



Colac Otway
SHIRE

ORDINARY COUNCIL MEETING
SUMMARY MINUTES

22 FEBRUARY 2017

at 6PM

COPACC

COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

22 FEBRUARY 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 22 February 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)
Cr Jason Schram
Cr Chris Smith
Cr Terry Woodcroft

Sue Wilkinson, Chief Executive Officer
Mark Lyons, General Manager, Corporate Services
Tony McGann, General Manager, Infrastructure & Leisure Services
Gareth Smith, General Manager, Development & Community Services
Jenny Wood, Manager, Governance & Customer Services
Lyndal McLean, Acting Governance Officer
Melanesia Carson, Public Relations Officer
Daniel Fogarty, Manager, Financial Services
Sandra Wade, General Manager, Bushfire Recovery
Margaret Giudice, Corporate Development Officer
Doug McNeill, Manager, Planning Building & Health
Trevor Olsson, Acting Manager, People Performance & Culture
Ian Seuren, Manager, Arts & Leisure
Nicole Frampton, Recreation & Open Space Coordinator
Vicki Jeffrey, Events Officer

3. APOLOGIES

Nil

4. WELCOME & ACKNOWLEDGEMENT OF COUNTRY

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

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

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

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

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

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. **With the recent setbacks at Central Reserve Colac, is this upgrade still proposed to be ready prior to start of the football season 2017.**

Response from General Manager, Infrastructure & Leisure Services

The Central Reserve Redevelopment project was not anticipated to be completed prior to the commencement of the 2017 football season. Following the vandalism at Central Reserve, Council is working with its contractor to confirm the revised completion date.

2. **If the annual budget expenditure has to be pruned, what services are the first deleted?**
 - a) **Infrastructure**
 - i. **Roads**
 - ii. **Footpaths**
 - iii. **Bridges**
 - iv. **Drains**
 - b) **Upkeep and maintenance of Shire sporting**
 - i. **Grounds**
 - ii. **Buildings and other facilities**
 - c) **Health centres and HACC services**
 - d) **Other**

Response from General Manager, Infrastructure & Leisure Services

Council does everything possible not to reduce service levels to the community. Council has been actively working to identify business improvement opportunities and ways to reduce expenditure to ensure the highest quality service is provided to the community at the lowest possible cost. As part of the 2016/17 budget approximately \$ 500,000 per annum in cost savings were identified without affecting services. Council is currently in the process of developing the 2017/18 budget and members of the public will have the opportunity to make a formal submission during in late April, all of May and early June 2017.

3. **Was the Special Council meeting to consider the Councillor Code of Conduct legitimate, since you specified that only questions on the item on the agenda could be asked? Yet you refused to release details to the public until after the item was passed by Council per your agenda claim.**

Response from General Manager, Corporate Services

The Special Council Meeting was held to review and adopt the Councillor Code of Conduct which is a statutory requirement of Council. The Agenda was issued on Friday 27th of January 2017 and it was advertised in the Colac Herald on 20th January and 30th January 2017.

4. **When is Council going to again review the Councillor Code of Conduct to make sure no councillor can avoid being held responsible for any adverse remarks about any other councillor?**

Response from General Manager, Corporate Services

The current Councillor Code of Conduct was reviewed and adopted at a Special Meeting of Council on Wednesday 1 February 2017. Future reviews will be at the discretion of Council.

5. **What was the total actual length of road side fire hazards mown by Council in the three month period up till the 31st December 2016?**

Plus, what was the total length of cutting to remove dangerous growth near intersections to improve vision in the same period to 31st December 2016?

Plus, what was the total length of cutting to improve vision near bus stops along school bus routes over the three months till 31st December 2016?

Plus, is any more cutting going to be carried out on road sides on school routes over the full year on a regular basis, not wait until a complaint received prior to doing any work?

Response from General Manager, Infrastructure & Leisure Services

Council conducts roadside slashing activities for the purposes of compliance with our Road Management Plan obligations relating to sight distances, obstruction of signage and guideposts etc. While the roadside slashing program is not conducted for the purposes of fire hazard reduction, this is a positive secondary outcome. There is a rolling program in place for the roadside slashing Council completes and there are no additional works carried out for school routes or bus stops. Council also conducts annual spraying activities around roadside furniture (guide posts and signage etc). The total distance which has been slashed for the period September to December 2016 is approximately 1100 kilometres. This figure is lower than previous years due to a combination of equipment failure, later than usual end to the wet season (delaying equipment from being able to access the roadsides) and excessive grass growth due to the higher than usual rainfall

6. **Does Council yet have a firm date for the arrival of the new floor for the Bluewater Fitness Centre? Plus, when will installation be starting and is it proposed to have it in a useable condition prior to start of winter netball competition 2017?**

Response from General Manager, Infrastructure & Leisure Services

The flooring is currently in transit and the expected delivery date is by the end of February. Other works have continued in preparation for the delivery of the flooring and include the removal of the original floor, sub floor works, and moisture barrier. At this stage, it is anticipated that the works will be completed prior to the commencement of the night netball competition.

7. **Council 2050 Plan.** Once Council announces it is preparing a plan and it will be out by a certain date, plus submissions will be sort on it. When Council changes the release date, when is it going to advise the community of the fact and state when submissions will be accepted by? Is it no joke that when release date delayed one year and no announcement of fact issued prior to original proposed release date.

Response from General Manager, Development & Community Services

Council seeks to keep the community updated on the progress of its projects, and continues to seek improvement on how this is done. The community will be informed early this year on time frames for the Colac 2050 Plan and how members of the community will be able to provide their input.

8. **What portion of all rates and charges income from each section**
- i. **Section 1: Residential, Tourism, Industry and Farm – Colac, Colac West, Elliminyt, plus other Colac urban**
 - ii. **Section 2: Farm Residential, Tourism, Industry – South of the highway, West of Lavers Hill Road to Boundary of old Shire of Otway**
 - iii. **Section 3: Farm Residential, Tourism, Industry – Excluding Colac urban, other areas North of the highway to North Shire boundary**
 - iv. **Section 4: Farm Residential, Tourism, Industry – Balance of area between highway east of Colac urban to old Shire of Otway border**
 - v. **Section 5: All properties within the old Shire of Otway**
 - vi. **Plus what portion of permanent residents in each section?**

Response from General Manager, Corporate Services

Section 7 of the 2016/17 Budget document sets out information on the distribution of general rates by each rating category being Colac Residential, Balance of Shire Residential, Rural Farm, Holiday Rental, Colac Commercial/Industrial and Balance of Shire Commercial/Industrial. In addition the budget sets out the total amounts collected for municipal charges and kerbside collection and recycling charges. The information you have requested is not part of Councils standard rating information and if you would like to contact officers following the meeting we would be happy to meet with you to understand your needs and how these could be met.

9. **Has VEC sent out any letters to Colac Otway Shire eligible voters over failing to vote at 2016 Council Elections? We need to know if money wasted to send out notices to those not required to vote and Council paying for this waste.**

Response from General Manager, Corporate Services

All matters in relation to the conduct of the election or electoral regulations should be referred to the Victorian Electoral Commission (VEC). They can be contacted by telephone on 131 832.

10. **OM172202-9, CM22-2-2017** I note it is claimed any change will take effect from 1st June 2017, when all other Councils in this region that have dealt with this matter, have claimed

any adjustment is to be back dated to election day, 22nd October 2016. So what is the truth and advise the fact to the public?

Response from General Manager, Corporate Services

Council is yet to consider the officers recommendation in the report and the proposal before Council is that any change to remuneration would take affect from the 1st June, 2017 which is in accordance with *Local Government Act 1989* requirements.

Questions Received Verbally at the Meeting

Alan Billing, Larpent

1. **It's my understanding that Council is either about to undertake a rating strategy review or is already in the process. Could I ask at what point industry in particular, or the general community generally, will be invited to participate in that process?**

Response from General Manager, Corporate Services

Council is in the process of reviewing most of its corporate strategic documents including the Council Plan, Health & Wellbeing Plan, the budget and the Rating Strategy Review. Information was released to the public before Christmas about opportunities to be able to provide comment in terms of a preliminary way. There were surveys on our website; there's been letters sent out to business groups and to different community groups asking specifically for submissions or the opportunity to make a submission. That closes at the end of this month, the 28th of February, so there's still opportunity if someone would like to make comment. Council will then consider those in developing the draft strategy and then there'll be formal opportunity to make further comment once Council puts that on submission in late April before considering adoption in June.

2. **Just further to that, will there be a formal opportunity to submit submissions and will the submitters be given an opportunity to speak to those submissions?**

Response from General Manager, Corporate Services

Absolutely. The normal section 223 process (I apologise for quoting the *Local Government Act*) certainly provides that opportunity for people to put written submissions and then also speak to those submissions. That information will be released in April, as planned at this stage.

3. **Just in relation to that, you did indicate that invitations had been sent to business to participate in that process. Did that go to all businesses or was it just generally through the website, etcetera?**

Response from General Manager, Corporate Services

I don't have the list of every group that was sent. There was certainly about 60 groups including the Chamber of Commerce and so forth, so not every ratepayer or every person in the shire got a letter but certainly there's been press releases directing people to the

website, providing that opportunity. If someone would still like to take that opportunity, we'd be happy to talk to them to help them facilitate that.

The issue perhaps relates to we have I think probably three or four branches of the VFF. To my knowledge, none of those branches were circulated as representing a significant group of the community.

Response from Manager, Financial Services

We did actually contact the VFF. We sent out correspondence at the end of January inviting submissions and I received a follow-up email just the other day from them, asking when it was due. I'm sorry, I can't remember the lady's name who I received the email from. We again reminded them it was the end of February and that she could give me a call if she needed to discuss anything that she was putting together.

Marjorie Hamilton, Colac

Has the CEO and Councillors received a letter re the Eastern Reserve relating to being on a tip and no facilities for the Colac Baseball Club? When will a reply be received?

The CEO took this question on notice.

Tony Webber, Apollo Bay

The Lavers Hill Progress Association has been corresponding with the government over weeds and the weeds are particularly bad this year because we've had a wet summer, particularly ragwort. The letter that came back said that there was a community-led program run by the shire. Is that the case?

General Manager, Development & Community Services took this question on notice

I would like to ask the shire if they would possibly work with Landcare and maybe try to get some funding out of the State Government in a joint proposal?

The Mayor indicated that Council will certainly do that.

Sandra Downer, Elliminyt

I live in the lovely Aireys Street, Elliminyt. Please can we have an answer: what is happening to that street?

Response from General Manager, Infrastructure & Leisure Services

We're working very closely with the contractor at the moment to try to get that road in a condition where it provides the right level of service. We're confident that in the next week or two we'll have a resolution.

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

Response provided during Ordinary Council meeting from General Manager, Infrastructure & Leisure Services

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?

Response from General Manager, Infrastructure & Leisure Services

There are no immediate plans for the upgrade of Skene Street. This project would need to be assessed against other competing priorities for inclusion in Council's long term Capital Works Program. Any upgrade to this street would need to compete for funding against other projects and services which Council provides.

Council has a road management strategy which responds to both community demand and meeting our asset renewal requirements. Our current emphasis is on maintaining and renewing our existing assets rather than providing expenditure for enhancing our asset base. From time to time, where routine maintenance activities on a particular road are high, there is a case for enhancing (upgrading) the road. In other words, the investment in upgrading the road is justified as it would eliminate the need to undertake works on an ongoing basis and save costs in the long term. Modelling suggests that this is not the case for Skene Street.

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?

Response from General Manager, Infrastructure & Leisure Services

Council has no current plans to upgrade either Cape Otway Road or Rifle Butts Road. Council's current emphasis is on asset renewal expenditure rather than asset development. Both these roads are considered to be constructed to an adequate standard. Council's Road Management Plan states:

Generally the standards for renewal and refurbishment will be based on the existing built standards taking into account the environmental sensitivities of matters such as established trees and historical features, road safety and traffic management requirements. Council's construction standards have been developed to identify the various standards necessary to accommodate the Urban and Rural road network.

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?

Response from General Manager, Infrastructure & Leisure Services

Council's management team received external advice from professionals in a number of disciplines including architects, structural engineers, civil engineers, surveyors, quantity surveyors, project management. The cost of external consultants totals almost one million dollars which is less than 10% of the project value which is typical of such projects. Funding of external consultants is part of the total project costs. In regard to your fourth question, it is not appropriate to discuss staff movements and if they are employed.

7. PETITIONS/JOINT LETTERS

Malhoff Road Petition

A petition, containing 181 signatures, has been received from a community member, calling on Council to consider renaming Malhoff Road (Forrest) to Curtis Road, due to family connections to the road.

A report responding to the petition will be tabled at the Ordinary Meeting of Council to be held on 22 March 2017.

8. DECLARATIONS OF INTEREST

Cr Hart:	OM172202-2
Nature of Disclosure:	Direct Interest
Type of Interest:	Section 78E
Nature of Interest:	May effect my residential amenity. Proposed trail is past my home property.

Cr Potter:	IC172202-2
Nature of Disclosure:	Indirect Interest
Type of Interest:	Section 78
Nature of Interest:	I have a close association as a relative is one of the parties in relation to the item.

4. CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on 25 January 2017.
- Special Council Meeting held on 1 February 2017.

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Kate Hanson

That Council confirm the minutes for the Ordinary Council Meeting held on 25 January 2017.

CARRIED 7 : 0

RESOLUTION

MOVED Cr Terry Woodcroft seconded Cr Stephen Hart

That Council confirm the minutes for the Special Council Meeting held on 1 February 2017.

CARRIED 6 : 1

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: Cr Chris Smith

ORDINARY COUNCIL MEETING

AMENDMENT C86 - COLAC TOWNSHIP ECONOMIC DEVELOPMENT, COMMERCIAL AND INDUSTRIAL LAND USE STRATEGY AND PLANNING SCHEME

OM172202-1

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 - Amended Planning Scheme Documents 2. Attachment 2 - Summary of written submissions and officer response 3. Attachment 3 - Exhibited Maps 4. Attachment 4 - Colac Township Economic Development Commercial and Industrial Strategy February 2016		
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 changes to Amendment C86 as noted in the Attachment that have been suggested in response to submissions, including that any reference in the planning scheme clauses to the proposed Investigation area for industrial development or an intermodal freight facility at Irrewarra are deleted.*
- 3. Change the draft Colac Township – Economic Development, Commercial and Industrial Land Use Strategy 2016 to delete reference to any proposal for an Investigation Area for industrial development or an intermodal freight facility at Irrewarra.*
- 4. Retain the proposal in the Amendment and draft Strategy to undertake a study to investigate the demand for and optimum location for an intermodal freight facility in the Colac Region, which would not be constrained to consider any one specific site.*
- 5. Pursuant to section 23 (1)(b) of the Planning and Environment Act 1987, refer the unresolved submissions to a Panel.*

6. *Notes that it supports the rezoning of the AKD Softwoods sawmill at 20 Warrowrie Road, Irrewarra from the Farming Zone to Industrial 1 Zone, and that this proposal will be considered by the Panel appointed to hear submissions.*
7. *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 Jason Schram seconded Cr Chris Smith

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 the following changes to Amendment C86:*
 - a) *All changes noted in the Attachment that have been suggested in response to submissions, including that any reference in the planning scheme clauses to the proposed Investigation area for industrial development or an intermodal freight facility at Irrewarra are deleted; and*
 - b) *Add a requirement into the Development Plan Overlay - Schedule 7 (DPO7) within the clause regarding Road Network and Transport Management Plan, to the effect that no vehicular access could be achieved into the land being rezoned Industrial 1 Zone at 50 J Barrys Road and 286 Forest Street Colac via Forest Street (either directly off Forest Street or along the road reserve abutting the site's southern boundary).*
 - c) *Add a requirement into the Development Plan Overlay - Schedule 7, that environmental corridors be planted throughout the site with canopy cover to a minimum of fifteen percent of the rezoned Industrial 1 Zone, at 50 J Barrys Road and 286 Forest Street, running both in an east west and north south direction.*
3. *Change the draft Colac Township – Economic Development, Commercial and Industrial Land Use Strategy 2016 to delete reference to any proposal for an Investigation Area for industrial development or an intermodal freight facility at Irrewarra.*
4. *Retain the proposal in the Amendment and draft Strategy to undertake a study to investigate the demand for and optimum location for an intermodal freight facility in the Colac Region, which would not be constrained to consider any one specific site.*
5. *Pursuant to section 23 (1)(b) of the Planning and Environment Act 1987, refer the unresolved submissions to a Panel.*

6. *Notes that it supports the rezoning of the AKD Softwoods sawmill at 20 Warrowrie Road, Irrewarra from the Farming Zone to Industrial 1 Zone, and that this proposal will be considered by the Panel appointed to hear submissions.*

7. *Authorise officers/suitable persons to represent Council at the Planning Panel hearing generally in accordance with the response to issues outlined in this report.*

LOST 1 : 6

DIVISION

For the motion: Cr Jason Schram

Against the motion: Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Chris Smith, Cr Terry Woodcroft

ALTERNATIVE MOTION

MOVED Cr Chris Smith seconded Cr Jason Schram

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 the following changes to Amendment C86:*
 - a) *All changes noted in the Attachment that have been suggested in response to submissions, including that any reference in the planning scheme clauses to the proposed Investigation area for industrial development or an intermodal freight facility at Irrewarra are deleted; and*
 - b) *Add a requirement into the Development Plan Overlay - Schedule 7 (DPO7) that there be a 20 metre buffer zone on the north side and a 10 metre buffer zone on the Forest Road side.*
3. *Retain the proposal in the Amendment and draft Strategy to undertake a study to investigate the demand for and optimum location for an intermodal freight facility in the Colac Region, other than the Irrewarra site, which would not be constrained to consider any one specific site.*
4. *Pursuant to section 23 (1)(b) of the Planning and Environment Act 1987, refer the unresolved submissions to a Panel.*
5. *Notes that it supports the rezoning of the AKD Softwoods sawmill at 20 Warrowrie Road, Irrewarra from the Farming Zone to Industrial 1 Zone, and that this proposal will be considered by the Panel appointed to hear submissions.*
6. *Authorise officers/suitable persons to represent Council at the Planning Panel hearing generally in accordance with the response to issues outlined in this report.*

LOST 3 : 4

DIVISION

For the motion: Cr Kate Hanson, Cr Joe McCracken, Cr Chris Smith

Against the motion: Cr Stephen Hart, Cr Chris Potter, Cr Jason Schram, Cr Terry Woodcroft

ALTERNATIVE MOTION

MOVED Cr Stephen Hart seconded Cr Joe McCracken

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 changes to Amendment C86 as noted in the Attachment that have been suggested in response to submissions, including that any reference in the planning scheme clauses to the proposed Investigation area for industrial development or an intermodal freight facility at Irrewarra are deleted.*
3. *Change the draft Colac Township – Economic Development, Commercial and Industrial Land Use Strategy 2016 to delete reference to any proposal for an Investigation Area for industrial development or an intermodal freight facility at Irrewarra.*
4. *Retain the proposal in the Amendment and draft Strategy to undertake a study to investigate the demand for and optimum location for an intermodal freight facility in the Colac Region, which would not be constrained to consider any one specific site.*
5. *Pursuant to section 23 (1)(b) of the Planning and Environment Act 1987, refer the unresolved submissions to a Panel.*
6. *Requests the panel to give particular consideration to the potential amenity impacts on residents of industrial development on the land being rezoned at Forest St Colac, including from traffic generated by that development on Forest Street, and make recommendation to Council on how those impacts could be minimised.*
7. *Notes that it supports the rezoning of the AKD Softwoods sawmill at 20 Warrowrie Road, Irrewarra from the Farming Zone to Industrial 1 Zone, and that this proposal will be considered by the Panel appointed to hear submissions.*
8. *Authorise officers/suitable persons to represent Council at the Planning Panel hearing generally in accordance with the response to issues outlined in this report.*

CARRIED 4 : 3

DIVISION

For the motion: Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Terry Woodcroft

Against the motion: Cr Kate Hanson, Cr Jason Schram, Cr Chris Smith

**ORDINARY COUNCIL MEETING
LAVERS HILL TO CROWES AND MELBA GULLY OFF-ROAD TRAIL –
FINAL REPORT AND CONCEPT PLANS
OM172202-2**

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Tony McGann
OFFICER	Nicole Frampton	DEPARTMENT	Infrastructure & Leisure Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	<ol style="list-style-type: none"> 1. Final Report - Lavers Hill to Crowes and Melba Gully Concept Plans for an Off-Road trail 2. Final Plans - Lavers Hill to Crowes and Melba Gully Concept Plans for an Off-Road Trail L1-5 		
PURPOSE	To consider the Lavers Hill to Crowes and Melba Gully Off-Road Trail – Final Report and Concept Plans.		

Cr Hart:	OM172202-2
Nature of Disclosure:	Direct Interest
Type of Interest:	Section 78E
Nature of Interest:	May effect my residential amenity. Proposed trail is past my home property.

Having declared a conflict of interest, Cr Stephen Hart left the Council Chambers at 7.41 pm

Cr Terry Woodcroft left the Council Chambers at 7.41pm

Cr Terry Woodcroft returned to the Council Chambers at 7.42pm

Original Recommendation

That Council:

- 1. Adopts the Lavers Hill to Crowes and Melba Gully Off-Road Trail Final Report and Concept Plans.***
- 2. Notes that additional planning work required for this project, as outlined in the Lavers Hill to Crowes and Melba Gully Off-Road Trail Final Report and Concept Plans, would be subject to consideration via future budget processes and analysis of all Council priorities, and/or opportunities for external funding.***

ALTERNATIVE MOTION

MOVED Cr Chris Smith seconded Cr Jason Schram

That Council:

- 1. Adopts the Lavers Hill to Crowes and Melba Gully Off-Road Trail Final Report and Concept Plans.**
- 2. Notes that this report is further extension of the Old Beechy Rail Trail from Colac through to the Crowes Buffer stop**
- 3. Notes that additional planning work required for this project, as outlined in the Lavers Hill to Crowes and Melba Gully Off-Road Trail Final Report and Concept Plans, would be subject to consideration via future budget processes and analysis of all Council priorities, and/or opportunities for external funding.**

CARRIED 6 : 0

Cr Stephen Hart returned to the Council Chambers at 7.54pm

Sandra Wade left the meeting at 7.54pm

**ORDINARY COUNCIL MEETING
SECOND QUARTER FINANCIAL PERFORMANCE REPORT 2016-2017
OM172202-3**

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Mark Lyons
OFFICER	Daniel Fogarty	DEPARTMENT	Corporate Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	1. Second Quarter Financial Performance report 2016/2017		
PURPOSE	The purpose of this report is to provide information regarding the second quarter financial report.		

Original Recommendation

That Council receives and notes the forecast results and budget allocations contained in the second quarter financial performance for 2016-2017 and further confirms allocation of funding to the following projects:-

- (a) \$397,000 – Queen Street Upgrade*
- (b) \$200,000 – Lake Colac Building Better Regions Fund Application*
- (c) \$15,000 – Colac Otway Business Awards*

ALTERNATIVE MOTION

MOVED Cr Jason Schram seconded Cr Terry Woodcroft

That Council receives and notes the forecast results and budget allocations contained in the second quarter financial performance report for 2016-2017 and further confirms allocation of funding to the following projects:-

- (a) \$407,000 – Queen Street Upgrade*
- (b) \$200,000 – Lake Colac Building Better Regions Fund Application*
- (c) \$5,000 – Colac Otway Business Awards*

CARRIED 6:1

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: Cr Chris Smith

**ORDINARY COUNCIL MEETING
COUNCIL PLAN HALF YEAR PROGRESS REPORT - DECEMBER 2016
OM172202-4**

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Mark Lyons
OFFICER	Trevor Olsson	DEPARTMENT	Corporate Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	1. Council Plan Half Year Progress Report 20170202		
PURPOSE	This report provides information to Council and the community on the progress of achieving the key activities in the 2013-2017 Council Plan for the first half of the financial year, ending 31 December 2016.		

Original Recommendation

That Council endorse the 2013-2017 Council Plan Half Year Progress Report for the period ending 31 December 2016.

ALTERNATIVE MOTION

MOVED Cr Terry Woodcroft seconded Cr Jason Schram

That Council receives the 2013-2017 Council Plan Half Year Progress Report for the period ending 31 December 2016.

CARRIED 7 : 0

ORDINARY COUNCIL MEETING
BUILDING BETTER REGIONS FUNDING APPLICATION
OM172202-5

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Gareth Smith
OFFICER	Clare Malone	DEPARTMENT	Development & Community Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	To seek Council endorsement of the three initiatives to be submitted to the 2017 Building Better Regions Fund (BBRF).		

Original Recommendation

That Council:

Endorse the following projects to be submitted to the Building Better Regions Fund.

- *Lake Colac Masterplan Implementation - \$250,000 sought from BBRF and \$250,000 be allocated by Council consisting of \$50,000 from the existing budget and \$200,000 allocated from savings in the 2016-17 Council mid-year review process*
- *Colac Otway Economic Development Strategy - \$25,000 sought from BBRF and \$25,000 be allocated in the 2017-18 Council budget*
- *Colac Otway Tourism Parking and Traffic Strategy - \$75,000 be sought from BBRF and \$75,000 utilised from Council's 2016-17 Annual Strategic Road Improvement program budget.*

ALTERNATIVE MOTION

MOVED Cr Chris Smith seconded Cr Jason Schram

Endorse the following project to be submitted to the Building Better Regions Fund:

- *Lake Colac Masterplan Implementation - \$250,000 sought from BBRF and \$250,000 be allocated from savings in the 2016-17 Council mid-year review process*

The following projects be brought back to next month's Council meeting with further information for Councils deliberation:

- *Colac Otway Economic Development Strategy - \$25,000 sought from BBRF and \$25,000 be allocated in the 2017-18 Council budget*
- *Colac Otway Tourism Parking and Traffic Strategy- \$75,000 be sought from BBRF and \$75,000 utilised from Council's 2016-17 Annual Strategic Road Improvement program budget.*

LOST 3 : 4

DIVISION

For the motion: Cr Jason Schram, Cr Chris Smith, Cr Joe McCracken

Against the motion: Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Terry Woodcroft

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council:

Endorse the following projects to be submitted to the Building Better Regions Fund.

- *Lake Colac Masterplan Implementation - \$250,000 sought from BBRF and \$250,000 be allocated by Council consisting of \$50,000 from the existing budget and \$200,000 allocated from savings in the 2016-17 Council mid-year review process*
- *Colac Otway Economic Development Strategy - \$25,000 sought from BBRF and \$25,000 be allocated in the 2017-18 Council budget*
- *Colac Otway Tourism Parking and Traffic Strategy - \$75,000 be sought from BBRF and \$75,000 utilised from Council's 2016-17 Annual Strategic Road Improvement program budget.*

CARRIED 4 : 3

DIVISION

For the motion: Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter, Cr Terry Woodcroft

Against the motion: Cr Jason Schram, Cr Chris Smith, Cr Joe McCracken

Vicki Jeffrey left the meeting at 8.42pm

Vicki Jeffrey returned to the meeting at 8.46pm

**ORDINARY COUNCIL MEETING
APOLLO BAY HARBOUR PRECINCT MARKET TESTING - AWARD OF CONTRACT
OM172202-6**

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Gareth Smith
OFFICER	Doug McNeill	DEPARTMENT	Development & Community Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	For Council to award Contract 2016/17-50 – Proposal for Market Testing of Apollo Bay Harbour Precinct following a public tender process.		

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council:

- 1. Awards Contract 2016/17-50 – Proposal for Market Testing of Apollo Bay Harbour Precinct to Essential Economics Pty Ltd at the lump sum tender price of \$45,000 (excluding GST).**
- 2. Delegates to the Chief Executive Officer authority to sign and place under Council seal the contract documents following award of Contract 2016/17-50.**

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
FESTIVAL AND EVENTS SUPPORT SCHEME 2017-18
OM172202-7**

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Gareth Smith
OFFICER	Vicki Jeffrey	DEPARTMENT	Development & Community Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	1. Colac-Otway-Shire-FESS-Guidelines-2017-2018 2. Colac-Otway-Shire-FESS-Application-2017-2018		
PURPOSE	The purpose of this report is to seek Council endorsement for the return of the Festival and Events Scheme to an annual basis to replace the current two year scheme that commenced on 2015-16.		

Original Recommendation

That Council:

- 1. Endorse the return of the Festival and Events Scheme to an annual basis with the proposed funding level of \$75,000.***
- 2. Endorse the Festival and Events Support Scheme guidelines and application forms attached reflecting the change.***

ALTERNATIVE MOTION

MOVED Cr Chris Smith seconded Cr Joe McCracken

That Council:

- 1. Endorse the return of the Festival and Events Scheme to an annual basis with the proposed funding level of \$75,000.***
- 2. Endorse the Festival and Events Support Scheme guidelines and application forms attached reflecting the change.***
- 3. That Council looks to ways to make the Festival and Events Support Scheme less onerous, especially for volunteer organisations, for future funding rounds from 2018.***

CARRIED 6 : 1

DIVISION

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

Against the Motion: Cr Terry Woodcroft

**ORDINARY COUNCIL MEETING
2017-2018 COMMUNITY FUNDING PROGRAM
OM172202-8**

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Tony McGann
OFFICER	Nicole Frampton	DEPARTMENT	Infrastructure & Leisure Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	<ol style="list-style-type: none"> 1. Community Funding Program 2017/18 - Guidelines for COPACC Hire Assistance 2. Community Funding Program 2017/18 - Application Form for COPACC Hire Assistance 3. Community Funding Program 2017/18 - Guidelines for Recreation Facilities, Community Projects, and Small Equipment and Training 4. Community Funding Program 2017/18 - Application Form for Recreation Facilities and Community Projects 5. Community Funding Program 2017/18 - Application Form for Small Equipment and Training 		
PURPOSE	The purpose of this report is to seek Council endorsement for the proposed funding and implementation process for the 2017/2018 Council Community Funding Program.		

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Jason Schram

That Council:

- 1. Endorses the 2017/18 Council Community Funding Program guidelines and application forms.**
- 2. Commences implementation of the 2017/18 Council Community Funding Program in accordance with:**
 - a. The guidelines and application forms including the proposed processes and timelines, and**
 - b. The proposed funding levels:**
 - Recreation Facilities, Community Projects and Small Equipment and Training categories – \$135,000**
 - COPACC Hire Assistance – \$10,000**

CARRIED 7 : 0

Ian Seuren left the meeting at 9.30pm

Nicole Frampton left the meeting at 9.30pm

**ORDINARY COUNCIL MEETING
MAYORAL AND COUNCILLOR ALLOWANCES
OM172202-9**

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Mark Lyons
OFFICER	Jenny Wood	DEPARTMENT	Corporate Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	To set the Councillor and Mayoral allowances. A Council must review and determine the level of the Councillor allowance and the Mayoral allowance within the period of 6 months after a general election or by the next 30 June, whichever is later.		

Original Recommendation

That Council:

1. ***Gives public notice of its intention to determine at the Ordinary Council meeting to be held on 24 May 2017 the following Mayoral and Councillor allowances in accordance with section 74 and section 223 of the Local Government Act 1989:***
 - a) ***Mayoral Allowance - \$ 71,748***
 - b) ***Councillor Allowance - \$ 23,709***
2. ***Appoint a Committee comprising of all Councillors and chaired by the Mayor in accordance with section 223(1)(b)(i) of the Act, to meet on a date to be determined, and hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submission.***
3. ***Authorises the Chief Executive Officer to undertake any and all administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act.***

ALTERNATIVE MOTION

MOVED Cr Chris Smith

That Council:

1. ***Gives public notice of its intention to determine at the Ordinary Council meeting to be held on 24 May 2017 the following Mayoral and Councillor allowances in accordance with section 74 and section 223 of the Local Government Act 1989:***
 - a) ***Mayoral Allowance - \$ 36,000***
 - b) ***Councillor Allowance - \$ 12,000***

2. *Appoint a Committee comprising of all Councillors and chaired by the Mayor in accordance with section 223(1)(b)(i) of the Act, to meet on a date to be determined, and hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submission.*
3. *Authorises the Chief Executive Officer to undertake any and all administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act.*

LAPSED due to no seconder

ALTERNATIVE MOTION

MOVED Cr Chris Smith

That Council:

1. *Gives public notice of its intention to determine at the Ordinary Council meeting to be held on 24 May 2017 the following Mayoral and Councillor allowances in accordance with section 74 and section 223 of the Local Government Act 1989:*
 - a) *Mayoral Allowance - \$45,000*
 - b) *Councillor Allowance - \$15,000*
2. *Appoint a Committee comprising of all Councillors and chaired by the Mayor in accordance with section 223(1)(b)(i) of the Act, to meet on a date to be determined, and hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submission.*
3. *Authorises the Chief Executive Officer to undertake any and all administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act.*

LAPSED due to no seconder

RESOLUTION

MOVED Cr Terry Woodcroft seconded Cr Joe McCracken

That Council:

1. *Gives public notice of its intention to determine at the Ordinary Council meeting to be held on 24 May 2017 the following Mayoral and Councillor allowances in accordance with section 74 and section 223 of the Local Government Act 1989:*
 - a) *Mayoral Allowance - \$ 71,748*
 - b) *Councillor Allowance - \$ 23,709*

2. *Appoint a Committee comprising of all Councillors and chaired by the Mayor in accordance with section 223(1)(b)(i) of the Act, to meet on a date to be determined, and hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submission.*
3. *Authorises the Chief Executive Officer to undertake any and all administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act.*

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
CONSIDERATION OF DATE FOR MELBOURNE CUP DAY PUBLIC HOLIDAY
OM172202-10

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Mark Lyons
OFFICER	Jenny Wood	DEPARTMENT	Corporate Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	The purpose of this report is to consider whether to allocate an alternative public holiday to the Melbourne Cup Day public holiday.		

RESOLUTION

MOVED Cr Jason Schram seconded Cr Joe McCracken

That Council:

Confirms the default position of the Public Holidays Act 1993 noting that Melbourne Cup Day will be the official Public Holliday for the next 4 years being 2017, 2018, 2019 and 2020.

CARRIED 6 : 1

DIVISION

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

Against the Motion: Cr Kate Hanson

**ORDINARY COUNCIL MEETING
ASSEMBLY OF COUNCILLORS
OM172202-11**

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Mark Lyons
OFFICER	Sarah McKew	DEPARTMENT	Corporate Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	<ol style="list-style-type: none"> 1. Assembly of Councillors - Councillor Briefing - 18 January 2017 2. Assembly of Councillors - Colac Saleyards Advisory Committee - 20170120 3. Assembly of Councillors - Councillor Briefing - 25 January 2017 4. Assembly of Councillors - Lake Colac Co-ordinating Committee - 20170131 5. Assembly of Councillors - Councillor Briefing - 1 February 2017 6. Assembly of Councillors - Central Reserve Advisory Committee - 20170201 		
PURPOSE	To note the Assemblies of Councillors.		

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council notes the Assembly of Councillors reports for:

- | | |
|--|------------------------|
| • Councillor Briefing | 18 January 2017 |
| • Colac Livestock Selling Centre Advisory Committee | 20 January 2017 |
| • Councillor Briefing | 25 January 2017 |
| • Lake Colac Co-ordinating Committee | 31 January 2017 |
| • Councillor Briefing | 1 February 2017 |
| • Central Reserve Advisory Committee | 1 February 2017 |

CARRIED 7 : 0

**ORDINARY COUNCIL MEETING
NOTICE OF MOTION - ROAD CLOSURES (CR STEPHEN HART)
OM172202-12**

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Sue Wilkinson
OFFICER		DEPARTMENT	Chief Executive Officer
TRIM FILE	CLF11/24	CONFIDENTIAL	No
ATTACHMENTS	1. Notice of Motion - Road Closures - Background Information		
PURPOSE	Notice of Motion		

TAKE NOTICE that it is my intention to move at the Ordinary Council Meeting of the Colac Otway Shire to be held on 22 February 2017:

That Council:

- 1. Requests that a report be presented to the Ordinary Council Meeting 22 March 2017 outlining the details of activities regarding the Great Ocean Road Expression of Interest process for organisations seeking to close the road for an event from 2018 to 2020;*
- 2. Requests that the report to Council considers the formal approval/endorsement of the submissions made to the Great Ocean Road Expression of Interest process for organisations seeking to close the road from 2018 to 2020 prior to providing these to the Great Ocean Road Events Road Closure Interagency Steering Committee, which consists of officers from Surf Coast Shire, VicRoads, Victoria Police and Colac Otway Shire; and*
- 3. Will not approve any Great Ocean Road closures for events to be held in 2019 and 2020 until Council has formally resolved to endorse the interagency review of the 'Guidelines for considering the closure of the Great Ocean Road to conduct events' to be completed in 2018.*

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Joe McCracken

That Council consider the contents of this Notice of Motion.

CARRIED 7 : 0

IN COMMITTEE

RESOLUTION

MOVED Cr Terry Woodcroft seconded Cr Stephen Hart

That pursuant to the provisions of Section 89(2) of the Local Government Act, the meeting be closed to the public at 10.24pm and Council move "In-Committee" in order to deal with:

SUBJECT	REASON	SECTION OF ACT
Minutes of In-Committee Council Meeting held on 25 January 2017	this matter deals with contractual matters; AND this matter may prejudice the Council or any person.	Section 89 (2) (d) & (h)
Apollo Bay Harbour Precinct Market Testing - Award of Contract	this matter deals with contractual matters	Section 89 (2) (d)
Confidential Contract	this matter deals with contractual matters; AND this matter deals with legal advice; AND this matter may prejudice the Council or any person	Section 89 (2) (d) (f) (h)

CARRIED 7 : 0

The meeting was re-opened to the public at 10.41pm

The Meeting Was Declared Closed at 10.42pm

CONFIRMED AND SIGNED at the meeting held on 22 MARCH 2017

SLIDE . *DEPUTY*MAYOR