



ORDINARY COUNCIL MEETING

# **MINUTES**

WEDNESDAY 28 MARCH 2018

AT 4PM

APOLLO BAY SENIOR CITIZENS' CENTRE

**Next Council Meeting: 18 April 2018**

## COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

28 MARCH 2018

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## COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at the  
Apollo Bay Senior Citizens' Centre on 28 March 2018 at 4pm

### MINUTES

#### 1. I DECLARE THIS MEETING OPEN

##### OPENING PRAYER

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

**AMEN**

#### 2. PRESENT

Cr Kate Hanson  
Cr Stephen Hart  
Cr Joe McCracken (Mayor)  
Cr Chris Potter  
Cr Jason Schram  
Cr Chris Smith  
Cr Terry Woodcroft

Tony McGann, Acting Chief Executive Officer  
Errol Lawrence, General Manager, Corporate Services  
Ian Seuren, Acting General Manager, Infrastructure & Leisure Services  
Gareth Smith, General Manager, Development & Community Services  
Sarah McKew, Manager, Governance & Customer Service  
Lyndal McLean, Acting Governance Officer  
Sarah Osborne, Acting Communications Coordinator  
Trevor Olsson, Manager, People Performance & Culture  
Gary Warrener, Manager, Economic Development & Events  
Doug McNeill, Manager, Building & Planning  
Debbie Leeson-Rabie, Manager, Services & Operations  
Tamzin McLennan, Acting Manager, Arts & Leisure  
Neill Hocking, Bushfire & Flood Recovery Officer

#### 3. APOLOGIES

Nil

#### **4. WELCOME & ACKNOWLEDGEMENT OF COUNTRY**

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

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

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

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

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

#### **5. QUESTION TIME**

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

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

#### **QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING**

##### **Peter Jacobs**

Could the Council please confirm that a full environmental study including water management has been undertaken along the intended construction part downstream from my property. DELWP stopped a similar project due to creek habitat and environmental damage to Separation Creek recently.

##### ***Response from Acting General Manager, Infrastructure & Leisure Services***

As part of the design development, Council required that a Flora & Fauna Assessment be prepared by a suitably qualified consultant and considered. The design process also included discussion with the Corangamite Catchment Management Authority regarding work within the creek environment to ensure proper treatment and management of the creek environs.



Cultural Heritage requirements were also considered by specialist consultants.

The contract requires that works be undertaken in accordance with the Wye River/Separation Creek Construction Traffic Environment Management Plan and for the contractor to prepare an Environmental Management Plan for approval prior to work commencing.

**Barbara Birkett, Apollo Bay Aquatic Centre Committee**

The Apollo Bay community, represented by the Aquatic Centre Committee, has been campaigning for an indoor, heated pool for 17 years. Despite huge support from many organisations and all age groups within our town, very little progress has been made until recently with Colac Otway Shire. The benefits of year-round access to a local pool are obvious and wide-ranging. Our tiny community has raised more than a quarter of a million dollars and accessed Federal Government financial support for the capital upgrade costs. The only commitment required from Colac Otway Shire is towards ongoing operational costs. My question to the Councillors, before they vote on the recommendation to supply these funds, is do they have a clear understanding of just how hugely important an indoor heated pool is to our community?

***Response from Acting General Manager, Infrastructure & Leisure Services***

This matter will be discussed by Councillors today and as such it is important not to prejudice their debate prior to the meeting.

Having said that, it is important to note that Council does recognise the benefits that a heated pool would bring to a community such as Apollo Bay. This is evidenced by the 2017-21 Council Plan, which contains an action to "continue to support the Apollo Bay community's advocacy for the development of a public indoor heated swimming pool in Apollo Bay".

***Response from the Mayor***

Certainly it has been my understanding that there has been regular contact made with Councillors as to the importance of this project to the community. So yes, is the short answer to the question.

**Jannette Byrne**

What is Council's plan to ensure that the Senior Citizens' Centre in Apollo Bay is a fully utilised resource across the whole local community and that inter-generational participation is encouraged and the building is maintained to appropriate standards?

***Response from General Manager, Development & Community Services***

Apollo Bay Seniors Citizens' Centre was managed on behalf of Colac Otway Shire until the end of 2016 by Otway Health when it was handed back to Council to manage. During the first half of 2017, Council officers met with the users of the centre to discuss its future and a planning day was held to cover issues raised.

Concurrently, an audit of committees managing Council assets on behalf of Council was undertaken which recommended that Council review the governance structures between Council and these committees. This was completed at the end of 2017.

The consultation with users and the audit of committee governance structures will inform Council's approach to the future management of the facility. Council remains very open to continued community feedback to maximise its usage for all of the community.

#### **QUESTIONS RECEIVED VERBALLY AT THE MEETING**

##### **Yvonne Francis, Apollo Bay**

1. I am just wondering how many trees (foliage in your garden) can you leave hanging over your fence that slap people in the face as they walk by (on the footpath)?

##### ***Response from Acting General Manager, Infrastructure and Leisure Services***

We'd be happy to get an understanding of which part of the town you are talking about. We do regular inspections so we can target that area you are concerned about.

I'll tell you right now, it is Pascoe Street just around the corner from here.

##### ***Response from Acting General Manager, Infrastructure and Leisure Services***

Thank you, we will get that checked out.

2. How many dead cars can you park in your backyard in Apollo Bay (CBD)? Does Council have a limit to how many dead cars can be left on a block?

##### ***Response from General Manager, Development & Community Services***

Again, we're certainly very happy to look into these properties. It's not so much the number of cars; it's actually regarding whether it's creating a health or hazard to the local community when properties are left uncontrolled or unmaintained. We are more than happy investigate that property for you.

##### **Sherryl Smith, Wye River**

My first question is dealing with the agenda item that's looking at the planning review. Colac Otway Shire has the most stringent planning and building regulations in the state as a result of the Wye/Sep bushfire when amendments C89 and 93 were imposed. In reassessing the planning scheme will Colac Otway Shire rescind amendment C93 and 89 and bring Colac Otway Shire back in line with the rest of Victorian councils and apply the Australian standards to all planning applications?

##### ***Response from General Manager, Development & Community Services***

I assume you have read the report as well and it doesn't suggest to rescind those. Through the planning scheme review, it is my understanding (and I could check with the Planning Manager shortly), but I believe from memory that the state introduced that requirement and it would be something to be done with the state if they were to be rescinded.



What are Council's plans for Harrington Park in Wye River? Currently it is unused and neglected. Will Council appoint a committee of management so we can start running community events again there?

*Response from Acting General Manager, Infrastructure and Leisure Services*

In terms of our plans, we continue to maintain the park. There are no plans at this stage to appoint a committee of management. We're treating the park similar to every other neighbourhood park in the Shire. We don't have any other parks such as that one that has a committee of management but we'd certainly be interested in consulting with the community about how it could be used more.

Peter Jacobs, Separation Creek

1. You state, and I'm talking to the CEO Tony McGann here, in his response to my concerns in an email dated the 26th of March, and I quote: "We have been able to confirm that access to your property will be maintained". Can I ask this Council, can you be more specific? Is it twenty four / seven access, from seven o'clock in the morning until five o'clock when the work is proposed, or is this just an intermittent access?

*Response from Acting Chief Executive Officer*

The contract as I understand sets out specific requirements for the contractor to maintain access to Mr Jacobs' property at all times.

Tony, I want to pin you down: access at all times doesn't mean from seven o'clock when I drive out and get the paper or whatever, and five o'clock when they knock off. I'm surmising that maybe there will be days when I won't have access to my property. That's my question that you've avoided to answer specifically.

*Response from Acting Chief Executive Officer*

No I haven't; I do apologise if I've come across that way but my understanding is that the contract has been written up in such a way that access will be available at all times.

I haven't spoken to the contractor or they haven't sought me out and they're willing to start on the 16<sup>th</sup> of April. I've had bookings in my accommodation worth \$740 I had to negate yesterday and I'm pretty angry, because of the noise and the starting times that you have proposed.

*Response from the Mayor*

Mr Jacobs, if it would be permissible perhaps it might be an idea if we catch up and discuss the issues, if you're comfortable with that?

Yes, well I can see a confrontation with the Shire. I've had legal advice and one of my options is to take the Council to court.

#### ***Response from the Mayor***

I'm certainly happy for you to catch up with Mr McGann and myself. We'll catch up and try to sort that one out.

2. Why won't you re-look at my drawings which are more sensitive than what is proposed and have less environmental impact, because we have very sensitive fish there? I don't know if Barwon water has done a proper analysis of the creek but we have rare stonefly larvae and also native and spotted galaxius which are quite rare. I believe the works proposed are dredging; there'll be an excavator in the creek dredging out the creek below the creek bed to put in the big rocks. I've opposed that and obviously the drawings have been submitted. My contractors have said we could do an alternative method of development which we won't need to disturb the creek.

#### ***Response from Acting General Manager, Infrastructure and Leisure Services***

As I mentioned earlier, we have done the appropriate environmental works to ensure that environmental considerations are being taken into account. We've liaised with the Corangamite Catchment Management Authority which is the relevant authority in regards to the creek. They are comfortable with the approach as well. The designs are being completed by both geo-tech engineers and structural engineers who are well regarded and who have done a lot of work in Wye River and Separation Creek. Council's comfortable with the designs that we have from an environmental point of view.

Well I'm not particularly happy with that and I ask the Shire if they would have an independent geo-tech survey on the entire hill which they refused. I'm very disappointed that you take advice from one principal geo-tech who I believe...

#### ***Response from the Mayor***

I take your point but we can talk about this at another time. I'm very conscious of others that may want to ask questions as well, so we are happy to talk about it afterwards if you would appreciate that.

Can I just say in closing, the Councillors are going to vote on this today. I hope you are all aware of the problems involved and the confrontation it has caused in respect to the people who live along Stanway Drive, without any consultation basically whatsoever and informing of the drawings at what is proposed. We're all pretty angry about this; I'll leave it with you.

#### **Tim Cobb, Skenes Creek**

My question is about the harbour; it's not regarding the harbour management agreement about which I support the motion. My question is focussed on an opportunity in the harbour, not a problem. As Council may be aware, on May 19 the Ocean Racing Club of Victoria holds its annual Queenscliffe to Apollo Bay Yacht Race and in each of the last three years, there've been 20 or 30 large yachts in each race. However the word's been out that the Apollo Bay harbour is unsafe so in each year, only two out of those 20 or 30 boats have come into Apollo Bay harbour and stayed for the night. Now there's clearly a golden opportunity to get more than 120 sailors to go back to wherever they came from, from across Victoria or Australia, and tell their sailing mates what a wonderful place Apollo Bay is to sail to. So my question, now that Council is actively managing the harbour, is what proactive steps will Council take to ensure the participants in this race know they



will receive a safe welcome into Apollo Bay harbour, good mooring facilities and that the harbour entrance will be navigable on May 19 when they come?

***Response from the Mayor***

May 19 might be a bit of a short timeframe, I think.

It should be right; it is navigable most the time. It's just about lining up shifts and getting in touch with the Ocean Racing Club and saying, "Come to Apollo Bay. These are the facilities..." Be proactive.

***Response from the Mayor***

If you're talking about making a safe harbour or some upgrades or...

I'm just talking about being welcoming and promoting and making sure that the dredging is done.

***Response from the Mayor***

I'm certainly happy to open the doors and welcome all but I'm not sure if Council officers have had communication with any of the different groups. I might ask an officer if they can comment.

***Response from Acting General Manager, Infrastructure & Leisure Services***

Thank you Mr Cobb for the question. It sounds like a great event and a great economic development opportunity for council. As you are probably aware, the port crew have been working really hard to keep the harbour entrance open and safe during the recent swell events. One of our challenges is the actual depth of getting into the harbour, so we'll certainly attempt to do what we can. Some of the larger vessels going into the harbour might be a challenge but from a promotional point of view I'm sure our events team and our communications team can do what they can to promote access to the harbour and also the event.

**Jane Gross, Apollo Bay**

I just wanted to ask the Councillors whether they were aware that today is parent - teacher interviews at our local school? There are a lot of people who would otherwise be present. We obviously have a lot of people here, or some of them at least are here for the pool decision and a lot more would have been here had the school not had their interviews. So I just wanted to ask whether you were aware they were on and if not for that reason, we would have had even larger numbers.

***Response from the Mayor***

I think that when we set the dates for the meetings, it was well before the school calendar came out.

No, I wasn't asking you to change a Council meeting; I was just making you aware. Thank you.

**Yvonne Francis, Apollo Bay**

I just want to talk about general services in Apollo Bay being terribly inadequate. For example, the surf event on the foreshore directed people to park on the foreshore for the event, a Victoria-wide thing. We have no control over the fact that there's no formed surfaces for them to park on and I think it's a bit disgraceful that people can just walk into our town and conduct events that really don't conform to best practice. That wasn't my main question. Today I went into the Apollo Bay post office at 3:30pm as I had just gone to my letterbox and I found an account that had to be paid immediately, otherwise it would be overdue by Friday. I did not waste the time that could be needed to transfer the money by internet, as I normally do. That might have been preferable as it turned out; I needed to withdraw an enormous amount of money to pay the bill. Trouble is, all the facilities in Apollo Bay close at different times. For example, the Commonwealth Bank of Australia closes at 2:30pm; the Colac Otway Shire closes at 1:15pm; the Bendigo Bank at 4pm and the library - I just can't remember. It's very difficult to conduct business with all these conflicting arrangements and it's not very professional. Two backpackers were complaining in the post office that overseas parcels were dropped off at the wrong door and they spent two hours walking up and down Gambier Street looking for one parcel. They were using many mobile phone calls overseas and to the post office and they were complaining at the post office but because the post office is too small, the parcels are delivered by a completely different business which is unable to be contacted by phone. I will wind it all up by saying, could the Colac Otway Shire please take some steps to get the library and the various businesses to agree on an even timing of closure for the sake of business and mention to our federal member that internet access as well is not reliable either and the postal service is disgraceful?

***Response from the Mayor***

Certainly we can talk about the closing and opening times of the Council facilities, being the library and the office. Unfortunately we don't have control over the likes of Australia Post, CBA or any of the other banks. That might be something to take up with them and if you'd like, we can sit down and talk about it but you might get more traction talking to them directly because it's not something that Council controls.

But it does impact upon people who live here, whether they be business people or not. It's very difficult to even just pay your bills and I think something has to be done to make the town function properly for the people who live here. A word from our local government authority to our federal member might start the ball rolling and perhaps a word to the business thing of Apollo Bay as well.

***Response from the Mayor***

I'm certainly happy to take it up with the local federal member, for sure.

Thank you very much, and perhaps to our business arrangements here in Apollo Bay.

***Response from the Mayor***

I can absolutely talk to the Chamber of Commerce, if you'd like as well.

That would be wonderful, thank you very much, Mr Mayor.



**Tony Webber, Otway Forum**

1. You'll be debating the harbour management plan today. My question is have you got any guaranteed funding, maybe in writing, for the three funding proposals that you put forward for the navigation and the clearing of the sand in the harbour?

***Response from Acting General Manager, Infrastructure & Leisure Services***

At this stage, we haven't got anything that we can publicly state we've got confirmed funding for but we think that some funding is quite imminent.

2. The next question on the harbour is about land disposal of the sand, taking a large excavator and maybe taking the sand and putting it in a truck and disposing of it on land. Otherwise, where are you going to dispose of all that sand? I think that if you put it on the beach, it may end up back in the harbour.

***Response from Acting General Manager, Infrastructure & Leisure Services***

We do have a plan in regards to the disposal of the sand from the sand trap. We are working with Otway Coast Committee and DELWP on that; that would be on the beach rather than on land but we can certainly have a look at other opportunities.

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

**Leigh Barrett, Colac**

There is a quantity surveyor's report by Zinc Cost Management for the Pennyroyal Hall. I just wondered what the cost of the report was?

***Response from Acting General Manager, Infrastructure & Leisure Services***

The amount was \$1,500.

**Alan Billing, Larpent**

In Colac Otway Shire's 2016-2017 Annual Report on page 103 is a line item listed as legal costs. The legal cost indicated for 2016-17 is \$298,000. This figure is \$109,000 more than the previous year. Was the actual legal cost expenditure for 2016-17 above or below budget and what percentage, if any, of the legal costs relate to the Bluewater development?

***Response from General Manager, Corporate Services***

In the 2016-17 financial year, the budget for legal costs was \$312,000 with expenditure for \$298,340. This budget was under expended by \$13,660. The amount of the \$298,340 which relates to the Bluewater redevelopment is \$105,116 being, 35% of the total legal fees for the year.

**7. PETITIONS/JOINT LETTERS**

Nil

**8. DECLARATIONS OF INTEREST**

Cr McCracken	<b>OM182803-6</b>
Nature of Disclosure:	Indirect Interest
Type of Interest:	Section 78B
Nature of Interest:	I am an employee of Trinity College Colac, and a student may stand to gain financial advantage through this agenda item.

Cr Potter	<b>OM182803-8</b>
Nature of Disclosure:	Indirect Interest
Type of Interest:	Section 78B
Nature of Interest:	Indirect interest in that I am on the Board of Management of the local RSL which is a licenced pokies venue where business may be affected by Council policy.

**9. CONFIRMATION OF MINUTES**

- Ordinary Council Meeting held on 28 February 2018.

**RESOLUTION**

***MOVED Cr Stephen Hart seconded Cr Kate Hanson***

***That Council confirm the above minutes.***

***CARRIED 7 : 0***



ORDINARY COUNCIL MEETING  
**PORT OF APOLLO BAY MANAGEMENT AGREEMENT**  
OM182803-1

LOCATION / ADDRESS	Apollo Bay	ACTING GENERAL MANAGER	Ian Seuren
OFFICER	Debbie Leeson-Rabie	DIVISION	Infrastructure & Leisure Services
TRIM FILE	F17/6663	CONFIDENTIAL	No
ATTACHMENTS	<ol style="list-style-type: none"><li>1. Port of Apollo Bay Management Agreement - 2017 -2020</li><li>2. Port of Apollo Bay - Hydrographic Comparison maps - 20180308</li></ol>		
PURPOSE	To consider the management agreement with Transport for Victoria for Council to continue managing the Port of Apollo Bay.		

## RESOLUTION

*MOVED Cr Chris Potter seconded Cr Stephen Hart*

*That Council authorises the CEO to enter into a management agreement with Transport for Victoria for the Port of Apollo Bay for the period 1 July 2017 to 30 June 2019.*

*CARRIED 7 : 0*

Debbie Leeson-Rabie left the meeting at 4.43pm.

ORDINARY COUNCIL MEETING  
**NOTICE OF MOTION –  
MARRINERS FALLS WALKING TRACK**

OM182803-2

**COUNCILLOR** Jason Schram

**ATTACHMENTS**

1. NOTICE OF MOTION No. 273 - Cr Jason Schram - Marriners Falls Walking Track - Signed
2. Marriners Falls Closure - Media Release - Parks Victoria

**RESOLUTION**

*MOVED Cr Jason Schram seconded Cr Chris Smith*

1. *That Council write to the Department of Environment, Land, Water and Planning (DELWP) and the Minister for Energy, Environment and Climate Change:*
  - a) *requesting all information, feedback and reports on the current status of Marriners Falls Walking Track, to provide an explanation as to why it has been closed for so long and when the Falls are scheduled to be reopened;*
  - b) *requesting they fund a new independent geotechnical risk assessment on Marriners Falls expanding the assessment to include examination of risk mitigation strategies, recommendations and comparison with approaches used for other public assets in Victoria;*
  - c) *subject to the findings in point 1. B), requesting they fund all works to re-open the walking track and to fund maintenance works annually to keep the walking track to a standard worthy of a premium, natural tourism destination;*
  - d) *expressing the Colac Otway Shire Council gives its in principle support to re-opening the Marriners Falls Walking Track because of its significant value to the local community and its value as a premium tourism destination to the region.*
2. *That the Council writes to the DELWP, the Minister for Energy, Environment and Climate Change, Great Ocean Road Regional Tourism, G21 Geelong Regional Alliance and all other tourism bodies stating the significance of Marriners Falls as a premium tourism destination, and a local and cultural significant destination, and reinforcing the importance of having the Marriners Falls Walking Track open and maintained all year round for local residents and visitors to the Apollo Bay region.*
3. *Council officers present at a future Council meeting a report into status of Marriners Falls and the responses from the DELWP, the Minister for Energy, Environment and Climate Change and all other bodies.*

**CARRIED 7 : 0**



ORDINARY COUNCIL MEETING

# APOLLO BAY AQUATIC CENTRE REQUEST FOR ONGOING OPERATIONAL FUNDING

OM182803-3

LOCATION / ADDRESS	444 Costin Street, Apollo Bay	ACTING GENERAL MANAGER	Ian Seuren
OFFICER	Tamzin McLennan	DIVISION	Infrastructure & Leisure Services
TRIM FILE	F17/6554	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	For Council to consider making an ongoing financial contribution to the operational costs of the Apollo Bay indoor pool.		

## RECOMMENDATION

*That Council:*

- 1. Supports the heating and enclosing of the existing Apollo Bay pool located at the Apollo Bay P-12 College as proposed by the Apollo Bay Aquatic Centre Committee and the Apollo Bay P-12 College;*
- 2. Commits a total of \$200,000 annually toward the ongoing operation of an enclosed and heated pool at the Apollo Bay P-12 College, indexed annually by CPI;*
- 3. Ensures this commitment is based on the Apollo Bay P-12 College bearing full responsibility for the ongoing management and operations of the pool in accordance with the Royal Life Saving Society of Australia's "Guidelines for Safe Pool Operation";*
- 4. In making a financial commitment to the ongoing operations of the pool, will take no financial, operational or project management responsibility for any works associated with enclosing or heating the Apollo Bay pool;*
- 5. Expects that all work carried out to the facility will be in line with the Department of Education and Training's requirements and will meet all statutory planning and other legislative requirements as stipulated;*
- 6. Takes no responsibility for future upgrades or repairs of the facility, over and above the annual contribution as stated in point 2 of this resolution;*
- 7. Allocates its contribution from the 2018-19 budget onwards, however the funds cannot be claimed by the pool operators until such time as the pool is enclosed, heated and fully operational as per the Apollo Bay Aquatic Centre committee's proposal;*

8. *Notes if the Apollo Bay pool is not enclosed, heated and fully operational by the summer swimming season of 2018/19, Council will take responsibility for the seasonal operation of the Apollo Bay pool in line with the current Joint Use Agreement. Any costs incurred during that seasonal operation will be considered part of, and not in addition to, the \$200,000 commitment;*
9. *Agrees that if the pool is not enclosed, heated and fully operational by the end of the 2018-19 financial year, any unused funds from the \$200,000 allocated will not be carried over to the next financial year or add to a cumulative total;*
10. *Notes its annual commitment of \$200,000 is contingent on the pool being open to the general public for a minimum of 20 hours per week;*
11. *Supports the establishment of a Management or Advisory Committee for the Apollo Bay pool, which includes Council representation to ensure relevant use of Council's financial contribution;*
12. *Works with the Department of Education and Training and Apollo Bay P-12 College to negotiate a new Joint Use Agreement (Agreement) to replace the current Agreement for community access to the Apollo Bay pool that reflects Council's adopted resolution. This new Agreement will be brought back to Council at a future date for adoption, and will be made public in its entirety;*
13. *Supports the establishment of annual reporting by the pool operators to Council on key parameters that will be agreed during negotiation of the Agreement.*

#### **ALTERNATIVE MOTION**

**MOVED Cr Chris Potter seconded Cr Stephen Hart**

**That Council:**

1. *Supports the heating and enclosing of the existing Apollo Bay pool located at the Apollo Bay P-12 College as proposed by the Apollo Bay Aquatic Centre Committee and the Apollo Bay P-12 College;*
2. *Commits a total of \$200,000 annually toward the ongoing operation of an enclosed and heated pool at the Apollo Bay P-12 College, indexed annually by CPI;*
3. *Ensures this commitment is based on the Apollo Bay P-12 College bearing full responsibility for the ongoing management and operations of the pool in accordance with the Royal Life Saving Society of Australia's "Guidelines for Safe Pool Operation";*
4. *In making a financial commitment to the ongoing operations of the pool, will take no financial, operational or project management responsibility for any works associated with enclosing or heating the Apollo Bay pool;*
5. *Expects that all work carried out to the facility will be in line with the Department of Education and Training's requirements and will meet all statutory planning and other legislative requirements as stipulated;*
6. *Takes no responsibility for future upgrades or repairs of the facility, over and above the annual contribution as stated in point 2 of this resolution;*



7. *Allocates its contribution from the 2018-19 budget onwards, however the funds cannot be claimed by the pool operators until such time as the pool is enclosed, heated and fully operational as per the Apollo Bay Aquatic Centre committee's proposal;*
8. *Notes if the Apollo Bay pool is not enclosed, heated and fully operational by the summer swimming season of 2018/19, Council will take responsibility for the seasonal operation of the Apollo Bay pool in line with the current Joint Use Agreement. Any costs incurred during that seasonal operation will be considered part of, and not in addition to, the \$200,000 commitment;*
9. *Agrees that if the pool is not enclosed, heated and fully operational by the end of the 2018-19 financial year, any unused funds from the \$200,000 allocated will not be carried over to the next financial year or add to a cumulative total;*
10. *Notes its annual commitment of \$200,000 is contingent on the pool being open to the general public for a minimum of 20 hours per week;*
11. *Supports the establishment of a Management or Advisory Committee for the Apollo Bay pool, which includes Council representation to ensure relevant use of Council's financial contribution;*
12. *Works with the Department of Education and Training and Apollo Bay P-12 College to negotiate a new Joint Use Agreement (Agreement) to replace the current Agreement for community access to the Apollo Bay pool that reflects Council's adopted resolution. This new Agreement will be brought back to Council at a future date for adoption, and will be made public in its entirety;*
13. *Supports the establishment of annual reporting by the pool operators to Council on key parameters that will be agreed during negotiation of the Agreement.*
14. *Reviews the Joint Use Agreement no greater than four years from the opening of the facility to the public, and no greater than every five years thereafter.*

**CARRIED 6 : 1**

#### **DIVISION**

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

*Against the Motion: Cr Chris Smith*

Tamzin McLennan left the meeting at 5.20pm.

The meeting adjourned for a short break at 5.20pm.

The meeting resumed at 5.28pm.

**ORDINARY COUNCIL MEETING**  
**CONSIDERATION OF CONTRACT - CONTRACT 1805 - CONSTRUCTION**  
**OF LANDSLIP STABILISATION WORKS, DRAINAGE AND ASSOCIATED**  
**ROADWORKS, STANWAY DRIVE, SEPARATION CREEK**  
**OM182803-4**

<b>LOCATION / ADDRESS</b>	Stanway Drive, Separation Creek	<b>GENERAL MANAGER</b>	Errol Lawrence
<b>OFFICER</b>	Andrew Kavanagh	<b>DIVISION</b>	Corporate Services
<b>TRIM FILE</b>	F18/1233	<b>CONFIDENTIAL</b>	No
<b>ATTACHMENTS</b>	Nil		
<b>PURPOSE</b>	Council approval is required to award Contract 1805 - Construction of Landslip Stabilisation Works, Drainage and Associated Roadworks, Stanway Drive, Separation Creek.		

## RECOMMENDATION

*That Council:*

- 1. Awards Contract 1805 for Construction of Landslip Stabilisation Works, Drainage and Associated Roadworks, Stanway Drive, Separation Creek to Geotech Pty Ltd at the lump sum price of \$1,452,086 (excluding GST).*
- 2. Authorises the Acting Chief Executive Officer to sign and place under council seal the contract documents following award of Contract 1805.*

## ALTERNATIVE MOTION

*MOVED Cr Chris Smith seconded Cr Stephen Hart*

- 1. That Council defers this item to allow a full discussion with affected community members in Stanway Drive and to understand the alternatives that are being proposed. Also that we seek from CCMA and DELWP written confirmation that no report or permits are required.*
- 2. This is done so that we can have a report back to Council at the April 2018 Ordinary Council meeting.*

**CARRIED 5 : 2**

***DIVISION***

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

***Against the Motion: Cr Terry Woodcroft, Cr Chris Potter***

Neill Hocking left the meeting at 5.55pm.



ORDINARY COUNCIL MEETING  
**ADOPTION OF DRAFT CREATIVE COLAC OTWAY -  
ARTS AND CULTURE STRATEGY 2018-2022**  
OM182803-5

<b>LOCATION / ADDRESS</b>	Whole municipality	<b>ACTING GENERAL MANAGER</b>	Ian Seuren
<b>OFFICER</b>	Tamzin McLennan	<b>DIVISION</b>	Infrastructure & Leisure Services
<b>TRIM FILE</b>	F17/6554	<b>CONFIDENTIAL</b>	No
<b>ATTACHMENTS</b>	1. Creative Colac Otway - Arts and Culture Strategy 2018-2022		
<b>PURPOSE</b>	To consider adopting the Creative Colac Otway - Arts and Culture Strategy 2018-2022.		

This item was withdrawn and deferred to a future Ordinary Council Meeting.

ORDINARY COUNCIL MEETING

# COUNCIL'S GRANTS PROGRAM REVIEW AND GUIDELINES

OM182803-6

<b>LOCATION / ADDRESS</b>	Shire wide	<b>GENERAL MANAGER</b>	Gareth Smith
<b>OFFICER</b>	Michael Swanson	<b>DIVISION</b>	Development & Community Services
<b>TRIM FILE</b>	F17/9628	<b>CONFIDENTIAL</b>	No
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. Survey data - Council Grant Program - Survey Monkey - 10112017</li> <li>2. Proposed New Grant Program Structure - Council Grant Program Review</li> <li>3. DRAFT Guidelines 2018-19 - Council Grant Program Review</li> </ol>		
<b>PURPOSE</b>	To seek Council endorsement of the changes recommended to Council's grant programs.		

Having declared a conflict of interest, Cr Joe McCracken adjourned from the meeting at 6.07pm and did not take part in debate nor vote on the matter.

Cr Jason Schram (Deputy Mayor) chaired the meeting for the remainder of this item.

Cr McCracken	OM182803-6
Nature of Disclosure:	Indirect Interest
Type of Interest:	Section 78B
Nature of Interest:	I am an employee of Trinity College Colac, and a student may stand to gain financial advantage through this agenda item.

## RECOMMENDATION

*That Council endorse:*

**1) The recommendations from the review of Council's grants and awards programs as follows:**

- a) Continue to annually invite applications in March and close in April.**
- b) Develop one set of guidelines that covers all funding programs and awards.**
- c) Increase the number of eligible grant themes available to apply under a revised grant program structure including business shop façade improvements, arts, culture, youth, environment and volunteer support related projects and programs.**



- d) *Increase the maximum limit of funding for the Community Events & Support Program (incorporating the previous Festival and Events Support Scheme program) one-off or start-up events per application from \$1,000 to \$2,000.*
  - e) *Increase the maximum limit of funding for COPACC Assistance grants under the Community Events & Support Program per application from \$4,000 to \$5,000.*
  - f) *Increase the maximum limit of funding for the Community Grants Program (incorporating the previous Recreation Facilities and Community Projects) per application from \$5,000 to \$10,000.*
  - f) *Integrate the Small Town Improvement Program into a larger Community Grants Program and the new guidelines recognise the need for a minimum of \$80,000 of funding to be available for small townships in the proposed Community Grants Program.*
  - g) *Develop criteria for all grants to ensure they are consistent, where appropriate, with a standard set of criteria and greater clarity is provided to the community.*
  - h) *To subscribe to an online grant system to assist future administration of the grant program.*
  - i) *Continue the Technical Assessment Panel (TAP) approach to assess all applications and make recommendation to Council for grant funding. The TAP to consist of staff from relevant departments.*
  - j) *A consistent approach is implemented for funding agreements utilising the same template and conditions including timing of payments.*
  - k) *All council grant programs are centrally coordinated.*
  - l) *A consistent approach to the implementation and management of funded grants with Council ceasing to project manage implementation of particular grants.*
  - m) *Completion and submission of project acquittals is compulsory and non completion will result in individuals or group not being eligible to apply for future Council grants until the acquittal is appropriate completed.*
  - n) *Cease school student award programs, being the Young Ambassador Award and the Student Achievement Awards, and encourage participation in the Young Citizen of the Year through the Australia Day Awards.*
  - o) *Council ceases direct coordination of the Garden Awards and work with interested community groups to renew and coordinate the awards from 2018. Council will provide funding of \$2,500 to an approved group to support the awards within an agreed structure.*
  - p) *Council note there has been a separate review undertaken of the Australia Day Awards and Event.*
- 2) *The attached guidelines for the proposed Colac Otway Shire Grants Program which reflects the changes outlined in Recommendation above.*



## **ALTERNATIVE MOTION**

**MOVED Cr Stephen Hart seconded Cr Terry Woodcroft**

**That Council endorse:**

- 1) *The recommendations from the review of Council's grants and awards programs as follows:*
  - a) *For 2018, invite applications in April and close in May. In future years, invite applications in March and close in April. The change for 2018 is due to the delay in adopting the grant program.*
  - b) *Developing a set of guidelines that covers all grant funding programs.*
  - c) *Increase the number of eligible grant themes available to apply under a revised grant program structure including business shop façade improvements, arts, culture, youth, environment and volunteer support related projects and programs.*
  - d) *Increase the maximum limit of funding for the Community Events & Support Program (incorporating the previous Festival and Events Support Scheme program) one-off or start-up events per application from \$1,000 to \$2,000.*
  - e) *Increase the maximum limit of funding for COPACC Assistance grants under the Community Events & Support Program per application from \$4,000 to \$5,000.*
  - f) *Increase the maximum limit of funding for the Community Grants Program (incorporating the previous Recreation Facilities and Community Projects) per application from \$5,000 to \$10,000.*
  - g) *Integrate the Small Town Improvement Program into a larger Community Grants Program and the new guidelines recognise the need for a minimum of \$80,000 of funding to be available for small townships in the proposed Community Grants Program.*
  - h) *Develop criteria for all grants to ensure they are consistent, where appropriate, with a standard set of criteria and greater clarity is provided to the community.*
  - i) *To subscribe to an online grant system to assist future administration of the grant program.*
  - j) *Continue the Technical Assessment Panel (TAP) approach to assess all applications and make recommendation to Council for grant funding. The TAP to consist of staff from relevant departments.*
  - k) *A consistent approach is implemented for funding agreements utilising the same template and conditions including timing of payments.*
  - l) *All council grant programs are centrally coordinated.*
  - m) *A consistent approach to the implementation and management of funded grants with Council ceasing to project manage implementation of particular grants.*

- n) *Completion and submission of project acquittals is compulsory and non completion will result in individuals or group not being eligible to apply for future Council grants until the acquittal is appropriately completed.*
  - o) *The continuation of the Student Achievement Awards with an award that assists the student with further education, training or materials for further education or training (total of \$1,000). Cease the Young Ambassador Award and encourage participation in the Young Citizen of the Year through the Australia Day Awards.*
  - p) *The continuation of the Garden Awards and invite interested community groups to renew and coordinate the Garden Awards from 2018. Council will provide funding of \$2,500 to an approved group to support the awards within an agreed structure.*
  - q) *Council note there has been a separate review undertaken of the Australia Day Awards and Event.*
  - r) *Approves that the remaining amount of \$1,500 be available to fund an application or applications where any of the four categories is over subscribed. This will be included in the assessment and presented to Council at an Ordinary Council Meeting.*
- 2) *The attached guidelines for the proposed Colac Otway Shire Grants Program which reflects the changes outlined in Recommendation above.*
  - 3) *Officers to annually consult with all small towns in the Shire to identify their priorities for consideration in the next budget.*
  - 4) *Council develop budget guidelines that include an allocation of the annual capital works program for small towns within the Shire of a minimum of \$100,000 per annum. This allocation will be in addition to the usual funding for infrastructure maintenance such as roads and drains. The projects are to reflect the priorities identified from the process described in the previous point, 3.*

**CARRIED 5 : 1**

#### **DIVISION**

*For the Motion: Cr Stephen Hart, Cr Terry Woodcroft, Cr Kate Hanson, Cr Chris Potter, Cr Jason Schram*

*Against the Motion: Cr Chris Smith*

Cr Joe McCracken returned to the meeting at 6.20pm and resumed the Chair.

Tony McGann left the meeting at 6.20pm.

The meeting adjourned for a short break at 6.20pm.

The meeting resumed at 6.23pm.



ORDINARY COUNCIL MEETING  
**EVENTS POLICY - REVIEW**  
OM182803-7

LOCATION / ADDRESS	Municipality	GENERAL MANAGER	Gareth Smith
OFFICER	Gary Warrener	DIVISION	Development & Community Services
TRIM FILE	F17/6867	CONFIDENTIAL	No
ATTACHMENTS	1. Events Policy		
PURPOSE	To seek Council's consideration to endorse an amended Colac Otway Shire Events Policy		

## RECOMMENDATION

*That Council endorse the attached Events Policy, noting the inclusion for all events to be postponed or cancelled on a Code Red day consistent with Council's Emergency Management Guidelines.*

### ALTERNATIVE MOTION

*MOVED Cr Chris Smith*

*That Council endorse the attached Events Policy, with the exception that only events to be held in a considered dangerous area be postponed or cancelled on a Code Red day.*

*LAPSED due to no seconder*

### RESOLUTION

*MOVED Cr Terry Woodcroft seconded Cr Chris Potter*

*That Council endorse the attached Events Policy, noting the inclusion for all events to be postponed or cancelled on a Code Red day consistent with Council's Emergency Management Guidelines.*

*CARRIED 6 : 1*

### DIVISION

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

*Against the Motion: Cr Chris Smith*



Tony McGann returned to the meeting at 6.24pm.  
Gary Warrener left the meeting at 6.43pm.

**MOTION**

***MOVED Cr Stephen Hart***

***That the order of items be changed to deal with Item 9 before Item 8.***

***CARRIED 7 : 0***

ORDINARY COUNCIL MEETING  
**PLANNING SCHEME REVIEW**  
 OM182803-8

<b>LOCATION / ADDRESS</b>	Shire wide	<b>GENERAL MANAGER</b>	Gareth Smith
<b>OFFICER</b>	Doug McNeill	<b>DIVISION</b>	Development & Community Services
<b>TRIM FILE</b>	F17/6484	<b>CONFIDENTIAL</b>	No
<b>ATTACHMENTS</b>	1. Colac Otway Planning Scheme Review _Final Report 20180321		
<b>PURPOSE</b>	Receive the 2018 Planning Scheme Review, and endorsement of commencement of an amendment process to implement its findings.		

Having declared a conflict of interest, Cr Chris Potter adjourned from the meeting at 7.13pm and did not take part in debate nor vote on the matter.

Cr Potter	<b>OM182803-8</b>
Nature of Disclosure:	Indirect Interest
Type of Interest:	Section 78B
Nature of Interest:	Indirect interest in that I am on the Board of Management of the local RSL which is a licenced pokies venue where business may be affected by Council policy.

## RECOMMENDATION

*That Council resolves to:*

1. *Receive the '2017 Planning Scheme Review and Red Tape Reduction Project' report.*
2. *Pursuant to section 12B(5) of the Planning and Environment Act 1987, submit the report to the Minister for Planning.*
3. *Support incorporating the findings of the 2017 Planning Scheme Review and Red Tape Reduction Project into Council's Strategic Planning Unit work plan.*
4. *Support officers to continue with Stages 2 and 3 of the project which involves commencing the preparation of a planning scheme amendment to incorporate changes arising from the Review that implement its findings, including streamlining of planning permit requirements in the Colac Otway Planning Scheme, and rewriting the Municipal Strategic Statement and local policies.*

#### **ALTERNATIVE MOTION**

**MOVED Cr Stephen Hart seconded Cr Terry Woodcroft**

**That Council resolves to:**

- 1. Receive the '2017 Planning Scheme Review and Red Tape Reduction Project' report, noting that Council considers that:**
  - a. The development of a Gaming Policy is to be treated as a Medium priority, instead of the Low priority in the report in the Council agenda.**
  - b. It is a High priority to develop strategic policy that examines the potential to rezone small acre allotments in Farming Zones to a zoning that allows a dwelling to be established.**
- 2. Pursuant to section 12B(5) of the Planning and Environment Act 1987, submit the report to the Minister for Planning.**
- 3. Support incorporating the findings of the 2017 Planning Scheme Review and Red Tape Reduction Project into Council's Strategic Planning Unit work plan.**
- 4. Support officers to continue with Stages 2 and 3 of the project which involves commencing the preparation of a planning scheme amendment to incorporate changes arising from the Review that implement its findings, including streamlining of planning permit requirements in the Colac Otway Planning Scheme, and rewriting the Municipal Strategic Statement and local policies.**

**CARRIED 5 : 1**

#### **DIVISION**

**For the Motion: Cr Stephen Hart, Cr Terry Woodcroft, Cr Kate Hanson, Cr Joe McCracken, Cr Jason Schram**

**Against the Motion: Cr Chris Smith**

**Cr Chris Potter returned to the meeting at 7.23pm.**

**The meeting adjourned for a short break at 7.23pm.**

**The meeting resumed at 7.30pm.**



ORDINARY COUNCIL MEETING  
**NOTICE OF MOTION –  
SMALL ACRE ALLOTMENTS**  
OM182803-9

**COUNCILLOR** Jason Schram

**ATTACHMENTS** 1. NOTICE OF MOTION No. 274 - Cr Jason Schram - Small Acre Allotments - Signed

**RESOLUTION**

*MOVED Cr Jason Schram seconded Cr Stephen Hart*

*That Council:*

1. *Notes that the Colac Otway Shire has numerous allotments that are currently zoned Farming, making it difficult or impossible in some cases to obtain an approval to build a dwelling.*
2. *Requests the Chief Executive Office prepare a report for Council, as a priority, regarding the potential to rezone small acre allotments in Farming Zones to a zoning that allows a dwelling to be established. The report is to confirm the process, timeframes, cost and any conflicting priorities of the strategic planning staff to coordinate the required statutory process.*

**CARRIED 7 : 0**

ORDINARY COUNCIL MEETING  
**FLAG PROTOCOL POLICY**  
OM182803-10

LOCATION / ADDRESS	Whole of municipality	GENERAL MANAGER	Errol Lawrence
OFFICER	Sarah McKew	DIVISION	Corporate Services
TRIM FILE	F17/6554	CONFIDENTIAL	No
ATTACHMENTS	<ol style="list-style-type: none"><li>1. Flag Protocol Policy - DRAFT - Council Policy</li><li>2. Commonwealth of Australia - Australian Flags Excerpt</li></ol>		
PURPOSE	To establish a Flag Protocol Policy		

## RESOLUTION

*MOVED Cr Terry Woodcroft seconded Cr Jason Schram*

*That Council endorse the Flag Protocol Policy.*

*CARRIED 7 : 0*

ORDINARY COUNCIL MEETING  
**ASSEMBLY OF COUNCILLORS**  
OM182803-11

<b>LOCATION / ADDRESS</b>	Whole of municipality	<b>GENERAL MANAGER</b>	Errol Lawrence
<b>OFFICER</b>	Sarah McKew	<b>DIVISION</b>	Corporate Services
<b>TRIM FILE</b>	F17/6554	<b>CONFIDENTIAL</b>	No
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Assembly of Councillors - 21 February 2018</li><li>2. Assembly of Councillors - Councillor Briefing - 21 February 2018</li><li>3. Assembly of Councillors - 28 February 2018</li><li>4. Assembly of Councillors - Councillor Briefing - 28 February 2018</li><li>5. Assembly of Councillors - 7 March 2018</li><li>6. Assembly of Councillors - Councillor Briefing - 7 March 2018</li><li>7. Assembly of Councillors - Councillor Briefing - 14 March 2018</li></ol>		
<b>PURPOSE</b>	To report the Assemblies of Councillors		

## REPORTING

1. *The Assemblies of Councillors are reported herewith.*

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

The heading "Councillor Briefing" on attachments 1, 3 and 5 has been removed to accurately reflect the nature of these Assemblies of Councillors.

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



**MOTION**

**MOVED Cr Stephen Hart**

*That the third item listed to be heard in the Closed Session titled "Chief Executive Officer Employment Matters Advisory Committee – Terms of Reference" be considered in the Open meeting.*

**LOST 3 : 4**

**DIVISION**

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

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

## CLOSED SESSION

### RESOLUTION

**MOVED** Cr Stephen Hart

*That pursuant to the provisions of Section 89 (2) of the Local Government Act, the meeting be closed to the public at 7.43pm and Council move into Closed Session in order to deal with:*

SUBJECT	REASON	SECTION OF ACT
<i>Minutes of the Closed Session Council Meeting held on 28 February 2018</i>	this matter deals with contractual matters; AND this matter may prejudice the Council or any person.	Section 89 (2) (d) & (h)
<i>Contractual Issues</i>	this matter deals with legal advice	Section 89 (2) (f)
<i>Chief Executive Officer Employment Matters Advisory Committee - Terms of Reference</i>	this matter deals with personnel matters; AND this matter deals with contractual matters	Section 89 (2) (a) & (d)
<i>Confidential Contract</i>	this matter deals with personnel matters; AND this matter deals with contractual matters	Section 89 (2) (a) & (d)

**CARRIED 7 : 0**

The meeting was re-opened to the public at 8.57pm.

*The meeting was declared closed at 8.57pm*

**CONFIRMED AND SIGNED** at the meeting held on 18 APRIL 2018

  
.....MAYOR