

**Item: 10.1 - Forrest Common Master Plan**

**RESOLUTION**

**MOVED** Cr Stephen Hart, **SECONDED** Cr Joe McCracken

**That Council:**

1. **Adopts the Forrest Common Master Plan 2019.**
2. **Notes that any works outlined in the Forrest Common Master Plan 2019 would be subject to consideration via future Council budget processes and the ability to attract external funding.**
3. **Considers a level of investment in the implementation of the Forrest Common Master Plan that is consistent with Council's other Township Open Space developments.**

**CARRIED 7 : 0**

**Item: 10.2 – CCTV in Botanical Gardens Precinct**

**RECOMMENDATION**

**MOVED Cr Joe McCracken, SECONDED Cr Kate Hanson**

**That Council:**

- 1. Conduct a community survey, using existing resources, to gauge perceptions of safety within the Botanic Gardens Precinct.**
- 2. Develop an inhouse system to gather information as to the level of unsocial activities within the precinct.**
- 3. Consider a Business Case for the 2020/2021 budget for the preparation of a Crime Prevention Through Environmental Design (CPTED) report.**
- 4. Consider a Business Case for the 2020/2021 budget for the provision of standalone security camera systems for installation at the Botanic Gardens Depot and in the Boat Ramp area.**
- 5. Request that the Chief Executive report to Council in October 2020 detailing the data that has been collected and the results of the community survey.**

**AMENDMENT**

**MOVED Cr Chris Smith, SECONDED Cr Brian Crook**

**To add the following wording to point 4:**

- 4. Consider a Business Case for the 2020/2021 budget for up to \$30,000 for the provision of standalone security camera systems for installation at the Botanic Gardens Depot and in the Boat Ramp area.**

**CARRIED 6 : 1**

**The AMENDMENT became the MOTION and was voted upon.**

**CARRIED 5 : 2**

**DIVISION**

**For the motion: Cr Kate Hanson, Cr Joe McCracken, Cr Jason Schram, Cr Chris Smith, Cr Brian Crook**

**Against the motion: Cr Stephen Hart, Cr Chris Potter**

**Item: 10.3 - Contract 2002 - Port of Apollo Bay In-Harbour Dredging Project**

**RECOMMENDATION**

**That Council:**

- 1. Awards Contract No. 2002 – Port of Apollo Bay In-Harbour Dredging Project to the recommended tenderer named in the Tender Evaluation Report at the lump sum price referred to in the confidentially distributed document pertaining to this contract.**
- 2. Authorises the Chief Executive to sign the contracts following award of Contract No. 2002 – Port of Apollo Bay In- Harbour Dredging Project.**
- 3. Requests that the Chief Executive ensures the contract price is listed on Council's website once the steps listed in point 2 have been completed.**

**REVISED OFFICER RECOMMENDATION**

**MOVED Cr Chris Potter, SECONDED Cr Brian Crook**

**That Council:**

- 1. Awards Contract No. 2002 – Port of Apollo Bay In-Harbour Dredging Project to MC Dredging & Port Development Pty Ltd at the lump sum price referred to in the confidentially distributed documents pertaining to this contract.**
- 2. Authorises the Chief Executive to sign the contracts following award of Contract No. 2002 – Port of Apollo Bay In- Harbour Dredging Project.**
- 3. Requests that the Chief Executive ensures the contract price is listed on Council's website once the steps listed in point 2 have been completed.**

**CARRIED 7 : 0**

**Item: 10.4 - Contract 2005 - Binns Road Upgrade Stage 2 (2-5.8km)**

**RECOMMENDATION**

**That Council:**

1. **Award Contract 2005 – Binns Road Upgrade Stage 2, Beech Forest, to Bitu-Mill Pty Ltd at the lump sum price referred to in the confidentially distributed document pertaining to this contract.**
2. **Authorises the Chief Executive to sign the contract following award of Contract 2005**
3. **Requests that the Chief Executive ensures the contract price is listed on Council’s website after point 2 has been completed.**

**MOTION**

**MOVED Cr Chris Potter, SECONDED Cr Kate Hanson**

**That Council consider items:**

**10.4 - Contract 2005 – Binns Road Upgrade Stage 2 (2-5.8km)**

**10.5 - Contract 2012 – Design and Construct – Bridge Replacement Works, Gellibrand & Barramunga**

**10.6 - Contract 2015 – Elliminyt Recreation Reserve Velodrome Upgrade**

**en bloc, allowing for questions for items 4, 5 and 6.**

**CARRIED 7 : 0**

**RESOLUTION**

**MOVED Cr Chris Smith, SECONDED Cr Joe McCracken**

**That Council adopt the recommendations from items:**

**10.4 - Contract 2005 – Binns Road Upgrade Stage 2 (2-5.8km)**

**10.5 - Contract 2012 – Design and Construct – Bridge Replacement Works, Gellibrand & Barramunga**

**10.6 - Contract 2015 – Elliminyt Recreation Reserve Velodrome Upgrade**

**en bloc, as detailed below.**

**1. That Council:**

- 1.1 **Award Contract 2005 – Binns Road Upgrade Stage 2, Beech Forest, to Bitu-Mill Pty Ltd at the lump sum price referred to in the confidentially distributed document pertaining to this contract.**

- 1.2 *Authorises the Chief Executive to sign the contract following award of Contract 2005.*
- 1.3 *Requests that the Chief Executive ensures the contract price is listed on Council's website after point 2 has been completed.*

**2. That Council:**

- 2.1 *Awards Contract 2012 – Design and Construct – Bridge Replacement Works, Gellibrand & Barramunga to Murray Valley Piling Pty Ltd at the lump sum price referred to in the confidentially distributed document pertaining to this contract.*
- 2.2 *Authorises the Chief Executive to sign the contract following award of Contract 2012.*
- 2.3 *Requests that the Chief Executive ensures the contract price is listed on Council's website after point 2 has been completed.*

**3. That Council:**

- 3.1 *Awards Contract 2015 – Elliminyt Recreation Reserve Velodrome Upgrade, to Goldblade Civil Solutions Pty Ltd at the lump sum price referred to in the confidentially distributed document pertaining to this contract.*
- 3.2 *Authorises the Chief Executive to sign the contracts following award of Contract 2015 – Elliminyt Recreation Reserve Velodrome Upgrade.*
- 3.3 *Requests that the Chief Executive ensures that the contract price is listed on Council's website once steps listed in point two have been completed.*

**CARRIED 7 : 0**

**Item: 10.5 - Contract 2012 - Design & Construct - Bridge Replacement Works, Gellibrand & Barramunga**

**RECOMMENDATION**

***That Council:***

- 1. Awards Contract 2012 – Design and Construct – Bridge Replacement Works, Gellibrand & Barramunga to Murray Valley Piling Pty Ltd at the lump sum price referred to in the confidentially distributed document pertaining to this contract.***
- 2. Authorises the Chief Executive to sign the contract following award of Contract 2012.***
- 3. Requests that the Chief Executive ensures the contract price is listed on Council's website after point 2 has been completed.***

***This item was considered en bloc with items 10.4 and 10.6. Please refer to the resolution under item 10.4.***

**Item: 10.6 - Contract 2015 - Elliminyt Recreation Reserve Velodrome Upgrade**

**RECOMMENDATION**

**That Council:**

- 1. Awards Contract 2015 – Elliminyt Recreation Reserve Velodrome Upgrade, to Goldblade Civil Solutions Pty Ltd at the lump sum price referred to in the confidentially distributed document pertaining to this contract.**
- 2. Authorises the Chief Executive to sign the contracts following award of Contract 2015 – Elliminyt Recreation Reserve Velodrome Upgrade.**
- 3. Requests that the Chief Executive ensures that the contract price is listed on Council's website once steps listed in point two have been completed.**

***This item was considered en bloc with items 10.4 and 10.5. Please refer to the resolution under item 10.4.***

## Item: 10.7 - Swimming Pool & Spas Registration Fees

### RECOMMENDATION

#### That Council:

1. *Notes the introduction of new Building Regulations by the Victorian Government which require owners of swimming pools and outdoor spas to register them with Council, with a registration fee to be applied.*
2. *Resolves to set the fee payable under the Building Regulations for registration of a swimming pool or spa with Council as follows:*

<i>Fee Type</i>	<i>Proposed Fee</i>
<i>Application for registration fee (reg 147P)</i>	<i>\$ 31.84</i>
<i>Information search fee (reg 147P)</i>	<i>\$ 47.24</i>
<i>Lodgement of certificate of pool barrier compliance (reg 147X)</i>	<i>\$ 20.44</i>
<i>Lodgement of certificate of pool barrier non-compliance (reg 147ZJ)</i>	<i>\$385.06</i>

3. *Reviews these fees annually as part of the normal review of Council's fees and charges undertaken through the annual budget process.*

### REVISED OFFICER RECOMMENDATION

#### That Council:

1. *Notes the previous resolution of Council when adopting the 2019/20 User Fees and Charges which stated: "In future put any proposed changes to fees and charges out for public exhibition before being considered by Council for a final decision".*
2. *Notes that there is no requirement under Section 223 of the Local Government Act 1989 to provide User Fees and Charges for public exhibition and submission.*
3. *Notes the introduction of new Building Regulations by the Victorian Government which require owners of swimming pools and outdoor spas to register them with Council, with a registration fee to be applied.*
4. *Notes that the new regulations take effect on 1 December 2019 and adopted fees should be in place at the earliest opportunity.*
5. *Resolves to set the fees payable under the Building Regulations for registration of a swimming pool or spa with Council as follows:*



<i>Fee Type Proposed Fee</i>	<i>Proposed Fee</i>
<i>Application for registration fee (reg 147P)</i>	<i>\$31.84</i>
<i>Information search fee (reg 147P)</i>	<i>\$47.24</i>
<i>Lodgement of certificate of pool barrier compliance (reg 147X)</i>	<i>\$20.44</i>
<i>Lodgement of certificate of pool barrier non-compliance (reg 147ZJ)</i>	<i>\$385.06</i>

6. *Resolves that due to points 2 and 3 above, determines not to place these fees on public exhibition.*
7. *Reviews these fees annually as part of the normal review of Council's fees and charges undertaken through the annual budget process.*

#### **ALTERNATIVE MOTION**

**MOVED Cr Chris Smith**

**That Council:**

1. *Notes the previous resolution of Council when adopting the 2019/20 User Fees and Charges which stated: "In future put any proposed changes to fees and charges out for public exhibition before being considered by Council for a final decision".*
2. *Notes that there is no requirement under Section 223 of the Local Government Act 1989 to provide User Fees and Charges for public exhibition and submission.*
3. *Notes the introduction of new Building Regulations by the Victorian Government which require owners of swimming pools and outdoor spas to register them with Council, with a registration fee to be applied.*
4. *Notes that the new regulations take effect on 1 December 2019 and adopted fees should be in place at the earliest opportunity.*
5. *Resolves to set the fees payable under the Building Regulations for registration of a swimming pool or spa with Council as follows:*

<i>Fee Type Proposed Fee</i>	<i>Proposed Fee</i>
<i>Application for registration fee (reg 147P)</i>	<i>\$15.92</i>
<i>Information search fee (reg 147P)</i>	<i>\$23.62</i>
<i>Lodgement of certificate of pool barrier compliance (reg 147X)</i>	<i>\$10.22</i>
<i>Lodgement of certificate of pool barrier non-compliance (reg 147ZJ)</i>	<i>\$192.53</i>

6. *Resolves that due to points 2 and 3 above, determines not to place these fees on public exhibition.*
7. *Reviews these fees annually as part of the normal review of Council's fees and charges undertaken through the annual budget process.*

**LAPSED due to no seconder**

**ALTERNATIVE MOTION**

**MOVED** Cr Chris Smith, **SECONDED** Cr Stephen Hart

**That Council:**

1. **Notes the previous resolution of Council when adopting the 2019/20 User Fees and Charges which stated: "In future put any proposed changes to fees and charges out for public exhibition before being considered by Council for a final decision".**
2. **Notes that there is no requirement under Section 223 of the Local Government Act 1989 to provide User Fees and Charges for public exhibition and submission.**
3. **Notes the introduction of new Building Regulations by the Victorian Government which require owners of swimming pools and outdoor spas to register them with Council, with a registration fee to be applied.**
4. **Notes that the new regulations take effect on 1 December 2019 and adopted fees should be in place at the earliest opportunity.**
5. **Resolves to set the fees payable under the Building Regulations for registration of a swimming pool or spa with Council as follows:**

<b>Fee Type Proposed Fee</b>	<b>Proposed Fee</b>
<b>Application for registration fee (reg 147P)</b>	<b>\$20.00</b>
<b>Information search fee (reg 147P)</b>	<b>\$20.00</b>
<b>Lodgement of certificate of pool barrier compliance (reg 147X)</b>	<b>\$20.00</b>
<b>Lodgement of certificate of pool barrier non-compliance (reg 147ZJ)</b>	<b>\$20.00</b>

6. **Resolves that due to points 2 and 3 above, determines not to place these fees on public exhibition.**
7. **Reviews these fees annually as part of the normal review of Council's fees and charges undertaken through the annual budget process.**

**LOST 3 : 4**

**DIVISION**

**For the motion: Cr Stephen Hart, Cr Joe McCracken, Cr Chris Smith**

**Against the motion: Cr Kate Hanson, Cr Chris Potter, Cr Jason Schram, Cr Brian Crook**

**RESOLUTION**

**MOVED** Cr Kate Hanson, **SECONDED** Cr Brian Crook

**That Council:**

1. *Notes the previous resolution of Council when adopting the 2019/20 User Fees and Charges which stated: "In future put any proposed changes to fees and charges out for public exhibition before being considered by Council for a final decision".*
2. *Notes that there is no requirement under Section 223 of the Local Government Act 1989 to provide User Fees and Charges for public exhibition and submission.*
3. *Notes the introduction of new Building Regulations by the Victorian Government which require owners of swimming pools and outdoor spas to register them with Council, with a registration fee to be applied.*
4. *Notes that the new regulations take effect on 1 December 2019 and adopted fees should be in place at the earliest opportunity.*
5. *Resolves to set the fees payable under the Building Regulations for registration of a swimming pool or spa with Council as follows:*

<i>Fee Type Proposed Fee</i>	<i>Proposed Fee</i>
<i>Application for registration fee (reg 147P)</i>	<i>\$31.84</i>
<i>Information search fee (reg 147P)</i>	<i>\$47.24</i>
<i>Lodgement of certificate of pool barrier compliance (reg 147X)</i>	<i>\$20.44</i>
<i>Lodgement of certificate of pool barrier non-compliance (reg 147Z1)</i>	<i>\$385.06</i>

6. *Resolves that due to points 2 and 3 above, determines not to place these fees on public exhibition.*
7. *Reviews these fees annually as part of the normal review of Council's fees and charges undertaken through the annual budget process.*

**CARRIED 4 : 3**

**DIVISION**

**For the motion:** Cr Kate Hanson, Cr Chris Potter, Cr Jason Schram, Cr Brian Crook

**Against the motion:** Cr Stephen Hart, Cr Joe McCracken, Cr Chris Smith

**Item: 10.8 - Old Beechy Rail Trail Minutes, Colac Otway Roads Advisory Committee Minutes and Assemblies of Councillors notes**

**REPORTING**

- 1. The Assemblies of Councillors are reported herewith.***
- 2. The Minutes of the Old Beechy Rail Trail Committee 22 October 2019 are reported herewith.***
- 3. The unconfirmed minutes of the 16 October 2019 meeting of the Colac Otway Roads Advisory Committee are reported herewith.***

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

***Cr Chris Smith requested that his opposition to this item be noted.***

UNCONFIRMED

**CLOSED SESSION****RESOLUTION**

**MOVED** Cr Chris Potter, **SECONDED** Cr Kate Hanson

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

<b>SUBJECT</b>	<b>REASON</b>	<b>SECTION OF ACT</b>
<b>Minutes of the Closed Session Council Meeting held on 27 November 2019</b>	This matter deals with contractual matters; and this matter deals with legal advice; and this matter deals with any matter which the Council or special committee considers would prejudice the Council or any person.	Section 89 (2) (d), (f) & (h)
<b>2020 Australia Day Award Nominations</b>	This matter deals with any matter which the Council or special committee considers would prejudice the Council or any person.	Section 89 (2) (h)

**CARRIED 7 : 0**