



Colac Otway
SHIRE

ORDINARY COUNCIL MEETING

MINUTES

Wednesday 11 December 2019

at 4:00 pm

COPACC

95 - 97 Gellibrand Street, Colac Victoria

Next Council Meeting: 29 January 2019



COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

Wednesday 11 December 2019

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COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at COPACC on
Wednesday 11 December 2019 at 4:00 pm.

MINUTES

1 DECLARATION OF OPENING OF MEETING

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 Brian Crook
Cr Kate Hanson
Cr Stephen Hart
Cr Joe McCracken
Cr Chris Potter
Cr Jason Schram (Mayor)
Cr Chris Smith

Peter Brown, Chief Executive
Errol Lawrence, General Manager, Corporate Services
Tony McGann, General Manager, Infrastructure & Leisure Services
Ian Seuren, General Manager, Development & Community Services
Sarah McKew, Manager, Governance & Communications
Madeleine Bisits, Manager, Arts & Leisure
Frank Castles, Manager, Services & Operations
Jeremy Rudd, Manager, Assets & Project Delivery
Chris Baker, Project Manager
Tamzin McLennan, COPACC Manager
Simon McBeth, Port Coordinator
James Myatt, Coordinator, Economic Development
Alison Martin, Coordinator, Communications
Buddhima Edi, Coordinator, Assets Management
Lee Castles, Senior Officer, Procurement and Contracts
Vicki Jeffrey, Events Officer
Lyndal Redford, Governance Officer

3 APOLOGIES AND LEAVES OF ABSENCE

Nil

4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

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

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

By participating in open Council meetings, individuals consent to the use and disclosure of the information they share at the meeting (including any personal and/or sensitive information).

Audio recordings of meetings will be available to the public on Council's website as soon as practicable following the meeting and may be circulated by other means also. Audio recordings are also taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy. Original audio recordings will be retained by Council for a period of four years.

As stated in Local Law 4, other than an official Council recording, no video or audio recording of proceedings of Council Meetings will be permitted without specific approval by resolution of the relevant Council 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. You must ask a question; if you do not ask a question you will be asked to sit down and the next person will be invited to ask a question. Question time is not a forum for public debate or statements.

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

James Judd, Colac

- 1. Has any decision yet been made about the make up of the Colac Otway Shire for the 2020 Council elections since under the investigation in early 2019 an announcement was made that this Shire would revert to wards with a total of seven Councillors elected for the Shire including some multi Councillor wards and one single Councillor ward? But after this announcement was made the Premier made an announcement that all Councils would be made up of single Councillor wards when the government has introduced details into Parliament that will take effect for the 2020 Council elections.**

Response from Chief Executive

The position remains unclear. The VEC conducted an electoral review of the Colac Otway Shire and advised the Minister for Local Government that Colac Otway Shire should move from an unsubdivided municipality (comprising seven Councillors in total) to a municipality with two 3 member wards and one single member ward (comprising seven Councillors in total). This review was conducted under the *Local Government Act 1989*. The Minister has not responded to this review.

In the meantime, the Local Government Bill 2019 has been introduced into Parliament; it provides for councils to comprise either of unsubdivided electoral arrangements or single member wards. This bill has not yet passed Parliament and presuming that it does in late February or early March, it is unclear if there will be sufficient time for a review of Colac Otway's electoral arrangements in time for a council election in October 2020.

It is possible that the Colac Otway Shire will go to the election in October 2020 as an unsubdivided municipality.

- 2. To the Colac Otway Shire municipality, what is the financial benefit to this municipality of operating the Bluewater complex in Colac on an annual basis, or, are costs to the Council for running Bluewater still far above income receivable from users plus benefits to the health of the community combined?**

Response from General Manager, Corporate Services

The net cost to operate the Bluewater complex differs each year, depending on a number of variables such as membership income, utilities, wage and maintenance costs to name a few. The cost to Council of running the facility was \$614,342 in 2018/19. This subsidy has decreased over the past four years and Council is continuing to look for ways to minimise the subsidy without compromising the service. While it is not possible to accurately measure the non-financial benefits the complex delivers, Council's position is that, with increasing visits each year (now over 128,000), the social, mental and physical wellbeing benefits to our community far outweigh the cost of running the facility.

- 3. If the Colac Otway Shire Council can extend the times and days people can access Council matters in Apollo Bay when will the Council consider doing the same for Colac and the hinterland? This is giving the coast favourable treatment over the rest of the municipality with the coast seven days a week access [and the] balance of the Shire at best five days a week access.**

Response from General Manager, Corporate Services

For many years Apollo Bay and surrounds has had a reduced hours of operation at the administration office in Nelson Street. On analysis of the service levels required, it was determined that the service could adequately be provided from the Great Ocean Road Visitor Information Centre (GORVIC) with no increase in the resources required. An added benefit of the move is that the GORVIC is open 9 to 5, seven days a week, offering a significant increase in the opening hours for the Customer Assist service.

There is currently no demand for an increase in the opening hours of the Customer Assist in Colac and as such there is no intention to increase the operating hours. This would require an increase in the resources and an increase in the cost to Council.

4. **What was the total cost to the Colac Otway Shire Council to reorganise the 2019 Planning Committee Agenda to include a December 2019 meeting when the main excuse used to hold this meeting failed to gain any mention while ratepayers will have to find these extra costs or go without some proposed works being done?**

Response from General Manager, Corporate Services

As the Council Chambers were already booked for the December Ordinary Council Meeting on 11 December 2019, in addition to officer time, the only costs associated with the additional Planning Committee meeting are for the meeting advertisements which appeared in the Colac Herald on 29 November and 6 December at an approximate combined cost of \$265.

5. **Why does the Colac Otway Shire Council permit any who operate activities from Council owned property to segregate society members by offering reduced fees to attend events to those post school age up to 30 years of age so they are charged less than concession card holders to attend the same events? This has been obvious in Colac for some time.**

Response from General Manager, Development & Community Services

Unfortunately we can't respond to this question as further clarification is required.

Leigh Barrett, Colac Otway Ratepayers and Residents Association

These questions are about the settlement of the Bluewater Stadium Floor

1. **Why didn't the three parties, Colac Otway Shire, BDH Constructions and WDH Suters, acknowledge their liability, apologise to the public and release the independent report?**

Response from Chief Executive

In relation to releasing the report, Council has resolved to release a redacted version of the independent report, which was a Post Project Review. The review, which Council resolved to commission, did not examine the actions of the builder or the architect. It concentrated on the actions of Council and was prepared prior to the floor being replaced. The report is likely to be released to the community next week but we must take care not to contravene the terms of the agreement between the parties to the dispute.

2. **What has happened to the liability of the \$750,000, the cost of the second floor? Has it disappeared like the court case, or is it an illusion or has the Shire paid for it with ratepayers' revenue?**

Response from General Manager, Infrastructure & Leisure Services

At the time the floor was replaced it was paid for with ratepayers' funds.

3. **We were told by former CEO Sue Wilkinson that the independent report could not be released to the public as promised because of the impending legal action and court case. Now the court case has disappeared and the three parties are not acknowledging liability, when will the independent report be released to the public? Who paid for it?**

Response from General Manager, Infrastructure & Leisure Services

As the Chief Executive has stated the report will be released next week and Council paid for that report.

4. Is it fair to say that the Colac Otway Shire corporation will now become a honeypot for people of poor professional standards who when they are caught making a professional error of judgement, perhaps deliberately, can freely not acknowledge liability and refuse to talk about it, because of the precedent that has been set by the Colac Otway Shire in agreement with BDH Constructions and WDH Suturs?

Response from General Manager, Infrastructure & Leisure Services

No, it's not fair to make this statement. The settlement was a mediated commercial settlement outside the court. No precedent is set.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Arnold Rowntree, Barongarook

Is it reasonable to come to the conclusion that if the remedial work done on the Bluewater Stadium site before the second floor was laid was done before the first floor was laid, the first floor would not have failed? Is that reasonable?

Response from General Manager, Infrastructure & Leisure Services

I'll take that question on notice. It's quite a complicated, technical question which would require a deal of thought.

Catherine Roberts, Forrest

1. The revised Forrest Common Master Plan represents, when ultimately implemented (if it is implemented in its entirety), a significantly greater spend than the original proposed upgrade that the Forrest community rejected. Does the Colac Otway Shire recognise that an appropriately designed upgrade to the Forrest Common not only represents the values of the Forrest community but also provides economic stimulation for our already growing tourism products?

Response from General Manager, Infrastructure & Leisure Services

The estimated implementation budget for the Forrest Common Master Plan of approximately \$1.7 million exceeds the typical investment Council would make in a township park, which is around \$200,000-\$300,000. It's also higher than the typical overall cost of a park development. For example, the Cororooke Open Space Master Plan has an estimated total implementation cost of approximately \$1.2 million. It is recognized that most of the additional costs can be attributed to the larger size of the park, and the style of development, and the level of quality requested by the Forrest community members during the Master Plan consultation. It's also recognised that these requested changes are largely representative of the values of the community.

Creation of a unique park and play space, as is the vision of the community, would contribute to the visitor experience and provide some economic benefit. The extent of the economic benefit of the park development has not been modelled. What we do know is that the park would not be considered an attractor or a reason to visit, such as the mountain bike trail, however it would certainly enhance and contribute to the experience of visitors and likely lead to repeat visits. We also know that the high quality park developments provide significant social and health benefits to the local community by encouraging longer stays and fostering social interaction.

2. **Question on behalf of Emma Colson: Will the Colac Otway Shire stick to its commitment stated on the grounds of the Forrest Common in April this year with the Councillors and Mayor present to fully endorse the much re-worked and re-thought Master Plan as a truly visionary map or skeletal layout of this precious resource that will benefit the health, finances and wellbeing of the Colac Otway Shire residents and allow the small motivated community of Forrest to independently chip away at the objectives of the map, piece by piece, to see the dream for this space as a world class nature zone fulfilled?**

Response from Chief Executive

I think we need to be careful in answering that question as this matter is before Council at this meeting and a number of the questions, or the number of statements/questions you made there, will be part of the debate that follows. I think we leave it at that.

Betty Olle, Forrest

I know how everyone loves nature at our school so I'm asking for no plastic because plastic is bad for the earth.

Graham Fulford, Barongarook

Question to the Councillors regarding the 80km per hour limit on Barongarook Road which was knocked back earlier this year: I just want to mention that the traffic on that road has increased a lot at the moment and there's a bit of work being done on it but the road is not safe. We used to walk dogs on it and we used to walk ourselves on it – at the moment there's too much traffic. They don't slow up. You can't get off the road because of the long grass on the edge. The side of the road – that's another problem too – but at the moment they've dug the edges up and fixed that which is good. I want to take out another petition if I can, next year, and present it again to the Councillors and see how we can go next time to get our 80km per hour limit.

Tony Webber, Otway Forum

1. I'd like to congratulate the Council on sealing another section of Binns Road but Stage One has not been sealed and why is this? It's been widened and ready for sealing for quite a while and it hasn't been sealed. Can we have an explanation for that, thanks?

Response from General Manager, Infrastructure & Leisure Services

I'm not aware of the particular details on that one, only to say that sealing of the road was – or of that first stage – part of the contract. My memory on it is that the contractor simply ran out

of suitable weather in which to be able to do the sealing work but it is part of the contract and it will be done.

2. **At the September meeting I asked what had happened to the money that was going to be spent on the road between Forrest and Skenes Creek. I received an answer that it is happening now but the actual question was what had happened in those three years to the money that was allocated up to the 2016 federal election? Could I have an answer to that?**

Response from Chief Executive

I can't give you a definitive answer but we've been advised by Rural Roads Victoria that this work is now progressing and it has commenced, which indicates to me that the money has been placed in a reserve and is now being spent – so the money has been held for this work.

Edith Hammond, Colac Otway Ratepayers and Residents Association

1. **I'd like to ask what are the names of the legal firms that Council paid \$554,000 for services rendered on Bluewater and where are they located?**

Response from General Manager, Infrastructure & Leisure Services

I will take that question on notice. During my time, we used a firm called MinterEllison who operate out of the CBD of Melbourne. I do recall that there was another legal practice used prior to that but I'm not 100 per cent confident on which one but I'd be happy to provide an answer.

2. **Could I also ask, do you think you got good value for money and how has the public interest been served?**

Response from Chief Executive

I'm not sure that I can answer that. In my opinion, I think we ended up with an outcome that I feel comfortable with, given the circumstances that we had but it's a very complex, difficult matter. In achieving that outcome Council was required to sign a non-disclosure agreement. That makes it very hard for anybody to make a judgement in this matter.

Do you think it was good value?

Response from Chief Executive

I'd be commenting on things that occurred here well before I arrived and so I'd prefer not to do that.

Gillian Brew, Forrest

My question is with regard to the Forrest Common Master Plan. On behalf of the community, I'd like to thank the Council for the considerate revision to the Master Plan based on the community's wishes, so we would like to put that forward. What I would like to ask is whether the Council would, considering the increased cost, consider working with the community who have offered to work voluntarily with both labour and materials to help reduce the cost of the Master Plan?

Response from the Mayor

I don't think we can really answer that as we haven't decided upon endorsing the Master Plan. It's before us tonight so we'd be pre-empting anything that may happen later tonight.

But would it be a consideration is what I'm asking?

Response from General Manager, Infrastructure & Leisure Services

Should Council decide to move forward with the Master Plan then the use of, or the cooperation with the community in terms of, volunteer labour and donated materials is certainly something that officers would look forward to working on.

Graham Howard, Colac East

My question is to Mr McGann. Going back about a month or so ago we approached the Shire and the Councillors to have some support to get an embankment behind my house fixed up where there is a lot of water running off it. Since that's been asked, we also have a major problem with it as far as exiting my property out onto the road and of late today, they're already pouring another spoon drain along the top of my property. There's thousands of dollars in the last few weeks being wasted along the front of my property where it's all going to have to be pulled-up in the next few weeks and lowered like I suggested it should be done and fixed. I just wonder why Mr McGann is supporting VicRoads for doing this work and not the local people that's paying his wages?

Response from General Manager, Infrastructure & Leisure Services

What we're dealing with here is a VicRoads project. Council has gone to great lengths to advocate on behalf of Mr Howard about several issues that he has raised. From Council officers' points of view, we think that those discussions and that advocacy has gone as far as it can because essentially the project is complete. I guess that is the answer to the question in terms of the project.

I believe that it is not. VicRoads basically say it complies but it is definitely not safe. And I know what Mr McGann is saying but there is no support from the Councillors or very few Councillors and we're going to have to get something done about it because it's just not going to stop there. It'll more likely be going to finish up in court the way things are going. I have already got lawyers involved in it – and they have asked – we were asking that we get independent people. VicRoads say it's the Shire and the Shire say it's VicRoads so you work out whose it is.

6 TABLING OF RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETING

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

Graham Howard, Colac East

I've been travelling a lot north of Colac and around the Colac area of late. I've seen very little fire prevention work being done, very minimal, even including my own street at the moment which is Flaxmill Road. I'm wondering why? Why hasn't it been done at this stage because it is extremely late getting in. There are going to be very high fuel loads even if you slash them onto the ground; they're going to be left lying there for fires.

Response from General Manager, Infrastructure & Leisure Services

I don't have those details to hand at the moment so I will take the question on notice and provide Mr Howard with some information, as well as an update to Councillors.

Further response from General Manager, Infrastructure & Leisure Services

The slashing serves two purposes: firstly for increased visibility to improve road safety and secondly to prevent fire risk as a firebreak and the reduction of the risk of fires starting, eg. cars parking on the side of the road with hot exhausts, burning cigarettes being thrown from a car.

The roadside slashing is going to plan, ie. approximately 51 kilometres per working day, albeit it has been a season of higher than average growth. Flaxmill Road is now due again for road shoulder maintenance and slashing.

This work is scheduled to be addressed in early December 2019.

7 PETITIONS / JOINT LETTERS

A petition requesting that Colac Otway Shire Council fund the construction of a concrete footpath from Main Street to the Railway Station via Roadknight Street Birregurra has been received from a community member. Council has been advised by the petitioner that the petition contains over 410 signatures. A report responding to the petition will be tabled at the Ordinary Council Meeting to be held on 29 January 2020.

8 DECLARATIONS OF INTEREST

Nil

9 CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on 27 November 2019.

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Brian Crook

That Council confirm the above minutes.

CARRIED 6 : 1

DIVISION

For the motion: Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Jason Schram, Cr Brian Crook

Against the motion: Cr Chris Smith

Item: 10.1

Forrest Common Master Plan

OFFICER	Nicole Frampton
GENERAL MANAGER	Tony McGann
DIVISION	Infrastructure & Leisure Services
ATTACHMENTS	<ol style="list-style-type: none">1. Attachment 1 - Forrest Common Master Plan M P 1 & M P 2 - Final Version 20191101 with note [10.1.1 - 2 pages]2. Attachment 2 - Forrest Common Master Plan - Costs and Staging [10.1.2 - 2 pages]3. Attachment 3 - Forrest Common Master Plan - Minimum Stage 1 Works [10.1.3 - 1 page]
PURPOSE	To present the final Forrest Common Master plan for Council endorsement.

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

Tamzin McLennan attended the meeting at 4:39pm

Lee Castles attended the meeting at 5:00pm

Tamzin McLennan left the meeting at 5:07pm

Item: 10.2

CCTV in Botanical Gardens Precinct

OFFICER	Frank Castles
GENERAL MANAGER	Tony McGann
DIVISION	Infrastructure & Leisure Services
ATTACHMENTS	1. Study into the Negative Behaviours of the Botanic Gardens Precinct - Version 2 [10.2.1 - 26 pages]
PURPOSE	To present options for security improvements to Colac Botanic 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

Madeleine Bisits left the meeting at 5:13pm

Madeleine Bisits returned to the meeting at 5:16pm

Item: 10.3

Contract 2002 - Port of Apollo Bay In-Harbour Dredging Project

OFFICER	Simon McBeth
GENERAL MANAGER	Tony McGann
DIVISION	Infrastructure & Leisure Services
ATTACHMENTS	Attachment 1- Project Timeline
PURPOSE	To obtain Council approval to award Port of Apollo Bay Dredging Project contract.

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

Simon McBeth left the meeting at 5:45pm

Frank Castles left the meeting at 5:45pm

Item: 10.4

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

OFFICER	Matthew Skewes
GENERAL MANAGER	Tony McGann
DIVISION	Infrastructure & Leisure Services
ATTACHMENTS	1. Binns Road Widening - Stage 2 - Con 2005 - Preliminary Design [10.4.1 - 24 pages]
PURPOSE	To approve and award Contract 2005 – Binns Road Upgrade Stage 2, Beech Forest

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

Frank Castles returned to the meeting at 5:51pm

Item: 10.5

Contract 2012 - Design & Construct - Bridge Replacement Works, Gellibrand & Barramunga

OFFICER	Matthew Skewes
GENERAL MANAGER	Tony McGann
DIVISION	Infrastructure & Leisure Services
ATTACHMENTS	<ol style="list-style-type: none">1. Bridge Renewal Program - Survey Info - Jacksons Track [10.5.1 - 1 page]2. Bridge Renewal Program - Upper Gellibrand Road - Feature Survey [10.5.2 - 1 page]
PURPOSE	To approve and award Contract 2012 – Bridge Replacement – Gellibrand and 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

OFFICER	Nicole Frampton
GENERAL MANAGER	Tony McGann
DIVISION	Infrastructure & Leisure Services
ATTACHMENTS	1. CON 2015 - Civil Design Drawings - For Tender [10.6.1 - 15 pages]
PURPOSE	For Council to award the tender received for 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.

Lee Castles left the meeting at 5:56pm
Chris Baker left the meeting at 5:56pm
Jeremy Rudd left the meeting at 5:56pm

Item: 10.7

Swimming Pool & Spas Registration Fees

OFFICER	Doug McNeill
GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services
ATTACHMENTS	1. VB A- Council- Practitioner- Guide- Pool- Spa [10.7.1 - 25 pages]
PURPOSE	For Council to resolve the fees applicable to registration of swimming pool/spas under new Building Regulations.

RECOMMENDATION

That Council:

- 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.*
- 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>

- 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:*

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

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 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.*

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

OFFICER	Lyndal McLean
CHIEF EXECUTIVE	Peter Brown
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. Assembly of Councillors - Council Meeting Preparation - 27 November 2019 [10.8.1 - 2 pages]2. Old Beechy Rail Trail Committee - Meeting Minutes with attachments - 2019 22 October - Confirmed [10.8.2 - 16 pages]3. OCM - Unconfirmed Minutes - Colac Otway Roads Advisory Committee - October - 2019 [10.8.3 - 8 pages]
PURPOSE	To report the minutes of the Old Beechy Rail Trail, report the unconfirmed minutes of the Colac Otway Roads Advisory Committee and report the Assemblies of Councillors.

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.

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 at 6:37pm and Council move into Closed Session in order to deal with:

SUBJECT	REASON	SECTION OF ACT
Minutes of the Closed Session Council Meeting held on 27 November 2019	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)
2020 Australia Day Award Nominations	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

The meeting was reopened to the public at 6:51pm

The meeting was declared closed at 6:51pm

CONFIRMED AND SIGNED at the meeting held on 29 January 2020.



.....MAYOR