

MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at the COPACC Meeting Rooms on 23 April 2014 at 4.00pm.

1. OPENING PRAYER

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

AMEN

2. PRESENT

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

Jack Green, Acting Chief Executive Officer
Colin Hayman, General Manager, Corporate & Community Services
Phil Corluka, General Manager, Infrastructure & Services
Doug McNeill, Acting General Manager, Sustainable Planning & Development
Rhonda Deigan, Executive Officer

3. APOLOGIES

Rob Small

4. MAYORAL STATEMENT

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

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

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

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

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

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

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

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

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

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

5. QUESTION TIME

Tabling of documents

Questions taken on notice at 26 March 2014 Council meeting

Alan Billing

1. Is Council aware that the sign is not reflective and is impossible to read at night?

Response:

The banner was installed temporarily over a long weekend as part of a cross promotion that forms part of an integrated marketing strategy designed to raise awareness of Colac as an investment destination. The banners are not designed to be reflective or permanent and are designed to be used in a variety of forums and locations.

2. When will Council remove the image and return the wording welcoming visitors to Colac?

Response:

The banner was taken down after the long weekend cross promotion, as had been intended before this question was raised.

3. What funds were expended on changing the welcome to Colac signs?

Response:

The Colac marketing logos attached to the Welcome to Colac signs cost Council \$540.00, funded from the Colac Marketing Strategy budget. The signs are used in a variety of forums associated with the Marketing Strategy along with other collateral; therefore the above cost is spread across a range of marketing events.

Dieter Wessner

1. With respect to pages 65-69 of today's agenda relating to 35 Hiders Access Yuulong, how is it possible for someone to build a dwelling over a public road, how long ago was it build and why hasn't Council done anything about it before now?"

Response:

The response provided at the meeting was that a house had been partially built over a "paper" road and that the officer report was seeking to rectify the situation. The question regarding when the house was built was taken on notice.

Council is unsure of what date the house was constructed, but can confirm it has been in its current location since prior to 1999. The issue was brought to Council's attention when the land owner was seeking to sell the land.

Petition

Request for the establishment of a Vintage Truck Museum to house Merv Brunt's truck collection – Colac Otway Shire residents and visitors.

Questions Received in Writing Prior to the Meeting**James Judd**

1. How have estimates of income from rates and charges been calculated? Is it in accordance with the Rating Strategy for 2014-2017 accepted at March 2014 Council meeting with:
 - a. Revised areas with new rate charging areas included prior to estimating revenue
 - b. On 2012-2013 valuations or revised not released proposed 2014-2015 valuations?If not on revised areas and new valuations, will you give a firm undertaking to revise these rates to take all into account before bringing forward for confirmation. All rates to be charged to be expressed as an actual rate in dollar.

Response:

The budget was considered by Council at the Special Council Meeting on 16 April 2014. The rates and charges have been calculated in line with the Rating Strategy and the latest revaluation figures.

2. As has happened this month, how does Council justify changing the time available to check with officers the details of agenda items from 2 work days to only one hour? Making available only online on a public holiday is not acceptable anytime. This is only a deliberate attempt to refuse details to ratepayers who gave you a chance to look after their interests.

Response:

The agenda was available for collection from Rae Street Customer Service and available on Council's website from 8.30am on Thursday 17 April 2014.

3. If a pensioner is on the average property with increases in rates and charges, what is the actual increase when you take into account the actual percentage increase in the State Government rebate? How much is the average actual increase as a percentage to pensioners?

Response:

There are a number of variables to be considered in answering this question, however, a Colac Residential property, valued at \$232,000 for 2014-15 can expect to pay \$1,310.72.

This includes:-

- Rates and Charges

- **Fire Services Levy, and**
- **deducts a pensioner rebate increased for 2014-15 by 3% for CPI.**

This property was valued at \$223,000 for 2013-14 and paid \$1,215.33 in 2013-14.

Thus the increase is \$95.39 (or 7.85%).

The amount of increase for individual pensioners will vary according to the valuation of their property.

4. On what basis will the fire services levy be added to rates and charges for the 2014-2015 year? Will they remain unaltered as a charge on \$1000 per last year or has it been amended?

Response:

The Fire Services Property Levy (FSPL) is to be levied on the same basis as last year, with some minor amendments in relation to holiday house properties and residential investment properties.

Council has not been advised of any changes to the fixed charges or the variable rates in the dollar as yet.

The State Government is required to publish notice of any changes to the fixed or variable components of the FSPL by 31 May.

5. The Welcome to Colac sign in Colac West on the highway is in a very dangerous colour scheme. The light green blends in with the grass along the road and is not easy to pick up by vehicle lights like the yellow that stood out as a contrast and warning not to go that far to the left. When will Council give serious attention to road safety before it changes colour schemes?

Response:

The Colac West 'Welcome to Colac' sign has been designed in a corporate style and colour and, being on a road managed by VicRoads, meets VicRoads standards relating to road safety for roadside signage. Council has a strong commitment to road safety.

6. In calculating the increased rates and charges for the 2014-2015 year at 5.3%, did Council include all charges including the amended total to be collected as the fire services levy? This is only funds to be collected on behalf of the State Government then passed on in full, not part of Council's actual income for its own use.

Response:

The fire services levy is not included in Council's calculations for rates and charges.

Questions Received Verbally at the Meeting

Helen Paatsch – Colac

1. With reference to the article that appeared in the Colac Herald on 21 April 2014, has Council changed the residential zoning to "town", will these properties be zoned residential and will they remain in the rural living zone?

Response:

The General Manager for Corporate and Community Services stated that Councillors had decided that any properties within the township boundary would be classed at the same rate as the general rate for residential properties within the rating strategy.

The Acting General Manager Sustainable Planning and Development advised that the article referred to in the Colac Herald related to the rating strategy and not the zoning of properties.

Simon Arundell – Bungador

1. With reference to the article in today's Colac Herald regarding Councillor attendance at briefing sessions, will Council make briefing sessions open to the public?

Response:

The Mayor stated that the briefing sessions gave Councillors the opportunity to ask questions and to verify any agenda items prior to the Council meeting and would remain closed to the public. The Mayor encouraged all members of the public to contact Councillors with any concerns they might have.

2. Does Council meet on a regular basis to look at all the things they did wrong during the year or to identify any areas of waste?

Response:

The Mayor advised that the Audit Committee provided regular reports to Council which identified any issues with Council's accounts.

3. How much did the Welcome to Colac signs, that were only up for a short time, cost Council?

Response:

The Mayor stated that the promotional signs were used over a long weekend to promote an event and they will be stored away to be used again as required.

4. What percentage rate of an average over the past 10 years have rates risen compared to the percentage rate of indexation over the same period of time?

Response:

The General Manager for Corporate and Community Services advised that he would take the question on notice.

Alan Billing – Larpent

1. With reference to the signage referred to previously, as the sign was difficult to read in daylight, and impossible to read at night, in what way was the signage considered to have met the objective of an integrated marketing strategy designed to raise awareness of Colac as an investment destination?

Response:

The Acting General Manager for Sustainable Planning and Development advised that the sign was consistent with the branding developed through the Colac Marketing Strategy and that Council believes that it was effective in adding to the other range of collateral used as part of the strategy for that promotion. It is a matter of opinion as to whether the sign was readable.

2. As the Blue Water Fitness Centre is situated on Education Department property like the library is and as the shire was compelled to contribute to the cost of the building of the

library and the unspecified costs of running the library, how much is the Education Department contributing to the Blue Water Fitness Centre and if they are not contributing, why not?

Response:

The General Manager for Corporate and Community Services advised that the Education Department was contributing to the capital cost of the Blue Water Fitness Centre.

3. Was that to the initial estimate or does it apply also to the overrun?

Response:

The General Manager for Corporate and Community Services stated that it was based on the initial estimate and was a fixed contribution.

4. So any overrun is to be met by the community?

Response:

The General Manager for Corporate and Community Services advised that was correct.

6. DECLARATION OF INTEREST

NIL

7. CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on the 26/03/14
- Special Council Meeting held on the 16/04/14.

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft that Council confirm the above minutes.

CARRIED 7 : 0

OFFICERS' REPORTS**Chief Executive Officer**

OM142304-1 CEO'S PROGRESS REPORT TO COUNCIL

Corporate and Community Services

OM142304-2 ADVISORY COMMITTEES UPDATE
OM142304-3 REVIEW OF COUNCIL POLICIES
OM142304-4 OPERATIONAL PLAN THIRD QUARTER PERFORMANCE REPORT
JANUARY - MARCH 2014
OM142304-5 THIRD QUARTER FINANCIAL PERFORMANCE REPORT 2013-2014
OM142304-6 COLAC AND APOLLO BAY WAYFINDING SIGNAGE STRATEGY

Infrastructure and Services

OM142304-7 PETITIONED UPGRADE OF CHRISTIES ROAD ELLIMINYT

Sustainable Planning and Development

OM142304-8 PLANNING SCHEME AMENDMENT C73 (APOLLO BAY HARBOUR
MASTER PLAN)

General Business

OM142304-9 ASSEMBLY OF COUNCILLORS
OM142304-10 ITEM FOR SIGNING AND SEALING - AGREEMENT TO ACQUIRE LAND
- 655 OLD BEECH FOREST ROAD, GELLIBRAND
OM142304-11 MINUTES FROM YOUTH COUNCIL MEETINGS
OM142304-12 MINUTES OF OLD BEECHY RAIL TRAIL COMMITTEE

Notices of Motion

OM142304-13 COLAC LIBRARY ANNEXE
OM142304-14 FUEL PRICING

Infrastructure and Services

OM142304-15 BLUE WATER FITNESS CENTRE REDEVELOPMENT PROJECT –
PROGRESS REPORT

CHIEF EXECUTIVE OFFICER

ITEM
<u>OM142304-1 CEO'S PROGRESS REPORT TO COUNCIL</u>

OM142304-1**CEO'S PROGRESS REPORT TO COUNCIL**

AUTHOR:	Rhonda Deigan	ENDORSED:	Jack Green
DEPARTMENT:	Executive	FILE REF:	F11/3291

***MOVED Cr Brian Crook seconded Cr Terry Woodcroft
That Council notes the CEO's Progress Report to Council.
CARRIED 7 : 0***

CORPORATE AND COMMUNITY SERVICES

ITEM	
<u>OM142304-2</u>	<u>ADVISORY COMMITTEES UPDATE</u>
<u>OM142304-3</u>	<u>REVIEW OF COUNCIL POLICIES</u>
<u>OM142304-4</u>	<u>OPERATIONAL PLAN THIRD QUARTER PERFORMANCE REPORT JANUARY - MARCH 2014</u>
<u>OM142304-5</u>	<u>THIRD QUARTER FINANCIAL PERFORMANCE REPORT 2013-2014</u>
<u>OM142304-6</u>	<u>COLAC AND APOLLO BAY WAYFINDING SIGNAGE STRATEGY</u>

OM142304-2

ADVISORY COMMITTEES UPDATE

AUTHOR:	Colin Hayman	ENDORSED:	Jack Green
DEPARTMENT:	Corporate & Community Services	FILE REF:	F11/3291

Original Recommendation(s)**That Council:**

- 1. Endorses the revised Central Reserve Advisory Committee Terms of Reference incorporating a change to the membership of the Committee.**
- 2. Endorses the revised Colac Livestock Selling Centre Terms of Reference incorporating a change to the membership of the Committee.**
- 3. Agrees to sign and seal the revised Memorandum of Understanding between the Colac Otway Shire and the Friends of the Colac Botanic Gardens.**
- 4. Endorses the current membership of the Friends of the Colac Botanic Gardens being:**

Ms Anne Mercer, Ms Mary Eaton, Ms Ros Scanlan, Mr Chris Bell, Ms Jen Todorovic, Ms Bronwyn Foster, Ms Gwenyth Knox, Ms Pauline Maunsell, Ms Georgia MacCreadie, Ms Jan McMahon, Ms Sue Mulder, Ms Helen Paatsch, Mr Chris Smith and Council Delegate Cr Terry Woodcroft.

- 5. Endorses the revised Lake Colac Coordinating Committee Terms of Reference incorporating changes to the membership of the Committee:**

- **2 Colac Otway Shire Councillors**
- **1 Parks Victoria representative**
- **1 Department of Environment and Primary Industry representative**
- **1 Corangamite Catchment Management Authority representative**
- **1 Barwon Water representative**
- **1 Friends of Botanic Gardens representative**
- **1 Colac Yacht Club representative**
- **1 Colac Anglers Club representative**
- **1 Field & Game Australia, Colac Branch representative**
- **1 Lake Colac Rowing Club representative**
- **1 Wathaurong Aboriginal Co-operative representative**
- **1 Greening Australia representative**
- **1 Barongarook Landcare**
- **4 local community representatives.**

MOTION - MOVED Cr Michael Delahunty seconded Cr Terry Woodcroft:

That Council:

- 1. Endorses the revised Central Reserve Advisory Committee Terms of Reference**

incorporating a change to the membership of the Committee.

- 2. Endorses the revised Colac Livestock Selling Centre Terms of Reference incorporating a change to the membership of the Committee and the addition of words at clause (e) under Purpose, "and risk management".*
- 3. Agrees to sign and seal the revised Memorandum of Understanding between the Colac Otway Shire and the Friends of the Colac Botanic Gardens.*
- 4. Endorses the current membership of the Friends of the Colac Botanic Gardens being:*

Ms Anne Mercer, Ms Mary Eaton, Ms Ros Scanlan, Mr Chris Bell, Ms Jen Todorovic, Ms Bronwyn Foster, Ms Gwenyth Knox, Ms Pauline Maunsell, Ms Georgia MacCreadie, Ms Jan McMahon, Ms Sue Mulder, Ms Helen Paatsch, Mr Chris Smith and Council Delegate Cr Terry Woodcroft.

- 5. Endorses the revised Lake Colac Coordinating Committee Terms of Reference incorporating changes to the membership of the Committee:*

- 2 Colac Otway Shire Councillors*
- 1 Parks Victoria representative*
- 1 Department of Environment and Primary Industry representative*
- 1 Corangamite Catchment Management Authority representative*
- 1 Barwon Water representative*
- 1 Friends of Botanic Gardens representative*
- 1 Colac Yacht Club representative*
- 1 Colac Anglers Club representative*
- 1 Field & Game Australia, Colac Branch representative*
- 1 Lake Colac Rowing Club representative*
- 1 Wathaurong Aboriginal Co-operative representative*
- 1 Greening Australia representative*
- 1 Barongarook Landcare*
- 4 local community representatives.*

CARRIED 7 : 0

OM142304-3**REVIEW OF COUNCIL POLICIES**

AUTHOR:	Colin Hayman	ENDORSED:	Jack Green
DEPARTMENT:	Corporate & Community Services	FILE REF:	11/96037

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council adopts the following revised policies:

- ***Policy No 7.3 Risk Management Policy***
- ***Policy No 16.1 Internal Audit Policy***
- ***Policy No 16.2 Fraud Prevention and Control Policy.***

CARRIED 7 : 0

**OM142304-4 OPERATIONAL PLAN THIRD QUARTER PERFORMANCE
REPORT JANUARY - MARCH 2014**

AUTHOR:	Margaret Giudice	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F11/3291

MOVED Cr Terry Woodcroft seconded Cr Frank Buchanan

That Council receives the 2013/2014 Operational Plan Third Quarter Performance Report for the three months ending 31 March 2014.

CARRIED 7 : 0

OM142304-5 THIRD QUARTER FINANCIAL PERFORMANCE REPORT 2013-2014

AUTHOR:	David Testa	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F11/4663

MOVED Cr Frank Buchanan seconded Cr Brian Crook

That Council receives the third quarter financial performance report for 2013-2014.

CARRIED 7 : 0

OM142304-6 COLAC AND APOLLO BAY WAYFINDING SIGNAGE STRATEGY

AUTHOR:	Jodie Fincham	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F11/3291

MOVED Cr Brian Crook seconded Cr Frank Buchanan

That Council adopts the Colac and Apollo Bay Wayfinding Signage Strategies.

CARRIED 7 : 0

INFRASTRUCTURE AND SERVICES

ITEM	
OM142304-7	<u>PETITIONED UPGRADE OF CHRISTIES ROAD ELLIMINYT</u>

OM142304-7**PETITIONED UPGRADE OF CHRISTIES ROAD ELLIMINYT**

AUTHOR:	Ronan Corcoran	ENDORSED:	Phil Corluka
DEPARTMENT:	Infrastructure & Services	FILE REF:	F11/3291

MOVED Cr Frank Buchanan seconded Cr Michael Delahunty

That Council:

- 1. Refers the work to the Capital Works Program for further scoping, costing and prioritising.***
- 2. Writes to the author of the petition to inform them of Council's resolution and invites them to be included within the scoping of the works in the future.***

CARRIED 7 : 0

SUSTAINABLE PLANNING AND DEVELOPMENT

ITEM	
OM142304-8	PLANNING SCHEME AMENDMENT C73 (APOLLO BAY HARBOUR MASTER PLAN)

OM142304-8

PLANNING SCHEME AMENDMENT C73 (APOLLO BAY HARBOUR MASTER PLAN)

AUTHOR:	Doug McNeill	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F13/4504

Original Recommendation(s)**That Council:**

1. ***Confirms its support for Submissions 5 to 20 and 22 to 23 and 25 to 26 (either wholly or in part) that seek a change to the amendment.***
2. ***Acknowledges that its support for an indoor swimming pool/sea baths and other health and wellbeing uses to be included within the harbour precinct as resolved at the 26 February Council meeting contradicted Resolution 2 on that item, but that this support for the swimming pool/sea baths and other health and wellbeing uses takes precedent and is the position to be advocated at the independent panel hearing.***
3. ***Further amends the Special Use Zone Schedule 2 (in addition to those changes resolved at the 26 February 2014 Council meeting) in the following way:***
 - Insert the Development Principles and Development Guidelines from the Apollo Bay Harbour Master Plan 2013 Incorporated Document as appropriate, including relevant amendments to the Incorporated Plan resolved at the 26 February 2014 meeting, where appropriate.***
 - Amend clause 4.0 Development by broadening the Development Plan to apply to the entire harbour precinct, and to include specific facilities included in the Apollo Bay Harbour Master Plan 2013.***
4. ***Deletes the Incorporated Document from the amendment.***
5. ***Deletes the proposed amendment to the Heritage Overlay Schedule from the amendment.***
6. ***Not proceeds with finalization of the draft Apollo Bay Harbour Master Plan 2013 on the basis that future strategic directions for the precinct will be incorporated into the SUZ2 and through any Development Plan that is prepared in accordance with the SUZ2.***

Revised Officer Recommendation:**MOTION - MOVED Cr Frank Buchanan seconded Cr Michael Delahunty:*****That Council varies the resolution of Council at its meeting on 26 February 2014 to the extent necessary to accommodate the following points:***

1. ***That Council clarifies it supports Submissions 5 to 20 and 22 to 23 and 25 to 26 (either wholly or in part) that seek a change to the amendment.***

2. *In consideration of issues raised in submissions, and further to the resolutions at the February 2014 Council meeting, Council resolves to change the exhibited amendment in the following manner:*
- a. *Modify the Special Use Zone Schedule 2 to:*
 - i. *Amend the 6th purpose statement to:*
'To encourage small scale development that does not adversely impact retailing in the Apollo Bay shopping centre.'
 - ii. *Insert 'Outdoor recreation facility' as a Section 1 No Permit Required Use with a condition that it be for the sailing club.*
 - iii. *Insert 'Accommodation' as a Section 3 Prohibited use.*
 - iv. *Insert Leisure and Recreation (excluding a Motor Racing Track and Major Sports Ground Facility) as a Section 2 Permit Required Use*
 - v. *Amend clause 4.0 Development Plan to:*
 1. *Expand the role of the Development Plan to include the entire harbour precinct, and to take the place of establishing the preferred form and layout of use and development that had previously been the role of the Apollo Bay Harbour Master Plan 2013 Incorporated Document.*
 2. *List the key projects from the exhibited Master Plan which are at a minimum to be included in the precinct, and an expanded description of the information to be shown on the plan.*
 3. *Retain the Sailing Club in its current general location, west of the boat ramp, and relocation of any Aboriginal and Cultural Centre to the west of the Sailing Club.*
 4. *Introduce flexibility to the width of the boardwalk, but with it generally being at least 6m in width.*
 5. *Introduce flexibility to the types of uses which may establish at first floor level within the harbor edge buildings*
 6. *Refer to the potential for other appropriate mooring mechanisms or types as alternatives to Mediterranean moorings.*
 7. *Amend references to trailer parking by adding the words 'maximise the number of car and trailer parking spaces.'*
 8. *Add the following text:*
'The Development Plan must be placed on exhibition for period of 6 weeks for community comment prior to its consideration by the responsible authority. The Development Plan may be amended by the responsible authority as required.'
 - vi. *Insert a new clause which lists the Development Principles and Development Guidelines generally as expressed in the exhibited Apollo Bay Harbour Master Plan 2013.*
 - vii. *In Clause 3 Buildings and Works, add a requirement that new harbour front buildings should be no more than two storeys or 9m in height, and taper down in height towards the east, in line with*

the taper of the landscape.'

- viii. *Provide flexibility for Council to consider tree species other than Norfolk Island Pines.*
 - ix. *Use the term Aboriginal and Cultural Centre to describe this project.*
 - x. *Amend clause 4.0 Development by inserting reference to 'Locations of all BBQs, toilets and shower facilities'.*
- b. *Delete the Incorporated Document from the amendment.*
 - c. *Delete the proposed amendment to the Heritage Overlay Schedule from the amendment.*
 - d. *Not proceed with finalisation of the draft Apollo Bay Harbour Master Plan 2013 on the basis that future strategic directions for the precinct will be incorporated into the SUZ2 and through any Development Plan that is prepared in accordance with the SUZ2.*
3. *That Council confirms it supports provision being made within the Special Use Zone (Schedule 2) for a permit application to be made for an indoor swimming pool/sea baths and other health and wellbeing uses, and that provision be made for the potential for such facilities to be included within any Development Plan prepared for the Harbour precinct under those controls.*

That Council supports this position on the amendment being advocated before the independent panel appointed to hear submissions to the amendment at the pending Directions Hearing.

CARRIED 6 : 1

DIVISION called by Cr Chris Smith

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

Against the Motion: Cr Chris Smith.

GENERAL BUSINESS

<u>ITEM</u>	
<u>OM142304-9</u>	<u>ASSEMBLY OF COUNCILLORS</u>
<u>OM142304-10</u>	<u>ITEM FOR SIGNING AND SEALING - AGREEMENT TO ACQUIRE LAND - 655 OLD BEECH FOREST ROAD, GELLIBRAND</u>
<u>OM142304-11</u>	<u>MINUTES FROM YOUTH COUNCIL MEETINGS</u>
<u>OM142304-12</u>	<u>MINUTES OF OLD BEECHY RAIL TRAIL COMMITTEE</u>

OM142304-9

ASSEMBLY OF COUNCILLORS

AUTHOR:	Rhonda Deigan	ENDORSED:	Jack Green
DEPARTMENT:	Executive	FILE REF:	F13/6530

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council notes the Assembly of Councillors reports for:

- ***Lake Colac Coordinating Committee Meeting*** 25 March 2014
- ***Councillor Briefing Session*** 26 March 2014
- ***Councillor Workshop*** 2 April 2014
- ***Central Reserve Advisory Committee*** 2 April 2014
- ***Councillor Workshop*** 9 April 2014.

CARRIED 7 : 0

OM142304-10 ITEM FOR SIGNING AND SEALING - AGREEMENT TO ACQUIRE LAND - 655 OLD BEECH FOREST ROAD, GELLIBRAND

AUTHOR:	Rhonda Deigan	ENDORSED:	Jack Green
DEPARTMENT:	Executive	FILE REF:	11/96344

MOVED Cr Terry Woodcroft seconded Cr Stephen Hart

That Council resolves to approve, and instructs the Chief Executive Officer to sign and seal the attached Agreement to Acquire Land to enable the acquisition of 1,930m² of land, described as being part of TP 372767, TP 570797, and TP 163422, Parish of Moorbanool, from Midway Plantations Pty Ltd, so that it may be transferred to Council ownership for the purpose of a road reserve.

CARRIED 7 : 0

OM142304-11 MINUTES FROM YOUTH COUNCIL MEETINGS

AUTHOR:	Rhonda Deigan	ENDORSED:	Jack Green
DEPARTMENT:	Executive	FILE REF:	11/96640

Original Recommendation(s)

That Council notes the unconfirmed minutes arising from Youth Council meeting held on 24 March 2014.

MOTION - MOVED Cr Terry Woodcroft seconded Cr Stephen Hart:

That Council notes the confirmed minutes arising from Youth Council meeting held on 24 March 2014.

CARRIED 7 : 0

OM142304-12 MINUTES OF OLD BEECHY RAIL TRAIL COMMITTEE

AUTHOR:	Jodie Fincham	ENDORSED:	Colin Hayman
DEPARTMENT:	Corporate & Community Services	FILE REF:	F11/3291

MOVED Cr Stephen Hart seconded Cr Frank Buchanan

That Council notes the Minutes of the Old Beechy Rail Trail Committee for 3 February 2014.

CARRIED 7 : 0

NOTICES OF MOTION

ITEM	
<u>OM142304-13</u>	<u>COLAC LIBRARY ANNEXE</u>
<u>OM142304-14</u>	<u>FUEL PRICING</u>

OM142304-13 COLAC LIBRARY ANNEXE (CR STEPHEN HART)**Original Recommendation**

That Council consider the contents of this Notice of Motion.

MOTION - MOVED Cr Stephen Hart seconded Cr Terry Woodcroft that:

Council:

- 1. Notes that Councillors have a range of views as to whether the Colac Library Annexe should continue to operate.**
- 2. Notes that Council made a commitment to consult with the users of the annexe before any decision is made to reduce the hours of service or to close it.**
- 3. Calls on the Chief Executive Officer to call a Council workshop so that a full range of options may be considered.**
- 4. Notes that before any changes are made, Council commits to appropriate consultation with annexe users and the wider community.**
- 5. Commits to keeping the Annexe open at least until this process is complete.**

CARRIED 7 : 0

OM142304-14 FUEL PRICING (CR MICHAEL DELAHUNTY)**Original Recommendation**

That Council consider the contents of this Notice of Motion.

MOTION - MOVED Cr Michael Delahunty seconded Cr Brian Crook:

That Council:

- 1. Notes with concern the ongoing apparent discrepancy between the retail prices of transport fuels in Colac with respect to fuel prices in surrounding townships.**
- 2. Requests our CEO to form a working group tasked with investigating and reporting to Council options with regard to mitigating the economic impost generated by this apparent fuel pricing disparity.**

CARRIED 7 : 0

URGENT ITEM OF BUSINESS

MATTER OF URGENCY - MOVED Cr Stephen Hart seconded Cr Michael Delahunty that Council consider the concerns of the Southern Rock Lobster Fishermen with respect to fees, licences and bureaucratic processes as an item of urgent business in order to have the matter raised at the Great South Coast Board meeting to be held on 2 May 2014.

CARRIED 7: 0

SOUTHERN ROCK LOBSTER FISHERMEN

MOTION - MOVED Cr Frank Buchanan seconded Cr Stephen Hart:

That Council:

- 1. Supports the efforts of the Southern Rock Lobster Fishermen in relation to concerns about the fees, licences and bureaucratic processes they are increasingly facing in their commercial endeavours.***
- 2. Asks the CEO to write to the responsible Federal and State Ministers to raise Council's concerns in this regard and take every opportunity to raise this at all relevant forums.***
- 3. Writes to the Great South Coast Group seeking support for a coordinated approach to bring this matter to resolution at a State and Federal Government level.***

CARRIED 7: 0

IN COMMITTEE

MOVED Cr Frank Buchanan seconded Cr Michael Delahunty that pursuant to the provisions of Section 89(2) of the Local Government Act, the meeting be closed to the public and Council move "In-Committee" in order to deal with:

SUBJECT	REASON	SECTION OF ACT
Blue Water Fitness Centre Redevelopment Project - Progress Report	this matter deals with contractual matters	Section 89 (2) (d)
Report from Delegate to Other Bodies - Audit Committee Minutes	this matter deals with personnel matters; AND 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) (a) (d) (f) (h)

AMENDMENT - MOVED Cr Chris Smith seconded Cr Stephen Hart:

That the Blue Water Fitness Centre Redevelopment Project – Progress Report be dealt with in open Council

Cr Hart called a point of order requesting that the Mayor rule that the motion to consider the Blue Water Fitness Centre Redevelopment Project – Progress Report in-committee is out of order.

Upon officer advice that the report could be considered in open Council, the Mayor ruled the motion out of order and declared that item OM142304-15 would be dealt with in open Council.

**OM142304-15 BLUE WATER FITNESS CENTRE REDEVELOPMENT
PROJECT - PROGRESS REPORT**

AUTHOR:	Adam Lehmann	ENDORSED:	Phil Corluka
DEPARTMENT:	Infrastructure & Services	FILE REF:	11/96582

Purpose

The purpose of this report is to provide Council with an update on the progress of the delivery of the Blue Water Fitness Centre Redevelopment Project.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Background

The revitalisation of the Blue Water Fitness Centre is one of the most significant projects undertaken by Council. The Centre is a focus for sport and leisure within the Shire, and an enhanced facility will allow quality recreational activities to be delivered to the community for many years to come.

The attached report gives a status update as to the progress of this project with an emphasis on building construction as this the key phase at present. It is intended that regular monthly progress reports are presented to Council for the remainder of the life of the project.

Council Plan / Other Strategies / Policy

A Planned Future

Creates an attractive shire with quality buildings and spaces, accessible travel and transport, and a community that has the services and facilities it needs now and in the future; supports a prosperous economy where trade, manufacturing and business activity flourishes.

Our Goal:

Facilitate the growth, liveability and development of the shire and encourage innovation and efficiency in the local economy.

A Place to Live and Grow

Is a community where people feel cared for and supported; where buildings and spaces facilitate creativity, social activity and enrichment of life, and people have access to gain the skills and education needed to reach their potential.

Our Goal:

Improve access to buildings, spaces, services and education to support and enable quality of life.

A Healthy Community and Environment

Actively connects and includes people of all ages and backgrounds and promotes a healthy and vibrant community life in a clean, safe and sustainable environment.

Our Goal:

Respect cultural differences, support a diverse range of healthy and creative activities, foster community safety and promote environmental sustainability.

Issues / Options

This report is prepared as a communication tool to provide Councillors with timely and accurate information specific to the delivery of the Blue Water Fitness Centre Redevelopment Project.

Proposal

This report is for Council to note the progress of this project and provides details relating to performance against schedule, budget, and quality parameters. The report also gives an indication of the key issues and risks which have the potential to affect project delivery outcomes.

Financial and Other Resource Implications

The revised project budget is \$11.86M. The project is presently being managed within budget tolerances.

Risk Management & Compliance Issues

All aspects of the project are being managed through an established risk register. There are a number of key risks which have the potential to deviate the project from schedule, budget, and quality objectives. The major issues relate to latent conditions associated with the condition of the existing building structure.

Environmental and Climate Change Considerations

Environmental risks posed by construction activities on site are being managed in accordance with the Contractor's Environmental Management Plan.

Community Engagement

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of January 2010, which details five levels of engagement – inform, consult, involve, collaborate and empower.

Ongoing community and stakeholder engagement activities will be implemented throughout the course of the project. Information about the project will be disseminated to the community through traditional and social media outlets.

Implementation

It is intended that Council receive this report for information purposes only.

Conclusion

The intention of this report is to keep Councillor's informed of the progress of the Blue Water Fitness Centre Redevelopment project, focussing on the tracking of budget and expenditure, progress of works and issues that have potential to impact on the delivery of the project.

Attachments

1. Monthly Project Status Report - BWFC Redevelopment - April 2014

MOVED Cr Frank Buchanan seconded Cr Brian Crook

That Council receives the attached monthly status report for the Blue Water Redevelopment Project covering the period 1 March 2014 to 31 March 2014 for information.

AMENDMENT - MOVED Cr Chris Smith seconded Cr Stephen Hart:

That the following be added as an additional point:

“Requests that the report be released tomorrow (24 April 2014) to the community and that it be noted that because it is not confidential, Councillors have the opportunity to discuss the item after the conclusion of today’s meeting.”

CARRIED 7 : 0


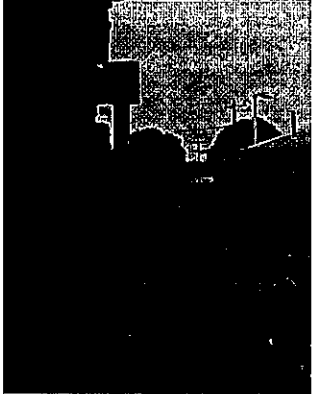








MOVED Cr Frank Buchanan seconded Cr Brian Crook

That Council:

- 1. Receives the attached monthly status report for the Blue Water Redevelopment Project covering the period 1 March 2014 to 31 March 2014 for information.***
- 2. Requests that the report be released tomorrow (24 April 2014) to the community and that it be noted that because it is not confidential, Councillors have the opportunity to discuss the item after the conclusion of today’s meeting.***

CARRIED 7 : 0

Monthly Project Status Report - BWFC Redevelopment						
For Period	1 March - 31 March 2014					
Prepared By	Graeme Collins					
Date Prepared	4-Apr-14					
Project Description	Redevelopment of aquatic and sports facility to incorporate warm water pool, additional basketball court and compliant run off areas and general facility upgrades and renewal.					
Project Status						
Status Item	Current Status	Prior Status	Reason for Deviation			
Overall Project Status						
Schedule			Potential delays likely to affect forecast completion date			
Scope						
Budget			Project presently within budget tolerances			
Project Risk			Potential for further delays and associated costs			
Overall Summary/Comments						
The project is currently behind programme due to delays to critical path items and discrepancies within the project documentation and proposed scope of works.						
Budget Performance						
Building Contract Expenditure Summary Contract Sum \$10,955,860 Contact Works Complete \$787,962 Approved Variations Completed \$24,830 Total Approved Works Completed \$812,792			Project Expenditure Summary Total Project Budget \$11,855,860 Total YTD Project Expenditure \$1,386,159 Percentage Budget Spent 11.7%			
Comments						
Construction expenditure behind forecast due to limited progress on site as a result of current on-site issues. This situation is unlikely to change over the forthcoming period due to construction shutdown period over Easter.						
Schedule Performance						
Project Element	Design (including Contract Administration)	Relocation of Dry Programmes	Construction	Equipment Purchases for Redeveloped Facility	Landscaping	Project Management
Percentage Complete						
Construction Correspondence						
No. of Requests For Information (RFI) to Date	115	No. Variation Quotations (VQ) Submitted	17			
No. Unresolved RFIs	35	No. VQs Approved	15			
No. Site Instructions Issued (SI)	123					
Accomplishments Since Last Report						
Demolition works complete for stage 1 Excavation works in preparation for stadium extension completed Drainage works installed as per specification and also to control site drainage Footings prepared and poured to stadium extension and new gym area						

Upcoming / Next Steps									
Decommissioning of existing gas service Excavation of new warm water pool Alteration works to former squash courts to accommodate new gym facility									
Key Risks that May Affect the Project									
RFIs response times Latent conditions within existing building Possible delays due to seasonal change and extent of works exposed to weather Integrity of existing pool structure and associated services	<table border="1"> <thead> <tr> <th>Current Status</th> </tr> </thead> <tbody> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> </tbody> </table>	Current Status							
Current Status									
Key Issues that Currently Affect the Project:									
Authority approvals for alterations to existing gas supply RFIs pending response and current timeframes for finalisation Resolution to inherent design issues for roof to dry programme area Discrepancies within project documentation	<table border="1"> <thead> <tr> <th>Current Status</th> </tr> </thead> <tbody> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> </tbody> </table>	Current Status							
Current Status									
Key Upcoming Milestones									
	Completion Date								
Decommissioning of existing gas service	30-Apr-14								
Warm water pool construction	31-May-14								
Erection and alteration of stadium structure	31-May-14								
Site Photos									
									
Pouring of strip footings for stadium extension	Existing gas service within excavation footprint for new warm water pool								
									
Excavation works for stadium extension	Preparation of footings for proposed gym extension								
<table border="1"> <thead> <tr> <th>Key</th> <th>Caution</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> </tr> <tr> <td>Project or issue is within established milestones, scope, budget and is on schedule</td> <td>Project has slightly deviated from the plan. Issue/risk has the potential to deviate project from defined time, cost, quality objectives</td> </tr> <tr> <td></td> <td>Project is not tracking to established milestones, or has taken on tasks out of scope or budget. Issue or risk likely to significantly impact on schedule and project costs.</td> </tr> </tbody> </table>		Key	Caution			Project or issue is within established milestones, scope, budget and is on schedule	Project has slightly deviated from the plan. Issue/risk has the potential to deviate project from defined time, cost, quality objectives		Project is not tracking to established milestones, or has taken on tasks out of scope or budget. Issue or risk likely to significantly impact on schedule and project costs.
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IN COMMITTEE

MOVED Cr Frank Buchanan seconded Cr Michael Delahunty that pursuant to the provisions of Section 89(2) of the Local Government Act, the meeting be closed to the public and Council move "In-Committee" in order to deal with:

SUBJECT	REASON	SECTION OF ACT
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CARRIED 7 : 0

Cr Woodcroft left the meeting at 6.05pm.

OUT OF COMMITTEE

MOVED Cr Stephen Hart seconded Cr Frank Buchanan that the meeting move out of committee.

CARRIED 6 : 0

The Meeting Was Declared Closed at 6.08 pm

CONFIRMED AND SIGNED at the meeting held on 28 MAY 2014

.....*Lyn. E. Russell*.....**MAYOR**