

MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* held at the Senior Citizen's Centre, Apollo Bay on 25 November 2015 at 4.00pm.

Mayor Buchanan welcomed the community to the meeting.

Mayor Buchanan requested Cr. Smith that he sit in his allocated seat at the Council table where his microphone and name plate are situated to allow an accurate recording of the meeting to take place.

Cr. Smith remained seated near the gallery and not in his allocated seat at the Council table.

FORMAL MOTION - MOVED Cr Stephen Hart seconded Cr Lyn Russell that Councillors are to be seated in their allocated seats at the Council table where their name appears to allow the accurate recording and good conduct of the meeting as per the Council meeting seating plan.

CARRIED 5 : 1

Mayor Buchanan informed Cr. Smith that a resolution had been passed and that Councillors must sit in their allocated seats as per the resolution.

Cr. Smith remained seated in the seat near the gallery and not in his allocated seat at the Council table and without a microphone.

Mayor Buchanan informed Cr. Smith that he is in breach of Section 101 (1) of Local Law 4 and Section 4.6 of the Councillor Code of Conduct by not complying with the Council Resolution.

Cr. Smith remained where he was seated near the gallery and not in his allocated seat at the Council table and without a microphone.

Mayor Buchanan informed Cr. Smith that he was in breach of 106 (1) of Local Law 4 and called him to order or he would be suspended under Section 103 (1) of Local Law 4 for not complying with the Council Resolution.

Cr. Smith remained where he was seated near the gallery and not in his allocated seat at the Council table and without a microphone.

Given Cr Smith refused to comply with repeated requests to take his allocated seat in accordance with the Council Resolution Mayor Buchanan suspended Cr. Smith from the Council meeting in accordance with Section 103 (1) of Local Law 4 and asked Cr Smith to leave the meeting.

Cr. Smith remained where he was seated near the gallery and not in his allocated seat at the Council table and without a microphone.

Mayor Buchanan informed Cr. Smith that he was guilty of an offence under Section 103 (2) and 106 (2) of Local Law 4 and if he did not leave the meeting the Mayor would contact the Victoria Police to have him removed.

Cr. Smith remained where he was seated near the gallery and not in his allocated seat at the Council table and without a microphone.

Mayor Buchanan adjourned the meeting to seek advice from Council Officers.

MEETING ADJOURNED AT 4.04PM

MEETING RESUMED AT 4.07PM

Mayor Buchanan informed Cr. Smith that if he did not comply with his suspension the Mayor would ask Council Officers to contact the Victoria Police.

Cr. Smith remained where he was seated near the gallery and not in his allocated seat at the Council table and without a microphone.

Mayor Buchanan adjourned to meeting and requested Council Officers to contact the Victoria Police.

MEETING ADJOURNED AT 4.08PM

Cr Michael Delahunty arrived at Council Chambers at 4.12PM

MEETING RESUMED AT 4.17PM

Mayor Buchanan reconfirmed to Cr. Smith that he was suspended from the meeting and the Victoria Police were in attendance to assist with his removal from the meeting.

Cr. Smith remained where he was seated near the gallery and not in his allocated seat at the Council table and without a microphone.

Mayor Buchanan asked the Victoria Police officers in attendance to please remove Cr. Smith from the Council Chambers.

Cr Chris Smith left Council Chambers at 04:19 PM

1. OPENING PRAYER

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

AMEN

2. PRESENT

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

Sue Wilkinson, Chief Executive Officer
Colin Hayman, General Manager, Corporate Services
Ingrid Bishop, General Manager, Infrastructure & Leisure Services
Brydon King, General Manager, Development & Community Services
Jennifer Wood, Manager Governance & Customer Services
Maree Redmond, Acting Executive Officer

3. APOLOGIES

Nil

4. MAYORAL STATEMENT

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

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

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

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

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

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

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

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

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

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

5. QUESTION TIME

Questions Received in Writing Prior to the Meeting

James Judd

1. As an account is not due prior to moving into arrears why are Council rates and charges issued only showing dates as required by LGA 1989 not the actual due date when an account moved into arrears since interest is not legal to charge prior to when moving into arrears and then only on outstanding amount.

Response:

Arrears are only shown on the annual rates notice issued in August. The arrears figure is an aggregate of rates remaining unpaid from previous financial years, interest accrued on those arrears and any unpaid debt collection/legal costs. As arrears are amounts that relate to previous financial years, they are required to be paid immediately.

Amounts become "overdue" when they are not paid by the prescribed date and become "arrears" when they remain unpaid at the commencement of the next financial year after the amount was levied.

Interest is charged on "overdue" rates and continues to be charged when the amount becomes "arrears" as provided for by the Local Government Act.

2. With confirmation received that submissions now received until after mid December 2015 what is the position in relation to when the Government Report on the investigation into LGA 1989 will be concluded plus do Councils expect to receive advice prior to introduction of rate capping on 1/7/2016 or will a preliminary report be handed down and more submissions called for before a final report is issued?

Response:

Currently a preliminary submission is being prepared by the Municipal Association of Victoria (MAV) based on feedback at a round table session with approximately 40 representatives from Councils around Victoria.

They intend to circulate the proposed submission to MAV members on 27 November with comments due by 14 December. This will enable the submission to meet the 18 December deadline.

The Local Government (Fair Go Rate) Bill is still before parliament and we expect to receive more information as soon as it is available.

Phil and Marg Lawson

1. In 2012 the Apollo Bay Pool Committee's survey results had more than twice as many respondents favouring the Apollo Bay school for locating an indoor pool over the harbour. In March 2013 COS agreed to cover running costs of an Apollo Bay heated pool in response to a proposal to develop the pool at the school. Is COS guaranteeing to cover ongoing financial losses if a pool is developed in the less preferred site at the harbour?

Response:

The Council resolved to fund the ongoing operational costs associated with an indoor heated pool in Apollo Bay. The resolution did not extend to specific pool location.

2. In light of the rapid increase in boat ramp usage in recent years, what commitment is there by Council to protect launching ramp parking? Under any future development of the Apollo Bay harbour will all present available car/trailer parking space be retained and available for boat ramp users?

Response:

Council recognises the importance of boat trailer parking and other car parking at the boat ramp to service the needs of commercial and recreational users. The Special Use Zone that has been applied to the land specifically highlights the importance of the boat ramp and parking as key elements of a Development Plan. Key users of the harbour will be consulted in the preparation the development plan.

3. To provide a wide variety of views and local knowledge, could the proposed Project Control Group please include 6 community representatives? Eg. Fishermen's Co-op, sailing club, recreational fishermen, Chamber of Commerce, Otway Forum, pool committee.

Response:

The suggestion for participant inclusion is noted and will be consideration when the Project Control Group Terms of Reference are finalised.

Tim Cobb – Skenes Creek

In relation to the Apollo Bay Harbour Development Plan

The paper looks good and a sensible approach - well done. I've got a couple of significant concerns though.

1. On page 25 of the Agenda, in the section on 'Challenges' the paper refers to the development plan including an indoor heated swimming pool. It is quite correct to state that there is significant community support for this. On page 27 in the section the paper states that the market sounding should be 'based on the inclusion of a publicly accessible aquatic & well being centre, no accommodation and consistent with the provisions of the Special Use Zone.' There is a community expectation that the development plan will allow consideration of an indoor heated swimming pool. Is there any robust evidence of real community support for 'associated health and well being facilities' at the harbour? I don't think there is - other than acknowledgement that some upmarket facilities may eventually be proposed by a developer to help pay for the pool. References to an aquatic health and well being centre should therefore be amended to read indoor heated swimming pool as they are through most of the paper. That not to say a health and wellbeing facilities cannot be provided - just that it is important to be clear that an indoor heated swimming pool is what the community is supporting.

2. Can community representation on the panel be increased? I recognise that not all community interests can be represented without making the numbers unmanageable. In order to maintain community engagement it is vital that the group is not perceived as a 'stitch-up'. Therefore the PCG needs to include a mix of individuals who are

- recreational users of the harbour
- pool advocates
- commercial users of the harbour
- pro-development
- anti/small development

that looks like 5 people as an absolute minimum.

If the three community representatives are just pro-pool, pro-development then the process is very likely to fail once again due to lack of community engagement and we'll be back at the beginning again.

Can community representation on the panel be increased to 5 or 6?

Response:

The reference to other well being uses associated with a pool as detailed in the report are referenced only as options provided for under the Special Use Zone. It is acknowledged that the indoor heated pool has been the focus of discussions with the community in the past. Distinctions between these elements will be clear in the future process described in the report.

The suggestion in the report of three community representatives on the Project Control Group is considered to appropriately provide for a diversity of views from a community perspective and represent the overall scale of the township. The intention of the Project Control Group is to lead the process described in the report and it will not replace broader consultation with other relevant stakeholders. Finalisation of the Terms of Reference and reporting of these to Council in due course will ensure the formation of the Project Control Group is tested.

Questions Received Verbally at the Meeting

Yvonne Francis – Apollo Bay

1. I am concerned at the low quality of rental housing accommodation in Apollo Bay. I may have asked a similar question in the past. I do understand that the Victorian Government has the final say on housing as their responsibility lies under the Constitution of Australia but I feel it would be very useful if the Colac Otway Shire could provide the Victorian government with some facts to work from. It is really terrible to see young people being forced to use accommodation that is below a healthy standard. Would the Colac Otway Shire take on an inventory of all low cost rental housing in Apollo Bay so that the Victorian Government can be properly informed of the state of the stock available to Apollo Bay people? There are four real estate agents in Apollo Bay and it would not be too onerous a task to interview them one by one.

The Mayor took the question on notice but noted that the community was very fortunate to have the Lions Village operating in the community.

2. I would like to refer to an item OM152511-4 Licence for Public Viewing Deck – Apollo Bay Fisherman's Co-Operative?

Having declared a conflict of interest Cr Michael Delahunty left Council Chambers at 4:36 PM

The Colac Otway Shire is the managing body for the Apollo Bay Harbour and I ask how many Apollo Bay Fisherman and Women are members of the co-operative and what do they want to occupy the deck for?

The Mayor took the question on notice.

Cr Michael Delahunty returned to Council Chambers at 4:37 PM

Ngairé Smith – Apollo Bay

1. When does Council expect the permit for the dredge for operation in the Apollo Bay harbour will be issued, and one of the conditions of that is how many hours it is able to be used?

General Manager Infrastructure & Leisure Services advised that with regard to the permits that issue has been resolved. We have received written advice from the State government with regard to coastal consent so those permits have been issued and we have also received confirmation from the Commonwealth Government advising than an exemption for us to dispose off the lea wall is not required. So all the permit issues have now been resolved. Part of the criteria for acceptance of the permit from the State Government regarding coastal consent is that we have to have an environmental management plan in place which addresses the practices of the dredging. We have that in draft format and the plan is to have that to the department for approval by the end of next month..

The question in regard to the hours of dredging was taken on notice.

2. Has there been any environment study completed on the Apollo Bay Harbour and where would I be able to access it?

General Manager Development & Community Services took the question on notice.

Tony Webber – Otway Forum

1. To save time and money and stress could the Council simply move forward with the Otway Forum Graham Bentley Landscape Architect plan that has widespread community support and would include a community pool. Can Councillors today consider this community driven approach rather than the consultant developer lead approach.

The Mayor made comment that it was a very strong community driven approach. The CEO stated that when Council considers the item this evening it will be open to them to consider the suggestion rather than taking the process Council Officers recommend.

2. What happens if the consultant and the developer produce a plan that doesn't have community support.

The Mayor stated that it wouldn't get much support amongst the Councillors.

John Marriner

1. In relation to the Apollo Bay Harbour Development Plan and specifically the project control group. I note that in the preamble Council states its policy on good governance, do you believe that the makeup of the project control group adequately reflects Council's policy on good governance.

The Mayor commented that it is very important that the control group is able to harness all the views of the community, whether it was one community member or ten. The conduit of the people who put up their hand for selection will have a big task on their hands so that they are representative of their own group but also collect the views and ideas around the community. I think it is a very important thing to do, what I don't want to see happen is big groups coming along, everyone has a say but there are no conclusions. This is an opportunity to get something to market that we will get something good out of.

The CEO stated that the intent of the creation of a project control group is quite different to anything the community has seen previously and the big hint is in the name of the group which is about project control. It is not a consultation group, it is a group that is intended with the community to support Council together so that Council is collaborating with the community to go to the market and see whether or not that the principals that are embodied in the special use zone are of interest to the private sector to deliver, or other bodies or a mix of. I envisage that would create the template that would then go to the market so it would assist Council in doing that. But also design consultation as required and any other processes that are necessary. It is probably one of the most transparent approaches to governance in terms of a big government led project that the community has seen.

Phil Lawson

1. Is Council prepared to cover ongoing losses for an associated wellness centre and any other parts of a private enterprise development that might happen at the harbour and if the pool is developed by private enterprise are you still covering ongoing losses of that part of the development?

The Mayor stated it was far too early to contemplate any of that. There would be no appetite or capability for this shire to cover any serious losses for any enterprise across the shire so it would always come back to this Council for them to make any of those decisions.

The CEO stated that the Council resolution thus far in relation to the possibility of a heated pool relates to the operating costs, it is not specific and does not talk about covering losses, it doesn't talk about a wellness centre, nor does it talk about a location. That is clearly something that would require further consideration depending on whether there was a proposition to emerge out of the development plan process. The Mayor is quite right and my view is that I don't have remit under a resolution for any of the things you have suggested but that would require further consideration in the event it was required to consider it.

Jane Gross – Apollo Bay

1. In regard to the entrance of Apollo Bay – the rotunda roof is rusty, can it be re-roofed?

The General Manager Development & Community Services took the question on notice to investigate ownership and responsibility.

2. The emergency sign at the entry to Apollo Bay is also rusty and old. Phone calls have revealed it isn't Council's, VicRoads's or Emergency Services jurisdiction and a second call to VicRoads said next time someone was down there they would remove it. Emergency Services are fine with that. Would it be possible for Council to remove the sign given VicRoads are in Geelong and Council has employees in Apollo Bay.

CEO said she will do what she can.

Jo Burley – Apollo Bay

1. Why doesn't Marengo have a lovely new town entrance sign and only still has a black & white one?

CEO took the question on notice.

2. Could we please have one?

CEO took the question on notice.

Tony Webber – Apollo Bay

1. Regarding the bridge from the recreation reserve to what used to be JW Coles land now owned by Great Ocean Green. The bridge has been closed, the bridge was repaired two years ago. People are wondering why a bridge that has been repaired two years ago would now be closed.

Cr Russell advised that the bridge is privately owned and is not owned by the Colac Otway Shire and suggested that conversation be held with the land owner.

Question time ended at 4.53pm.

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

These responses will not be read out but will be included in the minutes of this meeting.

Alan Billing

Cost of annual report \$20 last year – why was it \$85 this year

Response:

Under the fees and charges section of the Budget there is a cost for Printing and Photocopying (there has been no specific line item for the cost of a copy of the Annual Report). Last year that charge was set at 40c per black and white A4 page. At 178 pages, the cost for a copy of the 2013-2014 Annual Report should have been \$71.20. It is not clear why it was charged at \$20.00. For this year, the cost for Printing and Photocopying in the Budget is 50c per black and white A4 page. At 170 pages the cost for a copy of the 2014-2015 Annual Report is \$85.00. Council resolved at its October meeting to set the cost of a black and white copy of the Annual Report at \$20.00.

Yvonne Francis – Apollo Bay

How long will Council entertain the mooring of three rapacious trawlers in the harbour of Apollo Bay?

Response:

The Apollo Bay Harbour is an important commercial port and safe haven, with one of the key aims of the service being to support Victoria's fishing fleet including passing intrastate and interstate commercial vessel movements. Commercial vessels provide many benefits to the harbour and surrounding region, as supporting industry provides jobs and economic support to Apollo Bay and region wide. The trawlers referenced are not within Council's jurisdiction to manage.

7. DECLARATION OF INTEREST

Cr Delahunty:	OM152511-1 CEO's Progress Report
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Interest in numerous items in report.

Cr Delahunty:	OM152511-4 Licence for Public Viewing Deck - Apollo Bay Fisherman's Co-operative
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Own property within the affected area

Cr Russell:	OM152511-7 Contract 1532 - Provision Of Banking And Bill Payment Services
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Own bank shares in the tenderers.

Cr Hart:	OM152511-7 Contract 1532 - Provision Of Banking And Bill Payment Services
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Own bank shares in the tenderers

Cr Russell:	OM152511-9 Lease Renewal - 49-51 Great Ocean Road, Lavers Hill
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Own shares in Telstra

Cr Hart:	OM152511-9 Lease Renewal - 49-51 Great Ocean Road, Lavers Hill
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Own shares in Telstra

Cr Hart:	OM152511-10 Adoption of Domestic Wastewater Management Plan
Nature of Disclosure:	Direct Interest
Type of Indirect Interest:	77B
Nature of Interest:	Own property within the affected area

Cr Delahunty:	OM152511-10 Adoption of Domestic Wastewater Management Plan
Nature of Disclosure:	Direct Interest
Type of Indirect Interest:	77B
Nature of Interest:	Own property within the affected area

Cr Buchanan:	OM152511-15 2016 Australia Day Awards
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78
Nature of Interest:	Son's Mother In Law is a nominee.

Cr Russell:	OM152511-17 Contract 1532 - Provision Of Banking And Bill Payment Services
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Own bank shares in the tenderers

Cr Hart:	OM152511-17 Contract 1532 - Provision Of Banking And Bill Payment Services
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Own bank shares in the tenderers

8. CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on the 28 October 2015
- Special Council Meeting held on the 18 November 2015

MOVED Cr Stephen Hart seconded Cr Lyn Russell that Council confirm the above minutes.

CARRIED 5 : 1

DIVISION called by Cr Michael Delahunty

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

Against the Motion: Cr Michael Delahunty

OM152511-1 CEO'S PROGRESS REPORT

AUTHOR:	Maree Redmond	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Executive	FILE REF:	F15/9436

Cr Delahunty:	OM152511-1 CEO's Progress Report
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Interest in numerous items in report.

Having declared a conflict of interest, Cr Michael Delahunty left Council Chambers at 05:03 PM

***MOVED Cr Lyn Russell seconded Cr Brian Crook
That Council notes the CEO's Progress Report.***

CARRIED 5 : 0

Cr Michael Delahunty returned to Council Chambers at 05:05 PM

OM152511-2 APOLLO BAY HARBOUR DEVELOPMENT PLAN

AUTHOR:	Doug McNeill	ENDORSED:	Brydon King
DEPARTMENT:	Executive	FILE REF:	F15/8131

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

1. **Seek expressions of interest from the Apollo Bay community for three members of a new Project Control Group to be established to lead a market sounding process and an EOI process for the preparation of a Development Plan for the Apollo Bay Harbour in accordance with adopted Terms of Reference. A report is to be presented to Council to appoint the community membership of this group.**
2. **Commences the following processes:**
 - a. **Stage 1 – Market Sounding**
 - b. **Stage 2 – Expression of Interest – Preparation of Development Plan**

ALTERNATIVE MOTION - MOVED Cr Michael Delahunty that:**That Council:**

1. **Seek expressions of interest from the Apollo Bay community for a minimum of three and a maximum of nine members of a new Project Control Group to be established to lead a market sounding process and an EOI process for the preparation of a Development Plan for the Apollo Bay Harbour in accordance with adopted Terms of Reference. A report is to be presented to Council to appoint the community membership of this group.**
2. **Commences the following processes:**
 - a. **Stage 1 – Expression of Interest**
 - b. **Stage 2 – Preparation of Development Plan**

Motion lapsed due to lack of a seconder

ALTERNATIVE MOTION - MOVED Cr Stephen Hart seconded Cr Michael Delahunty**That Council:**

- 1. Commences the following process:**
 - a. Stage 1 – expression of interest**
 - b. Stage 2 – Preparation of development plan**

- 2. Develop Terms of reference for the new Project Control Group, that allow for at least 3 and no more than 9 community representatives with a variety of views, and report these to Council in December 2015 prior to seeking expressions of interest for Community representatives.**

VOTE 3 : 3**The Mayor used his casting vote for the motion****CARRIED 4 : 3**

OM152511-3 REVIEW OF AMY'S GRAN FONDO EVENT

AUTHOR:	Emma Clark	ENDORSED:	Brydon King
DEPARTMENT:	Executive	FILE REF:	F15/1849

Original Recommendation(s)

That Council:

- 1. Supports the changes to the Amy's Gran Fondo event as outlined:**
 - a. Reversing the direction of the Gran Fondo course, which would change the time of the road closures. The Great Ocean Road will close later in the morning allowing residents access to attend work or other engagements. The inland roads will have different road closure times as well.**
 - b. Reversing the direction of the Medio Fondo so that it starts in Apollo Bay and finishes in Lorne. Also the Medio Fondo will start at approx. 10.30am, therefore encouraging Medio Fondo riders to stay in Apollo Bay.**
 - c. Increasing the number of riders in the Medio Fondo from 500 to 1,000 in 2016 and up to 2,000 riders in subsequent years.**
 - d. Provide a dedicated page for Apollo Bay and surrounding businesses to advertise accommodation for the weekend.**
 - e. Consider moving the NRS Women's Criterium to Apollo Bay subject to Cycling Australia approval.**
 - f. Partnering with Apollo Bay District Health Foundation to engage volunteers for the event with a financial contribution delivered back to the community through the Health Foundation.**
- 2. Supports the resident notification schedule as outlined which includes:**
 - a. Three resident notifications, 5 months before the event, 3 months before the event and 1 month before the event.**
 - b. The notifications will be sent across a number of different channels, including addressed mail, advertising and social media.**
- 3. Request that council officers contact the Steering Committee for the closure of the Great Ocean Road for events, which includes SurfCoast Shire, Vic Roads and Victoria Police, to indicate that that an open competitive tendering process should be established for event organisers wishing to close the Great Ocean Road to conduct an event, for events to be held from 2018.**

ALTERNATIVE MOTION - MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council:

1. **Supports the changes to the Amy's Gran Fondo event as outlined:**
 - a. **Reversing the direction of the Gran Fondo course, which would change the time of the road closures. The Great Ocean Road will close later in the morning allowing residents access to attend work or other engagements. The inland roads will have different road closure times as well.**
 - b. **Reversing the direction of the Medio Fondo so that it starts in Apollo Bay and finishes in Lorne. Also the Medio Fondo will start at approx. 10.30am, therefore encouraging Medio Fondo riders to stay in Apollo Bay.**
 - c. **Increasing the number of riders in the Medio Fondo from 500 to 1,000 in 2016 and up to 2,000 riders in subsequent years.**
 - d. **Provide a dedicated page for Apollo Bay and surrounding businesses to advertise accommodation for the weekend.**
 - e. **Consider moving the NRS Women's Criterium to Apollo Bay subject to Cycling Australia approval.**
 - f. **Partnering with Apollo Bay District Health Foundation to engage volunteers for the event with a financial contribution delivered back to the community through the Health Foundation.**
 - g. **Recommends the organisers recommend to cycling participants against using the roads on the day prior to the event**
 - h. **Requires organisers post a \$5,000 bond to be returned nett of litter clean-up costs**
 - i. **Recommends that any road closures for this event be for a maximum of two hours**
 - j. **Ensures marshals are provided with time sheets advising of closure times**
2. **Supports the operation of Amys Grand Fondo in 2016 based on the changes in Item 1.**
3. **Invites the community to write to Council with their view of the 2016 event for a period of at least 6 weeks post the event**
4. **Request the Chief Executive Officer to report on the review process, including submissions received, to the next available Council Meeting**
5. **Supports the resident notification schedule as outlined which includes:**
 - a. **Three resident notifications, 5 months before the event, 3 months before the event and 1 month before the event.**
 - b. **The notifications will be sent across a number of different channels, including addressed mail, advertising and social media.**
6. **Request that council officers contact the Steering Committee for the closure of the Great Ocean Road for events, which includes Surfcoast Shire, Vic Roads and Victoria Police, to indicate that that an open competitive tendering process**

should be established for event organisers wishing to close the Great Ocean Road to conduct an event, for events to be held from 2018.

VOTE 3 : 3

The Mayor used his casting vote against the motion

LOST 3 : 4

**ALTERNATIVE MOTION - MOVED Cr Stephen Hart seconded Cr Terry Woodcroft
That Council:**

- 1. Supports the changes to the Amy's Gran Fondo event as outlined:**
 - a. Reversing the direction of the Gran Fondo course, which would change the time of the road closures. The Great Ocean Road will close later in the morning allowing residents access to attend work or other engagements. The inland roads will have different road closure times as well.**
 - b. Reversing the direction of the Medio Fondo so that it starts in Apollo Bay and finishes in Lorne. Also the Medio Fondo will start at approx. 10.30am, therefore encouraging Medio Fondo riders to stay in Apollo Bay.**
 - c. Increasing the number of riders in the Medio Fondo from 500 to 1,000 in 2016 and up to 2,000 riders in subsequent years.**
 - d. Provide a dedicated page for Apollo Bay and surrounding businesses to advertise accommodation for the weekend.**
 - e. Consider moving the NRS Women's Criterium to Apollo Bay subject to Cycling Australia approval.**
 - f. Partnering with Apollo Bay District Health Foundation to engage volunteers for the event with a financial contribution delivered back to the community through the Health Foundation.**
 - g. Recommends the organisers recommend to cycling participants against using the roads on the day prior to the event as there may be increased traffic volumes**
 - h. Requires organisers post a \$5,000 bond to be returned nett of litter clean-up costs**
 - i. Ensures marshals are provided with time sheets advising of closure times**
- 2. Supports the operation of Amys Grand Fondo in 2016 based on the changes in Item 1.**
- 3. Invites the community to write to Council with their view of the 2016 event for a period of at least 6 weeks post the event**
- 4. Request the Chief Executive Officer to report on the review process, including submissions received, to the next available Council Meeting**
- 5. Supports the resident notification schedule as outlined which includes:**

- a. *Three resident notifications, 5 months before the event, 3 months before the event and 1 month before the event.*
 - b. *The notifications will be sent across a number of different channels, including addressed mail, advertising and social media.*
6. *Request that council officers contact the Steering Committee for the closure of the Great Ocean Road for events, which includes Surfcoast Shire, Vic Roads and Victoria Police, to indicate that that an open competitive tendering process should be established for event organisers wishing to close the Great Ocean Road to conduct an event, for events to be held from 2018.*

CARRIED 6 : 0

**OM152511-4 LICENCE FOR PUBLIC VIEWING DECK - APOLLO BAY FISHERMAN'S
CO-OPERATIVE**

AUTHOR:	Clive Brooker	ENDORSED:	Ingrid Bishop
DEPARTMENT:	Executive	FILE REF:	F12/828

Cr Delahunty:	OM152511-4 Licence for Public Viewing Deck - Apollo Bay Fisherman's Co-operative
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Conducted investigation for the deck.

Having declared a conflict of interest Cr Michael Delahunty left Council Chambers at 05:54 PM

Original Recommendation(s)

That Council:

- 1. Authorises the Chief Executive Officer to sign and seal the licence agreement between the Apollo Bay Fisherman's Cooperative Society and Council, as Committee of Management, over the portion of the land occupied by the viewing deck and described as CA23A sec. 2.***
- 2. Following the execution of the licence agreement by Council and the Apollo Bay Fisherman's Cooperative Society, submit the documents for assent by the Minister for the Department of Environment Land Water and Planning or his or her delegate.***

ALTERNATIVE MOTION MOVED Cr Stephen Hart seconded Cr Lyn Russell:

That Council:

- 1. Authorises the Chief Executive Officer to sign and seal the licence agreement between the Apollo Bay Fisherman's Cooperative Society and Council, as Committee of Management, over the portion of the land occupied by the viewing deck and described as CA23A sec. 2.**
- 2. Notes the expiration date of the licence is 30 June 2016 to allow for the review of both Apollo Bay Fisherman's cooperative society tenancy agreement concurrently**
- 3. Following the execution of the licence agreement by Council and the Apollo Bay Fisherman's Cooperative Society, submit the documents for assent by the Minister for the Department of Environment Land Water and Planning or his or her delegate.**

CARRIED 5 : 0

Cr Michael Delahunty returned to Council Chambers at 05:57 PM

OM152511-5 RE-ELECTION OF S86 COMMITTEES OF MANAGEMENT

AUTHOR:	Mark Lyons	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Corporate Services	FILE REF:	11/96649

MOVED Cr Lyn Russell seconded Cr Terry Woodcroft

That Council:

- 1. Pursuant to section 86 of the Local Government Act 1989, resolves to appoint the following nominated members to the Eurack Public Hall and Tennis Reserve, Beech Forest Recreation Reserve and Cororooke Hall Committees of Management until 26 September 2018:**

Eurack Public Hall and Tennis Reserve	Alan Carew, Barbara Paine, Daniel Wood, John Carew, Megan Dodd, Barry McDougall, Gerald Paine, Mary Carew, Kaylene Wood, Jeff Johnson
Beech Forest Recreation Reserve	Rory Harrington, Simon Brown, Justin Robbins, Bryan Moore, Steve Trotter
Cororooke Hall	Rod Stephenson, Wayne Burnett, Lucy Darcy, Caroline Grist, Merv Taylor, Pat Boylan, Eppy Hickey, Geoff Vagg, Gerard Hickey

- 2. In accordance with section 81 sub-section(2) sub-section(a) of the Local Government Act 1989, resolves to exempt members of the Committee from being required to submit a primary or ordinary conflict of interest return in accordance with this section.**
- 3. Advises the Committee that a copy of minutes of meetings held be forwarded to Council for its record after each meeting and that a Treasurer's Report be provided on an annual basis.**

CARRIED 6 : 0

**OM152511-6 CONTRACT 1543 - PROVISION OF MARKETING AND PRINT SERVICES
(MAV)**

AUTHOR:	Andrew Kavanagh	ENDORSED:	Mark Lyons
DEPARTMENT:	Corporate Services	FILE REF:	F15/8783

MOVED Cr Terry Woodcroft seconded Cr Brian Crook

That Council awards Contract 1543 – Marketing & Print Services (MAV Ref: MB8210-2015) to the following companies at the schedule of prices submitted:

Category 1 – Media Services

- **Blaze Advertising Pty Ltd**

Category 2 – Advertising Services

- **Blaze Advertising Pty Ltd**
- **Inka Australia Pty Ltd**
- **SoDesign and Branding**
- **The Contenders Design & Digital Communications**

Category 3 – Design Services

- **Blaze Advertising Pty Ltd**
- **Inka Australia Pty Ltd**
- **Johanna Villani Design**
- **Print Logistics (Aust.) Pty Ltd**
- **SoDesign and Branding**
- **Synkd Pty Ltd**
- **The Contenders Design & Digital Communications**

CARRIED 5 : 1

OM152511-7 CONTRACT 1532 - PROVISION OF BANKING AND BILL PAYMENT SERVICES

AUTHOR:	Andrew Kavanagh	ENDORSED:	Mark Lyons
DEPARTMENT:	Corporate Services	FILE REF:	F15/8779

Cr Russell:	OM152511-7 Contract 1532 - Provision Of Banking And Bill Payment Services
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Own bank shares in the tenderers.

Cr Hart:	OM152511-7 Contract 1532 - Provision Of Banking And Bill Payment Services
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Own bank shares in the tenderers

Having declared conflicts of interest Cr Lyn Russell and Cr Stephen Hart left Council Chambers at 06:15 PM

MOVED Cr Michael Delahunty seconded Cr Terry Woodcroft

That Council:

- 1. Awards Contract 1532 for Provision of Banking and Bill Payment Services to Commonwealth Bank of Australia at its tendered schedule of rates.***
- 2. Authorises the Chief Executive Officer to sign the contract documents following award of Contract 1532.***

CARRIED 4 : 0

Cr Lyn Russell and Cr Stephen Hart returned to Council Chambers at 06:17 PM

OM152511-8 PROPOSED COUNCIL MEETING DATES 2016

AUTHOR:	Jenny Wood	ENDORSED:	Mark Lyons
DEPARTMENT:	Corporate Services	FILE REF:	CLF11/8

Original Recommendation(s)

That Council:

1. ***Confirm the meeting dates, times and venues for Ordinary Council meetings for 2016 as:***
 - **Wednesday, 27 January 2016** COPACC – Colac
 - **Wednesday, 24 February 2016** Apollo Bay Senior Citizen’s Centre
 - **Wednesday, 23 March 2016** COPACC – Colac
 - **Wednesday, 27 April 2016** Birregurra Public Hall
 - **Wednesday, 25 May 2016** COPACC - Colac
 - **Wednesday, 22 June 2016** COPACC – Colac
 - **Wednesday, 27 July 2016** COPACC – Colac
 - **Wednesday, 24 August 2016** COPACC – Colac
 - **Wednesday, 28 September 2016** COPACC – Colac
 - **Wednesday, 23 November 2016** Apollo Bay Senior Citizen’s Centre
 - **Wednesday, 21 December 2016** COPACC – Colac
2. ***Confirms the Special Council meeting to be scheduled for Wednesday, 9 November 2016 at 4.00pm at COPACC, Colac.***

ALTERNATIVE MOTION - MOVED Cr Michael Delahunty seconded Cr Terry Woodcroft

That Council:

- Confirm the meeting dates, times and venues for Ordinary Council meetings for 2016 as:***
- **Wednesday, 27 January 2016 4pm** COPACC – Colac
 - **Wednesday, 24 February 2016 4pm** COPACC – Colac
 - **Wednesday, 23 March 2016 4pm** COPACC – Colac
 - **Wednesday, 27 April 2016 4pm** COPACC – Colac
 - **Wednesday, 25 May 2016 4pm** COPACC - Colac
 - **Wednesday, 22 June 2016 4pm** COPACC – Colac
 - **Wednesday, 27 July 2016 4pm** COPACC – Colac
 - **Wednesday, 24 August 2016 4pm** COPACC – Colac
 - **Wednesday, 28 September 2016 4pm** COPACC – Colac
 - **Wednesday, 23 November 2016 4pm** Apollo Bay Senior Citizen’s Centre
 - **Wednesday, 21 December 2016 4pm** COPACC – Colac
2. ***Confirms the Special Council meeting to be scheduled for Wednesday, 9 November 2016 at 4.00pm at COPACC, Colac.***

AMENDMENT - MOVED Cr Brian Crook seconded Cr Lyn Russell that:

Wednesday, 24 February 2016 4pm
Wednesday, 27 April 2016 4pm
centre

COPACC – Colac
Apollo Bay Senior Citizens

CARRIED 5 : 1

DIVISION called by Cr Hart

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

Against the Motion: Cr Stephen Hart

AMENDED ALTERNATIVE MOTION - MOVED Cr Michael Delahunty seconded Cr Terry Woodcroft that:

Confirm the meeting dates, times and venues for Ordinary Council meetings for 2016 as:

- Wednesday, 27 January 2016 4pm COPACC – Colac
- Wednesday, 24 February 2016 4pm COPACC – Colac
- Wednesday, 23 March 2016 4pm COPACC – Colac
- Wednesday, 27 April 2016 4pm Apollo Bay Senior Citizens Centre
- Wednesday, 25 May 2016 4pm COPACC - Colac
- Wednesday, 22 June 2016 4pm COPACC – Colac
- Wednesday, 27 July 2016 4pm COPACC – Colac
- Wednesday, 24 August 2016 4pm COPACC – Colac
- Wednesday, 28 September 2016 4pm COPACC – Colac
- Wednesday, 23 November 2016 4pm Apollo Bay Senior Citizen's Centre
- Wednesday, 21 December 2016 4pm COPACC – Colac

3. Confirms the Special Council meeting to be scheduled for Wednesday, 9 November 2016 at 4.00pm at COPACC, Colac.

CARRIED 5 : 1

DIVISION called by Cr Stephen Hart

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

Against the Motion: Cr Stephen Hart

OM152511-9 LEASE RENEWAL - 49-51 GREAT OCEAN ROAD, LAVERS HILL

AUTHOR:	Adam Lehmann	ENDORSED:	Ingrid Bishop
DEPARTMENT:	Infrastructure & Leisure Services	FILE REF:	F12/828

Cr Russell:	OM152511-9 Lease Renewal - 49-51 Great Ocean Road, Lavers Hill
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Own shares in Telstra

Cr Hart:	OM152511-9 Lease Renewal - 49-51 Great Ocean Road, Lavers Hill
Nature of Disclosure:	Indirect Interest
Type of Indirect Interest:	78A
Nature of Interest:	Own shares in Telstra

Having declared conflict of interests Cr Lyn Russell and Cr Stephen Hart left Council Chambers at 06:31 PM

MOVED Cr Terry Woodcroft seconded Cr Brian Crook

That Council authorizes the Chief Executive Officer to sign and seal the deed of renewal to extend the existing Lease Agreement between Colac Otway Shire Council and Telstra Corporation Pty Ltd for the mobile communication installation at 49-51 Great Ocean Road, Lavers Hill for a further five (5) years.

CARRIED 4 : 0

Cr Lyn Russell and Cr Stephen Hart returned to Council Chambers at 06:33 PM

OM152511-10 ADOPTION OF DOMESTIC WASTEWATER MANAGEMENT PLAN

AUTHOR:	Doug McNeill	ENDORSED:	Brydon King
DEPARTMENT:	Development & Community Services	FILE REF:	F14/5663

Cr Hart:	OM152511-10 Adoption of Domestic Wastewater Management Plan
Nature of Disclosure:	Direct Interest
Type of Indirect Interest:	77B
Nature of Interest:	Own property within the affected area

Cr Delahunty:	OM152511-10 Adoption of Domestic Wastewater Management Plan
Nature of Disclosure:	Direct Interest
Type of Indirect Interest:	77B
Nature of Interest:	Own property within the affected area

Having declared conflicts of interest Cr Stephen Hart and Cr Michael Delahunty left Council Chambers at 06:34 PM

Original Recommendation(s)

That Council:

- 1. Adopts the final version of the Domestic Wastewater Management Plan.***
- 2. Commits to implementation of actions contained within the plan.***
- 3. Progresses further work to explore options for implementation of monitoring and auditing of septic systems.***
- 4. Writes to Barwon Water and Wannon Water, thanking them for the financial contributions to the DWMP project, and for their co-operative participation in the development of the Plan.***

ALTERNATIVE MOTION - MOVED Cr Brian Crook seconded Cr Lyn Russell

That Council:

- 1. Adopts the final version of the Domestic Wastewater Management Plan.***
- 2. Commits to implementation of actions contained within the plan.***
- 3. Progresses further work to explore options for implementation of monitoring and auditing of septic systems and treatment plants.***
- 4. Writes to Barwon Water and Wannon Water, thanking them for the financial contributions to the DWMP project, and for their co-operative participation in the development of the Plan.***
- 5. Notes that there will be significant costs to Council in the implementation of this plan and the return to Government from both Barwon Water and Wannon Water.***
- 6. Writes to the relevant Minister and strongly urges the State Government to consider using these funds or other funding resources to assist Council in the implementation of this mandated plan.***

CARRIED 4 : 0

Cr Stephen Hart and Cr Michael Delahunty returned to Council Chambers at 06:49 PM

**OM152511-11 COROROOKE PUBLIC OPEN SPACE REZONING - PLANNING SCHEME
AMENDMENT C85**

AUTHOR:	Suzanne Barker	ENDORSED:	Brydon King
DEPARTMENT:	Development & Community Services	FILE REF:	F15/9436

MOVED Cr Brian Crook seconded Cr Lyn Russell

That Council:

- 1. Seeks authorisation from the State Planning Minister to prepare Planning Scheme Amendment C85 which seeks to rezone a portion of 15 Factory Road Cororooke to Public Park and Recreation Zone.***
- 2. Request the State Planning Minister to use his powers under Section 20(2) of the Planning and Environment Act to exempt the Colac Otway Shire from formal notice requirements.***

CARRIED 6 : 0

OM152511-12 MINUTES OF THE OLD BEECHY RAIL TRAIL COMMITTEE

AUTHOR:	Lucy Vesey	ENDORSED:	Ingrid Bishop
DEPARTMENT:	Infrastructure & Leisure Services	FILE REF:	11/96660

MOVED Cr Terry Woodcroft seconded Cr Lyn Russell

That Council notes the Minutes of the Old Beechy Rail Trail Committee for 3 August 2015.

CARRIED 6 : 0

OM152511-13 ASSEMBLY OF COUNCILLORS

AUTHOR:	Maree Redmond	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Executive	FILE REF:	F15/5960

MOVED Cr Stephen Hart seconded Cr Brian Crook

That Council notes the Assembly of Councillors reports for:

- **Councillor Briefing Session** **28 October 2015**
- **Councillor Briefing Session** **4 November 2015**
- **Australia Day Advisory Committee** **4 November 2015**
- **Councillor Briefing Session** **11 November 2015**

CARRIED 6 : 0

OM152511-14 MUNICIPAL ASSOCIATION OF VICTORIA - STATE COUNCIL MEETING

MOVED Cr Stephen Hart seconded Cr Lyn Russell

That Council notes the report from the Council's Municipal Association of Victoria Delegate.

CARRIED 6 : 0

ITEM OF URGENT BUSINESS

Councillor Michael Delahunty - ABANDONMENT OF FUEL REDUCTION BURNS AS RECOMMENDED BY THE ROYAL COMMISSION INTO BLACK SATURDAY

The Mayor ruled that the item did not qualify as an item of urgent business and that a report would be prepared for Council's December 2015 meeting..

IN COMMITTEE

MOVED Cr Stephen Hart seconded Cr Lyn Russell that pursuant to the provisions of Section 89(2) of the Local Government Act, the meeting be closed to the public at 7.00PM and Council move "In-Committee" in order to deal with:

SUBJECT	REASON	SECTION OF ACT
Minutes of In-Committee Council Meeting held on 28 October 2015	this matter deals with contractual matters; AND this matter may prejudice the Council or any person.	Section 89 (2) (d) & (h)
2016 Australia Day Awards	this matter may prejudice the Council or any person	Section 89 (2) (h)
Contract 1543 - Provision of Marketing and Print Services (MAV)	this matter deals with contractual matters	Section 89 (2) (d)
Contract 1532 - Provision of Banking and Bill Payment Services	this matter deals with contractual matters	Section 89 (2) (d)

CARRIED 6 : 0


OUT OF COMMITTEE

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft that the meeting move out of committee.

CARRIED 6 : 0

The Meeting Was Declared Closed at 7.15 pm

CONFIRMED AND SIGNED at the meeting held on 16 DECEMBER 2015


.....MAYOR