

MINUTES of the *ORDINARY COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at the COPACC, Colac on 19 September 2016 at 6.14pm.

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

Sue Wilkinson, Chief Executive Officer
Mark Lyons, General Manager, Corporate Services
Ingrid Bishop, General Manager, Infrastructure & Leisure Services
Heather Johnson, Acting General Manager, Development & Community Services
Jennifer Wood, Manager Governance & Customer Service
Sarah McKew, Governance Officer
David Testa, Financial Operations Coordinator
Nicholas Welsh, Accounting Officer, Assets
Adam Lehmann, Manager, Assets & Property Services
Melissa Garner, Assistant Accountant
Tamzin McLennan, Public Relations Coordinator
Greg Fletcher, Manager, Community Services
Kristen Black, Administration, Waste & Contracts
Sandra Wade, General Manager, Bushfire Recovery
Daniel Fogarty, Manager, Financial Services

3. APOLOGIES

Nil

4. MAYORAL STATEMENT

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

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

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

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

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

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

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

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

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

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

5. QUESTION TIME

Questions Received in Writing Prior to the Meeting

James Judd

- 1. Has Council yet let the contract to fix the floor at Bluewater Basketball courts?**

Response from General Manager, Infrastructure & Leisure Services:

This is subject to a Council report this afternoon.

- 2. What progress has been made up to end of August 2016 in the works associated with the upgrade of Central Reserve and are the works still in line with the projected completion date?**

Response from General Manager, Infrastructure & Leisure Services:

The ground floor slab has been poured and blockwork walls are under construction. Ground floor structural steel is currently being manufactured off site in readiness for erection during the first week in September.

Currently works are tracking as expected against the program timelines. Structural steel is approximately a week behind schedule, however block work construction commenced ahead of schedule and is currently two weeks in front of the program timelines.

3. What were the VIC comparison figures for July 2015 and July 2016:

a) VIC Colac

Phone calls less overflow calls from GORVIC

Walk in enquiries

Email enquiries

Total enquiries?

b) GORVIC

Phone enquiries plus overflow calls to Colac Vic

Walk in enquiries

Email enquiries

Total enquiries?

Response from Acting General Manager, Development & Community Services:

Colac Visitor Information Centre

JULY	2015	2016	% Change
Walk Ins	2,044	1,742	-15%
Phone Calls	79 Excluding WG Overflow Calls	51 Excluding WG Overflow Calls	-44%
E-mails	5	4	-20%

Great Ocean Road Visitor Information Centre

JULY	2015	2016	%Change
Walk Ins	6,489	6,512	0%
Phone Calls	711 Including WG Overflow Calls	587 Including WG Overflow Calls	-21%
E-mails	38	29	-24%

4. Since 1st July 2016 has there been any actual or threatened withdrawals from the G21 Group of Councils? What are the names of all the municipalities now in the G21 group of councils?

Response from the General Manager, Corporate Services:

No, there hasn't been any withdrawals from the G21 Group of Councils and the municipalities of Colac Otway Shire, Golden Plains, Greater Geelong, Queenscliffe and Surfcoast are currently represented.

- 5. What was the usage of the pool at Bluewater for the month of July 2016, the income and expenses, the number who used the facility, and of them how many were:**
- i) members who used the facility a number of times?**
 - ii) members who used the facility only once?**
 - iii) non members who pay each time?**

Response from General Manager, Infrastructure & Leisure Services:

Casual usage was 159; Member (Aqua only) usage was 773. The total is 932.

Expenses totalled \$ 111,669; Income totalled \$ 72,663.

9369 used the facility.

651 members used the facility multiple times.

128 members used the facility only once.

Casual users totalled 1270.

- 6. Over how many years will it take Council, to recover by reduced power consumption costs, the original outlay for the Smart Street Light installations?**

Response from General Manager, Infrastructure & Leisure Services:

This is estimated to be 3.3 years.

- 7. Now Council is using Bluewater to include the Apollo Bay community pool, what portion of membership claimed for Bluewater actually only refers to the Colac centre?**

Response from General Manager, Infrastructure & Leisure Services:

Apollo Bay Pool has not yet commenced operations however there are seasonal passes available for the season which runs 3 December 2016 – 13 March 2017.

How much of income and expenses only refers to the Colac facility for the following 2016 months: January, February, March, April, May, June and July?

Response from General Manager, Infrastructure & Leisure Services:

January 2016	Expenses totalled \$ 142,026	Income totalled \$ 96,330
February 2016	Expenses totalled \$ 125,291	Income totalled \$ 92,203
March 2016	Expenses totalled \$ 192,838	Income totalled \$ 90,435
April 2016	Expenses totalled \$ 128,198	Income totalled \$ 71,634
May 2016	Expenses totalled \$ 153,472	Income totalled \$ 88,372
June 2016	Expenses totalled \$ 114,756	Income totalled \$ 84,515
July 2016	Expenses totalled \$ 111,669	Income totalled \$ 72,663

What was the actual membership and attendance at Colac for the following months in 2016: January, February, March, April, May, June and July?

Response from General Manager, Infrastructure & Leisure Services:

	January	February	March	April	May	June	July
TOTAL MEMBERS	1468	1620	1633	1673	1720	1726	1751
VISITATION	January	February	March	April	May	June	July
Members & Multipasses	4610	4972	4228	4032	6264	6666	6828
Multipasses	131	229	211	162	250	296	266
Casual	3212	1895	1702	1443	1151	1163	1270
Creche Visitations	199	320	300	358	386	393	372
Swim School	0	947	790	666	987	652	603
TOTAL	8152	8363	7231	6661	9038	9170	9339

8. a) Since Council advertises positions outside Colac as available at Bluewater, how many Bluewater staff are located at:

- i. swimming pool complex located in Hearn Street, Colac?
- ii. Apollo Bay Community Pool?
- iii. other Colac locations?
- iv. other locations?

Response from General Manager, Infrastructure & Leisure Services:

Swimming pool complex located in Hearn Street, Colac is staffed by:

- 7 Full Time staff
- 22 Permanent Part Time staff
- 23 Casual staff

Apollo Bay Community Pool which operates for 14 weeks of the year is staffed by:

- 4 Permanent Part Time staff
- 2 Casual staff

Other Colac locations: Nil

Other locations: Nil - however we run 2 offsite programs at Forrest and Birregurra for a total of 6 hours per week. These staff are captured in the figures quoted for Colac.

b) If staff are not full time at a facility:

- i. how many hours per week do they work at that location?**
- ii. what portion of income and expenses claimed applicable to Bluewater actually refers facilities not at the pool complex in Hearn Street, Colac?**

Response from General Manager, Infrastructure & Leisure Services:

Bluewater Total Permanent Part Time and Casual hours = 362 hours per week

Council contributes 40% of all related expenses to Lavers Hill Pool expenses up to a maximum of \$10,000. No income is generated.

Council contributes 40% of all Apollo Bay Pool and Stadium related expenses.

9. What was the average 2016 revaluation of all properties under FSL valuation (AV PCC-120) unless under 11% the actual year on year charge went up when prior year it had already gone up by over 32% in the dollar of valuation?

Response from General Manager, Corporate Services:

The average increase in land valuation of properties in the Fire Service Levy category AV PCC-120 was 4%. There was no increase in valuation last year as it wasn't a revaluation year and the total rate charge applicable to individual property owners will vary depending on individual circumstances.

Questions Received Verbally at the Meeting

Mr Simon Arundell, Bungador

In the Code of Conduct that was brought in, all Councillors have to report to the CEO who speaks to them and what the conversations are about. Am I correct in that? If they do fail to report a conversation that's meant to be reported, will the Councillor be reprimanded, fined, disciplined?

Response from the Mayor:

There are some qualifications around this. It's there for the reason that when people ask Councillors questions and it's a ratepayer related question that requires a response and action, that's one of the only times they should be reported and catalogued so that those ratepayers can get a reasoned and calculated response.

Would questions about a new regional manager's salary, as in the Colac Herald, have to be reported?

Response from the Chief Executive Officer:

That doesn't have anything to do with the Code of Conduct.

I see you are going to spend \$70,000 on getting a bit more air under the Bluewater building. I see some square air holes cut in the slabs. Were they there in the slabs before they were put in place or have they been cut into those slabs since they were put in place?

Response from the Manager, Assets & Property Services:

The existing ventilation was cast when the precast tilt-up panels were erected. During casting some of the pre-cast slabs, ventilation vents weren't included. Some were cut in post the erection of the tilt-up slabs. The majority of the other tilt-up panels already had ventilation vents included.

Mrs Helen Paatsch, Colac

Regarding streetscape studies and Lake Colac studies, with all of the reports on the various streetscapes and townscapes, how much attention is paid by the officers, and how much information is given to the Councillors, about reports that have gone before?

Response from the Chief Executive Officer:

Thank you for the question. It is really important that before commissioning a new report there is due diligence done. It's difficult to comment though specifically on the CBD and entrances study work about whether or not the work from 1988, which is nearly 30 years ago, as to how much weight was given to that in the design of the new streetscape work.

It's a really good point that you make. It's important we don't reinvent the wheel, as you say. We have limited resources and it's really important that we use those well and previous work has a good solid basis. We work very hard to do that; it's not to say that there aren't cases where that doesn't occur but we certainly do the best that we can. One of the things that the Executive Team and I have been working on is a catalogue of current policy and strategy documents and that we'll provide to new Councillors as part of their induction.

Mr Dieter Wessner, Colac

How many dollars have been spent on consultant fees for the Bluewater redevelopment?

Response from the Chief Executive Officer:

I don't think it would be possible to answer that question as it would just be an estimate and I'd prefer to give you an exact figure. I'm happy to take that question on notice.

For every dollar saved by the Council on the floor for the Basketball courts, how many dollars are having to be spent now directly by the flooring again? Will somebody on the Council admit to not watching the job?

Response from the Chief Executive Officer:

In terms of the quality of the product that's been delivered for the stadium floor, I agree with you, it is not to standard, and Council and Council officers are extremely disappointed with the way that's been delivered. It's important to note that not one officer in this organisation hammered a nail or laid a board. Pursuing the responsibility for that will occur through court and that's happening as we speak.

Mr Alan Billing, Larpent

Regarding the Bluewater stadium floor, the engineered timber floor now proposed as a replacement to the maple floor is the type of floor included in the original design, I understand. Was the decision to change the type of stadium floor from the original design made by Councillors or by officers?

Response from the Manager, Assets & Property Services:

The decision to change the floor type during construction was made by the Project Control Group by Council officers.

Does the proposed contract amount of \$765,200 include an amount for independent contract management or is the contract to be managed in-house?

Response from the Manager, Assets & Property Services:

The contract sum does not include independent contract management. It is proposed to administer the contract using in-house Council staff.

Mr Tony Webber, Apollo Bay

Can we have an update on the old Hordern Vale Road?

Response from the Manager, Assets & Property Services:

Thank you for your question. An extension has been completed of the extension of old Hordern Vale Road. We're at this point of time scoping the required works to understand how much that might cost. From there, we'll consider including such a project in future years of our capital works program.

Mr Andrew Buchanan, Cundare

Mr Buchanan thanked the current Councillors for behaving in the manner they did when a group came from Irrewarra to ask the assistance of the Councillors. Mr Buchanan stated that they treated their requests with respect. On behalf of the group, Mr Buchanan thanked them and hoped the next Council is as good as that particular day.

Mr Simon Arundell, Bungador

Regarding Bluewater, is it true that the first floor failed because of lack of drainage and airflow under the floor?

Response from the Chief Executive Officer:

No.

Why did the floor fail?

Response from the Chief Executive Officer:

There's a number of contributing factors. They'll be decided by court.

I have read in the Colac Herald that it's a drainage problem. Why would you put in a new floor before you address the drainage problem?

Response from the Mayor:

We can't say too much more as this is going to come before the courts, so therefore I would caution anybody to make any comment.

Did you ask the contractors to put the floor in when you wanted it, not when they wanted to do it? Is that true or false?

Response from the Manager, Assets & Property Services:

No, that's not correct.

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

Mr Alan Billing, Larpent

What is the weekly water use at Bluewater facility?

Response from General Manager, Infrastructure & Leisure Services:

As per data received from Barwon Water, the average daily usage for the period 22 April 2016 to 1 September 2016 was 15.54kl/day.

Yvonne Francis, Apollo Bay

When is the Council going to pay attention to the dire state of roads, footpaths and drainage in the CBD in Apollo Bay?

Response from General Manager, Infrastructure & Leisure Services:

Council's Road Management Plan details the standards to which Council inspects, maintains and repairs all of the local roads and footpaths for which it is responsible for. These standards also extend to other infrastructure assets such as drains and kerb and channel. Road infrastructure in the CBD area of Apollo Bay is inspected every six months. Any actionable items that are identified as part of these inspections are either undertaken as routine maintenance or are included for inclusion and prioritisation on future Capital Works Programmes.

If you have any specific issues that you would like to be investigated further, I would encourage you to contact Council's customer service centre on 5232 9400 so that the relevant details can be taken for follow up by Council officers.

From the 2016/17 Capital Works Programme, the following projects are scheduled in and around Apollo Bay:

- Stormwater Upgrades (\$300,000) – Apollo Bay Outfall Duplication at Thomson Street, this project is the first priority out of the Apollo Bay Drainage Strategy
- Footpath Extension Programme (\$70,000) – some 518 metres of new footpath is planned, including lengths on Pascoe Street, Nelson Street, and Costin Street
- Footpath Renewal Programme (\$5,000) – multiple sites around Apollo Bay including lengths on Joyce Street, Pengilley Avenue and Seaview Drive
- Major Patch Programme – pending inspections to be completed in September and October, potholes and other major road defects that require Council's intervention as defined in the Road Management Plan will be repaired
- Visitor Information Centre (\$25,000) – Deck replacement.

Bill Gross, Apollo Bay

In regards to Busty Road, given that you have yet to receive the surveyor's report, how can you say that no remediation is required and that the road is up to specification? If the surveyor's report demonstrates that this is the case, will there be remediation?

If the survey shows that that is not the case, and virtually all the residents think that is what the situation is, will the Shire remediate?

Response from General Manager, Infrastructure & Leisure Services:

Council engages in a thorough inspection process throughout construction of any road to ensure that project outcomes, quality and expectations of the community are met. As part of this, we require the road construction contractor to engage a qualified surveyor to provide as-built surveys of the finished product, so that Council can say with hard evidence that the project has been built in line with the contract documentation.

Council has now received the as-built survey for the Busty Road Reconstruction, and compared the previous seal width to the design seal width. Staff have assessed the survey results and in some areas the required seal width has not been achieved. Where this is the case, Council has requested that the construction contractor return to site to remediate this defect. It is expected that this remediation work will be completed by end of October 2016 as weather permits. Council apologises to the users of Busty Road for the inconvenience this has caused.

In addition, and further to the concerns around safety and road width on Busty Road, Council will also engage an independent Road Safety Audit, to be completed by a qualified external consultant. It is expected that this report will be completed in October, with actions arising to be addressed accordingly.

Tony Webber, Apollo Bay

Regarding the Heathfield Public Reserve, what were the conditions on this lease agreement? Can we have the conditions today, thank you?

Response from General Manager, Infrastructure & Leisure Services:

Council has recently advertised for Expressions of Interest for the lease of Heathfield Estate Reserve. The conditions as per the Expression of Interest include:

- The stock must be looked after and kept in a healthy condition.
- Fencing must be maintained to prevent access to the river frontage revegetation area.
- Stock densities and movements must be managed to prevent degradation (specifically pugging).
- Two separate rounds of weed control management in Spring and Autumn is required.
- All present weeds listed under the Catchment and Land Protection Act 1994 must receive either mechanical or chemical control, in line with legislative requirements. Evidence must be provided within one month of completing the works (photographs or contractor invoices) to Council.
- The successful applicant will need to seek Council approval before any pastures are sown on the property.

Alex McKenzie, Colac

Could Council follow up and check our public toilet facilities in the CBD are adequate enough with the influx of tourists we've got at the moment, whether they get cleaned enough and whether they're sign-posted enough so people can find them?

Response from General Manager, Infrastructure & Leisure Services:

Council regularly monitors the performance of our cleaning contractor in the cleaning of various public amenities. Any issues identified are referred to the contractor for follow up. We also respond to any feedback from the community or other users (i.e. tourist bus operators). Council is due to commence a review of the service levels relating to the cleaning of public toilets and other community facilities to ensure that they are adequate and cost effective.

I would like to thank you for your suggestion regarding the signing of our public toilets. I can advise that Council officers will undertake a review of directional and locational signs to assess if any improvements are required.

7. DECLARATION OF INTEREST

Nil

8. CONFIRMATION OF MINUTES

- **Ordinary Council Meeting held on 24 August 2016.**

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Lyn Russell

That Council confirm the above minutes.

CARRIED 5 : 2

DIVISION

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

Against the Motion: Cr Chris Smith, Cr Michael Delahunty

**OM161909-1 POSTPONEMENT OF ORDINARY COUNCIL MEETING 14 SEPTEMBER
2016**

AUTHOR:	Mark Lyons	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Executive	FILE REF:	F16/6678

RESOLUTION

MOVED Cr Terry Woodcroft seconded Cr Brian Crook

That Council:

Notes the report advising that the Chief Executive Officer exercised power under S.24 (1) of Local Law 4 to postpone the Ordinary Council Meeting that was to be held on Wednesday 14 September 2016 at 4pm.

CARRIED 7 : 0

OM161909-2 ONSHORE NATURAL GAS EXPLORATION UPDATE

AUTHOR:	Travis Riches	ENDORSED:	Heather Johnson
DEPARTMENT:	Development & Community Services	FILE REF:	F16/6184

Original Recommendation

That Council:

- 1. Writes to the Victorian Government to thank them for their investigation into this matter and congratulate them on their decision to ban unconventional onshore gas exploration and development in Victoria.**

ALTERNATIVE MOTION

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council:

- 1. Writes to the Victorian Government to thank them for their investigation into this matter and congratulate them on their decision to ban unconventional onshore gas exploration and development in Victoria.**
- 2. Writes to the Member for Polwarth and each of the non-governing parties represented in the Legislative Council urging them to support the Victorian Government's decision to ban unconventional onshore gas exploration and development in Victoria.**

CARRIED 7 : 0

OM161909-3 EARLY YEARS PLAN 2015-2017

AUTHOR:	Greg Fletcher	ENDORSED:	Heather Johnson
DEPARTMENT:	Development & Community Services	FILE REF:	F16/6678

RESOLUTION

MOVED Cr Lyn Russell seconded Cr Brian Crook

That Council adopts the Early Years Plan 2015-2017.

CARRIED 7 : 0

Nicholas Welsh left the meeting at 7.04PM.

Nicholas Welsh returned to the meeting at 7.06PM.

Greg Fletcher left the meeting at 7.16PM.

**OM161909-4 FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT FOR
2015-2016**

AUTHOR:	Daniel Fogarty	ENDORSED:	Mark Lyons
DEPARTMENT:	Corporate Services	FILE REF:	F16/6696

Original Recommendation

That Council:

- 1. Receives the Annual Financial Performance Report 2015-16 and notes the recommendation from the Audit Committee dated 6 September 2016;**
- 2. Approves, in principle, the 2015-2016 Financial Statements, subject to any changes that are recommended or agreed by the auditor in accordance with section 132(2) of the Local Government Act 1989;**
- 3. Approves, in principle, the 2015-2016 Performance Statement, subject to any changes that are recommended or agreed by the auditor in accordance with Section 132(2) of the Local Government Act 1989;**
- 4. Will refer the 2015-2016 Financial Statements and Performance Statement back to the Audit committee for information, if there is any significant change prior to certification;**
- 5. Authorises Crs Stephen Hart and Terry Woodcroft to certify the final Financial Statements and Performance Statement in accordance with section 132(5)(a) of the Local Government Act 1989; and**
- 6. Records its thanks to the Audit Committee and to those Council staff and staff of LD Assurance who were involved with the preparation of the 2015-2016 Annual Accounts and Audit Processes.**

ALTERNATIVE MOTION

MOVED Cr Stephen Hart seconded Cr Brian Crook

That Council:

- 1. Receives the Annual Financial Performance Report 2015-16 and notes the recommendation from the Audit Committee dated 6 September 2016;**
- 2. Approves, in principle, the 2015-2016 Financial Statements, subject to any changes that are recommended or agreed by the auditor in accordance with section 132(2) of the Local Government Act 1989;**

- 3. Approves, in principle, the 2015-2016 Performance Statement, subject to any changes that are recommended or agreed by the auditor in accordance with Section 132(2) of the Local Government Act 1989;**
- 4. Will refer the 2015-2016 Financial Statements and Performance Statement back to the Audit committee for information, if there is any significant change prior to certification;**
- 5. Authorises Crs Stephen Hart and Terry Woodcroft to certify the final Financial Statements and Performance Statement in accordance with section 132(5)(a) of the Local Government Act 1989;**
- 6. Records its thanks to the Audit Committee and to those Council staff and staff of LD Assurance who were involved with the preparation of the 2015-2016 Annual Accounts and Audit Processes; and**
- 7. Publishes the Financial Statements and final audit opinion on its website as soon as practicable.**

CARRIED 6 : 1

DIVISION

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

Against the Motion: Cr Chris Smith

David Testa left the meeting at 7.36PM.

Nicholas Welsh left the meeting at 7.36PM.

Melissa Garner left the meeting at 7.36PM.

Daniel Fogarty left the meeting at 7.36PM.

OM161909-5 RE-ELECTION OF S86 COMMITTEES OF MANAGEMENT

AUTHOR:	Mark Lyons	ENDORSED:	Sue Wilkinson
DEPARTMENT:	Corporate Services	FILE REF:	11/96641

RESOLUTION

MOVED Cr Terry Woodcroft seconded Cr Lyn Russell

That Council:

- 1. Pursuant to section 86 of the Local Government Act 1989, resolves to appoint the following nominated members to the Beech Forest Hall and Warncoort Tennis Reserve Committees of Management until 25 September 2019:**

Beech Forest Hall	Anthony Zappelli, Jacqui Zappelli, Linda Perkins, Steve Trotter, Virginia Nemet, Jacqueline Langley
Warncoort Tennis Reserve	Nigel Hawker, Megan Hapgood, Madelyn McCarney, Jody Middleton, Jane Hawker, Tony Noble, Ally Cirillo, John Cirillo, Jane Harwood, Anne Murnane

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

CARRIED 7 : 0

OM161909-6 ASSEMBLY OF COUNCILLORS

AUTHOR:	Sarah McKew	ENDORSED:	Mark Lyons
DEPARTMENT:	Corporate Services	FILE REF:	F16/6058

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Lyn Russell

That Council notes the Assembly of Councillors reports for:

- **Colac Friends of the Botanic Gardens AGM** 11 August 2016
- **Councillor Briefing** 17 August 2016
- **Ordinary Council Meeting Pre Meeting Briefing** 24 August 2016
- **Councillor Briefing** 31 August 2016
- **Councillor Briefing** 7 September 2016.

CARRIED 7 : 0

OM161909-7 BLUEWATER CONTRACT

AUTHOR:	Adam Lehmann	ENDORSED:	Ingrid Bishop
DEPARTMENT:	Infrastructure & Leisure Services	FILE REF:	F16/8414

Original Recommendation

That Council:

- 1. Awards Contract 1612 for the replacement of the Bluewater Leisure Centre stadium sports floor to Ace Floors and Coatings at the lump sum price of \$765,200 (ex GST).**
- 2. Authorises the Chief Executive Officer to identify and allocate an additional \$45,200 from the 2016/17 operational budget to fund the floor rectification plan to \$765,200.**
- 3. Authorises the Chief Executive Officer to sign and seal the contract documents following award of Contract 1612.**
- 4. Authorises the Chief Executive Officer to perform all functions and exercise all powers of the principal in accordance with the terms of the Contract.**
- 5. Advises all relevant stakeholders of the proposed timeframes for completion.**

ALTERNATIVE MOTION

MOVED Cr Chris Smith seconded Cr Michael Delahunty

That Council:

- 1. Defer this item until a full report is given to Council on the benefits or disadvantages of an engineered timber floor, and that the full report also includes expert opinion on the issues regarding cutting into the ground sub-surface of the area and also deals with issues of drainage and ventilation.**

LOST 1 : 6

DIVISION

For the Motion: Cr Chris Smith

Against the Motion: Cr Stephen Hart, Cr Brian Crook, Cr Lyn Russell, Cr Frank Buchanan, Cr Terry Woodcroft, Cr Michael Delahunty

RESOLUTION

MOVED Cr Brian Crook seconded Cr Terry Woodcroft

That Council:

- 1. Awards Contract 1612 for the replacement of the Bluewater Leisure Centre stadium sports floor to Ace Floors and Coatings at the lump sum price of \$765,200 (ex GST).**
- 2. Authorises the Chief Executive Officer to identify and allocate an additional \$45,200 from the 2016/17 operational budget to fund the floor rectification plan to \$765,200.**
- 3. Authorises the Chief Executive Officer to sign and seal the contract documents following award of Contract 1612.**
- 4. Authorises the Chief Executive Officer to perform all functions and exercise all powers of the principal in accordance with the terms of the Contract.**
- 5. Advises all relevant stakeholders of the proposed timeframes for completion.**

CARRIED 6 : 1

DIVISION

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

Against the Motion: Cr Chris Smith

IN COMMITTEE

RESOLUTION

MOVED by Cr Lyn Russell seconded by Cr Brian Crook

That pursuant to the provisions of Section 89(2) of the Local Government Act, the meeting be closed to the public at 7.57PM and Council move "In-Committee" in order to deal with:

SUBJECT	REASON	SECTION OF ACT
Minutes of In-Committee Council Meeting held on 24 August 2016	this matter deals with contractual matters; AND this matter may prejudice the Council or any person.	Section 89 (2) (d) & (h)
Leave of Absence	this matter may prejudice the Council or any person.	Section 89 (2) (h)
Bluewater Contract	this matter deals with contractual matters.	Section 89 (2) (d)
Confidential Contract	this matter deals with personnel matters.	Section 89 (2) (a)

CARRIED 7 : 0

Cr Lyn Russell left the meeting at 7.57PM.

The meeting was adjourned for a short break.

OUT OF COMMITTEE

RESOLUTION

MOVED Cr Stephen Hart Seconded Cr Brian Crook

That Council move "Out-of-Committee".

CARRIED 6 : 0

The Meeting Was Declared Closed at 8.21PM

CONFIRMED AND SIGNED at the meeting held on 23 NOVEMBER 2016


.....**MAYOR**

