

MINUTES of the **ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** held at the Apollo Bay Seniors Citizens Centre on 27 April 2016 at 4.00pm.

1. OPENING PRAYER

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

AMEN

2. PRESENT

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

Sue Wilkinson, Chief Executive Officer
Mark Lyons, General Manager, Corporate Services
Ingrid Bishop, General Manager, Infrastructure & Leisure Services
Brydon King, General Manager, Development & Community Services
Jennifer Wood, Manager Governance & Customer Service
Alison Richardson, Governance Officer
Tamzin McLennan, Public Relations Coordinator
Daniel Fogarty, Manager, Financial Services
David Testa, Financial Operations Coordinator
Harry Timmermans, Coordinator, Procurement & Management Accountant
Doug McNeill, Manager, Bushfire Recovery
Greg Fletcher, Manager, Community Services
Carmen Lawrence, Manager, People Performance & Culture
Tony White, Manager, Economic Development & Events
Stewart Anderson, Manager, Environment & Community Safety
Callum Fairnie, Manager, Information Services
Michael Swanson, Business Improvement Coordinator
Adam Lehmann, Manager, Assets & Property Services
Adam Pullen, Manager, Services & Operations
Blaithin Butler, Statutory Planning Coordinator
Paula Gardiner, Manager, Capital & Major Projects
Ian Seuren, Manager, Arts & Leisure
Nicole Frampton, Recreation & Open Space Coordinator

3. APOLOGIES

Nil

4. MAYORAL STATEMENT

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

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

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

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

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

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

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

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

Thank you. Now 30 minutes is allowed for question time. Please remember, you must ask a question. If you do not ask a question you will be asked to sit down and the next person will be invited to ask a question. This is not a forum for public debate or statements.

1. Questions received in writing prior to the meeting (subject to attendance and time),
2. Questions from the floor.

5. QUESTION TIME

QUESTION TIME BEGAN AT 4:05PM

Questions Received in Writing Prior to the Meeting

Tim Cobb

1. Will Colac Otway Shire commit to apply for a Transport Accident Commission grant to provide a pedestrian refuge at Skenes Creek? Does the proposed 2016/17 budget

include allowance for this and if not, why has the Council decided not to address this issue?

General Manager Infrastructure & Leisure responded that VicRoads is the responsible road authority for the Great Ocean Road and would need to apply for any grants for these works. Council is currently working with the Skenes Creek Advancement Association and VicRoads to develop a strategy to improve pedestrian safety along the Great Ocean Road at Skenes Creek. Proposed actions from the working group will assist in determining future strategies and funding opportunities, for example, a Transport Accident Commission grant, which would enable the implementation of safety improvements. This project has been included for consideration within Council's Road Safety Improvement Program, with project prioritisation currently being finalised for the 2016/17 work schedule.

2. Is the state actually spending the \$0.8m to maintain the Apollo Bay Harbour Asset or does the figure of \$0.8m mean that the asset is projected to depreciate (i.e. run down in value) by \$0.8m over the year 2016/17?

General Manager Infrastructure & Leisure Services responded that the \$800,000 referred to in the budget is the projected depreciation expense, for accounting purposes. The actual Port of Apollo Bay budget is developed annually in consultation with the Department of Economic Development, Jobs, Transport and Resources and includes a forward Capital Works plan which is grant funded and not funded by Council.

Phil & Marg Lawson

1. Why is access along Nelson Street to the Harbour considered so unimportant as a footpath route and is there any prospect of a formal pedestrian access to the Harbour being constructed in the next few years?

General Manager Infrastructure & Leisure Services responded that Council's Apollo Bay Commuter Footpath Strategy and the Active Transport Strategy guides future footpath improvements and renewal for Apollo Bay. Council has identified challenges in the road reserve where Breakwater Road meets Trafalgar Street, and Council has developed an outline design to address the issue. Council is currently facilitating the Apollo Bay Development Plan Expression of Interest process and the scope of this project will encapsulate the Breakwater Road, road reserve. Council is awaiting the recommendations of the Apollo Bay Harbour Development Plan project before committing funds to capital improvements and would schedule any agreed capital works accordingly.

Questions Received Verbally at the Meeting

Tony Webber – Otway Forum

1. We've got the proposed harbour reference group being appointed today. How many people applied?

General Manager Development & Community Services responded that there were invitations for nominations for that committee and 29 nominations were received.

2. The Heathfield Reserve has been around since 1990 and there's been no lease agreement for the use of that land and I think that Council should have had a lease on that agreement, even at \$1,000 a year, we would have money set aside now to do something with that ground. Would Council consider conditions very carefully when giving a lease agreement, because it is public land. If there is cattle and a lease agreement, there is potentially no access to the public. Some of us feel that it should be used for fodder and it's good to cut hay and maybe only have limited access at certain times for the cattle, so will the Council consider that as very careful conditions for that lease?

General Manager Infrastructure & Leisure Services has taken the question on notice.

Peter Jacobs – Apollo Bay

Cr Delahunty:	Question from the public
Nature of Disclosure:	Indirect interest
Type of Indirect Interest:	78A
Nature of Interest:	Produced Bushfire Attack Level reports for area that was topic of/and concerning Wye River & Separation Creek

Having declared a conflict of interest, Cr Delahunty left Council chambers at 4:11pm

1. Why after much hindsight from that experience, it being such a contentious and sensitive nature of the issue of Bushfire Attack Level ratings, has this Council allowed its ratepayers of Wye River and Separation Creek to once again be subjected to a similarly grossly inaccurate report by the same fire consultants?
2. Why did this Council not support and stand up for its ratepayers against the State government's somewhat dictatorial approach to this fire overlay with full knowledge that it would add huge cost to building?

Manager Bushfire Recovery responded that the state government has undertaken a number of different studies to try and make it easier to rebuild after the fires which Council has supported and we have worked closely with government to assist in those studies being undertaken. The one relating to bushfire looked at establishing Bushfire Attack levels for all properties affected by the fires, so that individual owners wouldn't need to do their own assessments. The 2014 Terramatrix study that Council had commissioned using State funding, was done at a time when the Bushfire Management Overlay had different standards for construction and those standards

changed. The results of the Terramatrix study that was done with government this year in response to the fires now shows less properties that would be subject to Flame Zone than what there were under the previous study, which is a good outcome for Wye River and Separation Creek. Terramatrix have undertaken that work according to the standards that are there for people when they assess their own properties for a bushfire management study. They are bound by the requirements to follow the same methodology that individuals would if they were doing that study for their own properties.

In respect to fast tracking applications, whilst people that are within a Flame Zone will need to build to a far higher standard than perhaps they might have a house previously, every effort will be made by Council in assessing those applications to treat them in a very streamlined way.

The Mayor responded that Council is not in a position to deal with this, this is clearly a State government issue. We have said to them what we want is a very clear and concise set of rules to deal with as soon as we can. We have been given one set and we are now looking at some way of helping people in individual situations without changing the rules.

Cr. Delahunty returned to Council chambers at 4:19pm

Sheryl Smith – Wye River

1. Will the Mayor, as Chair of the Community Resilience Committee, make the minutes of their meetings available to the people you say you represent?

General Manager Bushfire Recovery responded that the minutes of the Community Resilience Committee do go on the WyeSep Connect website following ratification by the committee, so there should be one set of minutes up there at the moment. The committee has met twice and had a workshop last week and just to clarify, this is not a decision making body, it's an informative body.

2. Will the Mayor, as Chair of the Community Resilience Committee, make the Resettlement Plan available to those people it affects?

General Manager Bushfire Recovery responded that the Resettlement Plan is on the agenda today for the Council to endorse and make it publically available for the community. It's a plan that will transition and continue to evolve, but as of now it is on Council's website and it will be on the WyeSep Connect website very shortly.

3. Will the Mayor, as Chair of the Community Resilience Committee, undertake to talk directly to the permanent residents about our needs for recovery?

The Mayor responded that we certainly will and we are having a meeting next Saturday, so there will be a full update on where we are at and also there's some more sub-committees being investigated through the Community Resilience Committee. They will go out into the community and seek more information from locals.

The CEO responded that she has just checked the WyeSep Connect website and the minutes of the Community Resilience Committee are on there, just look under the 'CRC' section. In terms of the Community Resilience Committee, I think it's fair to say it is just getting started, there have been two meetings. The first meeting was about establishing the work program and what the objectives are and what success looks like in a general sense. I know that the community members of that committee have met with the community specifically in a community only meeting Saturday week ago. They are really just starting to find their feet in terms of working with the community. Where they are now is not where I will anticipate they will be very soon. It's no problem to take this feedback to them, they are in constant contact with the organisation so it's not a problem to let them know that the permanent residents would like to see more commitment from the committee to maintain and establish direct contacts.

Yvonne Francis – Apollo Bay

1. If Geelong magistrate Ann McGarvie granted bail, why is Mr. Paul Hill being held in a Melbourne institution, as the appropriate facility in Apollo Bay, conducted by Otway Health, has not been professionally able to comply with the bail conditions that Ms. McGarvie applied to Paul's future home?

The CEO responded that Council is not able to help with this enquiry. It's not appropriate for Council to comment and nor do I think we could provide you with a correct or full response. The nature of your questions relates to decisions made by the justice system and need to be directed there.

2. Does the timber industry compensate the consumers for any real or perceived loss in quantity or quality through pollution in trucking of its water supply?

The Mayor responded that there is no requirement to do this and no, they do not.

Tim Cobb

1. Will the Council take into consideration when they are thinking about whether to provide the pedestrian refuge that the speeding infringements at Skenes Creek are more than anywhere else in Colac Otway Shire, Surf Coast Shire, Golden Plains or Geelong, or indeed anywhere west of Avalon?

General Manager Infrastructure & Leisure Services responded that we will be taking that into consideration.

Tony Webber – Otway Forum

1. Would Council consider the suggestion of an underpass under the road, at the Great Ocean Road near the Commonwealth bank.

The Mayor thanked Tony for his comment.

Question time ended: 4:29pm

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

There were no questions taken on notice at the previous meeting.

7. DECLARATION OF INTEREST

Cr Delahunty:	OM162704-3 Endorsement of draft Wye River & Separation Creek Resettlement Plan
Nature of Disclosure:	Indirect interest
Type of Indirect Interest:	77B
Nature of Interest:	Produced technical reports noted in draft Resettlement Plan

Cr Delahunty:	OM162704-7 Planning Scheme Amendment C78 Wyuna Estate Extension
Nature of Disclosure:	Indirect interest
Type of Indirect Interest:	78A
Nature of Interest:	Produced technical reports for land subject to the C78 amendment

Cr Woodcroft:	OM162704-12 Youth Council Review
Nature of Disclosure:	Indirect interest
Type of Indirect Interest:	78B
Nature of Interest:	Outcome may affect function duties regarding my primary employer

8. CONFIRMATION OF MINUTES

- **Ordinary Council Meeting held on the 23/03/16.**

MOTION - MOVED Cr Stephen Hart seconded Cr Brian Crook

That Council:

Confirm the above minutes.

CARRIED 5 : 2

DIVISION called

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

Against the Motion: Cr Chris Smith, Cr Michael Delahunty

CHANGE TO ORDER OF BUSINESS

MOTION - MOVED Cr Stephen Hart seconded Cr Lyn Russell that:

Item No. OM162704 – 9 Amended development plan – Colac Abattoir and food production plant at 1Tristania Drive, Colac East

to be heard before

Item No. OM162704 - 8 Building and works to expand Abattoir and Reduction in Car Parking (172 SPACES) at 1Tristania Drive, Colac East

CARRIED 7 : 0

OM162704-1 DRAFT BUDGET 2016/2017

AUTHOR:	Mark Lyons	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Executive	FILE REF:	CLF11/42

Original Recommendation:

That Council:

- 1. Endorses the proposed budget 2016/17 for the financial year (Attachments 1) for the purposes of Section 127 of the Local Government Act 1989.***
- 2. Pursuant to Section 223 (1)(b) of the Local Government Act 1989 determines that Council will consider, and if requested, hear any submissions received in relation to the proposed budget 2016/17, on Wednesday, 15 June 2016 at 1.00 pm at COPACC.***
- 3. Notes that written submissions will be accepted for a five week period closing 5:00pm Friday, 3 June 2016.***
- 4. Authorises the General Manager Corporate Services to give public notice, in accordance with Sections 129 and 223 of the Local Government Act 1989 that Council has prepared a proposed budget for the 2016-17 year, and pursuant to section 223 (3) to carry out the administrative procedures necessary to enable the Council to carry out its functions under section 223 of the Act.***
- 5. Considers for adoption the proposed budget 2016/17 at the Council Meeting on Wednesday, 22 June 2016 at 4.00 pm at COPACC, after consideration of any submissions received by Council at its Meeting on Wednesday, 15 June 2016.***

ALTERNATIVE MOTION - MOVED Cr Stephen Hart seconded Cr Brian Crook:

That Council:

- 1. Endorses the proposed budget 2016/17 for the financial year (Attachments 1) for release to the public for consultation for the purposes of Section 127 of the Local Government Act 1989.***
- 2. Pursuant to Section 223 (1)(b) of the Local Government Act 1989 determines that Council will consider, and if requested, hear any submissions received in relation to the proposed budget 2016/17, on Wednesday, 15 June 2016 at 1.00 pm at COPACC.***
- 3. Notes that written submissions will be accepted for a five week period closing 5:00pm Friday, 3 June 2016.***
- 4. Authorises the General Manager Corporate Services to give public notice, in accordance with Sections 129 and 223 of the Local Government Act 1989 that Council has prepared a proposed budget for the 2016-17 year, and pursuant to section 223 (3) to carry out the administrative procedures necessary to enable the Council to carry out its functions under section 223 of the Act.***

5. **Considers for adoption the proposed budget 2016/17 at the Council Meeting on Wednesday, 22 June 2016 at 4.00 pm at COPACC, after consideration of any submissions received by Council at its Meeting on Wednesday, 15 June 2016.**

CARRIED 6 : 1

DIVISION called

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

Against the Motion: Cr Chris Smith

OM162704-2**COUNCIL PLAN REVIEW (INCLUDING THE STRATEGIC
RESOURCE PLAN)**

AUTHOR:	Margaret Giudice	ENDORSED:	Mark Lyons
DEPARTMENT:	Corporate	FILE REF:	CLF11/8

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

1. **Endorses the proposed revised Council Plan 2013-2017 including a draft Strategic Resource Plan 2016-2017 to 2019-2020 for the purposes of sections 125 and 126 of the Local Government Act 1989.**
2. **Considers and hears submissions received in respect of the revised Council Plan 2013-2017 and draft Strategic Resource Plan 2016-2017 to 2019-2020, in accordance with section 223 of the Local Government Act 1989, at a special Council Meeting to be held on Wednesday 15 June 2016 at COPACC (time to be confirmed).**
3. **Notes that written submissions will be accepted for a 5 week period closing 5:00pm Friday 3 June 2016.**
4. **Authorises the General Manager Corporate Services to give public notice, in accordance with section 223 of the Local Government Act 1989, that Council has prepared a revised Council Plan 2013-2017 and draft Strategic Resource Plan 2016-2017 to 2019-2020, and pursuant to section 223 (3) to carry out the administrative procedures necessary to enable the Council to carry out its functions under section 223 of the Act.**
5. **Considers for adoption the revised Council Plan 2013-2017 and Strategic Resource Plan 2016-2017 to 2019-2020 at the Ordinary Council meeting on Wednesday 22 June 2016 at 4.00 pm at COPACC, after consideration of any submissions received by the Council at its Meeting on Wednesday 15 June 2016.**

CARRIED 5 : 2**DIVISION called****For the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Frank Buchanan,
Cr Terry Woodcroft****Against the Motion: Cr Chris Smith, Cr Michael Delahunty**

**OM162704-3 ENDORSEMENT OF DRAFT WYE RIVER & SEPARATION CREEK
RESETTLEMENT PLAN**

AUTHOR:	Doug McNeill	ENDORSED:	Sandra Wade
DEPARTMENT:	Bushfire Recovery	FILE REF:	F15/6079

Cr Delahunty:	OM162704-3 Endorsement of draft Wye River & Separation Creek Resettlement Plan
Nature of Disclosure:	Indirect interest
Type of Indirect Interest:	77B
Nature of Interest:	Produced technical reports noted in draft Resettlement Plan

Having declared a conflict of interest Cr Michael Delahunty left Council Chambers at 5:39 pm

Original Recommendation:

That Council:

Endorses in principle the attached draft Wye River and Separation Creek Resettlement Plan noting that a number of actions identified in the Plan will be consulted on and that the Plan will continue to evolve.

ALTERNATIVE MOTION - MOVED Cr Lyn Russell seconded Cr Brian Crook:

That Council:

- 1. Endorses in principle the attached Wye River and Separation Creek Resettlement Plan Initial Plan April 2016 Version 1.***
- 2. Notes that the Resettlement Plan will continue to evolve and respond to emerging opportunities and issues over time in consultation with the community.***
- 3. Notes that a number of actions identified in the plan have been and will continue to be consulted on separately.***

CARRIED 5 : 1

DIVISION called

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

Against the Motion: Cr Chris Smith

Cr Michael Delahunty returned to Council Chambers at 5:57pm

OM162704-4

THIRD QUARTER FINANCIAL PERFORMANCE REPORT 2015-2016

AUTHOR:	Daniel Fogarty	ENDORSED:	Mark Lyons
DEPARTMENT:	Corporate	FILE REF:	CLF11/42

MOTION - MOVED Cr Brian Crook seconded Cr Terry Woodcroft

That Council:

Receives and notes the forecast results and budget allocations contained in the third quarter financial performance report for 2015-2016.

CARRIED 5 : 2

DIVISION called

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

Against the Motion: Cr Chris Smith, Cr Michael Delahunty

**OM162704-5 OPERATIONAL PLAN THIRD QUARTER PERFORMANCE
REPORT JANUARY - MARCH 2016**

AUTHOR:	Margaret Giudice	ENDORSED:	Mark Lyons
DEPARTMENT:	Corporate	FILE REF:	CLF11/8

Original Recommendation:

That Council:

- 1. Receives the 2015-2016 Operational Plan Third Quarter Performance Report for the three months ending 31 March 2016.**

ALTERNATIVE MOTION - MOVED Cr Chris Smith seconded Cr Michael Delahunty:

That Council:

- 1. Does not receive the 2015-16 Operational Plan Third Quarter Performance Report for the three months ending 31 March 2016 until it includes report on the Bluewater Fitness Centre**

LOST 2 : 5

DIVISION called

For the Motion: Cr Chris Smith, Cr Michael Delahunty

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

MOTION - MOVED Cr Terry Woodcroft seconded Cr Brian Crook

That Council:

- 1. Receives the 2015-2016 Operational Plan Third Quarter Performance Report for the three months ending 31 March 2016.**

CARRIED 5 : 2

DIVISION called

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

Against the Motion: Cr Chris Smith, Cr Michael Delahunty

Daniel Fogarty, David Testa, Harry Timmermans, Doug McNeill, Greg Fletcher and Callum Fairnie left Council chambers at 6:26pm

OM162704-6 **AUTHORISATION OF PLANNING OFFICER UNDER THE
PLANNING AND ENVIRONMENT ACT 1987**

AUTHOR:	Mark Lyons	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Corporate	FILE REF:	CLF11/8

MOTION - MOVED Cr Terry Woodcroft seconded Cr Stephen Hart

That Council:

- 1. Appoints Megan Kavanagh as an authorised officer pursuant to the Planning and Environment Act 1987.**
- 2. Notes that the Instrument of Appointment and Authorisation comes into force immediately the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it.**
- 3. Delegates to the Chief Executive Officer authority to sign and place under Council Seal the Instrument of Appointment and Authorisation.**

CARRIED 6 : 1

DIVISION called

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

Against the Motion: Cr Chris Smith

Paula Gardiner, Carmen Lawrence and Stewart Anderson left Council chambers at 6:28pm

OM162704-7**PLANNING SCHEME AMENDMENT C78 - WYUNA ESTATE
EXTENSION**

AUTHOR:	Geoffrey Alexander	ENDORSED:	Brydon King
DEPARTMENT:	Development & Community Services	FILE REF:	CLF11/8

Cr Delahunty:	OM162704-7 Planning Scheme Amendment C78 Wyuna Estate Extension
Nature of Disclosure:	Indirect interest
Type of Indirect Interest:	78A
Nature of Interest:	Produced technical reports for land subject to the C78 amendment

Having declared a conflict of interest Cr Michael Delahunty left Council Chambers at 6:30pm

MOTION - MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council:

1. Pursuant to section 29 of the Planning and Environment Act 1987, adopt Amendment C78 as exhibited without changes.
2. Pursuant to section 31 of the Planning and Environment Act 1987, submit the adopted Amendment C78, together with the prescribed information, to the Minister for Planning for approval.

CARRIED 6 : 0

Meeting adjourned for a comfort break at 6:43pm
Meeting resumed at 6:51pm

Cr Michael Delahunty returned to Council Chambers at 6:51pm

**OM162704-9 *AMENDED DEVELOPMENT PLAN - COLAC ABATTOIR AND
FOOD PRODUCTION PLANT AT 1 TRISTANIA DRIVE, COLAC
EAST***

AUTHOR:	Ian Williams	ENDORSED:	Brydon King
DEPARTMENT:	Development & Community Services	FILE REF:	F16/2123

MOTION - MOVED Cr Brian Crook seconded Cr Lyn Russell

That Council:

***Approves the amended Development Plan for Colac Abattoir and Food Production
Plant, 1 Tristania Drive, Colac East.***

CARRIED 7 : 0

OM162704-8

**PP49/2016-1 BUILDINGS AND WORKS TO EXPAND ABATTOIR
AND REDUCTION IN CAR PARKING (172 SPACES) AT 1
TRISTANIA DRIVE, COLAC EAST**

AUTHOR:	Ian Williams	ENDORSED:	Brydon King
DEPARTMENT:	Development & Community Services	FILE REF:	F16/2123

MOTION - MOVED Cr Brian Crook seconded Cr Lyn Russell**That Council:**

Resolves to issue a Planning Permit for Buildings and Works to Provide Kill Floor, Boning Room/Dry Store, Hay Shed, Igloos, Internal Accessway and Associated Works, and Reduction in Car Parking (172 Spaces) at 1 Tristania Drive, Colac East (Lots 1 and 2 on PS413157N,) subject to the following conditions:

Amended plans

1. **Prior to commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:**
 - a) **Provision for five (5) bicycle spaces.**
 - b) **Provision of an additional 59.5sqm of loading and unloading area(s).**
 - c) **Dimensioned elevations, to scale, of the vehicle entry checkpoint.**

Endorsed plans

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

Consolidation of titles

3. **Unless otherwise approved by the Responsible Authority, within six (6) months of the commencement of development, Lot 1 and Lot 2 PS413157 must be consolidated under the provisions of the Subdivision Act 1988 to the satisfaction of the Responsible Authority.**

Landscaping

4. **Prior to commencement of the development, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must be generally in accordance with the Stage 3 Plan (TP1.03.2), except that the plan must show:**

- a) *a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant adjacent to the western site boundary with Clark Street and within the proposed car parking area.*

All species selected must be to the satisfaction of the Responsible Authority.

5. *Within three months of the date of the commencement of any part of the development hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must thereafter be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.*

Access

6. *Prior to the commencement of the development hereby permitted, a detailed design showing the new heavy vehicle entrance/exit on Flaxmill Road, which must be generally in accordance with the 'Flaxmill Road Entry Works Plan' prepared by MacLeod Consulting (Dwg No. C20 - Rev PD - Feb 2016), must be submitted for approval to the Responsible Authority. When approved, the plan will be endorsed and will form part of the permit. Within 6 months of the commencement of the development hereby permitted, or such other timeframe as is agreed in writing by the Responsible Authority, all works associated with the creation of the new heavy vehicle entrance/exit on Flaxmill Road must be undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority.*

Car Park Construction

7. *Prior to the commencement of the development hereby permitted, the area/s set aside for the parking of vehicles as shown on the endorsed plans must be:*
- a) *constructed;*
 - b) *properly formed to such levels that they can be used in accordance with the plans;*
 - c) *surfaced with crushed rock or gravel and treated to the satisfaction of the Responsible Authority to prevent dust;*
 - d) *drained;*
 - e) *appropriately marked to show designated parking spaces;*
 - f) *properly illuminated with lighting designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land;*

to the satisfaction of the Responsible Authority.

The areas must be constructed, and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

8. *Within 3 years of the initial occupation of the development hereby permitted, unless alternative surfacing is formally approved in writing under this permit or endorsed as part of a Development Plan or separate planning application by the Responsible Authority, the car parking area hereby permitted must be surfaced with an all-weather seal coat, to the satisfaction of the Responsible Authority.*

Internal Roads

9. *All new internal roads, and loading/unloading areas, hereby permitted must be surfaced with an all-weather seal coat, drained and clearly marked to show the direction of traffic to the satisfaction of the Responsible Authority.*

Stormwater

10. *All runoff from stormwater, including overflow from water storage, must be taken to a Legal Point of Discharge to the satisfaction of the Responsible Authority.*

Amenity

11. *The development hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the:*
- a) *transport of materials, goods or commodities to or from the land;*
 - b) *appearance of any building, works or materials;*
 - c) *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;*
 - d) *presence of vermin.*
12. *The buildings and works hereby permitted, including any associated plant and equipment, must be constructed and maintained to ensure compliance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (SEPP N-1) and/or Noise from Industry in Regional Victoria (EPA publication 1411, October 2011), as applicable.*
13. *Buildings and works hereby permitted must be constructed of muted, non-reflective colours and materials, to the satisfaction of the Responsible Authority.*
14. *The buildings and works hereby permitted must be maintained in good order and appearance to the satisfaction of the Responsible Authority.*
15. *Any external lighting on the development hereby permitted must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.*

Expiry

16. 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.

Notes

- 1. This permit does not authorise the commencement of any building works. Prior to the commencement of development, it will be necessary to apply for and obtain building approval for the proposed buildings.**
- 2. This permit is issued on the basis of written confirmation from the applicant that the development does not require Works Approval from the EPA, or a licence to discharge or emit waste, or any amendment of a licence, under the Environment Protection Act 1970. Had any of these circumstances applied, there would have been a statutory requirement to refer the application to the EPA. Council must immediately be notified should it transpire that a Works Approval or licence is required.**

CARRIED 7 : 0

Blaithin Butler left Council chambers at 6:53pm

OM162704-10

LAKE COLAC BOWLING CLUB LEASE RENEWAL

AUTHOR:	Jade Thomas	ENDORSED:	Ingrid Bishop
DEPARTMENT:	Infrastructure & Leisure Services	FILE REF:	CLF11/8

Original Recommendation:

That Council:

- 1. Commences the statutory procedure under section 190 of the Local Government Act 1989 (the 'Act') by advertising Council's Notice of Intention to enter into a Lease Agreement at 35 Moore Street, Colac to Colac Bowling Incorporated. The following terms and conditions would apply to the Lease Agreement.**

Agreement Type	Lease Agreement
Start Date	1 st July 2016
Lease Term	21 Years
Rent	\$ 15,210 per annum (incl gst)
Option	Nil
Utilities	100% Lessee
Maintenance	100% Lessee
Rates & Fees	100% Lessee

- 2. Gives seven (7) days notice by placing a public notice in the local print media of its intention to consider any submissions received at a Council Meeting on a date to be advised. Formal advice of the time and place of the meeting will be provided to those parties wanting to be heard in support of their submissions.**
- 3. Enters into a Lease Agreement if no submissions are received with the Colac Bowling Club Inc.**
- 4. Authorises the Chief Executive Officer or their delegate, on behalf of Council to affect the Lease Agreement.**

ALTERNATIVE MOTION - MOVED Cr Stephen Hart seconded Cr Lyn Russell

That Council:

- 1. Commences the statutory procedure under section 190 of the Local Government Act 1989 (the 'Act') by advertising for a period of six (6) weeks Council's Notice of Intention to enter into a Lease Agreement at 35 Moore Street, Colac to Colac Bowling Incorporated. The following terms and conditions would apply to the Lease Agreement.**

Add row 'Rent review' under the row 'Rent' in the table, so that it reads:

'Rent Review : On the 3rd anniversary of the Lease commencement date, then every three years thereafter throughout the term of the Lease'

Agreement Type	Lease Agreement
Start Date	1 st July 2016
Lease Term	21 Years
Rent	\$ 15,210 per annum (incl gst)
Rent Review	On the 3rd anniversary of the Lease commencement date, then every three years thereafter throughout the term of the Lease.
Option	Nil
Utilities	100% Lessee
Maintenance	100% Lessee
Rates & Fees	100% Lessee

2. *Gives seven (7) days notice by placing a public notice in the local print media of its intention to consider any submissions received at a Council Meeting on a date to be advised. Formal advice of the time and place of the meeting will be provided to those parties wanting to be heard in support of their submissions.*
3. *Enters into a Lease Agreement if no submissions are received with the Colac Bowling Club Inc.*
4. *Authorises the Chief Executive Officer or their delegate, on behalf of Council to affect the Lease Agreement.*

CARRIED 7 : 0

OM162704-11

DRAFT GELLIBRAND REX NORMAN PARK MASTER PLAN

AUTHOR:	Nicole Frampton	ENDORSED:	Ingrid Bishop
DEPARTMENT:	Infrastructure & Leisure Services	FILE REF:	F15/8104

MOTION - MOVED Cr Terry Woodcroft seconded Cr Lyn Russell

That Council:

Endorses the draft Gellibrand Rex Norman Park Master Plan to be place on public exhibition in accordance with Council's Community Engagement Policy 2013, from Friday 29 April 2016 to Friday 10 June 2016.

CARRIED 7 : 0

OM162704-12 YOUTH COUNCIL REVIEW

AUTHOR:	Michael Swanson	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Executive	FILE REF:	CLF11/8

Cr Woodcroft:	OM162704-12 Youth Council Review
Nature of Disclosure:	Indirect interest
Type of Indirect Interest:	78B
Nature of Interest:	Outcome may affect function duties regarding my primary employer

Having declared a conflict of interest Cr Terry Woodcroft left Council Chambers at 7:12PM

Ian Seuren, Nicole Frampton, Adam Pullen and Adam Lehmann left Council chambers at 7:12pm

Original Recommendation

That Council:

- 1. Ceases the current Youth Council program effective immediately.**
- 2. Commits to changes to Councils engagement and consultation processes to ensure schools and young people are invited to participate.**
- 3. Support the provision of leadership and governance training in schools where requested.**

ALTERNATIVE MOTION - MOVED Cr Lyn Russell seconded Cr Brian Crook

That Council:

- 1. Ceases the current Youth Council program effective immediately.**
- 2. Commits to changes to Councils engagement and consultation processes to ensure schools and young people are invited to participate, including home based students.**
- 3. Support the provision of leadership and governance training in schools where requested.**

CARRIED 4 : 2

DIVISION called

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

Against the Motion: Cr Chris Smith, Cr Michael Delahunty

Cr Terry Woodcroft returned to Council Chambers at 7:28pm

OM162704-13

MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE

AUTHOR:	Nicole Frampton	ENDORSED:	Ingrid Bishop
DEPARTMENT:	Infrastructure & Leisure Services	FILE REF:	11/96660

MOTION - MOVED Cr Michael Delahunty seconded Cr Brian Crook

That Council:

Notes the Minutes of the Old Beechy Rail Trail Committee for 1 February 2016.

CARRIED 7 : 0

OM162704-14 ASSEMBLY OF COUNCILLORS

AUTHOR:	Alison Richardson	ENDORSED:	Jenny Wood
DEPARTMENT:	Corporate Services	FILE REF:	CLF11/8

MOTION - MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council:

Notes the Assembly of Councillors reports for:

Councillor briefing 16 March 2016 11am

Councillor briefing 16 March 2016 2pm

Councillor pre-ordinary Council meeting briefing 23 March 2016

Councillor briefing 30 March 2016

Councillor briefing 6 April 2016

Central Reserve Advisory Committee 6 April 2016

Saleyards Advisory Committee 8 April 2016

Councillor pre-planning committee meeting briefing 13 April 2016

Councillor briefing 13 April 2016

CARRIED 7 : 0

Tamzin McLennan, Tony White and Michael Swanson left Council chambers at 7:32pm

IN COMMITTEE

MOTION - MOVED Cr Stephen Hart seconded Cr Lyn Russell

That pursuant to the provisions of Section 89(2) of the Local Government Act, the meeting be closed to the public at 7:33pm and Council move "In-Committee" in order to deal with:

SUBJECT	REASON	SECTION OF ACT
Minutes of In-Committee Council Meeting held on 23 March 2016	this matter deals with contractual matters; AND this matter may prejudice the Council or any person AND this matter deals with legal advice.	Section 89 (2) (d) & (f) & (h)
Notice of Motion – Role of the CEO	this matter deals with personnel matters AND this matter may prejudice the Council or any person	Section 89 (2) (a) & (h)
Notice of Motion – Role of the Mayor	this matter may prejudice the Council or any person.	Section 89 (2) (h)
Notice of Motion – Former CEO Report	this matter deals with personnel matters AND this matter may prejudice the Council or any person	Section 89 (2) (a) & (h)

CARRIED 5 : 2

DIVISION called

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

Against the Motion: Cr Chris Smith, Cr Michael Delahunty

Following a decision of Council at the In-Committee Council Meeting on 27 April 2016, the following In-Committee resolutions have been authorised for public disclosure:

IC162704-1 Notice of Motion Role of the CEO
IC162704-2 Notice of Motion Role of the Mayor

The Items are on the following two (2) pages.

IC162704-1 ROLE OF THE CEO (Cr. Stephen Hart)

MOTION - MOVED Cr Stephen Hart seconded Cr Brian Crook

That Council:

- 1. Expresses its full confidence in the Chief Executive Officer, Sue Wilkinson, in her performance of the roles and responsibilities of the Chief Executive Officer position.***
- 2. Authorises the public disclosure of this resolution and how each Councillor voted.***

CARRIED 6 : 1

DIVISION called

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

Against the Motion: Cr Chris Smith

IC162704-2 ROLE OF THE MAYOR (Cr Stephen Hart)

MOTION - MOVED Cr Stephen Hart seconded Cr Brian Crook

That Council:

- 1. Expresses its full confidence in the Mayor, Frank Buchanan, in his performance of the roles and responsibilities of Mayor.***
- 2. Authorises the public disclosure of this resolution and how each Councillor voted.***

CARRIED 5 : 2

DIVISION called

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

Against the Motion: Cr Chris Smith, Cr Michael Delahunty

OUT OF COMMITTEE:

MOTION - MOVED Cr Stephen Hart seconded Cr Lyn Russell

That the meeting move 'out of committee'

CARRIED 7 : 0

Tamzin McLennan, Michael Swanson and Tony White returned to Council chambers at 8:18pm

OM162704-15 ***MOTION TO REINSTATE THE CEO REPORT TO THE MONTHLY
COUNCIL MEETING (Cr Chris Smith)***

MOTION - MOVED Cr Chris Smith seconded Cr Michael Delahunty

That Council:

Supports the reinstatement of the CEO Report to the monthly Council meeting.

LOST 2 : 5

DIVISION called

For the Motion: Cr Chris Smith, Cr Michael Delahunty

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

OM162704-16 ***ALLOW HOLIDAY RENTAL RATED PROPERTIES TO DISPLAY
BROCHURES IN VISITOR INFORMATION CENTRES. (Cr Michael
Delahunty)***

MOTION - MOVED Cr Michael Delahunty seconded Cr Chris Smith

That Council

- 1. Revokes any current policy which prevents shire residents currently classified and rated as 'Holiday Rental' from displaying promotional material in the Colac and Apollo Bay Visitor Information Centres (VIC).***
- 2. Implements an immediate policy whereby VICs make provision to display suitable printed promotional material provided by businesses that are rated as 'Holiday Rental'.***
- 3. Requests the CEO advise those operators currently paying 'Holiday Rental' rating category the outcome of Councils decision with regard to Points 1 and 2 of this Notice of Motion.***

CARRIED 6 : 1

DIVISION called

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

Against the Motion: Cr Brian Crook

Meeting adjourned for a comfort break at 9:05pm

Meeting resumed at 9:10pm

Tamzin McLennan, Tony White and Michael Swanson left council chambers at 9:10pm

IN COMMITTEE

MOTION - MOVED Cr Stephen Hart 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 9:10pm and Council move "In-Committee" in order to deal with:

<i>SUBJECT</i>	<i>REASON</i>	<i>SECTION OF ACT</i>
<i>Apollo Bay Harbour – Expression of interest Process – Project control group nominations</i>	<i>this matter deals with personnel matters and this matter includes a resolution to close the meeting to members of the public</i>	<i>Section 89 (2) (a) & (i)</i>

CARRIED 7 : 0

OUT OF COMMITTEE

MOTION - MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

that the meeting move out of committee.

CARRIED 7 : 0

The Meeting Was Declared Closed at 9:18pm

CONFIRMED AND SIGNED at the meeting held on 25 MAY 2016


.....MAYOR