



ORDINARY COUNCIL MEETING
SUMMARY MINUTES

25 JANUARY 2017

at 6.00PM

COPACC

COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

25 JANUARY 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 25 January 2017 at 6pm.

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)
Ct Jason Schram
Cr Chris Smith
Cr Terry Woodcroft

Sue Wilkinson, Chief Executive Officer
Ingrid Bishop, General Manager, Infrastructure & Leisure Services
Gareth Smith, General Manager, Development & Community Services
Jenny Wood, Acting General Manager, Corporate Services
Sarah McKew, Governance Officer
Lyndal McLean, Governance Trainee
Tamzin McLennan, Public Relations Coordinator
Sandra Wade, General Manager, Bushfire Recovery
Blaithin Butler, Statutory Planning Coordinator
Andrew Kavanagh, Contract Governance Coordinator
Doug McNeill, Manager, Planning Building & Health
Stephen Wright, Bushfire Development Engineer
Jeremy Rudd, Manager, Capitol & Major Projects
Jaymie Coleman, Building Maintenance Officer

3. APOLOGIES

Nil

4. WELCOME & ACKNOWLEDGEMENT OF COUNTRY

A minute's silence was observed out of respect for the victims of the events that occurred in the Melbourne CBD on Friday, 20 January 2017.

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.

BEHAVIOUR

Before we move on to Public Question Time, I would like to remind all Councillors of our obligations under the Councillor Code of Conduct and Local Law 4 which regulates the proceedings at Council Meetings.

As I have said previously, I have high expectations of Councillors and expect us to work together and with the organization for our community.

Towards this, it is my expectation that all Councillors exhibit exemplary conduct at all times during tonight's meeting. This means that you will behave in a professional manner throughout and that you will treat each other with courtesy and respect, even if there is disagreement.

I want to be clear that I will not tolerate any form of personal acrimony or insult, grandstanding, unnecessary interruptions or unreasonable or impolite language.

Nor will I tolerate any behaviour or comments that are disrespectful towards our professional officers.

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

James Judd

1. Once Council advises it will have a plan available by a certain date and advises it will accept submissions on the plan why if taking this time frame as set and submissions submitted assuming the promise will be met. Why does Council refuse to accept submissions made prior to a later release date announced long after original date past. Plus restrict the basis on how a submission is to be lodged when none stated in original announcement. You cannot change the conditions relating to submissions being made once you have issued a statement quoting the basis.
2. When Council calls for submissions on any issue, when will it be willing to accept genuine submissions as long as they are dated and carry details
 - a. Submissions for matter open for submission
 - b. Persons name and address
 - c. Persons, groups: name and signature of person or officer if for a groupNot restrict to only certain methods the means to submit a submission.
3. Has Council changed the way submissions to be lodged so as to limit the contents able to be included in a submission? Council's use of the web restricts very much the room available to make any comments.

Response from the Mayor

Thank you Mr Judd for these three questions. I note they all relate to Council calling for submissions but no specific project processes are referred to by you. As submission processes can vary from project to project we are unable to answer these three questions this evening. However, I encourage you to contact Council's CEO, Sue Wilkinson, to clarify and discuss these questions.

4. What were the total operating expenses of Central Reserve for period 1/7/2016 to 31/12/2016. What was the total income received from users of these facilities from 1/7/2016 to 31/12/2016. Plus what was the total income received for hiring out these facilities to others for the period 1/7/2016 to 31/12/2016.

Response from General Manager, Infrastructure & Leisure Services

Total expenses 1/7/2016 – 31/12/2016 = \$62,771
Total income 1/7/2106 – 21/12/2016 = \$13,462

5. Does this Council propose to ever provide a swimming pool of a recognised size to enable competition swimming to gain official recognition when swimming conducted in Colac not have to leave Colac to find a pool of official standard?

Response from General Manager, Infrastructure & Leisure Services

Council operates a 25m x 6 lane indoor pool at Bluewater which is recognised officially by the Federation Internationale de Natation (FINA) as a suitable length for swimming competitions.

6. When Council calls for expressions of interest from people or groups to conduct the Council Australia Day celebrations will it specify on what conditions these celebrations could be called off at very short notice. ie
- a. Code Red Fire Danger Day declared
 - b. Other unpredictably weather conditions
 - c. Land slips or other debris blocking roads into or out of an area
 - d. Earthquakes or tremors making an area unstable
 - e. Other special events that make it impossible to proceed with the event such as a death of a major contributor or sudden withdrawal of a major sponsor?

Response from General Manager, Development & Community Services

The Australia Day Guidelines for the EOI process stipulates that Council will oversee the event approval process for the Australia Day event. This includes developing a risk and emergency management plan which addresses a number of potential scenarios such as what action will be taken if the day presents as a Code Red/Severe Fire Day, inclement weather and other incidents that could potentially occur in the lead up to or during the event. In the case of an emergency event, advice and direction would be sought from the appropriate authorities and emergency services as to how to proceed.

7. When Council inserts a notice in the press about a special waste collection period, when will it state facts that this is not a new service but one that operated for a different period for a number of years and not notice it was to be cancelled ever issued.

Response from General Manager, Corporate Services

Council advertised the weekly recycling collection start and end dates on two occasions, however at no point was it referred to as a new service.

8. What is the total number of complaints made to Council relating to long growth along roads in this municipality over the late 2016 period. When will Council issue a statement to the press that states the actual combined number of complaints received by Council officers about the hazards as a result of long growth on road sides in this municipality until end of December 2016. Not base your reports on only reports received through limited Council officers.

Response from General Manager, Infrastructure & Leisure Services

Council received approximately 230 enquiries relating to the length of grass on road sides within the municipality in the past four months. These enquiries relate to both Council and VicRoad's managed roads. The maintenance of roadside grass has been challenging in late

2016 due to a very wet winter and spring making many road sides too wet to mow until late 2016 and mild Spring resulting in significant growth rates.

Council has completed the northern slashing program in late November 2016 and expects to have the southern slashing program completed by the end of February 2017 (subject to favourable weather conditions). The next slashing program commenced on 23 January 2017 in the northern part of the Shire and will be followed by a return to the southern parts of the Shire.

Community enquiries received by council are managed individually and not via the media.

Questions Received Verbally at the Meeting

Barry Gear, Colac

1. Is there any plan on budget developments to upgrade the section of Skenes Street from the school crossing to the end of the road on the western end, that is from Rhys Evans' corner right down to the end of the street?

Having declared a conflict of interest, Cr Terry Woodcroft left Council Chambers at 6.14pm.

Cr Woodcroft	Questions from the floor
Nature of Disclosure:	Direct Interest
Type of Interest:	Section 77B (2)
Nature of Interest:	Has a financial interest in property on that street

General Manager, Infrastructure & Leisure Services responded:

At this point in time, we don't have a plan to seal that area but we are responding to those potholes immediately. What I have done is taken the issue on board and having a look at that in the bigger picture of our road management plan. It is not scheduled for this year, nor would it be scheduled for next year however the maintenance is, but we're looking at it more holistically from setting standards within our local CBD area. What I've asked is to increase the level of service in managing those potholes but at this stage, at this point in time with the other competing priorities, it's not in the program for the next 18 months.

2. May I suggest that as it's so close to the school and you get school traffic down there, it's made a no through road until such time as it's done?

General Manager, Infrastructure & Leisure Services responded:

I'll take that on board and respond to you in writing.

Cr Terry Woodcroft returned to Council Chambers at 6:16pm.

Elizabeth Ryan, Birregurra

1. I would like to ask Council what the plans are for widening the Colac Otway Shire roads eg, Cape Otway Road and Rifle Butts Road at Birregurra, please?

General Manager, Infrastructure & Leisure Services responded:
Can I take that on notice?

2. **And will that be put on public notice?**

General Manager, Infrastructure & Leisure Services responded:
Absolutely.

Alan Billing, Larpent

1. **Did the management team at any time seek external advice on the Bluewater Redevelopment project?**
2. **What was the cost of that advice?**
3. **Is the cost included in the project cost or has that advice been funded through Council's operational cost?**
4. **Are all staff who had been part of that project management team still employed by Colac Otway Shire?**

General Manager, Infrastructure & Leisure Services responded:
I'll take them on notice and respond to you in writing.

5. **Has an independent consultant been appointed to conduct a post project review of the Bluewater Redevelopment project, what is the expected final cost and will the final report be available to the community?**

General Manager, Infrastructure & Leisure Services responded:
Yes, we did engage a consultant for that and we are still working through that process. I have slowed down that process while we're also dealing with the matter with the floor. Yes, there will be a report. It's a Council resolution that there's going to be a public report made and Council stands by that resolution and when that report is concluded it will become a public document.

6. **My question is to each of the four new Councillors. Have you previously participated in the budget process with written submissions or comment and if so, or if you have, were you satisfied with the way your contribution was treated?**

The Mayor responded:
I'll take the question Mr Billing and I can speak on my experience. I have limited previous experience in budget compilation. We're getting guidance and we're just about to seriously enter the budget discussions. There's only been very preliminary discussions at this stage.

Carmen Hillman, Colac

1. **I want action in regards to tourism in the Colac Otway Shire . We want action. We want employment.**

The Chief Executive Officer responded:
One of the things that Council does when they get elected is, the first thing they have to do, is plan the next four years. They do that by preparing a Council Plan. That process has

started and Council's in earnest out there talking to the community about various things and this is the perfect opportunity for this type of issue to be explored and to get onto Council's agenda. I think by raising the questions tonight, you've certainly highlighted the importance of tourism to Council and they can consider that through the Council Plan process. The other thing is please take the opportunity, and this is true for everyone in the audience tonight, to fill out one of the surveys or come along to one of the Community Conversations or the pop-ups and talk to the Councillors about what you think they should be focusing on over the next four years. In terms of the role of tourism, I don't think there's anyone in the room that doesn't agree that tourism is critical to our economy and certainly that's the reason why Council's a member of the Great Ocean Road Tourism Authority. It's why we have a central role in running the Visitor Information Centres, but there's always more that can be done. Please feel free to always write in and give us some suggestions or give me a call. I'd be happy to meet with you and hear your ideas with my General Manager of Development & Community Services because that's a real key interest for us, too.

2. And who do I ring?

The Chief Executive Officer responded:

You can ring me.

Graham Howard, Colac

- 1. Why is Council proceeding with street work I see going on at the moment.**
- 2. How are you going to have people sitting in the main street with these trucks that are going through the town all the time?**
- 3. What's going to be done about that, or is the shire doing anything to get anything done about it?**

General Manager, Infrastructure & Leisure Services responded:

I think you're referring to the CBD Project. We are very conscious of the work that's also been undertaken with the duplication project with VicRoads. We're in weekly conversations with them about the construction management plans, their timings, traffic detours and the works that we're doing. We're about to reconnect with the Chamber again next month to talk with the traders about when's the best time for us to be doing our works as well, so that we can minimise interruption, other things that we can do to support the traders and local residents as well, so that we're encouraging people still to interact and visit the shops during that construction phase as well. It's going to very much be a staged event. It's taking into consideration VicRoads' works and then also the CBD works, weather, trade peaks, major events, whether it's in the Memorial Square or whether it's Easter or it's Christmas, things like that. We have a construction management plan in place so that we can deal with these issues so that we can minimise the impact.

Elizabeth Ryan, Birregurra

- 1. In the last twelve months, the Victorian Government has actually had some inquiries on palliative care and animal industries and I actually was able to put in submissions to those and I'm just finding it remiss that we haven't been able to have those things happen in Colac. I'd like to know if Colac Otway Shire's planning to put a submission to the Federal Government dairy inquiry, please.**

The Chief Executive Officer responded:

With regard to being able to respond and attend and be present at palliative care papers and those sort of things, it's certainly true that it's not possible for Council to attend everything, and it's also certainly true that we don't make submissions to every inquiry or legislative change. We have to be a bit judicious about our use of officers' time and Council time. For the State Government, for example, their legislative reform agenda has been enormous and during caretaker, they released three or four pieces of significant legislation that made it very difficult for Council to make submissions. So we have to be very careful, very mindful. We try to choose to attend and participate in discussions that we think directly affect our communities and directly affect Council's business. With regard to the dairy inquiry, I would expect that I'd have a staff member there, certainly. Whether we make a submission is something I'd need to discuss with the Councillors specifically. That's not a decision that's been made just yet but thank you for highlighting it to us.

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

Nil

7. DECLARATIONS OF INTEREST

Cr Woodcroft:	Question from the floor
Nature of Disclosure:	Direct Interest
Type of Interest:	Section 77B (2)
Nature of Interest:	Has a financial interest in property on that street

Cr Hanson:	OM172501-1
Nature of Disclosure:	Indirect Interest
Type of Interest:	Section 78A
Nature of Interest:	Own Telstra shares

Cr Hanson:	OM172501-2
Nature of Disclosure:	Indirect Interest
Type of Interest:	Section 78A
Nature of Interest:	Own Telstra shares

Cr Hanson:	OM172501-3
Nature of Disclosure:	Indirect Interest
Type of Interest:	Section 78A
Nature of Interest:	Own Telstra shares

Cr Hart:	OM172501-1
Nature of Disclosure:	Indirect Interest
Type of Interest:	Section 78A
Nature of Interest:	Own Telstra shares; Telstra is the applicant; indirect financial interest

Cr Hart:	OM172501-2
Nature of Disclosure:	Indirect Interest
Type of Interest:	Section 78A
Nature of Interest:	Own Telstra shares; Telstra is the applicant; indirect financial interest

Cr Hart:	OM172501-3
Nature of Disclosure:	Indirect Interest
Type of Interest:	Section 78A
Nature of Interest:	Own Telstra shares; Telstra is the applicant; indirect financial interest

8. CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on 14 December 2016.

RESOLUTION

MOVED Cr Joe McCracken seconded Cr Jason Schram

That Council confirm the above minutes.

CARRIED 7 : 0

Sandra Wade left the meeting at 6.30pm.

Stephen Wright left the meeting at 6.30pm.

**ORDINARY COUNCIL MEETING
TELECOMMUNICATIONS FACILITY (35M MONOPOLE) AND ASSOCIATED
WORKS AT 30 GREENS ACCESS, GELLIBRAND (PP226/2016-1)
OM172501-1**

LOCATION / ADDRESS	30 Greens Access, Gellibrand	GENERAL MANAGER	Gareth Smith
OFFICER	Ian Williams	DEPARTMENT	Development and Community Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	1. PP226/2016 - Locality map and application for planning permit		
PURPOSE	A planning permit is sought to use and develop land at 30 Greens Access, Gellibrand with a 35m high monopole. This application is before Council as the monopole would be over twenty metres in height.		

**ORDINARY COUNCIL MEETING
TELECOMMUNICATIONS FACILITY (35M MONOPOLE) AND ASSOCIATED
WORKS AT 415 BARRYS ROAD, BARONGAROOK WEST (PP232/2016)
OM172501-2**

LOCATION / ADDRESS	415 Barrys Road, Barongarook West	GENERAL MANAGER	Gareth Smith
OFFICER	Blaithin Butler	DEPARTMENT	Development & Community Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	1. PP232/2016 - Locality map and application for planning permit		
PURPOSE	A planning permit is sought for the construction of a 35m high monopole at 415 Barrys Road, Barongarook West (Lot 3 on TP643654). This application is before Council as the monopole would be over twenty metres in height.		

**ORDINARY COUNCIL MEETING
TELECOMMUNICATIONS FACILITY (35M MONOPOLE) AND ASSOCIATED
WORKS AT 420 YEO-YEODENE ROAD, YEODENE (PP262/2016-1)
OM172501-3**

LOCATION / ADDRESS	420 Yeo-Yeodene Road, Yeodene	GENERAL MANAGER	Gareth Smith
OFFICER	Ian Williams	DEPARTMENT	Development & Community Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	1. PP262/2016- Locality maps and application for planning permit		
PURPOSE	A planning permit is sought for the construction of a 35m high monopole at 420, Yeo- Yeodene Road, Yeodene. This application is before Council as the monopole would be over twenty metres in height.		

Cr Hanson:	OM172501-1
Nature of Disclosure:	Indirect Interest
Type of Interest:	Section 78A
Nature of Interest:	Own Telstra shares

Cr Hart:	OM172501-1
Nature of Disclosure:	Indirect Interest
Type of Interest:	Section 78A
Nature of Interest:	Own Telstra shares; Telstra is the applicant; indirect financial interest

Having declared a conflict of interest, Cr Kate Hanson left Council Chambers at 6.33pm.

Having declared a conflict of interest, Cr Stephen Hart left Council Chambers at 6.33pm.

Original Recommendation

That Council resolves to issue a planning permit for the Use and Development of the Land for a Telecommunications Facility (35m monopole) and Associated Works at 30 Greens Access, Gellibrand subject to the following conditions:

Endorsed plans

- The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***

Amenity

2. *The nature and colour of building materials employed in the construction of the monopole and associated structures hereby permitted must be non-reflective, to the satisfaction of the Responsible Authority.*
3. *The telecommunications facility and associated development hereby permitted must be maintained in good condition to the satisfaction of the Responsible Authority.*

Geotechnical Assessment

4. *The approved development must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment by CivilTest (reference 1160876, dated 8 September 2016) and the addendum to that report dated 30 November 2016, or any Geotechnical Practitioner engaged to review the assessment submitted with the application.*

Removal of facility

5. *In the event that the telecommunications facility hereby permitted ceases to be operational, the facility must be decommissioned and removed from the site in its entirety within 12 months of the use ceasing, and the land must be re-instated, all to the satisfaction of the Responsible Authority.*

Wannon Water condition

6. *Movement of soil, sediment and nutrients from the property during development and use of the property must be minimised.*

Expiry

7. *This permit will expire if one of the following circumstances applies:*
 - a) *The development is not commenced within two years of the date of this permit.*
 - b) *The development is not completed and the use has not commenced within four years of the date of this permit.*

In accordance with section 69 of the Planning and Environment Act 1987, an application may be made to the Responsible Authority to extend the periods referred to in this condition.

Original Recommendation

That Council resolves to issue a planning permit for the construction of a telecommunication facility (35 metre high monopole) and associated works at 415 Barrys Road, Barongarook West (Lot 3 TP643654) subject to the following conditions:

Endorsed plans

1. *The development as shown on the endorsed plans must not be altered without the written*

consent of the Responsible Authority.

Amenity

2. *The nature and colour of building materials employed in the construction of the monopole hereby permitted must be non-reflective, to the satisfaction of the Responsible Authority.*
3. *The telecommunications facility hereby permitted must be maintained in good condition to the satisfaction of the Responsible Authority.*

Removal of facility

4. *In the event that the telecommunications facility hereby permitted ceases to be operational, the facility must be decommissioned and removed from the site in its entirety within 12 months of the use ceasing, and the land must be re-instated, all to the satisfaction of the Responsible Authority.*

Barwon Water condition

5. *The following shall be undertaken to the requirements of Barwon Water and to the satisfaction of the responsible authority:*
 - a) *Stormwater must not be released directly into any waterway and must be directed away from any existing or approved effluent fields.*
 - b) *Sediment control measures outlined in the EPA's publication No 275, Sediment Pollution Control, shall be employed during construction and maintained until the disturbed area has been revegetated.*

Expiry

6. *This permit will expire if one of the following circumstances applies:*
 - a) *The development is not commenced within two years of the date of this permit.*
 - b) *The development is not completed within four years of the date of this permit.*

In accordance with section 69 of the Planning and Environment Act 1987, an application may be made to the Responsible Authority to extend the periods referred to in this condition.

Original Recommendation

That Council resolves to issue a planning permit for the Construction of a Telecommunications Facility (35m Monopole) and Associated Works at 420 Yeo-Yeodene Road, Yeodene (Lot 2 PS614498) subject to the following conditions:

Endorsed plans

1. *The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*

Amenity

2. *The nature and colour of building materials employed in the construction of the monopole hereby permitted must be non-reflective, to the satisfaction of the Responsible Authority.*
3. *The telecommunications facility hereby permitted must be maintained in good condition to the satisfaction of the Responsible Authority.*

Geotechnical Assessment

4. *The approved development must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment by CivilTest (reference 1161100, dated 31 October 2016) and the addendum to that report dated 30 November 2016, or any Geotechnical Practitioner engaged to review the assessment submitted with the application.*

Removal of facility

5. *In the event that the telecommunications facility hereby permitted ceases to be operational, the facility must be decommissioned and removed from the site in its entirety within 12 months of the use ceasing, and the land must be re-instated, all to the satisfaction of the Responsible Authority.*

Barwon Water condition

6. *The following shall be undertaken to the requirements of Barwon Water and to the satisfaction of the responsible authority:*
 - a) *Stormwater must not be released directly into any waterway and must be directed away from any existing or approved effluent fields.*
 - b) *Sediment control measures outlined in the EPA's publication No 275, Sediment Pollution Control, shall be employed during construction and maintained until the disturbed area has been revegetated.*

Expiry

7. *This permit will expire if one of the following circumstances applies:*
 - a) *The development is not commenced within two years of the date of this permit.*
 - b) *The development is not completed within four years of the date of this permit.*

In accordance with section 69 of the Planning and Environment Act 1987, an application may be made to the Responsible Authority to extend the periods referred to in this condition.

ALTERNATIVE MOTION

MOVED Cr Joe McCracken seconded Cr Terry Woodcroft

That Council hears Items 1, 2 and 3 as one; and

Item 1

That Council resolves to issue a planning permit for the Use and Development of the Land for a Telecommunications Facility (35m monopole) and Associated Works at 30 Greens Access, Gellibrand subject to the following conditions:

Endorsed plans

1. *The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*

Amenity

2. *The nature and colour of building materials employed in the construction of the monopole and associated structures hereby permitted must be non-reflective, to the satisfaction of the Responsible Authority.*
3. *The telecommunications facility and associated development hereby permitted must be maintained in good condition to the satisfaction of the Responsible Authority.*

Geotechnical Assessment

4. *The approved development must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment by CivilTest (reference 1160876, dated 8 September 2016) and the addendum to that report dated 30 November 2016, or any Geotechnical Practitioner engaged to review the assessment submitted with the application.*

Removal of facility

5. *In the event that the telecommunications facility hereby permitted ceases to be operational, the facility must be decommissioned and removed from the site in its entirety within 12 months of the use ceasing, and the land must be re-instated, all to the satisfaction of the Responsible Authority.*

Wannon Water condition

6. *Movement of soil, sediment and nutrients from the property during development and use of the property must be minimised.*

Expiry

7. *This permit will expire if one of the following circumstances applies:*
 - a) *The development is not commenced within two years of the date of this permit.*
 - b) *The development is not completed and the use has not commenced within four years of the date of this permit.*

In accordance with section 69 of the Planning and Environment Act 1987, an application may be made to the Responsible Authority to extend the periods referred to in this condition.

Item 2

That Council resolves to issue a planning permit for the construction of a telecommunication facility (35 metre high monopole) and associated works at 415 Barrys Road, Barongarook West (Lot 3 TP643654) subject to the following conditions:

Endorsed plans

- 1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***

Amenity

- 2. The nature and colour of building materials employed in the construction of the monopole hereby permitted must be non-reflective, to the satisfaction of the Responsible Authority.***
- 3. The telecommunications facility hereby permitted must be maintained in good condition to the satisfaction of the Responsible Authority.***

Removal of facility

- 4. In the event that the telecommunications facility hereby permitted ceases to be operational, the facility must be decommissioned and removed from the site in its entirety within 12 months of the use ceasing, and the land must be re-instated, all to the satisfaction of the Responsible Authority.***

Barwon Water condition

- 5. The following shall be undertaken to the requirements of Barwon Water and to the satisfaction of the responsible authority:***
 - a) Stormwater must not be released directly into any waterway and must be directed away from any existing or approved effluent fields.***
 - b) Sediment control measures outlined in the EPA's publication No 275, Sediment Pollution Control, shall be employed during construction and maintained until the disturbed area has been revegetated.***

Expiry

- 6. This permit will expire if one of the following circumstances applies:***
 - a) The development is not commenced within two years of the date of this permit.***
 - b) The development is not completed within four years of the date of this permit.***

In accordance with section 69 of the Planning and Environment Act 1987, an application may be made to the Responsible Authority to extend the periods referred to in this condition.

Item 3

That Council resolves to issue a planning permit for the Construction of a Telecommunications Facility (35m Monopole) and Associated Works at 420 Yeo-Yeodene Road, Yeodene (Lot 2 PS614498) subject to the following conditions:

Endorsed plans

1. *The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*

Amenity

2. *The nature and colour of building materials employed in the construction of the monopole hereby permitted must be non-reflective, to the satisfaction of the Responsible Authority.*
3. *The telecommunications facility hereby permitted must be maintained in good condition to the satisfaction of the Responsible Authority.*

Geotechnical Assessment

4. *The approved development must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment by CivilTest (reference 1161100, dated 31 October 2016) and the addendum to that report dated 30 November 2016, or any Geotechnical Practitioner engaged to review the assessment submitted with the application.*

Removal of facility

5. *In the event that the telecommunications facility hereby permitted ceases to be operational, the facility must be decommissioned and removed from the site in its entirety within 12 months of the use ceasing, and the land must be re-instated, all to the satisfaction of the Responsible Authority.*

Barwon Water condition

6. *The following shall be undertaken to the requirements of Barwon Water and to the satisfaction of the responsible authority:*
 - a) *Stormwater must not be released directly into any waterway and must be directed away from any existing or approved effluent fields.*
 - b) *Sediment control measures outlined in the EPA's publication No 275, Sediment Pollution Control, shall be employed during construction and maintained until the disturbed area has been revegetated.*

Expiry

7. *This permit will expire if one of the following circumstances applies:*
 - a) *The development is not commenced within two years of the date of this permit.*
 - b) *The development is not completed within four years of the date of this permit.*

In accordance with section 69 of the Planning and Environment Act 1987, an application may

be made to the Responsible Authority to extend the periods referred to in this condition.

CARRIED 5 : 0

Cr Kate Hanson returned to Council Chambers at 6.40pm.

Cr Stephen Hart returned to Council Chambers at 6.40pm.

ORDINARY COUNCIL MEETING
SECTION 96A COMBINED PLANNING SCHEME AMENDMENT C91 AND PLANNING PERMIT
APPLICATION NO. PP58/2016-1 - REZONING AND RE-SUBDIVISION OF LAND AT 120
BARHAM RIVER ROAD, APOLLO BAY AND REZONING OF LAND AT 200 BARHAM RIVER
ROAD, APOLLO BAY
OM172501-4

LOCATION / ADDRESS	120 Barham River Road and 200 Barham River Road, Apollo Bay	GENERAL MANAGER	Gareth Smith
OFFICER	Francis Wong	DEPARTMENT	Development & Community Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	<ol style="list-style-type: none"> 1. Amendment C91 - 120 Barham River Road APOLLO BAY - Figure 1 - Subject Lots 2. Amendment C91 - 120 Barham River Road APOLLO BAY - Figure 2 - Proposed Subdivision page 1 3. Amendment C91 - 120 Barham River Road APOLLO BAY - Figure 2 - Proposed Subdivision page 2 4. Amendment C91 - 120 Barham River Road APOLLO BAY - Figure 3 - Proposed Rezoning 5. Amendment C91 - 120 Barham River Road APOLLO BAY - Explanatory Report 6. Amendment C91 - 120 Barham River Road APOLLO BAY - Draft Planning Permit PP58/2016-1 		
PURPOSE	Consider the adoption of Planning Scheme Amendment C91.		

RESOLUTION

MOVED Cr Terry Woodcroft seconded Cr Kate Hanson

That Council:

- 1. Pursuant to Section 29 of the Planning and Environment Act 1987, adopts Amendment C91 as exhibited without changes.**
- 2. Pursuant to Section 31 of the Planning and Environment Act 1987, submits Amendment C91 to the Minister for Planning together with the prescribed information for approval.**
- 3. Pursuant to Section 96H of the Planning and Environment Act 1987, submits proposed planning permit PP58/2016-1 to the Minister, together with adopted Amendment C91.**
- 4. Pursuant to Section 96G of the Planning and Environment Act 1987, recommend to the Minister that proposed planning permit PP58/2016-1 be granted as exhibited without changes.**

CARRIED 7 : 0

**ORDINARY COUNCIL MEETING
COLAC TOWNSHIP - ECONOMIC DEVELOPMENT, COMMERCIAL AND
INDUSTRIAL LAND USE STRATEGY AND PLANNING SCHEME AMENDMENT C86
OM172501-5**

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Gareth Smith
OFFICER	Doug McNeill	DEPARTMENT	Development & Community Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	1. Attachment 1 - Summary of submissions and officers response 2. Attachment 2 - Changes to C86 Exhibited Documents 3. Attachment 3 - Exhibited Maps		
PURPOSE	To consider submissions received in response to public exhibition of the draft <i>Colac Township – Economic Development, Commercial and Industrial Land Use Strategy 2016</i> (the Strategy) and the associated Planning Scheme Amendment C86 which seeks to implement the key outcomes of the Strategy by various changes made to the Colac Otway Planning Scheme.		

Original Recommendation

That Council:

- 1. Pursuant to section 22 (1) of the Planning and Environment Act 1987, consider all submissions received to Colac Otway Amendment C86.***
- 2. Pursuant to section 23 (1)(a) of the Planning and Environment Act 1987, make limited changes to Amendment C86 as noted in the Attachment that have been suggested in response to submissions.***
- 3. Pursuant to section 23 (1)(b) of the Planning and Environment Act 1987, refer the unresolved submissions to a Panel***
- 4. Authorise officers/suitable persons to represent Council at the Planning Panel hearing generally in accordance with the response to issues outlined in this report.***

ALTERNATIVE MOTION

MOVED Cr Terry Woodcroft seconded Cr Jason Schram

That Council:

defers the consideration of Planning Scheme Amendment C86 and the Colac Township - Economic Development, Commercial and Industrial Land Use Strategy to the Ordinary Council meeting in February 2017.

CARRIED 7 : 0

Blaithin Butler left the meeting at 6.57pm.

Doug McNeill left the meeting at 6.57pm.

ORDINARY COUNCIL MEETING
CONTRACT 1621 - ROAD RECONSTRUCTION WORKS
OM172501-6

LOCATION / ADDRESS	Conns Lane, Birregurra Trasks Road, Warncoort	GENERAL MANAGER	Ingrid Bishop
OFFICER	Andrew Kavanagh	DEPARTMENT	Infrastructure & Leisure Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	Council approval is required to award Contract 1621 – Road Reconstruction Works for which tenders have been received.		

Cr Terry Woodcroft left the meeting at 6.59pm.

Sue Wilkinson left the meeting at 7.00pm.

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Kate Hanson

That Council:

1. **Awards Contract 1621 for Road Reconstruction Works to Deja Eight Pty Ltd at the following lump sum tender prices:**
 - a. **for Conns Lane Reconstruction \$964,078.12, with \$73,219.00 final seal option;**
 - b. **for Trasks Road Reconstruction \$237,870.46, with \$30,940.00 final seal option;**
2. **Delegates to the Chief Executive Officer authority to sign and place under Council seal the contract documents following award of Contract 1621.**
3. **Delegates to the Chief Executive Officer authority to fully administer the Contract according to its terms and conditions.**

CARRIED 6 : 0

Cr Terry Woodcroft was not present at the time of the vote for this item.

Cr Terry Woodcroft returned to the meeting at 7.01pm.

Sue Wilkinson returned to the meeting at 7.01pm.

Jeremy Rudd left the meeting at 7.02pm.

ORDINARY COUNCIL MEETING
APPOINTMENT TO RURAL COUNCILS VICTORIA
OM172501-7

LOCATION / ADDRESS	Whole of Municipality	MANAGER	Mark Lyons
OFFICER	Jenny Wood	DEPARTMENT	Corporate Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	To appoint a Councillor to Rural Councils Victoria.		

RESOLUTION

MOVED Cr Terry Woodcroft seconded Cr Jason Schram

That Council appoints Cr Potter as its representative to Rural Councils Victoria until determined otherwise.

CARRIED 7 : 0

**ORDINARY COUNCIL MEETING
ASSEMBLY OF COUNCILLORS
OM172501-8**

LOCATION / ADDRESS	Whole of Municipality	MANAGER	Mark Lyons
OFFICER	Sarah McKew	DEPARTMENT	Corporate Services
TRIM FILE	F16/6696	CONFIDENTIAL	No
ATTACHMENTS	<ol style="list-style-type: none">1. Assembly of Councillors - Councillor Briefing - 7 December 20162. Assembly of Councillors - Councillor Briefing - 14 December 20163. Assembly of Councillors - Colac Friends of the Botanic Gardens - 15 December 2016		
PURPOSE	To note the Assemblies of Councillors.		

RESOLUTION

MOVED Cr Terry Woodcroft seconded Cr Joe McCracken

That Council notes the Assembly of Councillors reports for:

- | | |
|--|--------------------------------|
| • <i>Councillor Briefing</i> | <i>7 December 2016</i> |
| • <i>Councillor Briefing</i> | <i>14 December 2016</i> |
| • <i>Colac Friends of the Botanic Gardens</i> | <i>15 December 2016</i> |

CARRIED 7 : 0

ORDINARY COUNCIL MEETING
CONTRACT 1623 - WYE RIVER-SEPARATION CREEK - SUPPLY AND
INSTALL RETAINING WALLS

OM172501-9

LOCATION / ADDRESS	Wye River – Separation Creek	GENERAL MANAGER	Ingrid Bishop
OFFICER	Andrew Kavanagh	DEPARTMENT	Infrastructure & Leisure Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	To award Contract 1623 – Wye River-Separation Creek – Supply and Install Retaining Walls for which tenders have been received.		

12. RECOMMENDATION

RESOLUTION

MOVED Cr Terry Woodcroft seconded Cr Stephen Hart

That Council:

- 1. Awards Contract 1623 for Wye River-Separation Creek – Supply and Install Retaining Walls to Leprechaun Landscapes based on its Schedule of Rates tender at a cost of \$1,006,433 (ex GST).**
- 2. Delegates to the Chief Executive Officer authority to sign and place under Council seal the contract documents following award of Contract 1623.**
- 3. Delegates to the Chief Executive Officer authority to fully administer the Contract according to its terms and conditions.**

CARRIED 6 : 0

DIVISION

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

Against the motion: Nil

Abstained: Cr Chris Smith

IN COMMITTEE

RESOLUTION

MOVED Cr Terry Woodcroft seconded Cr Kate Hanson

That pursuant to the provisions of Section 89 (2) of the Local Government Act, the meeting be closed to the public at 7.10pm and Council move "In-Committee" in order to deal with:

SUBJECT	REASON	SECTION OF ACT
Minutes of In-Committee Council Meeting held on 14 December 2016	this matter deals with contractual matters; AND this matter may prejudice the Council or any person.	Section 89 (2) (d) & (h)
Contract 1621 – Road Reconstruction Works	This report is being considered In Committee under the <i>Local Government Act 1989</i> Section 89 (2) (d) because this matter deals with contractual matters.	Section 89 (2) (d)
Contract 1623 – Wye River-Separation Creek – Supply and Install Retaining Walls (to be issued as a supplementary agenda at a later date)	This report is being considered In Committee under the <i>Local Government Act 1989</i> Section 89 (2) (d) because this matter deals with contractual matters.	Section 89 (2) (d)

CARRIED 7 : 0

Tamzin McLennan left the meeting at 7.10pm.

Jaymie Colman left the meeting at 7.10pm.

The meeting was re-opened to the public at 7.27pm.

The Meeting was Declared Closed at 7.28pm

CONFIRMED AND SIGNED at the meeting held on 22 FEBRUARY 2017


.....MAYOR