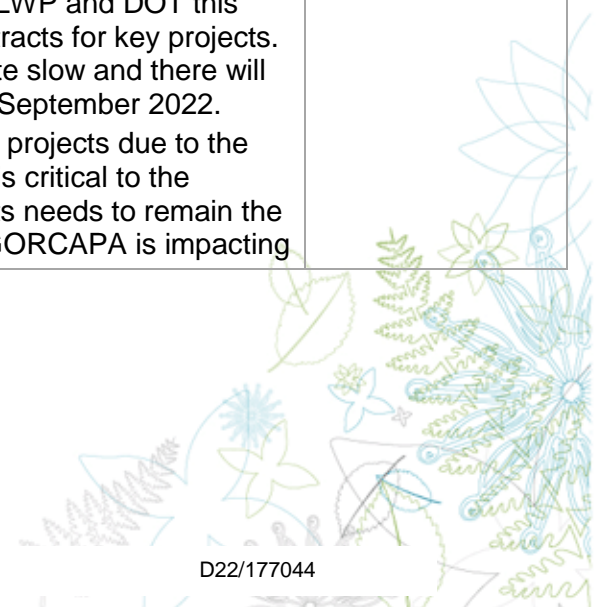


MINUTES.

Tuesday 9 August 2022

Time: 12.30pm

1.	<p>ATTENDEES: Anthony Alfirenko (AA) – GORCAPA Cath Olive (CO) - GORCAPA Jesse Morrow (JM) – Apollo Bay Sailing Club - via phone link Peter Biddle (PB)– Apollo Bay Ocean Rescue Markus Nolle (MN)– Apollo Bay Fishermen’s Coop Bill Gross (BG)– Apollo Bay Community Representative – via phone link John Marriner (JM) – Apollo Bay Community Representative Russell Frost (RF) – Community - Commercial Fishers</p> <p>Simon McBeth (SM)/Fiona Waddington (FW) – Colac Otway Shire Cr Chris Potter (CP) – Councillor Colac Otway Shire.</p>	
2.	<p>APOLOGIES Mick Heland Frank Castles Wayne Diffey</p>	
3.	<p>MINUTES FROM LAST MEETING No issues. Adopted by PB.</p>	
4.	<p>CITY DEAL PROJECTS – AN UPDATE Frank absent- no update given. Details available at: https://www.colacotway.vic.gov.au/Works-Projects/City-Deal</p>	
5.	<p>TRANSITION OF PORT FROM COS TO GORCAPA CO explained that the process methodology for asset transfer follows guidelines from DELWP, DOT and other stakeholders. Information is gathered in respect to the condition of the port assets prior to the transfer. GORCAPA are undertaking due diligence on all port projects where novation of a contract from COS to GORCAPA will be required. GORCAPA will meet with DELWP and DOT this Thursday regarding asset transfer and the novation of contracts for key projects. The process of preparation for asset transfer has been quite slow and there will potentially be a delay in the planned transition date of 30th September 2022. CP commented that there are huge risks in delay of critical projects due to the transition process. The replacement of the sheet pile wall is critical to the integrity of the port infrastructure. Delivering all port projects needs to remain the highest priority. If transition of management from COS to GORCAPA is impacting</p>	



on ability to deliver Port projects then the option of delaying the transition until after projects have been completed, should be explored.

SM raised that, given that a Council resolution has been passed to award the contract pending agreement to novate contract from GORCAPA, this will need to go back to Council. Governance has advised that this could not be heard at Council until September Council meeting.

CP stated intention to raise a notice of motion to have the matter heard in Council, to allow for postponement of the transfer of management to enable projects to be delivered first.

RF remarked that it should be ensured the current port staff will retain security of their jobs. CO replied that jobs will remain secure. SM pointed out nil disadvantage clause in transition agreements.

RF also remarked that the port should not be 'privatised'.

MN remarked that the MACA application for the City Deal upgrades to the Coop underpins a large portion of the City Deals program. The grant money for the Coop upgrades is now losing real value due to delays in consent. The Coop has invested quite heavily in being ready for the City Deals upgrades and stands to lose a lot due to delays in progress.

CP remarked that community consultation regarding the City Deals upgrades has been extensive. Currently the community doesn't know what is going on.

CO acknowledged that the process of transition has been frustrating. GORCAPA, as the future land manager is now assessing and approving the MACA consent applications submitted to DELWP.

SM commented that he believed that only DELWP had the authority under MACA to approve a consent application.

CO confirmed that that is the case, but DELWP has requested that GORCAPA review all applications for endorsement before final approval from DELWP.

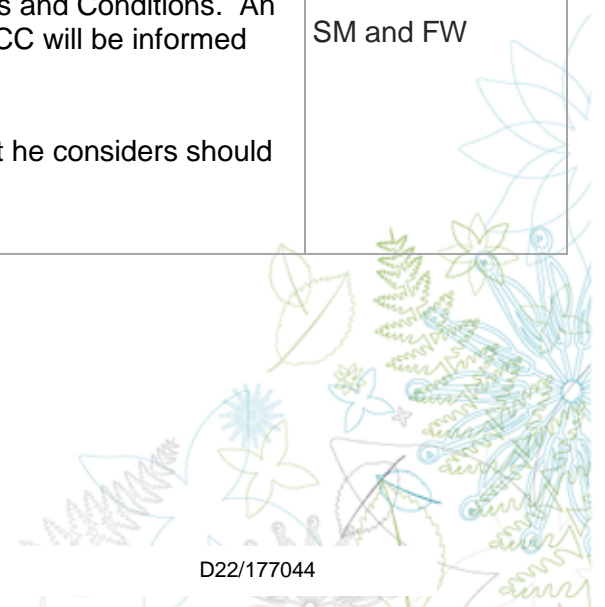
MN asked CO if GORCAPA is assessing the City Deals MACA application for the Coop upgrades. CO replied that DELWP is assessing that application.

Discussions regarding specific port projects brought forward in agenda following on from transition discussions.

<p>6.</p>	<p>UPDATE ON PORT CONDITION AND CURRENT PROJECTS AT THE PORT</p> <p><u>Sheet pile wall remediation.</u></p> <p>SM : The tender process is completed and the contract for the sheet pile wall went before Council in June. A resolution was passed to award the contract, with a condition that GORCAPA must provide in writing its commitment to accept novation of the contract post port management transition.</p> <p>As background, SM added that this is the result of a 3rd tender process. Contractor availability is a key risk in current construction climate. SM has concerns that, if the contract is not awarded soon, we may lose the contractor.</p> <p>Prior to providing agreement to novate contract, GORCAPA is undertaking due diligence with respect to the contract for the sheet pile wall works. The process is extremely comprehensive and is causing delays in project delivery. SM's view is that our primary responsibility and objective at the port is to deliver the current projects for the community. If the transition of management arrangement is a threat to the delivery of the projects, then it is his view that the transition date should be deferred to enable delivery of the projects. The Council resolution regarding the novation of the contract would need to be reconsidered by Council. Advice from COS governance team is that this would need to go back to Council, and that this could not occur until September.</p> <p>CO – the wording of the resolution regarding the contract should be checked. The wording regarding “other binding agreement” needs to be explored and could be a means of resolving without going back to Council.</p> <p>CP – as a councillor, he can make a request that the resolution be reconsidered at the August meeting in order to expedite the process. To work with SM to assist with this process. The risk of the asset failing is the greatest risk to the port, and far outweighs any risks relating to novation of contracts.</p> <p><u>Upgrades to boat ramp/floating pontoons</u></p> <p>SM updated as follows:</p> <p>The upgrade to the boat ramp is subject to the same situation as the sheet-pile wall with respect to GORCAPA's agreement to novation of the contract. The schedule for project delivery has changed due to delays. The contract has not been signed.</p> <p>The highest risk to the project is increase in cost to account for extra mobilisation and material costs caused by delays. There is a risk that the current commercial offer may be retracted or altered if we do not execute in the very near future.</p> <p>SM wants to try to deliver before November to avoid inconvenience to users during the Christmas/summer holiday period. If this can't be achieved, it will be rescheduled to February 2023.</p> <p>CO - Asked SM if GORCAPA had been provided with the contract for the project. SM - Stated no, as no-one has requested it to date. Action- SM to provide contract to GORCAPA</p>	<p>SM</p> <p>CP and SM</p> <p>SM</p>
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<p>RF and JM- It would be better to have it delivered this year before Christmas.</p> <p><u>Upgrades to Boat Ramp Infrastructure – VFA Grants:</u> The joint toilets and fish cleaning facility upgrades are subject to consent under MACA 2018. The consent application was submitted on 17 April 2022. On 19 July, DELWP notified COS of a further requirement for MACA consent. In view of the COS to GORCAPA transition, documentation is required evidencing GORCAPA’s endorsement of the consent application including ongoing management responsibility following the transition. COS is waiting for this endorsement from GORACPA.</p> <p>CO - MACA for the VFA projects is being assessed. She expects a response from her planning department soon.</p> <p>Action for CO to provide a timeline for delivering this response from GORCAPA.</p> <p><u>Boat Ramp Toilets</u> The formal request for quotation is in process for supply and construction of a new amenities block. The quotations (4 received) will be assessed next week and a preferred supplier will be selected. Once the contract is executed, and MACA consent is granted, works can commence. It is hoped to deliver the project before the 2022/23 Christmas holiday period.</p> <p><u>Fish Cleaning Tables</u> The project awaits MACA consent. Community consultation is complete with 48 responses to an online survey. Most responses were very constructive. Suggestions received will help with the design of the upgrade. Once consent is granted, the area will be stabilised with some work on the rock revetment (the area is uneven and unstable). The design of the tables upgrade and a park shelter roof will follow the stabilisation works. It is hoped to deliver the project before the 2022/23 Christmas holiday period.</p> <p><u>Ocean Rescue storage shed – VFA Grant.</u> This project is not being managed by the Port of Apollo Bay. A COS project manager has been appointed to the project by Frank Castles, the project owner.</p> <p>JM asked about the concept of a storage facility for the Sailing club’s safety boat. The Sailing club was under the impression that they could share the space of the Ocean rescue shed</p> <p>JM enquired as to who should the Sailing club apply to. SM replied that it would need to go to COS planning in the first instance. It is not part of the development plan, which has been finalised for the harbour precinct. For it to be considered, an amendment of the development plan would need to occur.</p> <p>CP added that a shed for the Sailing club was not considered in the Apollo Bay Harbour Development Plan (ABHDP). The shed for Ocean Rescue was</p>	<p>CO</p>
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	<p>considered and has been accommodated in the plan. The ABHDP can be altered if required.</p> <p>CO added that the MACA and Marine and Coast Policy will need to be adhered to, including the siting and design guidelines. Shared spaces are encouraged in the guidelines. CO stated that a likely response from DELWP with respect to a MACA consent application for a Sailing club shed would reference to those guidelines.</p> <p><u>Diesel tank relocation.</u> Complete pending removal of old tank. The buyers of the old tank will remove it once they have the new site prepared for it. The original requirement to remove the old tank within 1 month of commissioning the new tank was relaxed by the Director of City Deals due to the lack of urgency for the carpark rebuild.</p> <p><u>CCTV cameras.</u> Complete – cameras live since 9th June 2022.</p> <p><u>Slipway winch house upgrade.</u> Complete – new shed installed. Practical completion 23 June 2022.</p> <p><u>Slipway cradle upgrade.</u> Complete – slipway reopened on 10 June 2022.</p> <p><u>Oil disposal facility upgrade.</u> Complete – new facility open 27 May with practical completion (signage installed) on 23 June 2022</p>	
7.	<p>TERMS AND CONDITIONS OF BERTH/MOORING OCCUPATION</p> <p>Unused vessels/derelict vessels – update to terms and conditions of occupation. Some changes have been drafted following discussions at the May 2022 POABCC meeting. The process of updating the Terms and Conditions document established that a complete review of the document is required. Port staff will liaise with other port managers regarding their approaches and learnings from legal advice previously sought by others. The experience of other ports will be used to assist with a review of the Port of Apollo Bay Terms and Conditions. An updated document will be produced in due course. POABCC will be informed and consulted.</p> <p>RF commented that there are a few vessels at the port that he considers should be removed.</p>	SM and FW



<p>8.</p>	<p>SWING MOORING ANNUAL INSPECTION/COMPLIANCE CERTIFICATE</p> <p>Proposed update to process and reporting. The process for compliance of swing moorings is being reviewed. Last year we went to a model of COS port crew performing the repairs based on divers' reports. It has become apparent that there is litigation and liability risk to COS in this process.</p> <p>Port staff will liaise with other port managers regarding their management of this process and update our own process. POABCC will be informed and consulted. SM said it is likely that future arrangements will involve repairs to the moorings being undertaken by the commercial divers, rather than by Port staff.</p> <p>MN suggested use of authority such as the EPA to intervene.</p> <p>SM believed it is the expectation that our relevant legislation, i.e. the Port Management Act, be used to manage these risks. As the Port Manager, we do have the powers under this Act to remove and dispose of vessels for a number of prescribed purposes, mainly relating to vessel integrity and environmental safety. Port management have issued notices to vessel owners using these powers in the past on the basis of environmental risk and seaworthiness of vessels.</p> <p>RF asked whether or not everyone pays for their moorings.</p> <p>SM replied that those who are behind on payment are in the hands of the COS Accounts Receivable process. (A vessel owner on a payment plan cannot have the vessel removed/permit cancelled due to being behind on payment).</p> <p>If required, a permit can be cancelled for non-payment. A derelict vessel can be removed and proceeds of sale used to recover costs. However, the cost to COS for removal and disposal of a derelict vessel can potentially be enormous. There is a risk to COS of incurring a large debt.</p> <p>JM commented that it suited him to have mooring inspection and works done for him. This is not always the case with all mooring holders.</p>	<p>SM and FW</p>
<p>9.</p>	<p>SAFETY – RISKS, ISSUES AND INCIDENTS.</p> <p>Covid-19 restrictions.</p> <p>Golf ball hits from the golf club were mentioned by SM and RF. It is a risk. It is possible that the Golf Club will reimburse the cost of repairs or replacement of windscreens. Golf ball hits are also a risk for injury to the public.</p> <p>AA mentioned cut-off bolts and bollards etc. around the old diesel tank. FW replied that the Coop has been approached on this subject. To approach again regarding safety and, ultimately, removal of the old tank.</p>	<p>FW</p>
<p>10.</p>	<p>GENERAL BUSINESS.</p> <p>MN commented on the new fenders at the low landing. The material from the new fenders could be used on the inside of the slipway cradle arms. To investigate.</p>	<p>SM</p>

	RF reported that MV Tambo Bay gets stuck on the ladder on low tides. Ladder should be longer. To investigate. The whalers can't be changed without huge cost. The fender can be changed easily. SM to work directly with RF to solve the issues. RF suggests to connect 3-phase onto one of the marina fingers to allow Tambo to berth there. SM replied that the boat is too big/heavy to berth on the floating marina fingers.	SM
11.	ITEMS FOR FUTURE MEETINGS Terms and Conditions. Swing mooring compliance. Project status and GORCAPA transfer	
12.	NEXT MEETING Tuesday 8 November 2022 – to confirm prior to close of meeting.	

