



Colac Otway
SHIRE

ORDINARY COUNCIL MEETING
SUMMARY MINUTES

23 NOVEMBER, 2016

at 4.00PM

SENIOR CITIZENS CENTRE
APOLLO BAY

COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

23 NOVEMBER 2016

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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 Senior Citizens Centre, Apollo Bay on 23 November 2016 at 4pm.

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
Cr Chris Potter (Mayor)
Cr Jason Schram
Cr Chris Smith
Cr Terry Woodcroft

Sue Wilkinson, Chief Executive Officer
Mark Lyons, General Manager, Corporate Services
Ingrid Bishop, General Manager, Infrastructure & Leisure Services
Gareth Smith, General Manager, Development & Community Services
Jennifer Wood, Manager Governance & Customer Service
Sarah McKew, Governance Officer
Sandra Wade, General Manager, Bushfire Recovery
Daniel Fogarty, Manager, Financial Services
Tamzin McLennan, Public Relations Coordinator
Andrew Kavanagh, Contract Governance Coordinator
Ian Seuren, Manager, Recreation, Arts & Leisure
Clare Malone, Coordinator Bushfire Community Recovery
Tony White, Manager, Economic Development

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.

I ask that we all show respect to each other and respect for the office of an elected representative.

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.

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.

1. QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

Pete Fillmore

As a member of the Project Control Group for the harbour redevelopment, I am regularly asked:

- **How long this process will take?**
- **How much it will cost?**
- **When will the public have its input?**

From the information received from the meetings attended, I have put together a possible timeline. Can council confirm that this is the projected time line and cost?

- **Market sounding consultancy Dec.2016, 2017. Jan. Feb. \$50,000**
- **Public consultation on preliminary plans from developers and council votes on preferred preliminary Development Plan. March, April, May.**
- **Business plan developed ? June July August \$50,000+**
- **Expression of Interest process Sept. Oct. Nov. \$150,000**

- Public consultation then council votes on preferred Development Plan. Dec., Jan., Feb. 2018
- VCAT Planning panel if public objections? 2018
- State government approves development 2018

Response from General Manager, Development and Community Services:

I would like to thank Mr Fillmore for his question and for his contributions to the PCG to date. The PCG was established by Council to contribute to directing the Apollo Bay Harbour precinct expression of interest process and ultimately a Development Plan.

The development of the Apollo Bay Harbour precinct is a long term project requiring innovative approaches to maximise opportunities for the community. The approach will be reviewed at each key milestone to ensure the next stage is designed utilising the most recent information obtained from the previous stage. As a result the overall project timeframes and cost cannot be confirmed.

Council can however confirm there is a budget of \$50,000 allocated to undertake the market testing stage for which the PCG has contributed to the development of the project brief. An open tender process will commence within the week to engage a suitably experienced company to complete this important stage. The PCG will contribute to the selection of the preferred tender and oversight of the market testing process. The PCG will then assist to identify the most appropriate next stage following their review of the market testing results.

Tim Cobb, Secretary, Skenes Creek Advancement Assoc.

As Council is aware, Skenes Creek has the worst speeding blackspot in the whole Shire. Council was working with VicRoads to deliver a pedestrian refuge and a short length of path in Skenes Creek to improve safety for visitors and residents crossing the Great Ocean Road. Will those be delivered in this financial year and if so when?

Response from General Manager, Infrastructure & Leisure Services:

Council has recently secured funding of \$100,000 from the Transport Accident Commission to construct a 200m concrete footpath on the north side of the Great Ocean Road from Skenes Creek Rd to Muller Road. It is proposed to commence construction of the footpath in March 2017.

Council officers have been working closely with VicRoads over the past months and advocating strongly for a pedestrian refuge. Discussion to date has been very positive. At this stage, Council is not in a position to speak on behalf of VicRoads.

Phil Lawson

My question relates to the Council owned Heathfield Estate Reserve. Council has committed to re-instating the fence on the Western end of the Reserve to protect the area from further environmental damage. The river bank is now well under 20 metres from private property after 2 landslips on the river bank over winter. Now that the Heathfield Reserve has dried off allowing access when will the fencing be completed?

Response from General Manager, Infrastructure & Leisure Services:

Council officers have met onsite with Landcare staff to discuss the extent and location of the fencing required. Landcare are now in the process of seeking a quotation for these works. Once received, Council will review and if acceptable, plan for the works to occur shortly after.

2. QUESTIONS FROM THE FLOOR

Jan Lewis (asked on her behalf by Tony Webber)

In relation to a proposed development and rezoning of farmland at 6280 Great Ocean Road the site is next to the Apollo Museum, just over the Wild Dog Creek bridge as you enter Apollo Bay from the north. In 2014 the State Minister for Planning approved Development Plan Overlay Schedule 5 for the site Great Ocean Road with the Schedule 10 Design and Development Overlay. A request for approval of the staged development plan for 6280 and 6230 Great Ocean Road, Apollo Bay was considered at the Planning Committee meeting on 16 September 2016. A planning permit for the proposed subdivision of the site was considered. Once the development plan relating to the subdivision is approved, the subdivision must align with that plan. A number of issues relating to the subdivision were raised by members of the Apollo Bay community. It was decided to ask the applicant to address these issues before the Council approved the application. I'm assuming that the Council will be reconsidering the application for the development plan and a planning permit and would like the following questions addressed by the Council in relation to the future development in Apollo Bay and particularly along the Great Ocean Road.

VicRoads is responsible for the maintenance of the Great Ocean Road. The required slip road to allow safe access into the development proposes to use land on the ocean side of the road cutting down five cypress trees. This apparently has been approved by VicRoads. These trees are included in the Shire's heritage overlay. Will the trees be protected by this overlay thus requiring the slip road to be used on the north side of the Great Ocean Road?

Response from General Manager, Development & Community Services:

I'm unfamiliar with the actual detail of the type of trees being removed at this stage, subject to a briefing next week on that particular project, so I can't answer that, unless the CEO is more familiar with the detail of the trees themselves?

Response from Chief Executive Officer:

Can I suggest that if there's a series of questions that Ms Lewis would like addressed and considered, it might be helpful rather than trying to address them here, if you could provide the submission and I'll make sure that it gets given to the planners and circulated to Councillors prior to consideration. Thank you.

Tony Webber, Colac Otway Forum

Planning of the Council meetings for the future six months are due to start at 6 o'clock at night. For people to get up from Apollo Bay or the Otways to a Council meeting at 6 o'clock at night, and some meetings have gone for five hours in the last year, would mean people were coming back at midnight, so I think if you're considering the meeting dates and the time, you probably need to consider people coming from a long way from Colac.

Response from the Mayor:

Mr Webber's comments will be noted.

And the Planning meetings, my suggestion is if there's a large issue for down here, the Otways or Apollo Bay, that we have the meetings maybe in Apollo Bay for the Planning committee meeting, to save people travelling all the way up to Colac if it's a large issue affecting the Otways or Apollo Bay.

Response from the Mayor:

Thank you. That will be noted and subject to discussion.

Mr Peter Jacobs, Separation Creek

My question is associated with the Great Victorian Bike Ride – I suppose history before our CEO occurred in regard to the two road closures that were deemed and signed off on many years ago. It took a few years for us to try and get those conditions. We've already had two road closures already this year. Now we have the great Victorian Bike Ride which is the third one this year. We not only object to that and don't understand why the Shire have given consent. When I rang up the event organisers, they said the Colac Otway Shire has granted a permit for the bike ride. Now, I want to know why has this Shire granted the permit when they know there were two closures signed off? That was all that were to be closed. The other issue is that we have not been notified. Only yesterday, the person Glenda who runs Café Chaos, I informed them that the road would be closed on the second, on the Friday; she had no knowledge, has not been notified at all. They had meetings apparently in Apollo Bay and Lorne and when I spoke to the event officer I said I don't live in Lorne, I don't live in Apollo Bay, I live at Wye River & Separation Creek. None of us have been notified. I want an explanation from the Shire, please.

Response from General Manager, Development & Community Services:

Thank you for the question. Certainly it is a major event for the region. It attracts about four thousand participants. It is a VicRoads road so we certainly require VicRoads' to issue the

approval to close the road. We do work closely with Surf Coast Shire, VicRoads and other authorities to look at issuing a permit for the event itself. I stress the community member you refer to, certainly one of my staff met with her today to go through further details and explain the situation, but also to explain the opportunity and the benefits it provides to the businesses and others down in that area as well.

There is no benefit at all for our businesses when the road is closed. Why are there three road closures when it was designated only two were to be on the Ocean Road? We don't care what two but only two. Now that was signed, sealed and delivered by all the Shires, VicRoads, Police and here we are now in a situation where we've got three again. Please explain.

Response from General Manager, Development & Community Services:

I'll pass over to Tony White, as I've only commenced in the last three weeks, so I haven't been involved in the negotiations or the history of those agreements.

Response from Manager, Economic Development:

The Great Ocean Road road closure policy for events operates under a set of guidelines agreed to some time ago between VicRoads, Victoria Police, Colac Otway Shire and Surf Coast Shire. It has for many years allowed for two events per year and sometime in the next 18 months, those two events will be subject to an expression of interest process, as well as the Great Victorian Bike Ride every three years. That is a long standing arrangement.

That's not my understanding. Apropos to that, when I spoke to the event organisers they said the road was open from Lorne to Moggs Creek one way, one lane. I suggested why can't Apollo Bay to Lorne be open in one lane and the answer was that the road was too windy. I find that extraordinary beyond belief that our road is more windy than from Lorne to Moggs Creek and that's the reason given why we only have one lane. Why can't we have one lane open from Apollo Bay to Lorne?

Response from Manager, Economic Development:

The management of these type of events, particularly largescale events, whether it's this event or others that operate on Shire or VicRoads roads, is run through what we call an E-Team which is an events management group across a whole range of agencies, so we'll have senior people there from VicRoads, senior people there from Victoria Police, senior people there from various Shires, SES, Ambulance Victoria and CFA. Always, from the point of view of the Shire, and I would say almost without exception people from around that room, the intention is to minimise disruption and maximise the benefit. Now if people who are responsible for road safety say the road is too windy, we get people cutting corners on the Great Ocean Road all the time, and they're cutting corners when there are 60 bikes coming the other way, you can imagine the consequences. We take advice from the road safety authorities and comply with them.

Sheryl Smith, Wye River

Does the Council intend conducting a review of its response to the Christmas Day bushfires, specifically its expenditure of ratepayer and grant monies? If so, will those of us directly impacted be able to provide input into this review?

Response from General Manager, Bushfire Recovery:

Council and all the emergency agencies do reviews of how people have responded to bushfires and major incidents, so there have been a number of reviews conducted and I understand there are still some coming. A review of the expenditure this Council has been very successful in lobbying the State Government for significant expenditure in the Wye River and Separation Creek area and that expenditure will occur over the next several financial years.

Will that expenditure and the way the monies were used, will be that be made public?

Response from General Manager, Bushfire Recovery:

That is made public. It is a matter of public record that the State has supported Council in some of those endeavours and the Council obviously will account for those monies back to the State and through the audit process so it is a matter of public record.

And will those of us directly impacted be able to give you input into a review of your performance, a 360 review, if you like?

Response from General Manager, Bushfire Recovery:

I'm not at this stage exactly sure what the review process will look like. There will be a lot of consultation with the community on the expenditure and there already has been to date with regard to understanding what the priorities of the community are. Council will continue to consult with the community regarding that expenditure and how it's done so that we can get maximum benefit for the community.

My second question relates to an agenda item today. There is \$253,000 slated for approval of this Council to spend. Could someone tell me what that is for in Wye River and Separation Creek?

Response from General Manager, Bushfire Recovery:

The item on the agenda today is for the implementation of the erosion and sediment control plan. After bushfires, erosion is a very common impact and obviously the slopes there having lost the retaining walls and the built structures are very vulnerable. Council lobbied the State Government and requested funding to put in some temporary drainage measures and the funding for Council tonight is for those measures and that's for temporary measures like hydromulching, core logs, slip drains and slip fences. They will be temporary until the reticulated drainage system is constructed in Wye River and Separation Creek.

Yvonne Francis

I would like to discuss the need for a roundabout in Apollo Bay and ask whether the Council would be prepared to pass to VicRoads some form of recommendation to solve the incredible confusion that occurs at the soldier's memorial on the corner of the Great Ocean Road and I think it's Nelson Street? It is very confusing; there is already a roundabout on the corner of Pascoe Street and Nelson Street, so we're quite familiar with handling roundabouts. Some people, when I've asked the question previously, have mentioned that we don't want a roundabout on the Great Ocean Road – it would be so inconvenient to the through traffic. On consideration, I think it's really wise to calm the traffic coming into a town like Apollo Bay and make people realise it's serious – there are lots of people shopping and you've just got to slow right down and if they are forced to slow down, I think it's a good thing. People might consider that a roundabout goes as roundabouts normally do or the convention on that spot is for two way on either side of the memorial and that's really puzzling to people. There is a line there but it's quite difficult. Would you please advise VicRoads on our behalf from Apollo Bay?

Response from General Manager, Infrastructure and Community Services:

Thank you for the question. I'll take that up on your behalf and get back to you.

As a side issue, I'd like to mention that the little verandah outside this building is leaking.

General Manager, Infrastructure and Community Services acknowledged that comment.

John Marriner

My question relates to the Apollo Bay Harbour and in particular the launching ramp carpark. The carpark desperately needs sealing to enable formalised car and boat and trailer parking. The present ad hoc system of parking is a waste and inefficient use of space. I believe the harbour carpark can be viewed separately to any future harbour plan and could be sealed with little impact on future development. Mr Mayor, with the support from you and your Council, you have the opportunity to bring about a resolution to an ongoing issue that would have a positive impact on the Apollo Bay Harbour. Will you consider to agree to sealing the Apollo Bay Harbour carpark?

Response from General Manager, Infrastructure and Community Services:

Thank you for the question. I completely understand where you're coming from. In fact, I've already raised that issue with the funding body about the carpark and the ramp and traffic management emergency response times, should that situation occur. I have taken that conversation already to State Government and it's just a matter of looking at priorities and also in consideration with the Apollo Bay Development Plan as well. I can keep you updated with my conversations as well in regard to that and also it how it integrates with any future development plans.

Dr Mark Luther

I was a resident of Wye River – my holiday house burned down. I have a bit of conflicting issue with the BAL ratings. As an architect and lecturer and someone from the profession, I am realising the materials and construction compositions are extremely limited under the present BAL ratings imposed. I am wondering what indication by Council has been acknowledged that these restrictions might be relaxed and could allow for deemed to satisfy and/or evidence based testing of valid and reasonable construction compositions to be applied, such as are in other states in New South Wales?

Response from General Manager, Bushfire Recovery:

The BAL ratings were a piece of work that was done by the State Government in applying to the whole of Wye River and Separation Creek and the fire protected areas. As you would be aware, a lot of the regulations governing building are State regulations and Council certainly has been talking to the State and making sure the State are aware of the issues with building in fire prone areas. I think perhaps out of the review that the CSIRO have done of the fire, it wouldn't be surprising if there were some changes in the State in the future but at the moment the regulations are very much controlled by the State. The VBA has been very helpful with working with individuals to help them through their individual constructions of their houses and will continue to offer that service to help people rebuild.

Is it recognised that the costs of rebuild have been severely increased, not just because of the BAL ratings but the foundation systems that are required, as well as the septic and other restrictions? I believe that many people are not rebuilding. Is that the case?

Response from General Manager, Bushfire Recovery:

We are still talking to people who are at all different stages of rebuilding but I think there are quite positive signs at the moment and permanent applications are continuing to be received and processed. I think there are some positive signs about rebuilding but as I said, people are at different stages. I think there's an awareness of the cost of building at the site – they are difficult sites and they do have a number of challenges for the property owners.

Tim Cobb, Skenes Creek

There is no safe pedestrian path on the bridges either at Wild Dog Creek or Skenes Creek? What steps is Council taking to get VicRoads to deliver safe pedestrian crossings at Wild Dog Creek and Skenes Creek?

Response from the Chief Executive Officer:

The State and the Federal Government have recently announced matching funding: \$50 million towards the Great Ocean Road – ongoing improvement to the Great Ocean Road. Certainly, what I am happy to do is give a commitment that Council will raise with VicRoads in preparing their design for those plans, the importance of improving pedestrianisation along the coast which is actually what happened as a result of Wye River and Separation Creek, and the pedestrian refuges at Skenes Creek also came as result of those interventions. So I'm happy to continue to raise that with VicRoads, as they set about working out how they're going to spend that \$50 million and looking for Council to try to influence that.

Liz Waters, Apollo Bay

We understand the new Council will be reviewing the Council community plan, specifically the health and wellbeing, the planning and the economic development plan. Given the growing levels of food insecurity in our community, alongside the rise in localism with growing consumer preference for healthy, sustainable, ethical and local food, how will the new Council embed the food system initiatives and principles within these plans and further to this, what are your food procurement and catering contract plans?

Response from General Manager, Corporate Services:

The Council Plan is Council's main strategic document that is in the process of starting to prepare and consider a process of consultation for that today. In terms of where the food insecurity and those issues you talked about, there'll be an opportunity for you to participate in various opportunities to put that as a focus that Council should consider, and then Council would decide that through its process of establishing the plan – how that fits in terms of priorities and so forth. That will be announced shortly, so there will be some significant amount of advertisements done about where that opportunity will be; there'll be online surveys potentially, obviously subject to Council considering that today. In terms of procurement, I'm not sure exactly how to answer that per se. Council has a procurement policy to guide about how we maximise value for money and look to spend locally and those sort of things. I'm not sure if that's something I could have a chat to you about offline a little bit more, and maybe answer that a bit more specifically for you?

Really what I'm looking for is how you are preparing to address that in relation to local food and supporting local food growers and makers?

Response from General Manager, Corporate Services:

In our procurement processes, we do have a local content factor and that is something I already know the new Council has been discussing about wanting to make sure that's highly supported. I'd be happy to talk through a bit more detail about how that works and how we might be enhancing that, going forward in the future.

Alan Billing, Larpent

I understand that an engineered timber floor was included in the original design of the Bluewater stadium. Why was the original design changed by staff, given that the engineered timber floor is proposed to be installed now? So we're going back to what was originally planned; why was the change made?

Response from General Manager, Infrastructure and Leisure Services:

The reason why there's been that 180 is because of the sub-floor issues. Originally when construction was taking place, Council wasn't aware of the concrete cancer, for want of a better term, that existed in the sub-floor. As a result of that, the timber floor solution was changed, then as things progressed we have now gone back to that due to drainage, ventilation and other issues. So there was decision made as a result of the changes to the structure of the floor to accommodate a different solution. As we have worked through that,

yes we have come back to that, but there have been alterations made now to accommodate an engineered floor.

Surely when the old floor was removed and there was access to the sub-floor and all the earth underneath it, surely that would have been the time to have determined the issues, not after another floor had been put down?

Response from General Manager, Infrastructure and Leisure Services:

I'm not going to be able to answer that in this forum with the detail. I probably need to have an engineer walk you through that but I am very happy take that question on notice and spend some time with you and walk you through that – absolutely.

Councillors are obviously aware of the issues. It will be close on four years that the community will be out of that stadium.

6. DECLARATION OF INTEREST

Nil

7. CONFIRMATION OF MINUTES

- Ordinary Council meeting held on 19 September 2016.
- Special Council meeting held on 12 October 2016.
- Special Council meeting held at 4.00PM on 9 November 2016.
- Special Council meeting held at 4.42PM on 9 November 2016.

Original Recommendation

That Council confirm the above minutes.

ALTERNATIVE MOTION

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council confirm the minutes of the Ordinary Council meeting held on 19 September 2016.

CARRIED 6 : 1

DIVISION

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

Against the motion: Cr Chris Smith

ALTERNATIVE MOTION

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council confirm the minutes of the Special Council meeting held on 12 October 2016.

CARRIED 7 : 0

ALTERNATIVE MOTION

MOVED Cr Stephen Hart seconded Cr Jason Schram

That Council confirm the minutes of the Special Council meetings held at 4PM and 4.30PM on 9 November 2016.

CARRIED 7 : 0

8. OATH OF OFFICE

RESOLUTION

MOVED Cr Terry Woodcroft seconded Cr Joe McCracken

That Council:

- 1. Note Cr Kate Hanson, Cr Stephen Hart, Cr Joe McCracken, Cr Chris Potter, Cr Jason Schram, Cr Chris Smith and Cr Terry Woodcroft took the Oath of Office on 4 November 2016 as per Section 63 of the Local Government Act 1989.*
- 2. Note the above Councillors also signed a declaration that they had read and would abide by the Councillor Code of Conduct in accordance with Section 63 of the Local Government Act 1989.*

CARRIED 7 : 0

ORDINARY COUNCIL MEETING
COPACC CINEMA LEASE
OM162311-1

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Ingrid Bishop
OFFICER	Ian Seuren	DEPARTMENT	Infrastructure and Leisure Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	Attachment 1 - Bonniemike submission to COPACC Cinema Lease		
PURPOSE	The purpose of this report is to consider the termination of the recent the Eol process for the lease of cinema services at COPACC following the withdrawal from the process by Showbiz Group. The report also makes recommendations regarding the implementation of short term lease arrangements for the cinema whilst a process to secure a longer term outcome is finalised.		

Original Recommendation

That Council:

1. ***Resolves to terminate the Eol process for the lease of cinema services at the Colac Otway Performing Arts and Cultural Centre (COPACC) 95-97 Gellibrand Street, Colac.***
2. ***Writes to all submitters including Bonniemike Pty Ltd and Showbiz Group Pty Ltd thanking them for their participation in the process.***
3. ***Subject to complying with its obligations under sections 190 and 223 of the Local Government Act 1989 (Act), proposes to provide a 12 month lease by private treaty to Bonniemike Pty Ltd for the provision of cinema services at COPACC on the following terms and conditions:***

<i>Proposed Tenant</i>	<i>Bonniemike Pty Ltd</i>
<i>Agreement Type</i>	<i>Lease Agreement</i>
<i>Lease Term</i>	<i>1 year</i>
<i>Rent</i>	<i>\$120,000 (inc GST)</i>
<i>Rent Review</i>	<i>A set increase of 3.5% per annum</i>
<i>Option</i>	<i>Nil</i>
<i>Security Deposit</i>	<i>6 months' rent (inc GST) from time to time</i>
<i>Special conditions</i>	<i>a) Operate cinema services for 7 days per week.</i> <i>b) The tenant must obtain from the Small Business Commissioner a certification pursuant to section 21(5) of the Retail Leases Act 2003 within 7 days of the commencement of the lease and provide a copy to the landlord within this timeframe.</i>

4. *Authorises the CEO to negotiate a lease with Bonniemike Pty Ltd in accordance with the terms and conditions in paragraph 3 and otherwise in a form acceptable to the CEO.*
5. *Subject to Council being satisfied that Bonniemike Pty Ltd has met the requirements of the lease including but not limited to meeting customer service and cleaning standards and online ticketing, Council proposes, subject to complying with its obligations under sections 190 and 223 of the Act, to grant a five year lease to Bonniemike Pty Ltd via a private treaty arrangement based on the same key terms.*
6. *Authorises Council officers to give public notice of the proposed lease in accordance with sections 190 and 223 of the Act for a period of four weeks;*
7. *Determine that a 'Committee of Council' in accordance with section 223(1)(b)(i) of the Act will hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submission.*
8. *Appoint all Councillors to the Committee of Council.*
9. *Authorises the Chief Executive Officer to undertake any and all administrative procedures necessary to enable Council to carry out its functions under section 190 and 223 of the Act.*
10. *In the event that no submissions are received, Council resolves to grant the lease on the terms and conditions set out in paragraph 3 and authorises the CEO to execute the lease on behalf of Council.*

ALTERNATIVE MOTION

MOVED Cr Chris Smith seconded Cr Joe McCracken

That Council:

1. *Resolves to terminate the EoI process for the lease of cinema services at the Colac Otway Performing Arts and Cultural Centre (COPACC) 95-97 Gellibrand Street, Colac.*
2. *Writes to all submitters including Bonniemike Pty Ltd and Showbiz Group Pty Ltd thanking them for their participation in the process.*
3. *Subject to complying with its obligations under sections 190 and 223 of the Local Government Act 1989 (Act), proposes to provide a 12 month lease by private treaty to Bonniemike Pty Ltd for the provision of cinema services at COPACC on the following terms and conditions:*

Proposed Tenant	Bonniemike Pty Ltd
Agreement Type	Lease Agreement
Lease Term	1 year
Rent	\$120,000 (inc GST)
Rent Review	A set increase of 3.5% per annum
Option	Nil
Security Deposit	6 months' rent (inc GST) from time to time
Special conditions	<p>a) Operate cinema services for 7 days per week.</p> <p>b) The tenant must obtain from the Small Business Commissioner a certification pursuant to section 21(5) of the Retail Leases Act 2003 within 7 days of the commencement of the lease and provide a copy to the landlord within this timeframe.</p>

4. *Authorises the CEO to negotiate a lease with Bonniemike Pty Ltd in accordance with the terms and conditions in paragraph 3 and otherwise in a form acceptable to Council.*
5. *Subject to Council being satisfied that Bonniemike Pty Ltd has met the requirements of the lease including but not limited to meeting customer service and cleaning standards and online ticketing, Council proposes, subject to complying with its obligations under sections 190 and 223 of the Act, to grant a five year lease to Bonniemike Pty Ltd via a private treaty arrangement based on the same key terms.*
6. *Authorises Council officers to give public notice of the proposed lease in accordance with sections 190 and 223 of the Act for a period of four weeks;*
7. *Determine that a 'Committee of Council' in accordance with section 223(1)(b)(i) of the Act will hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submission.*
8. *Appoint all Councillors to the Committee of Council.*
9. *Authorises the Chief Executive Officer to undertake any and all administrative procedures necessary to enable Council to carry out its functions under section 190 and 223 of the Act.*
10. *In the event that no submissions are received, Council resolves to grant the lease on the terms and conditions set out in paragraph 3 and authorises the CEO to execute the lease on behalf of Council.*

CARRIED 7 : 0

Ian Seuren left the meeting at 4.55pm.

ORDINARY COUNCIL MEETING
CONTRACT 1616 - WYE RIVER-SEPARATION CREEK -
EROSION AND SEDIMENT CONTROL WORKS
OM162311-2

LOCATION / ADDRESS	Wye-Rivers-Separation Creek	GENERAL MANAGER	Ingrid Bishop
OFFICER	Andrew Kavanagh	DEPARTMENT	Infrastructure and Leisure Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	Council approval is required to award Contract 1616 – Wye River-Separation Creek – Erosion and Sediment Control Works for which tenders have been received.		

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council:

- 1. Awards Contract 1616 for Wye River-Separation Creek – Erosion and Sediment Control Works to Wayne Fitzgerald at the tender price of \$253,780.00 (excluding GST);**
- 2. Delegates to the Chief Executive Officer authority to sign and place under Council seal the contract documents following award of Contract 1616.**

CARRIED 5 : 2

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

Clare Malone left the meeting at 5.11pm.

Tony White left the meeting at 5.11pm.

**ORDINARY COUNCIL MEETING
MARINE AND COASTAL ACT CONSULTATION PAPER SUBMISSION
OM162311-3**

LOCATION / ADDRESS	Colac Otway Shire Coast	GENERAL MANAGER	Gareth Smith
OFFICER	Stewart Anderson	DEPARTMENT	Development and Community Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	Marine Coastal Act Summary Brochure Marine Coastal Act Consultation Executive Summary Marine Coastal Act Submission 20161117		
PURPOSE	To seek endorsement of a submission to the Marine and Coastal Act Consultation Paper (August 2016).		

RESOLUTION

MOVED Cr Terry Woodcroft seconded Cr Joe McCracken

That Council:

Endorses the attached draft submission on the Marine and Coastal Act Consultation Paper.

CARRIED 7 : 0

ORDINARY COUNCIL MEETING
COMMUNITY ENGAGEMENT PLAN FOR COUNCIL PLAN
OM162311-4

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Mark Lyons
OFFICER	Heather Johnson	DEPARTMENT	Corporate Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	To outline the approach to developing the Council Plan and other key strategic documents, with community engagement to facilitate community input.		

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Joe McCracken

That Council:

Endorses the community engagement plan for development of the 2017-2021 Council Plan.

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

ORDINARY COUNCIL MEETING
PROPOSED COUNCIL MEETING DATES 2017
OM162311-5

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Mark Lyons
OFFICER	Jenny Wood	DEPARTMENT	Corporate Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	To confirm the scheduling of Council meeting dates for 2017.		

Original Recommendation

That Council:

1. Confirms the meeting dates, times and venues for Ordinary Council meetings for 2017 as:

- **Wednesday, 25 January 2017** **6pm, COPACC, Colac**
- **Wednesday, 22 February 2017** **6pm, Apollo Bay Senior Citizens Centre**
- **Wednesday, 22 March 2017** **6pm, COPACC, Colac**
- **Wednesday, 26 April 2017** **6pm, COPACC, Colac**
- **Wednesday, 24 May 2017** **6pm, COPACC, Colac**
- **Wednesday, 28 June 2017** **6pm, COPACC, Colac**

2. Confirms the meeting dates, times and venues for Planning Committee meetings for 2017 as:

- **Wednesday, 8 February 2017** **6pm, COPACC, Colac**
- **Wednesday, 8 March 2017** **6pm, COPACC, Colac**
- **Wednesday, 12 April 2017** **6pm, COPACC, Colac**
- **Wednesday, 10 May 2017** **6pm, COPACC, Colac**
- **Wednesday, 14 June 2017** **6pm, COPACC, Colac**

Original Recommendation 1

That Council:

Confirms the meeting dates, times and venues for Ordinary Council meetings for 2017 as:

- **Wednesday, 25 January 2017** **6pm, COPACC, Colac**
- **Wednesday, 22 February 2017** **6pm, Apollo Bay Senior Citizens Centre**
- **Wednesday, 22 March 2017** **6pm, COPACC, Colac**
- **Wednesday, 26 April 2017** **6pm, COPACC, Colac**
- **Wednesday, 24 May 2017** **6pm, COPACC, Colac**
- **Wednesday, 28 June 2017** **6pm, COPACC, Colac**

ALTERNATIVE MOTION

Moved Cr Stephen Hart seconded Cr Terry Woodcroft

That Council:

Confirms the meeting dates, times and venues for Ordinary Council meetings for 2017 as:

- **Wednesday, 25 January 2017** **6pm, COPACC, Colac**
- **Wednesday, 22 February 2017** **6pm, COPACC, Colac**
- **Wednesday, 22 March 2017** **6pm, Apollo Bay Senior Citizens Centre**
- **Wednesday, 26 April 2017** **6pm, COPACC, Colac**
- **Wednesday, 24 May 2017** **6pm, COPACC, Colac**

CARRIED 7 : 0

ALTERNATIVE MOTION

MOVED Cr Chris Smith seconded Cr Jason Schram

That Council:

Adds the meeting date, time and venue for the Ordinary Council meeting for June 2017 as:

- **Wednesday, 28 June 2017** **6pm, COPACC, Colac**

AMENDMENT

MOVED Cr Stephen Hart seconded Cr Kate Hanson

That Council:

Changes the venue for the Ordinary Council meeting for June 2017 as:

- **Wednesday, 28 June 2017** **6pm, Apollo Bay Senior Citizens Centre**

CARRIED 4 : 3

DIVISION

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

Against the Motion: Cr Chris Smith, Cr Joe McCracken, Cr Terry Woodcroft

AMENDED ALTERNATIVE MOTION

MOVED Cr Chris Smith seconded Cr Jason Schram

That Council:

Adds the meeting date, time and venue for the Ordinary Council meeting for June 2017 as:

- **Wednesday, 28 June 2017** **6pm, Apollo Bay Senior Citizens Centre**

CARRIED 5 : 2

DIVISION

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

Against the Motion: Cr Chris Smith, Cr Terry Woodcroft

Ingrid Bishop left the meeting at 5.54pm.

Meeting adjourned at 5.59pm for a short break.

Meeting resumed at 6.08pm.

Original Recommendation 2

That Council:

Confirms the meeting dates, times and venues for Planning Committee meetings for 2017 as:

- *Wednesday, 8 February 2017* *6pm, COPACC, Colac*
- *Wednesday, 8 March 2017* *6pm, COPACC, Colac*
- *Wednesday, 12 April 2017* *6pm, COPACC, Colac*
- *Wednesday, 10 May 2017* *6pm, COPACC, Colac*
- *Wednesday, 14 June 2017* *6pm, COPACC, Colac*

ALTERNATIVE MOTION

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council:

Amend the time for the Planning Committee meetings to 4pm for:

- *Wednesday, 8 February 2017* *COPACC, Colac*
- *Wednesday, 8 March 2017* *COPACC, Colac*
- *Wednesday, 12 April 2017* *COPACC, Colac*
- *Wednesday, 10 May 2017* *COPACC, Colac*
- *Wednesday, 14 June 2017* *COPACC, Colac*

LOST 2 : 5

DIVISION

For the motion: Cr Stephen Hart, Cr Terry Woodcroft

Against the motion: Cr Chris Potter, Cr Jason Schram, Cr Joe McCracken, Cr Kate Hanson, Cr Chris Smith

ALTERNATIVE MOTION

MOVED Cr Chris Smith Seconded Cr Jason Schram

That Council:

Confirms the meeting dates, times and venues for Planning Committee meetings for 2017 as:

- *Wednesday, 8 February 2017* *6pm, COPACC, Colac*
- *Wednesday, 8 March 2017* *6pm, COPACC, Colac*
- *Wednesday, 12 April 2017* *6pm, COPACC, Colac*
- *Wednesday, 10 May 2017* *6pm, COPACC, Colac*
- *Wednesday, 14 June 2017* *6pm, COPACC, Colac*

CARRIED 5 : 2

DIVISION

For the Motion: Cr Chris Smith, Cr Kate Hanson, Cr Joe McCracken, Cr Chris Potter, Cr Jason Schram

Against the Motion: Cr Stephen Hart, Cr Terry Woodcroft

Gareth Smith returned to the meeting at 6.15pm following the break.

ORDINARY COUNCIL MEETING
APPOINTMENT OF COUNCILLORS AND OFFICERS TO
COMMITTEES AND EXTERNAL BODIES

OM162311-6

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Mark Lyons
OFFICER	Jenny Wood	DEPARTMENT	Corporate Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	The purpose of this report is to consider the appointment of Councillors and Council Officers to various committees and external bodies.		

Original Recommendations

Recommendation 1

That Council appoint Cr Potter to the Australian Local Government Association (ALGA) until determined otherwise.

Recommendation 2

That Council appoint Cr Smith to the Barnard Trust Committee until the Ordinary Council Meeting until determined otherwise.

Recommendation 3

That Council appoint Cr Hart to the Barwon South West Waste and Resource Recovery Local Government Forum until determined otherwise.

Recommendation 4

That Council appoint Cr Hart to the Colac Community Library and Learning Centre Joint Use Board until determined otherwise.

Recommendation 5

That Council appoint Cr Woodcroft to the Colac Otway Network of Community Centres until determined otherwise.

Recommendation 6

That Council appoint Cr Hanson and Cr Hart to the Community Hub Inc. until determined otherwise.

Recommendation 7

That Council appoint Cr McCracken and Cr Smith to the COPACC Trust until determined otherwise.

Recommendation 8

That Council appoint Cr Hart to the Corangamite Regional Library Corp. until determined otherwise.

Recommendation 9

That Council appoint Cr Hart to the Lavers Hill and District Emergency Response Planning Committee until determined otherwise.

Recommendation 10

That Council appoint Cr Hart to the Lavers Hill Swimming Pool Committee of Management until determined otherwise.

Recommendation 11

That Council appoint Cr McCracken and Cr Smith (if required) to the Municipal Aerodrome Committee – Colac until determined otherwise.

Recommendation 12

That Council appoint Cr Woodcroft to the Municipal Association of Victoria until determined otherwise.

Recommendation 13

That Council appoint Cr Potter and Cr Schram to the Municipal Emergency Management Planning Committee until determined otherwise.

Recommendation 14

That Council appoint Cr Potter and Cr Woodcroft to the Municipal Fire Management Planning Committee until determined otherwise.

Recommendation 15

That Council appoint Cr Smith to the Oudit Quarry Consultative Committee until determined otherwise.

Recommendation 16

That Council appoint Cr Hanson and Cr Hart (if required) to the Otways Tourism Advisory Committee until determined otherwise.

Recommendation 17

That Council appoint Cr Potter to the Port of Apollo Bay Consultative Group until determined otherwise.

Recommendation 18

That Council appoint Cr Smith to the Rural Financial Counselling Service Vic – Wimmera Southwest (RFC) until determined otherwise.

Recommendation 19

That Council appoint Cr Smith to the Tirrengower Drainage Scheme Committee of Management until determined otherwise.

Recommendation 20

That Council appoint Cr Schram and Cr Smith (if required) to the Weeds Consultative Committee until determined otherwise.

Recommendation 21

That Council appoint Cr Woodcroft to G21 Pillar Membership – Arts and Culture until determined otherwise.

Recommendation 22

That Council appoint Cr Potter to the G21 Pillar Membership – Economic Development until determined otherwise.

Recommendation 23

That Council appoint Cr Hart to the G21 Pillar Membership – Education and Training until determined otherwise.

Recommendation 24

That Council appoint Cr Hart to the G21 Pillar Membership - Environment until determined otherwise.

Recommendation 25

That Council appoint Cr Hanson to the G21 Pillar Membership – Heath and Well Being until determined otherwise.

Recommendation 26

That Council appoint Cr McCracken to the G21 Membership – Planning and Services until determined otherwise.

Recommendation 27

That Council appoint Cr Schram to the G21 Pillar Membership - Sports and Recreation until determined otherwise.

Recommendation 28

That Council appoint Cr Potter to the G21 Pillar Membership - Transportation until determined otherwise.

Recommendation 29

That Council appoint Cr Potter to the Timber Towns Victoria Committee until determined otherwise.

Recommendation 30

That Council appoint Cr Smith to the S.86 Old Beechy Rail Trail Committee until determined otherwise.

ALTERNATIVE MOTION

MOVED Cr Chris Smith seconded Cr Joe McCracken

That Council appoint Cr Potter to the Australian Local Government Association (ALGA) until determined otherwise.

That Council appoint Cr Smith to the Barnard Trust Committee until the Ordinary Council Meeting until determined otherwise.

That Council appoint Cr Hart to the Barwon South West Waste and Resource Recovery Local Government Forum until determined otherwise.

That Council appoint Cr Hart to the Colac Community Library and Learning Centre Joint Use Committee until determined otherwise.

That Council appoint Cr Woodcroft to the Colac Otway Network of Community Centres until determined otherwise.

That Council appoint Cr Hanson and Cr Hart to the Community Hub Inc. until determined otherwise.

That Council appoint Cr McCracken and Cr Smith to the COPACC Trust until determined otherwise.

That Council appoint Cr Hart to the Corangamite Regional Library Corp. until determined otherwise.

That Council appoint Cr Hart to the Lavers Hill and District Emergency Response Planning Committee until determined otherwise.

That Council appoint Cr Hart to the Lavers Hill Swimming Pool Committee of Management until determined otherwise.

That Council appoint Cr McCracken and Cr Smith to the Municipal Aerodrome Committee – Colac until determined otherwise.

That Council appoint Cr Woodcroft to the Municipal Association of Victoria until determined otherwise.

That Council appoint Cr Potter and Cr Schram to the Municipal Emergency Management Planning Committee until determined otherwise.

That Council appoint Cr Potter and Cr Woodcroft to the Municipal Fire Management Planning Committee until determined otherwise.

That Council appoint Cr Smith to the Ondit Quarry Consultative Committee until determined otherwise.

That Council appoint Cr Hanson and Cr Hart (if required) to the Otways Tourism Advisory Committee until determined otherwise.

That Council appoint Cr Potter to the Port of Apollo Bay Consultative Group until determined otherwise.

That Council appoint Cr Smith to the Rural Financial Counselling Service Vic – Wimmera Southwest (RFC) until determined otherwise.

That Council appoint Cr Smith to the Tirrengower Drainage Scheme Committee of Management until determined otherwise.

That Council appoint Cr Smith and Cr Schram (if required) to the Weeds Consultative Committee until determined otherwise.

That Council appoint Cr Woodcroft to G21 Pillar Membership – Arts and Culture until determined otherwise.

That Council appoint Cr Potter to the G21 Pillar Membership – Economic Development until determined otherwise.

That Council appoint Cr Hart to the G21 Pillar Membership – Education and Training until determined otherwise.

That Council appoint Cr Hart to the G21 Pillar Membership - Environment until determined otherwise.

That Council appoint Cr Hanson to the G21 Pillar Membership – Health and Well Being until determined otherwise.

That Council appoint Cr McCracken to the G21 Membership – Planning and Services until determined otherwise.

That Council appoint Cr Schram to the G21 Pillar Membership - Sports and Recreation until determined otherwise.

That Council appoint Cr Potter to the G21 Pillar Membership - Transportation until determined otherwise.

That Council appoint Cr Potter to the Timber Towns Victoria Committee until determined otherwise.

That Council appoint Cr Smith to the S.86 Old Beechy Rail Trail Committee until determined otherwise.

CARRIED 7 : 0

**ORDINARY COUNCIL MEETING
COUNCIL APPOINTMENT TO INTERNAL COMMITTEES
OM162311-7**

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Mark Lyons
OFFICER	Jenny Wood	DEPARTMENT	Corporate Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	The purpose of this report is to appoint/reappoint Councillors to Internal Committees.		

RESOLUTION

MOVED Cr Chris Smith seconded Cr Joe McCracken

That Council appoints all Councillors as members of the Planning Committee.

That Council appoints all Councillors as members of the Chief Executive Officer Appraisal Committee until determined otherwise.

That Council appoints Cr Hart and Cr Schram as members of the Audit Committee until determined otherwise.

That Council appoints Cr Smith as member of the Central Reserve Advisory Committee until determined otherwise.

That Council appoints Cr Smith as a member of the Colac Livestock Selling Centre Advisory Committee until determined otherwise.

That Council appoints Cr McCracken as a member of the Friends of the Colac Botanic Gardens Committee until determined otherwise.

That Council appoints Cr Schram and Cr Smith as members of the Lake Colac Co-ordinating Committee until determined otherwise.

CARRIED 7 : 0

**ORDINARY COUNCIL MEETING
PROPOSED AMENDMENTS TO COUNCIL MEETING DATE - DECEMBER 2016
OM162311-8**

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Mark Lyons
OFFICER	Jenny Wood	DEPARTMENT	Corporate Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	The purpose of this report is to confirm the change of date for the Council meeting scheduled to be held on 21 December 2016.		

RESOLUTION

MOVED Cr Chris Smith seconded Cr Joe McCracken

That Council:

Re-schedule the Ordinary Council meeting currently scheduled to be held on Wednesday 21 December 2016, 4pm at COPACC to be held on Wednesday 14 December 2016, 6pm at COPACC.

CARRIED 7 : 0

ORDINARY COUNCIL MEETING
AUTHORISATION OF PLANNING OFFICERS UNDER
THE PLANNING AND ENVIRONMENT ACT 1987
OM162311-9

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Sue Wilkinson
OFFICER	Mark Lyons	DEPARTMENT	Corporate Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	The purpose of the report is for Council to appoint Anna Borthwick, Co-ordinator Built Environment, Bushfire Recovery and Stuart Caldwell, Bushfire Recovery and Statutory Planner as authorised officers under the Planning and Environment Act 1987.		

RESOLUTION

MOVED *Cr Terry Woodcroft seconded Cr Joe McCracken*

That Council:

- 1. Appoints Anna Borthwick and Stuart Caldwell as authorised officers pursuant to the Planning and Environment Act 1987.**
- 2. Notes that the Instrument of Appointment and Authorisation comes into force immediately the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it.**
- 3. Delegates to the Chief Executive Officer authority to sign and place under Council Seal the Instrument of Appointment and Authorisation.**

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*

ORDINARY COUNCIL MEETING
FIRST QUARTER FINANCIAL PERFORMANCE REPORT 2016-2017
OM162311-10

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Mark Lyons
OFFICER	Daniel Fogarty	DEPARTMENT	Corporate Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	The purpose of this report is to provide information regarding the first quarter financial report.		

Original Recommendation

That Council receives the first quarter financial performance report for 2016-2017.

ALTERNATIVE MOTION

MOVED Cr Chris Smith seconded Cr Jason Schram

That Council receives and notes with concern the first quarter financial performance report for 2016-17.

LOST 1 : 6

DIVISION

For the Motion: Cr Chris Smith

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

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council receives the first quarter financial performance report for 2016-2017.

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

IN COMMITTEE

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Jason Schram

That pursuant to the provisions of Section 89 (2) of the Local Government Act, the meeting be closed to the public at 7.04pm and Council move "In-Committee" in order to deal with:

SUBJECT	REASON	SECTION OF ACT
Minutes of In-Committee Council Meeting held on 19 September 2016	this matter deals with contractual matters; AND this matter may prejudice the Council or any person.	Section 89 (2) (d) & (h)
Australia Day Awards 2017	this matter may prejudice the Council or any person.	Section 89 (2) (h)
Contract 1616 – Wye River-Separation Creek – Erosion and Sediment Control Works	this matter deals with contractual matters.	Section 89 (2) (d)

CARRIED 7 : 0

Sandra Wade left the meeting at 7.04pm.

Daniel Fogarty left the meeting at 7.04pm.

Tamzin McLennan left the meeting at 7.04pm.

Ian Seuren left the meeting at 7.04pm.

Clare Malone left the meeting at 7.04pm.

In Committee commenced at 7.15pm following a short break.

The meeting was re-opened to the public at 7.26pm.

The Meeting Was Declared Closed at 7.27pm

CONFIRMED at the meeting held on 14 DECEMBER 2016



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