



ORDINARY COUNCIL MEETING

MINUTES

WEDNESDAY 13 DECEMBER 2017

AT 4PM

Next Council Meeting: 24 January 2018

COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

13 DECEMBER 2017

TABLE OF CONTENTS

OPENING PRAYER.....	3
PRESENT	3
APOLOGIES	4
WELCOME AND ACKNOWLEDGEMENT OF COUNTRY	4
QUESTION TIME	4
TABLING OF RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS	18
PETITIONS/JOINT LETTERS	20
DECLARATIONS OF INTEREST	21
CONFIRMATION OF MINUTES.....	21

OFFICER REPORTS

OM171312-1	APOLLO BAY HARBOUR PRECINCT EOI PROCESS	22
OM171312-2	PORT OF APOLLO BAY MANAGEMENT AGREEMENT	23
OM171312-3	REVIEW OF ROAD MANAGEMENT PLAN.....	25
OM171312-4	CONSIDERATION OF CONTRACT (CONTRACT 1726 – SUPPLY AND DELIVER GRADER).....	27
OM171312-5	APPOINTMENTS OF COUNCILLORS TO EXTERNAL COMMITTEES AND BODIES.....	28
OM171312-6	NOTICE OF MOTION - AMY GRAN FONDO	30
OM171312-7	OLD BEECHY RAIL TRAIL MINUTES AND ASSEMBLY OF COUNCILLORS NOTES.....	32

COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

MINUTES of the **ORDINARY COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** held at
COPACC on 13 December 2017 at 4pm

MINUTES

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 (Mayor)
Cr Chris Potter
Cr Jason Schram
Cr Chris Smith
Cr Terry Woodcroft

Robert Dobrzynski, Acting Chief Executive Officer
Errol Lawrence, General Manager, Corporate Services
Tony McGann, General Manager, Infrastructure & Leisure Services
Gareth Smith, General Manager, Development & Community Services
Sarah McKew, Manager, Governance & Customer Service
Lyndal McLean, Acting Governance Officer
Tamzin McLennan, Communications Coordinator
Stephen Wright, Contractor
Clare Wright, Executive Officer to CEO, Mayor & Councillors
Andrew Kavanagh, Contract Governance Coordinator
Doug McNeill, Manager, Planning, Building & Health
Ian Seuren, Manager, Arts & Leisure
Jeremy Rudd, Manager, Assets & Project Delivery
Sarah Osborne, Communications Officer
Debbie Leeson-Rabie, Manager, Services & Operations
Frank Castles, Project Delivery Coordinator
Gary Warrener, Manager, Economic Development & Events
Emma Clark, 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 unauthorised recording of the meeting.

5. QUESTION TIME

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

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

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

James Judd

- 1. When the Colac Otway Shire Council decided to become a financial contributor to GOR tourism, were any restrictions placed on how and where the funds were to be used, or were funds to be used to promote tourism in areas far removed from the Great Ocean Road region including many areas far north of the Princes Highway? I do not consider in the GOR region Skipton, Lismore and other settlements north of the highway.**

Response from General Manager, Development & Community Services

The Great Ocean Road Regional Tourism body was established to service and support councils in the south west area. They cover a region which includes the whole of the following council areas: Surf

Coast; Colac Otway; Corangamite; Warrnambool; Moyne; and Glenelg. Funding provided to Great Ocean Road Regional Tourism is spent on projects and activities within this wider region and as a regional tourism body, activities are not restricted to the Great Ocean Road region or settlements south of Princes Highway.

2. **Has Council yet finalised the total costs of the Central Reserve upgrade? If so, what was it and is any more work required to be done?**

Response from General Manager, Infrastructure & Leisure Services

Works have recently been completed to finish painting of the grandstand. We expect a final claim for payment from the Contractor shortly but at this stage can report that all costs are expected to be within the budget of \$3.05M.

3. **What is the final extra costs to be borne by the ratepayers and the community to cover the extra costs for the Bluewater upgrade above the original quoted price through:**
- a. Increased rates and charges
 - b. Value of proposed services not provided,
- so funds to meet extra costs could be found?

Response from General Manager, Infrastructure & Leisure Services

The budget for Bluewater was \$11,855,860. Final expenditure was \$13,614,012. This includes the amount for laying the new floor. The additional cost is funded by rate income.

4. **In view of the recent announcement of a multi 10's millions of dollars sporting facility to be developed between this Shire's boundary and Geelong, will the funds outlaid to upgrade sporting facilities in Colac be a flash in the pan benefit to Colac, then a very big white elephant that will delay development of this region?**

Response from General Manager, Infrastructure & Leisure Services

We welcome the announcement of planning of the new facility at Modewarre and look forward to the regional benefits it could provide. We are also very proud of the sport and recreation facility developments delivered by Council in recent years which will provide significant ongoing benefits for our community for many years to come.

5. **In each of the last 6 months did the Planning Department process any planning applications? Did the monthly number of and value of applications lodged, compare with the prior year? How many applications lodged still not finished, being processed at 30/11/2017? How old is the oldest application not yet processed?**

Response from General Manager, Development & Community Services

One-hundred and sixty-eight planning permit applications were lodged with the Planning Department between 1 June 2017 and 30 November 2017, with a development value of \$99.8 million – 85 of those applications have not yet been determined. This compares with 194 planning permit applications lodged with Council for the same period in 2016, with a value of \$33.3 million – only 2 of these are still being processed and are not yet determined. The permit application lodged with Council in July of 2017 for the Apollo Bay Resort development at Barham River Road accounts for the significantly greater value of applications in the 2017 period. The oldest of these applications, not yet determined, was received by Council on 8 August 2016.

Stephan Ras, Secretary, OBO, Apollo Bay Sailing Club
and

Lisa Deppeler, Commodore, Apollo Bay Sailing Club

Re: Port of Apollo Bay Management Agreement

1. **Are councillors aware that this report fails to inform council of the very serious management and safety issues that exist in the Apollo Bay Harbour?**
 - a) **In particular, dredging cannot be carried out within the harbour area because of the Undaria infestation. This is resulting in a continuing build-up of sand in submerged mounds in various parts of the harbour including the mooring area. This has resulted in several groundings of vessels with increasing frequency over the last three years. There are no marine navigation aids provided to mariners to warn of the location of these hazards.**

Response from General Manager, Infrastructure & Leisure Services

The report considers Council entering into a Management Agreement with Transport for Victoria to continue to manage the Port of Apollo Bay. Operational issues such as dredging within the port do not form part of the Management Agreement and therefore are not included in the report. In October 2016, a notice to mariners was published warning of high sand movements and the entrance to the port may be shallow and that no further notice will be given. A review of the sand mounds will be undertaken within the port and buoys and / or floats installed and if appropriate an additional notice to mariners issued on the maximum draft of vessels that can navigate within the port.

- b) **The navigation aids (leads) provided to guide vessels through the harbour entrance, need to be realigned to safely guide boats into the harbour. To rely on local knowledge or Notice to Mariners is not a safe or long term solution.**

Response from General Manager, Infrastructure & Leisure Services

Transport Safety Victoria provided grant funding for a consultant to investigate the current navigation aids and recommend upgrades and realignment. The investigation was completed in June 2017. With the scope of the required upgrade and realignment defined, funding for the navigation aids will be sought in the next round of Boating Safety and Facilities Funding. In the interim a Notice to Mariners has been published advising that the lead lights at the entrance to the Port of Apollo Bay are not aligned correctly with the current safe entrance channel and suggests mariners contact port personnel for directions on how to safely enter the port.

- c) **Continued build-up of sand within the harbour due to the inability to dredge, will mean the eventual closure of the harbour.**

Response from General Manager, Infrastructure & Leisure Services

Council acknowledges the impact the build-up of sand within the harbour may have on the long term viability of the operation of the Port of Apollo Bay. We are currently awaiting approval from Department of Environment, Land, Water and Planning of a Coastal Management Consent to continue to dredge the entrance of the port. Once this approval is received, Officers will commence the process to seek approval to dredge within the confines of the port. Port staff currently dredge the entrance to the port within clearly defined boundaries as outlined in the Coastal Management Consent and the Apollo Dredge has been specifically designed to dredge within this area. In addition

to seeking consent, specialist equipment would be required to dredge the sand deposits from within the port and funding would also be required to carry out the works.

2. Have councillors noted that there has been no public consultation undertaken in considering Council's role in continuing as Port Manager (see Item 5 in the agenda)?

Response from General Manager, Infrastructure & Leisure Services

Consultation has not been undertaken due to the fact that the agreement focusses on issues such as asset ownership, financial processes, insurance and risk management. Councillors may determine that consultation should take place.

Tim Cobb

Re: Port of Apollo Bay Management Agreement

1. Why would Council even consider accepting the transfer of the Undaria risk from DELWP since DELWP has clearly been unable or unwilling to spend the funds to deal with it and Council will pick up an open ended liability, significant reputational risk and a huge risk to the economy of Apollo Bay if DELWP does not permit dredging both inside and at the entrance of the harbour?

Response from General Manager, Infrastructure & Leisure Services

The ongoing management of Undaria in the Port of Apollo Bay is a genuine concern for Council in managing the Port of Apollo Bay long term. There are reputational, environmental implications for Council in managing Undaria and these will be carefully considered by Council in forming a view on the long term management of the port. Council Officers have submitted a Coastal Management Consent application to DELWP to continue to dredge the entrance to the port. Once this approval is received, Officers will commence the process to seek approval to dredge within the wider confines of the port. Council will be working with the State Government in relation to Undaria and this would be one of the issues Council would examine when considering its long term involvement in Port operations after the proposed two year agreement.

2. The Shire is looking to incrementally increase cost recovery from port users to 30% of cost. To understand the size of this change what is the current level of cost recovery in percentage terms and who is included in the definition of 'port users'?

Response from General Manager, Infrastructure & Leisure Services

The current cost recovery from port users is <10% of the overall port operational budget. The fees and charges within the port will be reviewed as part of Council's 2018/19 budget process. It is not possible, at this time, to define the future fees and charges or if Council plans to implement the 30% cost recovery requested by Transport for Victoria because that is for Council to determine in future.

3. The Shire has identified a funding shortfall. To understand the size of this shortfall, how much in \$ terms per annum is the identified shortfall in ancillary funding for IT services, environmental and OHS advice, building facilities management, stakeholder liaison and negotiation?

Response from General Manager, Infrastructure & Leisure Services

We have not done the detailed work which would be required to understand the amount of this shortfall and hence couldn't put a figure on it. Having said that, we know that the State Government doesn't fund it, so hence there is a shortfall. The work is carried out by Council staff without cost recovery.

Markus Nolle

1. Regarding 'Upgrade of public infrastructure', appreciating that the market testing process established that there would not be any private sector interest in providing public infrastructure at the harbour precinct, can Council now confirm that public toilets, showers and change rooms in the Mothers Beach Carpark will now be considered as a Priority Project and provision made for this in the COS State and Federal Government advocacy program and Council's upcoming budgeting processes? With ever increasing tourist and visitor numbers, the need for these essential facilities is becoming critical. People are now regularly urinating and defecating in the sand-dunes nearby and even in the small change room enclosure in the car-park. Public health and safety, not to mention Apollo Bay's reputation, is at risk if this does not proceed with great urgency.

Response from General Manager, Development & Community Services

Council is considering at tonight's meeting a proposal to commence an Expression of Interest (EOI) process to invite proposals from the private sector to develop commercial facilities at the harbour, consistent with the redevelopment envisaged in the Special Use Zone planning controls. This will openly test the potential capacity for the private sector to supply toilets and change room facilities as part of a commercial development. Council is equally aware however of the need to progress public infrastructure improvements at the harbour, some of which can occur in the short term, whilst the EOI process is undertaken. Council will be considering its Priority Projects list early in 2018, which will give guidance on advocacy priorities for the Council.

Markus Nolle, on behalf of Seafood Industry Victoria

2. As a major user and stakeholder (as outlined above) of the Apollo Bay Harbour, why has there been no consultation undertaken with the commercial fishing industry (or any other harbour users) in the preparation of this report and these subsequent recommendations to the Council?

Response from General Manager, Infrastructure & Leisure Services

The topic of the report is specific to Council entering into a future Management Agreement (legal agreement) to continue to manage the Port of Apollo Bay. It covers such topics as asset ownership, financial processes, insurance and risk management. Having said that, Councillors may determine that consultation should take place.

3. As per the obligations outlined in the Local Government Act 1989, S. 208B Best Value Principles, Council MUST (b) *...be responsive to the needs of its community*, and, (e) *...develop a program of regular consultation with its community in relation to the services it provides*. As such, will Council now agree to postpone any decision on the matters raised in this report until such consultation has taken place?

Response from General Manager, Infrastructure & Leisure Services

Further to my previous answer which sets out the nature of the agreement Council may, of course, choose to defer this matter to a future time.

4. It is noted in the report that, *"...in the event that Undaria spreads to within the confines of the dredge or disposal site, dredging would cease and the entrance channel may eventually silt up and prohibit all weather access to the port"*. This is an unacceptable position and, as alluded to above, would have a significant impact on the local commercial fishing industry in addition to endangering lives at sea. Will Councillors acknowledge these significant risks and ensure that they are evaluated and taken into consideration in all future deliberations on these matters?

Response from General Manager, Infrastructure & Leisure Services

The presence and ongoing management of Undaria will be considered by Council when it makes a decision over the long term management of the port. In the interim the port management team are working closely with technical experts and state government departments on the ongoing risk mitigation and management of Undaria.

5. Under "Economic Implications", there is seemingly no awareness or acknowledgement of the potential economic impacts to the commercial fishing industry resulting from sub-optimal management of the harbour and its entrance. Will Council acknowledge this gap and agree to incorporate such considerations in all future analysis on these matters?

Response from General Manager, Infrastructure & Leisure Services

The topic of the report is specific to Council entering into a future Management Agreement (legal agreement) to continue to manage the Port of Apollo Bay. The report is not intended to cover the day to day operations or strategic management of the port.

Council acknowledges the impact the build-up of sand within the harbour may have on the long term viability of the operation of the Port of Apollo Bay. It is currently awaiting approval from Department Environment, Land, Water and Planning of a Coastal Management Consent to continue to dredge the entrance of the port. Once this approval is received, Officers will commence the process to seek approval to dredge within the wider confines of the port. Port staff currently dredge the entrance to the port within clearly defined boundaries as outlined in the Coastal Management Consent and the Apollo Dredge has been specifically designed to dredge within this area. In addition to seeking consent, specialist equipment would be required to dredge the sand deposits from the wider port area. Funding would also be required to carry out the works.

Bill Gross

1. Are Councillors aware that the idea behind the legislation enabling the building of the Apollo Bay Harbour in 1952 was to create a safe haven for vessels between Port Phillip Heads and Portland, and that average sailing time between Port Phillip Heads and the Bay is 10 hours, during which time there can be severe and serious changes to weather from the forecast at departure?

Response from General Manager, Infrastructure & Leisure Services

Yes, Council is aware of the safe haven intention of the Port of Apollo Bay.

2. Are Councillors aware that Council manages the port under the auspices of the Marine Safety Act 2010 (see Report Section 6 "Legal and Risk Implications"), and that Council, as Port Manager has, for a number of years, been in serious breach of its duties to ensure safety of marine safety infrastructure operations, see Marine Safety Act 2010, Part 2.2, Section 24 (1), and (2a,b,c, d). A breach of the relevant provision of the Act is specified as an indictable offence carrying a penalty of 9000 penalty units (currently \$1,427,130).

Some examples of the breaches are included in the questions from the sailing club, but is Council aware that port management was advised in February that it had failed for over four years to publish the required Notice to Mariners that the navigation aids guiding vessels into the harbour via the dredged channel (as marked on all marine charts) were in the wrong position? It took until 25 October 2017 to publish the Notice. The Notice provides advice to call the port staff and provides phone numbers. But these phones often go straight to Messagebank, and approaching vessels (as has happened to me) may be out of range when a message left is finally responded to. Advice to the Port Manager to include a message on the phone systems when unattended, stating conditions at the entrance, has not been implemented. Nor are there protocols in place to inform other relevant authorities of problems with the entrance. So a vessel leaving Port Phillip Heads for Apollo Bay, and properly reporting its destination to the Coast Guard and VTS Lonsdale, will not be informed when Apollo Bay Harbour is closed. It is remarkable that a serious disaster has not occurred in the entrance given all these lapses! Also there are no navigation aids delineating the increasingly high sand mounds within the harbour, where vessels have run aground with increasing frequency over the last three years.

Response from General Manager, Infrastructure & Leisure Services

In February, Mr Gross requested a Notice to Mariners be issued regarding the closure of the port entrance due to excessive build-up of sand. Unfortunately, due to administrative error, the requirement to issue a Notice to Mariners regarding the condition of the port entrance was overlooked.

According to our records a request was not made at that time regarding a Notice to Mariners on the misalignment of the navigation aids. However, this notice should have been issued many years ago when the outer breakwater was extended to obstruct the navigation into port using the navigation aids. Unfortunately, this Notice to Mariners was not done until October 2017.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Tony Webber, Otway Forum

1. The first question is about the Marengo Flora Reserve. Phil Lawson has been mowing it for the last 30 odd years and he is now unable to do it. We would like the Council to mow it maybe five times a year, so that people can walk on the tracks around the reserve. That is a request from the Otway Forum and Mr Phil Lawson – could we get a response on that?

Response from General Manager, Development & Community Services

Officers are aware of some concerns and opportunities to improve maintenance at that reserve. Officers have been investigating with Parks Victoria to clarify exactly the responsibilities and we plan to get back to that as soon as possible to clarify that, with the opportunity to make sure it is accessible to the community.

2. The second question is on the harbour. In the past the sand in the harbour has been taken out and deposited on land and it has also been offered to be bought by the community as fill or for spreading on farm land. The Otway Forum feels that it is possible to get an excavator and take the sand out of the harbour, place it in a truck and either sell it or give it away to people. This might solve the problem; it has been done before and we feel it could be done again because it is an emergency situation.

Response from General Manager, Infrastructure & Leisure Services

Thank you for the suggestion. I would suggest that would be one of the options we would look at when we are considering how we might best dredge the wider confines of the port.

MOTION

MOVED Cr Chris Smith

That question time be extended so that the written questions specifically regarding the Apollo Bay Harbour can be read out and responded to and also that we allow another 15 minutes for questions from the public gallery.

CARRIED 7 : 0

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

Stephan Ras, Secretary, OBO, Apollo Bay Sailing Club

and

Lisa Deppeler, Commodore, Apollo Bay Sailing Club

Re: Port of Apollo Bay Management Agreement

3. Would councillors consider deferring this decision until consultation with users is undertaken, given that many legitimate concerns of the Harbour Users' Group, as communicated to harbour management, are not included in the report?

Response from General Manager, Infrastructure & Leisure Services

Council may choose to defer consideration of this report.

Markus Nolle, on behalf of Seafood Industry Victoria

6. Under "Resource Implications", it is stated that, *"Through the port service review, to be conducted in 2017/18, a review of the cost of services will be undertaken with a view to incrementally increasing the cost recovery from users to 30 per cent to offset the amount Council indirectly and TFV directly subsidise the port operation."* This 30% target seems to be an arbitrary objective that has been set without any impact assessment or benefits analysis being conducted. Before any such target is agreed, will Council commit to undertaking a comprehensive impact assessment and

analysis of all the direct and indirect socio-economic benefits that flow from having a vibrant and functioning, recreational and commercially active port in Apollo Bay?

Response from General Manager, Infrastructure & Leisure Services

The fees and charges within the port will be reviewed as part of a service review to be conducted early in 2018. It is not possible, at this time, to define the future fees and charges or if Council plans to implement the 30% cost recovery requested by Transport for Victoria.

Bill Gross

3. Are Councillors aware that the integrity of the entire harbour infrastructure has been in serious decline for many years – ostensibly due to lack of State funding – as evidenced by the following?

- a.) The concrete decking of the pier (which provides vehicular access to commercial and recreational vessels in the floating marina) is in a state of such disrepair that it may lead to closure to vehicular access.

Response from General Manager, Infrastructure & Leisure Services

Port management is aware of the structural issues of the lee breakwater and with funding from Transport for Victoria, commissioned a detailed investigation early in 2017 into the breakwater structure. The remediation recommended by the consultant will be subject to further funding by Transport for Victoria.

- b.) The rock wall on which it sits now allows ingress of sand through it. This has created a sand bank upon which the edges of the floating marinas land at low tides. The floating marina comprises large hollow concrete blocks. When the edge of these land on the sandbank they tilt severely, compromising the integrity of adjacent blocks (some have cracked and required repair) but the underlying cause remains, and the blocks tilting also create a serious tripping hazard.

Response from General Manager, Infrastructure & Leisure Services

Port management is aware of the structural issues, including sand permeating through the lee breakwater and with funding from Transport for Victoria, commissioned a detailed investigation early in 2017 into the breakwater structure. The remediation recommended by the consultant will be subject to further funding by Transport for Victoria.

Council acknowledges the impact the build-up of sand within the harbour, including under the marina infrastructure. It is currently awaiting approval from Department of Environment, Land, Water and Planning of a Coastal Management Consent to continue to dredge the entrance of the port. Once this approval is received, Officers will commence the process to seek approval to dredge within the confines of the port.

- c.) The steel pipe safety railings on the pier have rusted through in places creating a potential hazard of gashing users' hands.

Response from General Manager, Infrastructure & Leisure Services

Port management is aware of the corroded hand rails along the wharf. In 2017/18, an asset renewal plan will be developed to assist in identifying the condition of assets and prioritise their renewal. It is anticipated the outcome of this project will assist in securing state government funding for the works identified.

In relation to hand rails, quotes have been sought from engineering firms to relace the hand rails at the boat ramp and along the lee breakwater and fishermans wharf. The quotes have not yet been received.

- d.) 70% of lights on the pier are not operational despite this being brought to the attention of management in March 2017 followed by multiple reminders.**

Response from General Manager, Infrastructure & Leisure Services

The response to this fault was less than ideal. However, ten lights on fishermans wharf were replaced with LED heads early November 2017, with all the lights now working.

Two lights on the lee breakwater had LED heads installed late November 2017 and were tested and confirmed to be operational.

New LED heads have been purchased to replace the three lights on the east jetty. This work is planned for early 2018.

Two additional lights on the lee breakwater require further investigation to determine the scope of works required to get them operational.

The lower light poles adjacent to marina are still to be actioned.

The bollard lights on marina pontoons are operational.

- 4. Have Councillors noted that Section 5 of the report states that there has been no community consultation? Indeed, the legitimate concerns of the Harbour Users Group about Council's management of the harbour, as communicated to Council's manager of the harbour, are not reflected in the report. Would Councillors consider consulting with the users before making a decision to renew the Management Agreement?**

Response from General Manager, Infrastructure & Leisure Services

As stated previously, Council may choose to defer consideration of this report. The topic of the report is specific to Council entering into a future Management Agreement (legal agreement) to continue to manage the Port of Apollo Bay. The agreement covers such issues as asset ownership, financial processes, insurance and risk management. Councillors may determine that consultation should take place. The report is not intended to cover the day to day operations or strategic management of the port. Council may direct that consultation be carried out.

- 5. Are Councillors aware that in Section 4 of the Report under "Key Information" the statement "The agreement is generally consistent across all Local Ports in Victoria" is misleading, in that several local ports continue to be operated directly by the state government, including Portsea, Sorrento, Queenscliff and Port Campbell?**

Response from General Manager, Infrastructure & Leisure Services

Local ports across Victoria are managed by a number of local and state government bodies. We understand the management agreements Transport for Victoria has with each Port Manager is generally consistent.

6. Have Councillors considered the possibility that the harbour is underfunded by the State for the very reason that with Council as manager, the blame for shortcomings is shifted to Council? Would the harbour receive better funding under direct State management with flow on benefits to Council, free of the responsibility and blame, and to the Apollo Bay community? Anecdotally, that is the opinion of many harbour stakeholders. Do Councillors believe the assertion in the Report (titled "Social and Cultural Implications") that there are no social or cultural implications for the Apollo Bay community in how the harbour, (in many ways the community's soul), is managed?

Response from General Manager, Infrastructure & Leisure Services

The topic of the report is specific to Council entering into a future Management Agreement (legal agreement) to continue to manage the Port of Apollo Bay. The concerns regarding funding contribution / resource allocation to Council in managing the port is included in the report and will be considered in Council's decision regarding Colac Otway Shire Council's ongoing role in managing the port on behalf of Transport for Victoria.

7. Are Councillors aware that visitations from yachts have decreased significantly over the years, depriving Apollo Bay of visitation of monied visitors who generally spent several days in the harbour? This is not only due to its reputation for unreliable information as to accessibility, but because the harbour is notorious amongst yachtsmen around Australia for the unfriendly signage on the visitors section on the wharf which reads "Itinerant Wharf". Ingrid Bishop, the last Infrastructure General Manager, undertook to rectify this but left before achieving it. The current manager, whilst agreeing that the signs needed replacing, has to date failed to have the signs removed despite multiple reminders over nine months.

Response from General Manager, Infrastructure & Leisure Services

We do agree. The term itinerant is historically used by a number of local ports for their visitor berths. The change over of the signs at the itinerant berths has been delayed as part of a larger piece of work to identify set aside areas within the port. On completion of this planning, the itinerant berth signs were replaced with short term signs in November 2017. The use of the term itinerant is being removed from all port documentation as they are reviewed.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Bill Gross, Apollo Bay

I am going to work backwards through the questions if I may. The signs have not been replaced; the signs have been removed. They were on the edge of the dock facing the water in large lettering. They have been replaced by a sign on the far wall where the lettering is so small that it can't be read from 20 metres and marine vessels don't have brakes – it is not that easy to approach somewhere and read a sign. I have got to say that to me this is an example of the difficulties that you have with not having a Harbour Master with a competence certificate who understands these kinds of issues. I'd also like to come back to question number two. The

manager hasn't responded to the issue of having a notice on the recording. I don't know if you can imagine what it is like approaching a harbour in 25 to 30 knot winds, in three metre seas, in an easterly heading in all directions and you can't contact anyone to find out what is going on. This is clearly under *The Act* the responsibility of the port manager. My concern is that all the answers that we have received so far have either been done and delayed or we're waiting for funding or we're waiting for a report. In the meantime, people are going to gash their hands on that railing. For the last nine months when the lights weren't there, it was dangerous every night. Basically we have been very lucky – we did have a serious grounding of a racing yacht a few years ago that was considerably damaged because it followed the lead lights in. Just as a quick explanation, the way the lead lights work is there are two poles, one behind the other, each with a vertical light. When the two line up, you are dead on the line. Those lights are still illuminated, but they don't lead to anywhere but grounding. But apart from that, the important issue to me that needs to be implemented now is if a yacht is approaching the harbour and there is a problem at the harbour, the neighbouring authorities have to be informed. If you ring that number and there is no answer, there has to be a recording that says the harbour is open; the harbour is closed; this isn't safe; that isn't safe. It just makes common sense. It is not hard to do and yet you can beg to the manager to do these things and they don't happen. I think that represents what the general sort of problem is that we have with the port.

Response from General Manager, Infrastructure & Leisure Services

I will take those questions on notice. I do feel that a constructive way forward might be for myself and Council officers to meet with Mr Gross and go through his concerns one by one.

Markus Nolle, on behalf of Seafood Industry Victoria

1. I am here representing the commercial fishing industry and permanent users of Apollo Bay harbour, but also the broader commercial fishing industry which has been using Apollo Bay harbour ever since its original inception which was to provide a safe haven for commercial fishing vessels. All of the questions today, and there were many of them, were related to the fact that the manager at the moment under your own KPIs of your Safety and Environment Management Plan for the harbour are not being met. There is a lot of talk about what is going to happen with the Management Plan in the future – all of these questions relate to what is happening now because right now these requirements and obligations under the legislation are currently not being met. Our question collectively is what is going to happen about it now?

Response from Acting Chief Executive Officer

I think as Mr McGann has indicated it is now of high urgency, reflecting on the questions that have been asked this evening, that we do go down and get an indication of what priority actions are required down there, from one to ten. We then ascertain a funding source. Some of the issues that have been raised clearly have a safety aspect to them. The last thing that we want to do is, having heard these questions raised with us here today, not take decisive action to correct them. The first step of that will be as Tony indicated: going down to meet face to face with a group of the users who have got these serious concerns and apparently have had them for some time, quantifying them from one down, and then we would cost them and take action that reflects the urgency of these issues.

2. It does concern me greatly when we start talking about cost recovery in terms of the definition of who the beneficiaries are of the service that is being provided. Generally speaking in cost recovery parlance, there is an assessment of who are the beneficiaries of the service being provided. There is a broad socio-economic benefit being provided by the presence of the harbour which is enjoyed by tourists, day trippers, locals, a commercial industry, a recreational industry and a yachting sector. A previous report by Regional Development Victoria effectively costed a direct and indirect benefit of the harbour at Apollo Bay in the order of \$43 million per annum; that was back in 2010. I think that when we start talking about cost recovery of the users - and I'm looking as a berth owner having my fees go up by potentially 300% and put me out of business - that we really need to ensure that all of those broader socio-economic benefits are considered before targets are being met with regards to who pays what with regards to cost recovery for those services.

Response from Acting Chief Executive Officer

Agreed, there are broader issues than direct users and there are certainly socio-economic benefits to Apollo Bay, to the touring public, as well as the users and the tourists that come into Apollo Bay by boat.

Alan Billing, Larpent

1. As a resident of Larpent, I am a regular user of the Princes Highway from Corangamite Lake Road into Colac. I don't know whether Councillors, or even officers have been there recently, but the state of that highway's verges is absolutely appalling. I'm not too sure whose responsibility it might be in the 80 km zone, but I understand in the 60 km zone it is the responsibility of Council. If you go to an area on the south side of the highway just west of the old High School, you've got six foot high grass with blackberries growing out of the gutter. Also, on the other side of the road in that area, there's blackberries growing out of the gutter. The grass verge is currently concealing all the white posts, so driving down the road you cannot see the white posts. My question is when is scheduled maintenance due to take place?

Response from General Manager, Infrastructure & Leisure Services

I will take that question on notice. In general within the 60 km/hour speed limit zones, the maintenance off road is the responsibility of Council. In terms of the program to slash those areas, I don't have it at hand but I will look into that and respond to Mr Billing.

2. My next question relates to today's agenda. It is my understanding that the *Local Government Act* prohibits Council officers from participating in Council debate. In today's agenda attached to the Notice of Motion by Cr Hart is a section headed Officer's Comment. The officer's comment of around 1,000 words provides the officer with the opportunity to have more influence than the mover of the Notice of Motion. Today's agenda creates a perception that an unelected officer is advocating a view opposing the Notice of Motion of a community elected Councillor. Do you believe this is an appropriate process and does this process breach the *Local Government Act*?

Response from the Mayor

The first part of your question – do I believe that it is appropriate? For me personally, I think it is fine for Council officers to make comment on a Notice of Motion because they are experts in their area. The second part of your question?

Does this process breach the Local Government Act?

Off the top of my head, I'm not sure but I will take that on notice and I am happy to get back to you.

Pauline Nolle, Skenes Creek / Apollo Bay

My question to Council is the toilets at Mothers Beach – there isn't any. There is one portable toilet that was put there in 2001 as a temporary measure. We are now 16 or 17 years down the track and there are no toilet facilities or showers. There is a change room and as has been advised to Council, we are now having a health and safety issue with defecation and urination in the sand dunes. Is that acceptable to Council?

Response from Acting Chief Executive Officer

No, it's not acceptable and clearly we need to go down and appraise ourselves of the situation and determine what is required there, what the community expectations are. The questions today have indicated a fair degree of what the community expects: scope the project up and determine where the funding will come from either in the current budget or in future budgets and what State Government funding support we can get for a facility that is more fit for purpose for the use of that beach area.

Bill Gross, Apollo Bay

If I can add to that, I have been reporting for some time to management that the toilets in the car park where the boat ramp is – there are three toilets there – and the one right next to the harbour office often has no toilet paper by midday on any particular day. I have been told that they can't do anything about it because it is a contractor; they will talk to the contractor. Two weeks ago I was there with my wife; she accessed the toilet that is near the harbour office around midday on a Sunday and again, no toilet paper. This is a management issue, not just a lack of toilets elsewhere.

No response was requested or given.

Ian Seuren left the meeting at 5.06pm.

Jeremy Rudd left the meeting at 5.06pm.

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

Yvonne Francis, Apollo Bay

My second question refers to extensive work being done over many weeks by VicRoads in Apollo Bay. Has the Council monitored the extensive works along the Great Ocean Road by VicRoads with regard to the severe impacts upon the people of the dust and also to the traffic trying to get through and around Apollo Bay?

Response from General Manager, Infrastructure and Leisure Services

Thank you for your question in Council at the November meeting. As you know, it is not Council's role to monitor works carried out by VicRoads on their network. Having said that, your message is an important one for VicRoads to hear. We have passed your concerns onto the regional Director, Mark Koliba, so that he is aware of the impact these "in town" projects can have on local communities.

I did visit the site last week when I was in Apollo Bay and although the job is now sealed, I can see that it would have been a challenging one for the contractor to build and for the community to live with. Now that it is nearing completion, we can all look forward to several decades of great service.

If you have any further questions please do not hesitate to contact me.

OM172211-6 – Bluewater Leisure Centre - Community Joint Use Agreement

Cr Chris Smith

1. Why wasn't the agreement in place before, even if it did not sunset until now? Why wouldn't you call it in earlier before you did the works? I am just trying to understand why are we entering into an agreement that I'm sure everyone is going to agree to, or I trust that they are? I still come back to the question, why wasn't it done before the building was done, renovated and extended?

Response from General Manager, Infrastructure and Leisure Services

Council instigated communication with the Department of Education (DET) to develop a new Community Joint Use Agreement prior to the commencement of the Bluewater Leisure Centre Redevelopment. DET at the time were in the process of reviewing their standard agreements with a view to reducing the time it took to develop Community Joint Use Agreements (CJUA). Ironically, this actually stalled the progression of the agreement for some time as DET worked through amending their processes. As there are existing agreements in place, it was not perceived as a critical issue in terms of urgency. Furthermore, it was uncertain how the facility would operate in terms of utility usage and costs, as well as cleaning requirements. The Colac Secondary College was keen to understand the operational cost requirements prior to finalising the agreement, and this position was supported by Council officers. The delays with opening the stadium until March 2017 then impacted on the finalisation of the new agreement as stadium usage and cleaning is a key consideration of the shared use arrangement. Now that we have a better understanding of the operational requirements of the facility and both parties, the CJUA can now be executed.

2. Can you disclose in relevance to the agreement, can you indicate to us that the current, or previous agreement with the stadium, the swimming pool and the gym is pretty much in keeping with what was there before? Is the stadium, the pool and the gym pretty much in line with how it was before?

Response from General Manager, Infrastructure and Leisure Services

The answer is yes.

OM172211-9 - Consideration of Contracts (Contract 1729 - Design and Construct - Raffertys Road Bridge)

Cr Chris Smith

1. How many bridges do we have that need to be replaced ASAP?

Response from General Manager, Infrastructure and Leisure Services

We have 203 Road Assets on our Bridge Register, of these 70 are bridges and the remaining 133 are major culverts. A culvert with a diameter or span of at least 1.8 metres is classified as a major culvert and requires an inspection and reporting regime in line with a bridge. There is one major culvert on our register that requires urgent renewal. This culvert, on Creamery Road, is currently closed due to concerns it may collapse. We are attempting to secure money through flood recovery funding to pay for the works. The following bridges are programmed for replacement in the coming financial years at current (2017/18) funding levels: 2017/18 – Raffertys Access (per recent Tender), 2018/19 – Skenes Creek Valley Road (Howells Access) and Pearces Access, 2019/20 – James Access and King Track.

1. Would it be right to say that there is a substantial number [of bridges] that have significant weight limits, or very low weight limits, or are at the very end of their lives where they need to be replaced very soon?

Response from General Manager, Infrastructure and Leisure Services

Our Bridge Register currently shows eleven bridges with load limits and two bridges/major culverts that are closed per the table below.

Four of the load limited bridges are listed on our short-term (three year) renewal programme assuming current expenditure levels.

Of the closed assets we intend to renew Creamery Road as described above. We are currently considering a request from the owner of the single property accessed by the bridge at the Apollo Bay Recreation Reserve. This bridge isn't linked to a road or road reserve.

All of the load limited/closed bridges are on roads with an Access or Minor category, ie relatively low trafficked roads.

Bridge No	Road Name	Posted Load Limit	Type	Network Type	Road Category
CS022	Upper Gellibrand Road (to Stephenson's Falls)	12T Load Limit	Bridge	Rural	Access
CS029	Sand Road (Hordern Vale Access)	10T Load Limit	Bridge	Rural	Access
CS044	Apollo Bay Recreation Reserve (J Coles Access)	Closed	Bridge	Open Space Path	
CS047	Pearces Access (F Pearces Access)	10T Load Limit	Bridge	Rural	Access
CS051	Rollings Access	12T Load Limit	Bridge	Rural	Access
CS052	Veseys Access	8T Load Limit	Bridge	Rural	Access
CS053	Daffys Lane	13T Load Limit	Bridge	Urban	Access
CS054	Clancys Access	20T Load Limit	Bridge	Rural	Access
CS055	Raffertys Road (Raffertys Access)	6T Load Limit	Bridge	Rural	Access
CS060	Scorcis Access	5T Load Limit (currently being assessed)	Bridge	Rural	Minor
CS067	King Track	25T Load Limit	Bridge	Rural	Access
CS074	Skenes Creek Valley Road (Howells)	16T Load Limit	Bridge	Urban	Access
CS306	Creamery Road	Closed	Pipe Culvert	Rural	Access

OM172211-11 - Appointment of Members to Yeo Recreation Reserve Committee of Management

Cr Chris Smith

I am assuming that there are two vacant positions available on the committee?

Response from General Manager, Corporate Services

Council policy no. 15.2 Section 86 Committees does not set the number of members appointed or require vacancies available to add further members for the duration of that appointment.

Council was advised by the chair of the Yeo Recreation Reserve Committee that two new residents were interested in joining the committee, extending the membership to nine members.

The further membership will assist the committee to achieve its role of managing the facility on Council's behalf.

7. PETITIONS/JOINT LETTERS

A petition containing 104 signatures entitled Colac Limited Motor Trials Complex has been received from a community member indicating support for a limited motor trials complex to be built in the Colac region.

While the signatories have not provided adequate details in many instances, the petition has been accepted and a report responding to the petition will be tabled at the Ordinary Council meeting to be held on 24 January 2018.

8. DECLARATIONS OF INTEREST

Nil

9. CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on 22 November 2017.

RECOMMENDATION

MOVED Cr Terry Woodcroft seconded Cr Stephen Hart

That Council confirm the above minutes.

CARRIED 7 : 0

ORDINARY COUNCIL MEETING
APOLLO BAY HARBOUR PRECINCT EOI PROCESS
OM171312-1

LOCATION / ADDRESS	Apollo Bay Harbour Precinct	GENERAL MANAGER	Gareth Smith
OFFICER	Doug McNeill	DEPARTMENT	Development & Community Services
TRIM FILE	F15/8131	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	To invite Council endorsement of the proposed process to conduct an expression of interest and tender process for the Apollo Bay Harbour Precinct redevelopment.		

QUESTIONS TAKEN ON NOTICE

Cr Chris Smith

In relation to the answer we just got, realising that we consistently talk about Apollo Bay and wanting to keep it with a fishing village type atmosphere, while I understand the concept of not wanting to create a conflict of interest, but surely if we are going to be talking about the harbour, surely the commercial fishing people or the industry in some capacity should have some input. I am sure that there would be some people in the industry who would not be potentially tendering for any work, so surely there is some way that we can involve the fishing industry in this expression of interest process.

Response from General Manager, Development & Community Services

I agree there will be ways and we can take that on notice to investigate how we could involve them in various aspects of it, without doubt.

RESOLUTION

MOVED Cr Chris Potter seconded Cr Jason Schram

That Council endorse the expression of interest and tender process proposed for redevelopment of the harbour precinct as outlined in this report.

CARRIED 7 : 0

Frank Castles attended the meeting at 5.12pm; left at 5.18pm.

ORDINARY COUNCIL MEETING

PORT OF APOLLO BAY MANAGEMENT AGREEMENT

OM171312-2

LOCATION / ADDRESS	Port of Apollo Bay	GENERAL MANAGER	Tony McGann
OFFICER	Debbie Leeson-Rabie	DEPARTMENT	Infrastructure & Leisure Services
TRIM FILE	F17/6663	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	Decision on entering into management agreement with Transport for Victoria for Council to continue managing the Port of Apollo Bay		

ORIGINAL RECOMMENDATION

That Council requests the CEO to proceed with entering into an agreement with Transport for Victoria which:

- 1. Assigns management responsibility for the Port of Apollo Bay to Colac Otway Shire Council, and*
- 2. Is for the period 1 July 2017 to 30 June 2019.*

ALTERNATIVE MOTION

MOVED Cr Chris Potter seconded Cr Jason Schram

- 1. That Council defers consideration of the Port of Apollo Bay Management Agreement in order to facilitate further detailed discussions with the State Government and the Port of Apollo Bay Consultative Committee regarding the terms and conditions of any future Agreement proposal that addresses current concerns from users and provides certainty regarding the functional performance of the Port.*
- 2. Council officers urgently meet with user groups to discuss safety issues in and around the Apollo Bay Harbour especially in regards to the Marine Safety Act 2010.*
- 3. Council officers prepare a discussion paper regarding the benefits and disadvantages of continuing or not continuing in the role of Port Manager.*

CARRIED 7 : 0

Frank Castles returned to the meeting at 5.21pm; left at 5.23pm.
Tamzin McLennan left the meeting at 5.21pm; returned at 5.23pm.
Frank Castles returned to the meeting at 5.31pm; left at 5.33pm.
Gary Warrener attended the meeting at 5.35pm; left at 5.50pm.
Emma Clark attended the meeting at 5.35pm; left at 5.50pm.
Sarah Osborne left the meeting at 5.50pm.

The meeting was adjourned for a short break at 5.50pm.
The meeting resumed at 5.58pm.

ORDINARY COUNCIL MEETING
REVIEW OF ROAD MANAGEMENT PLAN
OM171312-3

LOCATION / ADDRESS	Whole of municipality	GENERAL MANAGER	Tony McGann
OFFICER	Stephen Wright	DEPARTMENT	Infrastructure & Leisure Services
TRIM FILE	F17/7799	CONFIDENTIAL	No
ATTACHMENTS	1. Road Management Plan - Draft -2017		
PURPOSE	To adopt an amended plan		

ORIGINAL RECOMMENDATION

That the Council give notice that:

- a) *The road authority has completed the review of its Road Management Plan and the purpose of the review has been to amend the Plan to:*
- *Reduce the size of the document to ensure it is more concise, readable and relevant.*
 - *Simplify the road hierarchy to assist the public and officers using the plan to identify asset types.*
 - *Bring up to date references to codes of practice.*
 - *Review inspection intervals to achieve efficiency whilst maintaining prudent oversight of road assets.*
 - *Redefine intervention levels and defects to improve levels of service.*
- b) *The amended plan relates to all the roads, footpaths and road related infrastructure in Council's Road Register.*
- c) *A written report produced in accordance with sub regulation (2) of the Road Management (General) Regulations and the proposed amended Plan may be inspected or obtained at Council's offices.*
- d) *Any person who is aggrieved by the proposed amendment may make a submission on the proposed amendment to the Council within 28 days of the publication of this notice in the Government Gazette.*

ALTERNATIVE MOTION

MOVED Cr Chris Smith seconded Cr Terry Woodcroft

That Council defer consideration of this item for one month to enable Councillors to receive a full briefing on intervention levels proposed in the Road Management Plan.

CARRIED 7 : 0

Gary Warrener returned to the meeting at 6.18pm.

Emma Clark returned to the meeting at 6.18pm.

Stephen Wright left the meeting at 6.19pm.

ORDINARY COUNCIL MEETING

CONSIDERATION OF CONTRACT (CONTRACT 1726 – SUPPLY AND DELIVER GRADER)

OM171312-4

LOCATION / ADDRESS	Not applicable	GENERAL MANAGER	Errol Lawrence
OFFICER	Andrew Kavanagh	DEPARTMENT	Corporate Services
TRIM FILE	F17/10677	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	Council approval is required to award Contract 1726 - Supply and Deliver Grader		

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council:

- 1. Awards Contract 1726 for Supply and Delivery of one Caterpillar 12M to William Adams Pty Ltd at the change-over price of \$368,000 (excluding GST, stamp duty and registration costs) inclusive of trade-in.*
- 2. Authorises the General Manager Infrastructure and Leisure Services to sign the letter of acceptance following award of Contract 1726.*

CARRIED 7 : 0

Andrew Kavanagh left the meeting at 6.34pm.

ORDINARY COUNCIL MEETING

APPOINTMENTS OF COUNCILLORS TO EXTERNAL COMMITTEES AND BODIES

OM171312-5

LOCATION / ADDRESS	Not applicable	GENERAL MANAGER	Errol Lawrence
OFFICER	Sarah McKew	DEPARTMENT	Corporate Services
TRIM FILE	F17/6554	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	To consider the appointments of Councillors to external committees and bodies		

ORIGINAL RECOMMENDATION

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

Recommendation 1

That Council appoints Cr Potter to the Australian Local Government Association (ALGA) until determined otherwise.

Recommendation 2

That Council appoints the Mayor and Cr Smith to the COPACC Trust until determined otherwise.

Recommendation 3

That Council appoints Cr Potter to the G21 Board until determined otherwise.

Recommendation 4

That Council appoints Cr Potter and the Mayor (proxy) to the Municipal Emergency Management Planning Committee until determined otherwise.

Recommendation 5

That Council appoints Cr Potter and the Mayor (proxy) to the Municipal Fire Management Planning Committee until determined otherwise.

Recommendation 6

That Council remove the name of Cr McCracken and substitute with the position of Mayor as proxy to the Tirrengower Drainage Scheme Committee of Management until determined otherwise.

Recommendation 7

That Council appoints the Mayor to the G21 Pillar Membership – Planning and Services until determined otherwise.

Recommendation 8

That Council appoints Cr Potter to the Colac 2050 Growth Plan Project Control Group until determined otherwise.

CARRIED 7 : 0

MOTION

MOVED Cr Stephen Hart

That Council deals with Item 7 first.

CARRIED 7 : 0

ORDINARY COUNCIL MEETING
NOTICE OF MOTION - AMY GRAN FONDO
OM171312-6

LOCATION / ADDRESS	Apollo Bay	GENERAL MANAGER	Robert Dobrzynski
OFFICER	Stephen Hart	DEPARTMENT	Executive
TRIM FILE	F17/8464	CONFIDENTIAL	No
ATTACHMENTS	1. NOTICE OF MOTION No. 266 - Cr Stephen Hart - Signed - Amy Gran Fondo		
PURPOSE	Notice of Motion		

NOTICES OF MOTION

Motion 1

Council:

- 1. Notes that reviews of the Gran Fondo event have repeatedly found that the event is not supported by the majority of the Colac Otway Shire community who have provided their view on the event,*
- 2. Instructs the Chief Executive Officer to take all reasonable steps to ensure that the Gran Fondo event is not held in Colac Otway Shire in calendar year 2019,*
- 3. Instructs the Chief Executive Officer to take all reasonable steps to ensure that the Gran Fondo event is not held in Colac Otway Shire in calendar year 2020,*
- 4. Instructs that in implementing this resolution the Chief Executive Officer is to obtain prior Council approval before spending significant funds, such as legal costs, that exceed normal administrative costs, such as staff time, and*
- 5. Requests that all relevant parties are informed of points 2 & 3 as soon as practicable.*

Motion 2

Council:

- 1. Notes that reviews of the Gran Fondo event have repeatedly found that the event is not*

supported by the majority of the Colac Otway Shire community who have provided their view on the event,

- 2. Instructs the Chief Executive Officer to take all reasonable steps to ensure that the Gran Fondo event is not held in Colac Otway Shire in calendar year 2018,*
- 3. Instructs that in implementing this resolution the Chief Executive Officer is to obtain prior Council approval before spending significant funds, such as legal costs, that exceed normal administrative costs, such as staff time, and*
- 4. Requests that all relevant parties are informed of point 2 as soon as practicable.*

ALTERNATIVE MOTION

MOVED Cr Stephen Hart seconded Cr Chris Potter

That in accordance with Section 89 2 (f) of the Local Government Act, Council hears Item 6, Notice of Motion – Amy Gran Fondo – in Closed Session due to having to consider legal advice.

CARRIED 4 : 3

DIVISION

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

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

ORDINARY COUNCIL MEETING

OLD BEECHY RAIL TRAIL MINUTES AND ASSEMBLY OF COUNCILLORS NOTES

OM171312-7

LOCATION / ADDRESS	Whole of municipality	GENERAL MANAGER	Errol Lawrence
OFFICER	Sarah McKew	DEPARTMENT	Corporate Services
TRIM FILE	F17/6554	CONFIDENTIAL	No
ATTACHMENTS	<ol style="list-style-type: none">1. Assembly of Councillors - Councillor Briefing - 15 November 20172. Assembly of Councillors - Councillor Briefing - 22 November 20173. Assembly of Councillors - Lake Colac Advisory Committee - 24 November 20174. Old Beechy Rail Trail Committee - Meeting Minutes - 6 June 2017 - confirmed		
PURPOSE	To report the minutes of the Old Beech Rail Trail Committee and to report the Assemblies of Councillors		

REPORTING

1. *The Assemblies of Councillors are reported herewith*
2. *The minutes of the Old Beechy Rail Trail Committee for 6 June 2017 are reported herewith.*

The Local Government Act 1989 does not require a Council decision.

CLOSED SESSION

RESOLUTION

MOVED Cr Terry Woodcroft seconded Cr Stephen Hart

That pursuant to the provisions of Section 89 (2) of the Local Government Act 1989, the meeting be closed to the public at 7.10pm and Council move into Closed Session in order to deal with:

<i>SUBJECT</i>	<i>REASON</i>	<i>SECTION OF ACT</i>
Notice of Motion - Amy Gran Fondo	this item relates to legal advice	Section 89 (2) (f)

CARRIED 5 : 2

DIVISION

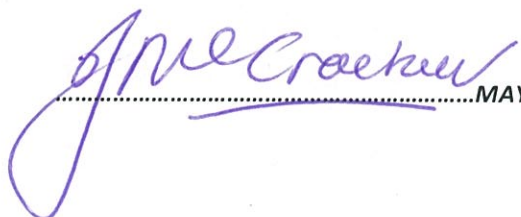
For the Motion: Cr Stephen Hart, Cr Terry Woodcroft, Cr Joe McCracken, Cr Chris Potter, Cr Kate Hanson

Against the Motion: Cr Chris Smith, Cr Jason Schram

The meeting was re-opened to the public at 8.04pm.

The meeting was declared closed at 8.04pm

CONFIRMED AND SIGNED at the meeting held on 24 JANUARY 2018


.....MAYOR

