. The cost to redevelop the toilet block is significant so timing of any improvements will be subject to a future budget allocation and/or sourcing external funding.

We also note that the improvement of public toilets is a measure adopted in the Council Plan.

**Leigh Barrett, Colac Otway Ratepayers and Residents Association**

**1. Have all monies been paid out to BDH Contractors with respect to the Bluewater Fitness Centre re-development including 100% payout on the Maple floor installed by Aura Sports Floors?**

***Response from General Manager, Infrastructure & Leisure Services***

Yes, as per the contract requirement.

**2. It was reported in the Colac Herald on July 19 2017 that the Colac Otway Shire Council was still “in-mediation” with the contractors (Aura Sports Floors) who installed the Bluewater stadium floor which warped 2 years ago. When was the last time a meeting took place between any personnel from Aura Sports Floors and BDH, the Principal Contractor and/or the Colac Otway Shire corporation or councillors?**

***Response from General Manager, Infrastructure & Leisure Services***

Council is engaged in legal proceedings relating to the Bluewater project. These proceedings are confidential as per the requirement of the contract; therefore, we are not able to comment further on the mediation for legal reasons.

**3. If the remedial work to reduce on-site moisture carried out for the second Bluewater stadium floor – the “engineered/composite floor” installed by Ace Floors and Coatings, the remedial work being 1) improved drainage around the exterior of the site, 2)increased underfloor ventilation and 3) two layers of waterproofing covering the entire site under the floor, (photograph in the Colac Herald), if this remedial work had been carried out before the Maple floor had been installed by Aura Sports Floors, would the Maple floor be the one we would have today?**

***Response from General Manager, Infrastructure & Leisure Services***

The issues relating to the floor construction are subject to confidential legal proceedings and therefore, we are not able to comment further for legal reasons.

**Stewart Anderson attended the meeting at 4.14pm**

**Vicki Jeffrey attended the meeting at 4.14pm**

**QUESTIONS RECEIVED VERBALLY AT THE MEETING**

**Alan Billing, Larpent**

I draw Council's attention to a statement printed in the current rate notice under the heading *Your Rates and Council Budget* and I quote: "the farm rate differential has been reduced from 79% to 77% of what the average rate payer pays resulting in a cash saving for most farmers". I contend this statement is blatantly ambiguous; the first part of the sentence refers to the methodology used to determine rates payable and concludes with an implied rate impost that is totally inaccurate. For the record the 2017 / 2018 Draft Budget indicates that the average rate bill for rate payers will be \$1741.38, whereas the average rural farm rate payer will be required to pay just on \$9000, over five times more than the average rate payer, despite the cash saving for most farmers from the previous year. This is an outcome very different to what is implied in the rate notice. The statement to the rate notice is at best ambiguous and, it is clearly misleading and at worst could be seen to be dishonest. I do wonder how this fits Council's stated values of respect, integrity, goodwill, honesty and trust. My question is in three parts:

- a) Is the statement in the rate notices a result of careless preparation, or a deliberate attempt to mislead the community?

***Response from the Chief Executive Officer***

With regards to part (a) my response would be neither, so the rate notice has neither been prepared to be misleading nor inaccurate. The figures that you quote and the reference that you make is based on modelling that was provided by the finance department, which I would be happy to share with you in a different environment with some notice.

- b) Did the Councillors review the content of the notices before they were sent out?

***Response from the Chief Executive Officer***

No they didn't before they went out.

- c) What action will Council take to correct the misinformation that Council has circulated throughout the community?

***Response from the Chief Executive Officer***

I would have to take that on notice. I am open to the possibility if there has been an error we will have to take action, but I would need to see the precise error. But if in general terms you are talking about addressing that statement, I don't believe that it is an error.

**Peter Jacobs, Separation Creek**

1. **Could the CEO please outline the reasons why the Social and Sporting Club cannot receive a permit for Harrington Park for any activities within?**

***Response from the Chief Executive Officer***

I will have to take that on notice.

2. **The second question relates to the petition that all the Councillors are aware of. There was another one sent in which didn't make this deadline for this meeting, but there were 52 in all that signed the petition. There were quite a number of people who lost houses and who were impacted greatly from the fires that did not sign the petition because they said they may jeopardise their planning permits which are in at the moment. Isn't that a sad indictment of Council and could I please have your acknowledgement that there were many people who would not sign because of that and I just want to let the Councillors know that that's a sad indictment.**

***Response from the Mayor***

That is a statement Mr Jacobs. What is your question?

**My question is why would those people not sign the petition, in lieu of what I've just spoken?**

***Response from the Chief Executive Officer***

I completely reject the premise of the question and perhaps people wouldn't sign the petition because they didn't agree with the sentiment. We have had nothing but compliments with regards to the planning service. It's interesting to me and very disappointing that you keep raising this issue, Mr Jacobs. I think the Councillors have met with the community, and the sentiment that you portray belies that Councillors' experience and certainly the sentiment of the Wye River and Separation Creek community who attended the last Council meeting.

**Scott Stewart, Birregurra**

1. **The Council has wasted millions of tax payers' dollars crucifying one business owner over the Mooleric Road quarry, yet has allowed others to carry out the same activity without the hint of an appeal. How is it that one group of land holders can hold up what is a sensible and otherwise uncomplicated venture to upgrade our highway for the benefit of us all? Why are they entitled to waste our money on this futile exercise?**

***Response from General Manager, Development & Community Services***

The first point that you raised was regarding funding spent by the Council regarding permit processes. Certainly the value you referred to I would suggest is very inaccurate. With regard to the holding up of any permit application or process that is going on at the moment, we are far from doing that; we are actually working with great due diligence through those permit conditions and information provided by the quarry permit holders.

2. **Why has the Council openly and obviously sided with the Beech family at the expense of all other rate payers and at the expense of causing the duplication of the highway to stop? What makes**



this family so special, particularly given the Council's own planning team approved this quarry as an appropriate use, that you now will not meet with me using the excuse as a perception is complete nonsense and just another obvious cover-up?

*Response from the Mayor*

I refute that Council has taken the position of anybody's side through this process and I've been careful in our discussions with you and any other party to say that the Council and the Shire are playing this with a straight bat, so to speak. We did meet the other day and had that discussion and I pointed out to you that I'm very conscious of maintaining my integrity and independence in this matter and nobody is taking anybody's side.

3. **When are you going stop wasting our money and look at the objective and the pragmatic practicality without emotion?**

The Mayor acknowledged this.

Simon Arundell, Bungador

1. I would like to bring to your attention an article in the *Colac Herald*, Friday July 7, where the Mayor was quoted as saying, "Colac Otway has also taken issue with a requirement for Councils to bail out an old 'defined benefits' superannuation scheme. The scheme, which stopped taking new members in 1993, forces Councils to top up its funds when investments drop, but the state and federal governments have exempted themselves from having to make similar payments". If they've jumped out, what's this Council going to do? Have you got the guts to jump out too? Why should the rate payers be left with the baby water?

*Response from the Chief Executive Officer*

It is not lawful for Councils to jump out; it's an obligation that goes on with staff, so people that join the workforce now are not eligible to join, so Council is not taking on new, but they have got to honour the people from the past. It is a lawful obligation.

2. **Why has the Council got that obligation when State and Federal Governments, which clearly have more power than you - you're just a minnow - force this on, getting on the good side of the public servants back in those days? We have to throw the baby water back, don't we?**

*Response from the Chief Executive Officer*

I actually don't know the answer as to why the State and Federal Governments were able to exise themselves out. I am happy to take that on notice.

Sherryl Smith, Wye River

1. My question is about bushfire recovery. Given that a large percentage of the Colac Otway Shire is susceptible to disasters of one type or another with the bushfires or flooding, we would like to think that the Colac Otway Shire was prepared next time it happened. Has the Council or does the Council intend to undertake a review of services and other actions for the bushfire recovery? If so, what were the KRIs and were the people directly impacted consulted on this?

***Response from General Manager, Development & Community Services***

With regard to reviews on bushfire response and bushfire recovery, there have been multiple reviews undertaken in that regard. The State Government, EMV, which you're possibly aware of, are soon to be releasing what they refer to as the Nous report, which looks from a State perspective where they undertook significant consultation with community and stake holders. I believe that will be released in the next month.

Within Council itself we have certainly undertaken a couple of reviews internally and dealing with key agencies and the like, but also picking up the learnings from the State reviews and feedback that came back from the community there. We are actually about to complete one of those internal reviews which is about the recovery process and looking at areas where we can continually improve.

- 2. Most of those directly impacted haven't been consulted and given that Council provided a number of services to those people, I would have expected that if you were looking for an accurate response you would seek their feedback. Why hasn't this been done?**

***Response from General Manager, Development & Community Services***

As I stated, I'd suggest there has actually been some significant engagement through the government process which we actually participated in as well and utilising that feedback, rather than duplicating such engagement processes and in some instances putting community through more angst, we tried to utilise existing engagement processes. That also includes where we have had strong engagement with the Community Resilience Committee down there and involved their input as well. We are continually taking feedback since that disaster and will continue to take that feedback.

- 3. Will you undertake to speak to those directly impacted?**

***Response from the Mayor***

We will take that on notice, thank you.

**Eddie Paatsch, Colac**

- 1. I've been making applications for the past 18 months to have the water diverted that is coming into our properties in Hearn Street/Armstrong Street. They tell me now that they have come up with a special charge scheme. I have asked the Council if it is an easement that is on my title which I have owned since the 1960s, which says the easement there must be kept open for the water to go through. We have said to the Council that we are prepared to pay a small portion of the drain to have the water taken away from our property, because that is what was agreed to when we purchased the land. But, for some reason, the Council have said that they will put a special charge up, but are very insistent that they bore underneath the house down the easement. Well I've had a lot of experience working right throughout Victoria with councils to get this. I want to know, I asked them to price open cut. I've priced open cut and for some reason the Council don't wish to price open cut and have come up with a figure that I reckon is probably double what it should be costing or more than double what it should be costing the rate payers.**

Declaring a conflict of interest, Cr Terry Woodcroft left Council Chambers at 4.31pm

Declaring a conflict of interest, Cr Joe McCracken left Council Chambers at 4.31pm

***Response from General Manager, Infrastructure & Leisure Services***

I believe what Mr Paatsch is referring to is that there is a property as part of these works where we would need to take a drain through an easement which is inside that property. Our intention is to look at two different ways of achieving that. One would be to simply dig a trench and to place the pipe in the trench and the other one would be to bore through that property and thereby not disturb the property in any way. Once we have the pricing of those two options available to us, that will assist in the decision making as to which method to use.

- 2. Why could you please tell me when I asked to get the thing done, and I asked to have it priced to be bored and priced for open cut, why they couldn't have done both? And if the Council will guarantee if they bore it and find other problems, which I believe they will, the Council will be fully responsible if they damage any other property or anything on the property, underground saw mains, saw mains on the street and any other infrastructure. The rate payers in Hearn Street and Armstrong Street will not be had for any of that extra cost.**

***Response from General Manager, Infrastructure & Leisure Services***

I believe Mr Paatsch is referring to existing services which are in the vicinity of the work. Our methodology would be to expose those existing services so that we could see them and that would certainly minimise any chance of damaging existing infrastructure.

**Vige Satkunarajah left the meeting at 4.31pm; returned at 4.33pm**

**Cr Terry Woodcroft returned to Council Chambers at 4.34pm**

**Cr Joe McCracken returned to Council Chambers at 4.34pm**

**Bláithín Butler left the meeting at 4.35pm**

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

**Alan Billing, Larpent**

**What specific action did the Council take to support the petitioners requesting lights at the Murray Street / Armstrong Street intersection and what action is Council planning to alleviate the dangerous interaction between pedestrians and vehicles in the section of Murray Street between Scott Street and Armstrong Street?**

***Response:***

Council officers wrote to VicRoads on 3 June 2106 requesting consideration for signals at the intersection. VicRoads replied that [to summarise] at this time the intersection is a low priority for traffic signals when considered in context of priority intersections across the state. The current crash statistics show only one "non-serious" crash at the intersection and no incidents involving pedestrians in the past five years.

The section of Murray Street between Armstrong and Scott Street also shows a single crash statistic in the past five years, this incident involved a pedestrian. Council has opened a conversation with VicRoads regarding the possibility of installing pedestrian outstands at a suitable point. Again such a

project would need to be considered with regard to priority projects throughout the state in terms of funding.

**When will the Bluewater redevelopment post project report be available to the community?**

**Response:**

No decision has been made regarding the release of the post project review.

**Yvonne Francis, Apollo Bay**

**According to posters plastered all over Apollo Bay, Grey River is getting a new bridge. Why has priority been given to the new Grey River bridge when there appears to be little pressing community need?**

**Response:**

VicRoads are the Responsible Road Authority for the Grey River Road Bridge, and the works which are being completed on this bridge are being conducted by VicRoads and/or their contractors. VicRoads have a priority assessment process for determining when and where works will be completed and this will have been determined based on their own knowledge of their asset.

Council have allocated \$600,000 for bridge replacement/rehabilitation in the 2017/18 financial year. Council's priorities for the 2017/18 year are Rafferty's Bridge in Gellibrand, Howells Bridge in Skenes Creek and Pearces Access Bridge, Apollo Bay, based on condition of the assets and available funding.

#### **7. PETITIONS – REDUCTION OF SPEED LIMIT ON BIRREGURRA-YEODENE ROAD**

A petition containing 25 signatures has been received from a community member indicating community support to decrease the speed limit on a section of the Birregurra-Yeodene Road.

A report responding to the petition will be tabled at the Ordinary Meeting of Council to be held on 27 September 2017.

#### **8. DECLARATION OF INTEREST**

Cr Joe McCracken:	<b>OM172308-2</b>
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78B
Nature of Interest:	My employer, Trinity College Colac, has a financial interest in the matter. This triggers a conflicting duty under 78B

Cr Terry Woodcroft:	<b>OM172308-2</b>
Nature of Disclosure:	Direct Interest
Type of Direct Interest:	78B(1)
Nature of Interest:	I own property in the portion of Hearn Street effected by this agenda item

Cr Stephen Hart:	<b>OM1722308-6</b>
Nature of Disclosure:	Direct Interest
Type of Direct Interest:	77B
Nature of Interest:	I jointly own a house in Lavers Hill that is one of about 209 properties in the highest risk area in this document. It may not be able to be developed more, due to this plan

**9. CONFIRMATION OF MINUTES**

- **Ordinary Council Meeting held on 26 July 2017.**

**ORIGINAL RECOMMENDATION**

*That Council confirm the above minutes.*

**ALTERNATIVE MOTION**

*MOVED Cr Chris Smith*

*That the minutes of that meeting be deferred until next meeting until all Councillors receive a copy of the minutes.*

*LAPSED due to no seconder*

**RESOLUTION**

*That Council confirm the above minutes.*

*MOVED Cr Terry Woodcroft seconded Cr Kate Hanson*

*CARRIED 6 : 1*

**DIVISION**

*For the Motion: Cr Stephen Hart, Cr Terry Woodcroft, Cr Kate Hanson, Cr Joe McCracken, Cr Chris Potter, Cr Jason Schram*

*Against the Motion: Cr Chris Smith*

ORDINARY COUNCIL MEETING  
**DOMESTIC ANIMAL MANAGEMENT PLAN  
2017-2021**  
OM172308-1

<b>LOCATION / ADDRESS</b>	Whole of Shire	<b>GENERAL MANAGER</b>	Gareth Smith
<b>OFFICER</b>	Graeme Murphy	<b>DEPARTMENT</b>	Development & Community Services
<b>TRIM FILE</b>	F17/6554	<b>CONFIDENTIAL</b>	No
<b>ATTACHMENTS</b>	1. COLAC OTWAY SHIRE - DRAFT COLAC OTWAY SHIRE DOMESTIC ANIMAL MANAGEMENT PLAN 2017-2021 (Final DRAFT).pdf		
<b>PURPOSE</b>	To seek Council endorsement of the draft Domestic Animal Management Plan 2017-2021 to be released for a six week public comment period.		

## ORIGINAL RECOMMENDATION

*That Council:*

1. *Endorse the draft Domestic Animal Management Plan 2017-2021 for release for a six week public comment period.*

### ALTERNATIVE MOTION

*MOVED Cr Chris Smith*

*This item be held over until Council re-evaluates Local Law 2 so that the two documents can be dealt with appropriately together, as soon as practicable.*

*LAPSED due to no seconder*

### RESOLUTION

*MOVED Cr Stephen Hart seconded Cr Terry Woodcroft*

*That Council:*

1. *Endorse the draft Domestic Animal Management Plan 2017-2021 for release for a six week public comment period.*

**CARRIED 6 : 1**

**DIVISION**

***For the Motion: Cr Stephen Hart, Cr Terry Woodcroft, Cr Kate Hanson, Cr Joe McCracken, Cr Chris Potter, Cr Jason Schram***

***Against the Motion: Cr Chris Smith***

**Vige Satkunarahah left the meeting at 4.51pm; returned at 4.52pm  
Jonathon Brett attended the meeting at 4.58pm**

ORDINARY COUNCIL MEETING  
**SPECIAL CHARGE SCHEME - HEARN AND  
 ARMSTRONG STREETS, COLAC - DRAINAGE**  
 OM172308-2

<b>LOCATION / ADDRESS</b>	Hearn/Armstrong Street, Colac	<b>GENERAL MANAGER</b>	Tony McGann
<b>OFFICER</b>	John Furleo	<b>DEPARTMENT</b>	Infrastructure & Leisure Services
<b>TRIM FILE</b>	F17/8260	<b>CONFIDENTIAL</b>	No
<b>ATTACHMENTS</b>	1. Drainage Works Layout Plan 2. Special Charge Scheme Drainage Works Estimation Worksheet		
<b>PURPOSE</b>	To consider the establishment of a Special Charge Scheme for the purpose of drainage construction. The project is a drainage line from the corner of Hearn Street and Armstrong Street to the north boundary of 142 Armstrong Street to the north west corner of the Trinity College property.		

Having declared a conflict of interest, Cr Joe McCracken left Council Chambers at 4.59pm  
 Having declared a conflict of interest, Cr Terry Woodcroft left Council Chambers at 4.59pm

Cr Joe McCracken:	<b>OM172308-2</b>
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78B
Nature of Interest:	My employer, Trinity College Colac, has a financial interest in the matter. This triggers a conflicting duty under 78B

Cr Terry Woodcroft:	<b>OM172308-2</b>
Nature of Disclosure:	Direct Interest
Type of Direct Interest:	78B(1)
Nature of Interest:	I own property in the portion of Hearn Street effected by this agenda item

## ORIGINAL RECOMMENDATION

*That Council:*

- Resolves to give notice of its Intention to Declare a Special Charge Scheme for the construction of a common drainage line along the easement on the north boundary of 142 Armstrong Street and associated works in Armstrong Street and in the Trinity College such that:*



- a. *The construction of a common underground drainage pipe and associated works will be of special benefit to properties described in paragraph (5) and shown on the attached plan by way of:*
    - *Controlled stormwater discharge*
  - b. *A special charge be declared for the period commencing on 23 August 2017 and concluding on 23 August 2022.*
  - c. *A Special Charge Scheme be declared for defraying any expenses in relation to the installation of an underground stormwater pipe system comprising of a 250mm stormwater pipe in the easement along the northern boundary of 142 Armstrong Street, Colac.*
2. *The following be described as the area for which the special charge is declared:*
- *The partial area within Trinity College that can directly connect to the underground drainage line located in the easement along the northern boundary of 142 Armstrong Street, Colac and the areas north and west of this area located in Hearn Street and Armstrong Creek which will be protected by this drainage line and applying to properties described in paragraph 3.*
3. *The following be declared as the land in relation to which the special charge is so declared:*
- *119-243 Hart Street, Colac      Lot 14 LP 58025*
  - *206 Hearn Street, Colac      Lot 5 LP 58025*
  - *208 Hearn Street, Colac      Lot 6 LP 58025*
  - *210 Hearn Street, Colac      Lot 7 LP 58025*
  - *212 Hearn Street, Colac      Lot 8 LP 58025*
  - *214 Hearn Street, Colac      Lot 9 LP 58025*
  - *216 Hearn Street, Colac      Lot 10 LP 58025*
  - *142 Armstrong Creek, Colac    Lot 11 LP 58025*
  - *144 Armstrong Creek, Colac    Lot 12 LP 58025*
  - *146 Armstrong Creek, Colac    Lot 13 LP 58025*
4. *The following be specified as the criteria which forms the basis of the special charge so declared:*
- *Ownership of the land described in paragraph 3 of the recommendation.*
5. *The following be specified as the manner in which the special charge so declared be assessed and levied;*
- *The unit of assessment is via a property area system where the special charge to each property is directly proportional to the total property area and is calculated as follows:*

119-243 Hart ST	LOT 14 LP58025	10,000.00 m <sup>2</sup>	\$ 12,912.23
206 Hearn ST	LOT 5 LP58025	659.10 m <sup>2</sup>	\$ 851.05
208 Hearn ST	LOT 6 LP58025	644.70 m <sup>2</sup>	\$ 832.45
210 Hearn ST	LOT 7 LP58025	644.70 m <sup>2</sup>	\$ 832.45
212 Hearn ST	LOT 8 LP58025	644.70 m <sup>2</sup>	\$ 832.45
214 Hearn ST	LOT 9 LP58025	644.70 m <sup>2</sup>	\$ 832.45
216 Hearn ST	LOT 10 LP58025	640.70 m <sup>2</sup>	\$ 827.29
142 Armstrong ST	LOT 11 LP58025	627.60 m <sup>2</sup>	\$ 810.37
144 Armstrong ST	LOT 12 LP58025	627.60 m <sup>2</sup>	\$ 810.37
146 Armstrong ST	LOT 13 LP58025	628.00 m <sup>2</sup>	\$ 810.89

6. *Having regard to the preceding paragraphs but subject to Section 166(1)(b) of the Local Government Act 1989:*

a. *it can be confirmed that the owner of each rateable land described in paragraph 3 above will therefore be liable for the respective amounts set out in paragraph 5 above; and*

b. *it be recorded that each owner may, subject to Section 167(4) of the Local Government Act 1989 and any further Resolution of Council pay the special charge in the following manner;*

i. *payment of quarterly instalments (commencing within one calendar month of the issue of the notice requesting payment) over 4 years with interest paid on the remaining principal at the Council overdraft rate and that a penalty interest rate be applied to late instalment repayments only; or*

ii. *payment by lump sum to be paid within one calendar month of the issue of notice requesting payment.*

7. *The Chief Executive Officer be authorized to give public notice of Council's intention to declare a special charge scheme in accordance with Section 163(1C) of the Local Government Act 1989.*

8. *It be recorded that, subject to Section 163A and 168(1)(b) of the Local Government Act 1989, Council proposes to use the money from the special charge so declared in the manner set out in the "Estimate" annexed to this resolution.*

9. *Holds a Special Committee meeting at COPACC at 5pm on Wednesday, 4 October 2017, pursuant to Section 223 of the Local Government Act 1989, to solely hear submissions regarding the Special Charges Scheme – Hearn and Armstrong Streets, Colac – Drainage.*

**PROCEDURAL MOTION**

**MOVED Cr Chis Smith**

*That we defer this item until Mr McGann indicates that he has had time to work on additional wording.*

**CARRIED 5 : 0**

This item was deferred at 5.17pm

Cr Joe McCracken returned to Council Chambers at 5.17pm  
Cr Terry Woodcroft returned to Council Chambers at 5.17pm

This item recommenced at 5.35pm

Having declared a conflict of interest, Cr Joe McCracken left Council Chambers at 5.35pm  
Having declared a conflict of interest, Cr Terry Woodcroft left Council Chambers at 5.35pm

**ALTERNATIVE MOTION**

**MOVED Cr Stephen Hart seconded Cr Chris Smith**

**That Council:**

1. *Resolves to give notice of its Intention to Declare a Special Charge Scheme for the construction of a common drainage line along the easement on the north boundary of 142 Armstrong Street and associated works in Armstrong Street and in the Trinity College such that:*
  - a. *The construction of a common underground drainage pipe system comprising a 250mm stormwater pipe in the easement along the northern boundary of 142 Armstrong Street, Colac and associated works will be of special benefit to properties described in paragraph (5) and shown on the attached plan by way of:*
    - *Controlled stormwater discharge*
  - b. *The stormwater system is constructed using the lowest cost construction method through the easement of 142 Armstrong Street.*
2. *The following be described as the area for which the special charge is declared:*
  - *The partial area within Trinity College that can directly connect to the underground drainage line located in the easement along the northern boundary of 142 Armstrong Street, Colac and the areas north and west of this area located in Hearn Street and Armstrong Street which will be protected by this drainage line and applying to properties described in paragraph 3.*
3. *The following be declared as the land in relation to which the special charge is so declared:*

- 119-243 Hart Street, Colac Lot 14 LP 58025
- 206 Hearn Street, Colac Lot 5 LP 58025
- 208 Hearn Street, Colac Lot 6 LP 58025
- 210 Hearn Street, Colac Lot 7 LP 58025
- 212 Hearn Street, Colac Lot 8 LP 58025
- 214 Hearn Street, Colac Lot 9 LP 58025
- 216 Hearn Street, Colac Lot 10 LP 58025
- 142 Armstrong Street, Colac Lot 11 LP 58025
- 144 Armstrong Street, Colac Lot 12 LP 58025
- 146 Armstrong Street, Colac Lot 13 LP 58025

4. The following be specified as the criteria which forms the basis of the special charge so declared:

- Ownership of the land described in paragraph 3 of the recommendation.

5. The following be specified as the manner in which the special charge so declared be assessed and levied;

- The unit of assessment is via a property area system where the special charge to each property is directly proportional to the total property area and is calculated as follows:

119-243 Hart ST	LOT 14 LP58025	10,000.00 m <sup>2</sup>	\$ 12,912.23
206 Hearn ST	LOT 5 LP58025	659.10 m <sup>2</sup>	\$ 851.05
208 Hearn ST	LOT 6 LP58025	644.70 m <sup>2</sup>	\$ 832.45
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214 Hearn ST	LOT 9 LP58025	644.70 m <sup>2</sup>	\$ 832.45
216 Hearn ST	LOT 10 LP58025	640.70 m <sup>2</sup>	\$ 827.29
142 Armstrong ST	LOT 11 LP58025	627.60 m <sup>2</sup>	\$ 810.37
144 Armstrong ST	LOT 12 LP58025	627.60 m <sup>2</sup>	\$ 810.37
146 Armstrong ST	LOT 13 LP58025	628.00 m <sup>2</sup>	\$ 810.89

6. Having regard to the preceding paragraphs but subject to Section 166(1)(b) of the Local Government Act 1989:

- a. it can be confirmed that the owner of each rateable land described in paragraph 3 above will therefore be liable for the respective amounts set out in paragraph 5 above; and
- b. it be recorded that each owner may, subject to Section 167(4) of the Local Government Act 1989 and any further Resolution of Council pay the special charge in the following manner;
  - i. payment of quarterly instalments (commencing within one calendar month of the issue of the notice requesting payment) over 4 years with interest paid on the remaining principal at the Council overdraft rate and that a penalty interest rate be applied to late instalment repayments only; or
  - ii. payment by lump sum to be paid within one calendar month of the issue of notice requesting payment.

7. *The Chief Executive Officer be authorized to give public notice of Council's intention to declare a special charge scheme in accordance with Section 163(1C) of the Local Government Act 1989.*
8. *It be recorded that, subject to Section 163A and 168(1)(b) of the Local Government Act 1989, Council proposes to use the money from the special charge so declared in the manner set out in the "Estimate" annexed to this resolution.*
9. *Holds a Special Committee meeting at COPACC at 5pm on Wednesday, 18 October 2017, pursuant to Section 223 of the Local Government Act 1989, to solely hear submissions regarding the Special Charges Scheme – Hearn and Armstrong Streets, Colac – Drainage.*

**CARRIED 5 : 0**

Melanesia Carson left the meeting at 5.35pm

Cr Terry Woodcroft returned to Council Chambers at 5.49pm

Cr Joe McCracken returned to Council Chambers at 5.49pm

Ian Seuren left the meeting at 5.49pm

Jeremy Rudd left the meeting at 5.49pm

Frank Castles left the meeting at 5.49pm

ORDINARY COUNCIL MEETING  
**BLUEWATER LEISURE CENTRE - JOINT USE  
AGREEMENT**

OM172308-3

<b>LOCATION / ADDRESS</b>	118-134 Hearn Street Colac	<b>GENERAL MANAGER</b>	Tony McGann
<b>OFFICER</b>	Ian Seuren	<b>DEPARTMENT</b>	Infrastructure & Leisure Services
<b>TRIM FILE</b>	F12/3384	<b>CONFIDENTIAL</b>	No
<b>ATTACHMENTS</b>	Nil		
<b>PURPOSE</b>	To seek endorsement to execute the Bluewater Leisure Centre Joint Use Agreement.		

### ORIGINAL RECOMMENDATION

*That Council:*

- 1. Endorses the Bluewater Joint Use Agreement between Council, the Department of Education and Training and the Colac Secondary College for the term of 30 years.*
- 2. Authorises the Chief Executive Officer to place under the Common Seal of Council the Bluewater Leisure Centre Joint Use Agreement.*
- 3. Authorises the Chief Executive Officer to perform all functions and exercise all powers of the Principal within the terms of the Agreement.*

### ALTERNATIVE MOTION

*MOVED Cr Stephen Hart seconded Cr Joe McCracken*

*That Council:*

- 1. Endorses the Bluewater Leisure Centre Joint Use Agreement between Council, the Department of Education and Training and the Colac Secondary College for the term of 30 years subject to:*

- a. *The Department of Education and Training and the Colac Secondary College's providing consent to make the agreement available to the public.*
  - b. *Amending the actual cost of the project in the Schedule to \$13.6m.*
2. *In accordance with Clause 16 of the agreement, writes to the Department of Education and Training and the Colac Secondary College requesting consent to make the agreement available to the public.*
3. *Subject to point 1, authorises the Chief Executive Officer to place under the Common Seal of Council the Bluewater Leisure Centre Joint Use Agreement.*
4. *Subject to point 1, authorises the Chief Executive Officer to perform all functions and exercise all powers of the Principal within the terms of the Agreement.*

**CARRIED 5 : 2**

**DIVISION**

***For the Motion: Cr Stephen Hart, Cr Terry Woodcroft, Cr Kate Hanson, Cr Joe McCracken, Cr Chris Potter***

***Against the Motion: Cr Chris Smith, Cr Jason Schram***

ORDINARY COUNCIL MEETING  
**APOLLO BAY HARBOUR MARKET TESTING**  
OM172308-4

<b>LOCATION / ADDRESS</b>	Apollo Bay Harbour	<b>GENERAL MANAGER</b>	Gareth Smith
<b>OFFICER</b>	Gary Warrener	<b>DEPARTMENT</b>	Development & Community Services
<b>TRIM FILE</b>	F15/8131	<b>CONFIDENTIAL</b>	No
<b>ATTACHMENTS</b>	1. Apollo Bay Market Testing Discussion Paper (15 August 2017) - Essential Economics		
<b>PURPOSE</b>	To note the Market Testing report and endorse the next steps in the process.		

## RESOLUTION

*MOVED Cr Terry Woodcroft seconded Cr Stephen Hart*

*That Council :*

- 1. Notes the Market Testing report recommended by the Apollo Bay Harbour Precinct Expression of Interest Project Control Group.*
- 2. Notes the Market Testing findings confirm there was no commercial interest in developing a pool facility at the Apollo Bay Harbour Precinct.*
- 3. Endorses informing the Colac Otway Shire community of the Market Testing process and the main findings. In particular that private sector funding of public infrastructure in the Harbour Precinct, including a pool, health and wellness centre, connection to the town centre infrastructure such as car parks and roads is highly unlikely.*
- 4. Supports investigating the design of an appropriate transparent expression of interest process, in consultation with relevant Government, to invite the private sector for proposals that are consistent with the existing planning controls. Council may, or may not, elect to proceed with proposals from interested parties arising from this process.*
- 5. Endorses any future expression of interest process to be considered by Council at a future Ordinary Council meeting.*
- 6. Authorises the Chief Executive Officer to seek Ministerial support for an expression of interest process for the Apollo Bay Harbour Precinct, subject to future Council consideration of an appropriate process.*



7. *Supports the Chief Executive Officer to establish an advocacy strategy to secure Government investment to upgrade public infrastructure at the Apollo Bay Harbour Precinct.*

*CARRIED 7 : 0*

Gary Warrener left the meeting at 5.56pm

ORDINARY COUNCIL MEETING  
**PLANNING SCHEME AMENDMENT C96 -  
ANOMALIES AMENDMENT**

OM172308-5

<b>LOCATION / ADDRESS</b>	Various sites across Colac Otway Shire	<b>GENERAL MANAGER</b>	Gareth Smith
<b>OFFICER</b>	Sean O’Keeffe	<b>DEPARTMENT</b>	Development & Community Services
<b>TRIM FILE</b>	F16/6696	<b>CONFIDENTIAL</b>	No
<b>ATTACHMENTS</b>	1. Amendment C96 - Maps 2. Amendment C96 - Amendment Documents		
<b>PURPOSE</b>	To correct anomalies identified in the Colac Otway Planning Scheme		

## RESOLUTION

*MOVED Cr Jason Schram seconded Cr Joe McCracken*

*That Council:*

- 1. Notes the importance of correcting anomalies as part of the maintenance of the Colac Otway Planning Scheme to ensure accuracy and improve efficiency in the development approval process.*
- 2. Pursuant to section 8A of the Planning and Environment Act 1987, requests the Minister for Planning to authorise Amendment C96 to the Colac Otway Planning Scheme.*
- 3. Pursuant to section 19 (1) (b) of the Planning and Environment Act 1987, notify the owners and occupiers of the land forming part of the amendment.*
- 4. Pursuant to section 20(2) of the Planning and Environment Act 1987, request the Minister for Planning to exempt Amendment C96 from the requirements of sections 19(2) and (3) of the Act.*
- 5. Authorises officers to make any necessary minor formatting and administrative corrections to Amendment C96 documents prior to sending to the Minister for Planning for authorisation.*

**CARRIED 7 : 0**

ORDINARY COUNCIL MEETING

# RE-ENDORSEMENT OF COLAC OTWAY SHIRE'S DOMESTIC WASTEWATER MANAGEMENT PLAN "AS AMENDED"

OM172308-6

<b>LOCATION / ADDRESS</b>	Whole of municipality	<b>GENERAL MANAGER</b>	Gareth Smith
<b>OFFICER</b>	Jonathan Brett	<b>DEPARTMENT</b>	Development & Community Services
<b>TRIM FILE</b>	F17/7021	<b>CONFIDENTIAL</b>	No
<b>ATTACHMENTS</b>	Nil		
<b>PURPOSE</b>	To seek re-endorsement of Colac Otway Shire's Domestic Wastewater Management Plan "as amended"		

Having declared a conflict of interest, Cr Stephen Hart left Council Chambers at 6.04pm

Cr Stephen Hart:	<b>OM1722308-6</b>
Nature of Disclosure:	Direct Interest
Type of Indirect Interest:	77B
Nature of Interest:	I jointly own a house in Lavers Hill that is one of about 209 properties in the highest risk area in this document. It may not be able to be developed more, due to this plan.

## RESOLUTION

*MOVED Cr Terry Woodcroft seconded Cr Joe McCracken*

*That Council:*

- 1. Re-endorse the Domestic Wastewater Management Plan 'as amended'.*
- 2. Authorises the General Manager Development and Community Services to amend the Domestic Wastewater Management Plan for minor amendments noting four examples of minor changes required within this report.*

**CARRIED 6 : 0**

**Cr Stephen Hart returned to Council Chambers at 6.09pm**

**Jonathon Brett left the meeting at 6.09pm**

**Gareth Smith left the meeting at 6.09pm**

ORDINARY COUNCIL MEETING  
**OLD BEECHY RAIL TRAIL MINUTES AND  
 ASSEMBLY OF COUNCILLORS NOTES**

OM172308-7

<b>LOCATION / ADDRESS</b>	Whole of municipality	<b>GENERAL MANAGER</b>	Trevor Olsson
<b>OFFICER</b>	Sarah McKew	<b>DEPARTMENT</b>	Corporate Services
<b>TRIM FILE</b>	F17/6554	<b>CONFIDENTIAL</b>	No
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. Meeting Minutes - Old Beechy Rail Trail Committee - 4 April 2017</li> <li>2. Assembly of Councillors - Councillor Briefing - 12 July 2017</li> <li>3. Assembly of Councillors - Friends of the Colac Botanic Gardens - 13 July 2017</li> <li>4. Assembly of Councillors - Councillor Briefing - 19 July 2017</li> <li>5. Assembly of Councillors - Councillor Briefing - 26 July 2017</li> <li>6. Assembly of Councillors - Lake Colac Advisory Committee - 1 August 2017</li> <li>7. Assembly of Councillors - 2 August 2017</li> <li>8. Assembly of Councillors - Councillor Briefing - 2 August 2017</li> <li>9. Assembly of Councillors - Central Reserve Advisory Committee - 2 August 2017</li> <li>10. Assembly of Councillors - 9 August 2017 - 12.15pm</li> <li>11. Assembly of Councillors - Councillor Briefing - 9 August 2017</li> <li>12. Assembly of Councillors - 9 August 2017 - 4.45pm</li> <li>13. Assembly of Councillors - 16 August 2017</li> <li>14. Assembly of Councillors - Councillor Briefing - 16 August 2017</li> </ol>		
<b>PURPOSE</b>	To note the minutes of the Old Beechy Rail Trail Committee and to note the Assemblies of Councillors		

## RESOLUTION

*MOVED Cr Terry Woodcroft seconded Cr Jason Schram*

*That Council:*

1. *Notes the Minutes of the Old Beechy Rail Trail Committee for 4 April 2017.*
  
2. *Notes the Assembly of Councillors reports for:*
  - *Councillor Briefing* 12 July 2017
  - *Friends of the Colac Botanic Gardens Advisory Committee* 13 July 2017
  - *Councillor Briefing* 19 July 2017
  - *Councillor Briefing* 26 July 2017
  - *Lake Colac Advisory Committee* 1 August 2017
  - *Councillor Briefing* 2 August 2017
  - *Assembly of Councillors* 2 August 2017
  - *Central Reserve Advisory Committee* 2 August 2017
  - *Assembly of Councillors 12.15pm* 9 August 2017
  - *Councillor Briefing* 9 August 2017
  - *Assembly of Councillors 4.45pm* 9 August 2017
  - *Assembly of Councillors* 16 August 2017
  - *Councillor Briefing* 16 August 2017

*CARRIED 6 : 1*

*DIVISION*

*For the Motion: Cr Stephen Hart, Cr Terry Woodcroft, Cr Kate Hanson, Cr Joe McCracken, Cr Chris Potter, Cr Jason Schram*

*Against the Motion: Cr Chris Smith*

Gareth Smith returned to the meeting at 6.10pm  
Vige Satkunarajah left the meeting at 6.10pm

## IN COMMITTEE

### RESOLUTION

*MOVED Cr Jason Schram 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 at 6.14pm and Council move "In Committee" in order to deal with:*

<i>SUBJECT</i>	<i>REASON</i>	<i>SECTION OF ACT</i>
<b>Minutes of the In Committee Council Meeting held on 26 July 2017</b>	this matter deals with contractual matters; AND this matter may prejudice the Council or any person.	Section 89 (2) (d) & (h)
<b>Confidential Contract</b>	this matter deals with personal matters; AND this matter deals with contractual matters.	Section 89 (2) (a) & (d)

**CARRIED 7 : 0**

Tony McGann left the meeting at 6.14pm.  
Gareth Smith left the meeting at 6.14pm.

The meeting was re-opened to the public at 6.32pm

*The Meeting Was Declared Closed at 6.32pm*

**CONFIRMED AND SIGNED** at the meeting held on 27 SEPTEMBER 2017

  
 .....ACTING MAYOR