



Colac Otway
SHIRE

SPECIAL COUNCIL MEETING

MINUTES

Wednesday 20 April 2022

at 4 PM

The Project Space

1-3 Nelson Street, Apollo Bay



COLAC OTWAY SHIRE SPECIAL COUNCIL MEETING

Wednesday 20 April 2022

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COLAC OTWAY SHIRE SPECIAL COUNCIL MEETING

MINUTES of the *SPECIAL COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at The Project Space, Apollo Bay on Wednesday 20 April 2022 at 4 PM.

MINUTES

1 DECLARATION OF OPENING

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 (Mayor)
Cr Graham Costin (Deputy Mayor)
Cr Jamie Bell
Cr Stephen Hart
Cr Joe McCracken
Cr Chris Potter
Cr Margaret White

Tony McGann, Acting Chief Executive Officer
Errol Lawrence, General Manager Corporate Services
Ian Seuren, General Manager Development and Community Services
Marlo Emmitt, Manager Governance and Communications
Lyndal McLean, Governance Coordinator

3 APOLOGIES AND LEAVE OF ABSENCE

Anne Howard, Chief Executive Officer.

4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

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

RECORDING AND PUBLICATION OF MEETINGS

All Council meetings are recorded. This includes the public participation sections of the meetings. However, matters identified as confidential items in the Agenda will not be recorded.

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

As soon as practicable following each open Council meeting, the recording will be accessible on Council's website. Recordings are also taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy. Recordings will be retained by Council for a period of four years.

As stated in the Governance Rules, other than an official Council recording, no video or audio recording of proceedings of Council Meetings will be permitted without specific approval by resolution of the relevant Council Meeting.

The sole purpose of the Special Council meeting was to consider the following items of business:

- SouthWest Victoria Alliance membership (formally Great South Coast Group)
- Establishment of Apollo Bay Senior Citizens' Centre Community Asset Committee
- Proposed Sale of 69 McLachlan Street Apollo Bay - Method of Sale
- Contract 2206 - Supply and/or Delivery of Crushed Rock
- Contract 2207 - External Plant Hire.

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. Question time is not a forum for public debate or statements.

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

Cathy Donovan, President U3A Apollo Bay and member of the Apollo Bay Community Hall Committee on behalf of the Apollo Bay Community Hall Committee and user groups (including the U3A, Playgroup, Arts Inc, GORH and Marrar Woorn) would like to ask the following question of Council at their meeting on Wednesday 20th of April 2022 in Apollo Bay.

1. Can Council please separate the Community Hall cleaning from the Council's cleaning contract and reimburse Great Ocean Road Health for regular cleaning of the Hall (based on the same value as is currently proportionate with the Council's cleaning contract).

Background

The Community Hall is rarely cleaned by Council contractors (who have to travel to Apollo Bay from Colac). Despite regular and frequent requests (made by the Hall Committee to Council) they are apparently not able to commit to cleaning on regular days or prior to specific activities. Committee members have been often informed of filthy toilets having to be cleaned by user groups, floors being dirty and in need of sweeping, band aids on the bench of the kitchen, etc. These things could potentially be a health hazard to users, particularly during COVID.

The Hall Committee has flagged concerns about the lack of cleaning of the Hall with Ian Seuren and the potential for the GORH to assist. The GORH Director of Community Services has flagged lack of cleanliness as an issue with Ian Seuren, as the hospital runs exercise classes at the Hall and at current standards the Hall fails to meet GORH's requirements for cleaning/OH&S/Covid. GORH continued use of the Hall is an integral part of the income for the business plan for the Hall going forward.

The Hall Committee has spoken with the CEO of GORH, who has indicated that they could have their cleaners clean the Hall twice weekly at a user pays cost.

Response from General Manager Development and Community Services

Council is happy to work with the Apollo Bay Community Hall Committee, which has requested to become a Community Asset Committee and is subject to consideration at today's meeting, and Great Ocean Road Health to investigate alternative arrangements for the cleaning of the Apollo Bay Senior Citizens' Centre to ensure required service levels are met.

Bob Knowles, Apollo Bay Chamber of Commerce

1. When will Council release the \$5,000 allocated to the Apollo Bay Chamber of Commerce in last year's budget? We understand this token payment to be for general admin in recognition of our work in support of Council locally.

Response from General Manager Development and Community Services

Funding towards the Apollo Bay Chamber of Commerce in the current year's budget is subject to both organisations entering into a Memorandum of Understanding which is due to be negotiated in May/June. The MOU will outline the responsibilities and accountabilities of both organisations to ensure the funds are expended appropriately.

Jenny Barrett, Climate Action Team

1. While only a small number of Council's constituents might have been watching, some of us have noticed that in its formal Council Plan of 2021, Council committed to develop a Climate Change Action Plan by June 2022. But there is still no sign of a plan. This is not insignificant to residents of Apollo Bay and Marengo because predicted sea level rise seriously threatens our coastal environment and infrastructure, our towns' futures - as do worsening bushfires, floods and drought.

At the Council meeting in March, the General Manager Environment and Infrastructure told a questioner that despite last year's formal commitment, Council had to review its capacity to develop a Climate Change Action Plan in the set timeframe.

Given that Council has now had a month to conduct this review, can you please tell me when we can expect to see a draft of a Climate Change Action Plan for Colac Otway.

Response from General Manager Environment and Infrastructure

Council is committed to preparing a new Environment Strategy and a Climate Change Action Plan. Our thinking is that both of these key pieces of strategic work will require significant community engagement, which we plan to do. Our thinking is that the Environment Strategy should be prepared first as it is the overarching strategy for a wide range of environmental considerations, climate change being one. We anticipate that the community led draft Environment Strategy

would be in the community engagement phase from May this year and be adopted by Council around the end of this calendar year or the beginning of 2023. Once that foundation work is in place we will turn our attention to developing a range of action plans to come from the Strategy and we would anticipate that the Climate Action Plan would be the first of these.

Carol Wilmink, Apollo Bay

Re: Agenda item 8.3 Establishment of Apollo Bay Senior Citizens' Centre Community Asset Committee

Will the newly formed 'Community Asset Committee' now be responsible for ALL management issues at the Colac Otway Shire owned Apollo Bay Senior Citizens Hall; including - raising the funds to purchase land to increase the parking from currently 3 spaces – to a number adequate for the use of our community hall? This will need to accommodate those who may need to seek 'refuge' in the hall during a bushfire in our busy summer season, when visitors parking overflows from the Great Ocean Road back several blocks.

Response from General Manager Environment and Infrastructure

Council has a standard schedule of responsibilities for Community Asset Committees which outlines the responsibilities of Council and the responsibilities of the Community Asset Committee. Under the schedule, major maintenance and upgrade projects remain the responsibility of Council, however that doesn't preclude collaborative projects between both parties if appropriate. Whilst the Committee can raise funds to go towards improvement of the facility, there is no pre-determined requirement from Council on what funds should be spent on. Expanding car parking in this area is not something Council is currently considering.

Apollo Bay's designated Bushfire – Place of Last Resort is the foreshore area between Nelson and Moore Streets. Council's consistent message during a bushfire is to gather at this location because it has been assessed by the CFA and other partners as meeting the very stringent requirements for Places of Last Resort. In addition, Council would use other facilities in Apollo Bay as an Emergency Relief Centre.

Jacinta Tobin

The Rec Reserve Apollo Bay has been taken over by GORCAPA as land manager (under 18E of the CROWN LAND (Reserves) Act 1978). The area has three overlays. Each of those overlays requires a permit for building works.

- 1. Can the council advise whether a permit has been obtained in accordance with each of these overlays?**

Response from General Manager Development and Community Services

The recreation reserve site is affected by overlays under the Planning Scheme on the southern side. The overlays do not apply to the more elevated parts of the lands fronting Gambier Street. The most recent planning permit application for the site resulted in a permit issued in December 2021 for temporary shipping container worker accommodation. Future proposals by GORCAPA for works on the site will need to comply with the planning scheme and may trigger the need for planning permits. Planning permission would not be required for camping improvements on the area of land not affected by overlay controls.

2. Under Section 18E of the *Crown Land (Reserves) Act 1978* the land manager of a site is required to act consistently with the Great Ocean Road Strategic Framework plan, a document that the Minister is required to prepare under the Great Ocean Road and Environs Protection Act 2020 which I cannot find. Under the Act, GORCAPA has not had regard to whether there is a “net gain” to the environment arising from the change in land use.

Can the council advise how the extension of the Recreation Reserve Accommodation into the new area on the hill (previously designated as open space by the Colac Otway Shire Council 2011) constitutes a “net gain” to the environment ?

Response from General Manager Development and Community Services

The elevated land within the recreation reserve fronting Gambier Street has historically been used for camping, albeit as overflow camping in peak times. Questions about the way in which this land is used should be directed to the Great Ocean Road Coast and Parks Authority which are responsible for managing the site. A Master Plan is being developed for the reserve which will provide an opportunity for community input into the future use of the reserve land. It is noted that the Authority is in the very early stages of developing the Strategic Framework Plan referred to.

Tim Cobb, Skenes Creek

1. As the Shire is aware, GORCAPA has plans to grab all the Rec Reserve land above future flood level for camping/glamping but there is no plan for flood protection or relocation of sporting facilities. The cost implications if the Shire (or GORCAPA) then needs to buy alternative land for future sporting facilities will be huge.

Does the Shire have a long term plan for provision of sporting facilities in Apollo Bay. If so can I have a copy and will you publish it online for all to see and comment on?

Response from General Manager Development and Community Services

The Apollo Bay Community Infrastructure Plan project looked for suitably-sized flat land as an alternative to the current recreation reserve, but wasn't able to identify any suitable sites. The CIP will recommend that the recreation reserve remain at its current location and be improved based on a future master plan. Council's view is that the existing recreation reserve has the capacity to provide for the long term sporting requirements of the Apollo Bay and district community.

Council is keen to partner with GORCAPA, the reserve user groups and the wider community on the development of the recreation reserve masterplan, which will guide the future development of sporting facilities at the reserve. Our understanding is that the project is commencing in coming weeks and that an issues and opportunities paper should be available by mid-year.

We will make sure that sea level rise is something that is discussed as part of the masterplan so options such as lifting the courts or raising the oval in the future can be explored.

2. It was great to hear that Council Officers advised GORCAPA months ago to consult the wider community about plans for the Apollo Bay Rec Reserve before making decisions on implementation.

Sadly GORCAPA's project team has (so far) decided to ignore that advice and not do any public consultation - much to the disgust of many in the community

Will the Mayor write to GORCAPA's CEO on behalf of our community to:

- a) request that GORCAPA complete a Masterplan for the Apollo Bay Rec Reserve sporting and camping facilities before going ahead with its 'Camping Uplift' project
- b) restate and reinforce COS's position that public community consultation on proposed changes at the Rec Reserve should take place before decisions are taken

Response from General Manager Development and Community Services

Council continues to work closely with the Great Ocean Road Coast and Parks Authority on a number of projects including the Camping Uplift project. Whilst it would have been beneficial to complete the masterplan for the recreation reserve first, there is still scope for Council to work with the Authority and community to achieve good outcomes through the upcoming master planning process. The Authority has confirmed that it is commencing work on the Recreation Reserve Master plan in coming weeks, and that the project will involve broad community engagement.

Norm Marriner

I have the following question regarding the proposed GORCAPA development on the hillside of the Recreation Reserve adjacent to Gambier St. Apollo Bay.

Due to the high volume of water runoff down Cartwright Street, which completely waterlogs the hillside of this proposed development, has council been approached to implement the extensive drainage infrastructure required in Cartwright St and Gambier St to rectify this problem and who will be paying for this work?

Response from General Manager Environment and Infrastructure

The Great Ocean Road Coast and Parks Authority has been in discussions with Council regarding development at the Recreation Reserve, in particular on the land abutting Gambier Street. These discussions have centred on potential traffic and road infrastructure impacts, including drainage, to ensure consideration of necessary works are incorporated and undertaken to support any development at this site.

Jan and Laurie Shaw, Apollo Bay

1. We are concerned about the traffic management from the Great Ocean Road to and from Gambier Street in relation to the access to the proposed development. Who is the responsible body and what action will be taken to ensure this doesn't cause accidents?

Response from General Manager Environment and Infrastructure

The arterial road intersection is the responsibility of the Department of Transport (DoT).

The Great Ocean Road Coast and Parks Authority has been in discussions with Council regarding development at the Recreation Reserve, in particular on the land abutting Gambier Street. These discussions have centred on potential traffic and road infrastructure impacts, to ensure consideration of necessary works are incorporated and undertaken to support any development at this site.

2. We believe there will be a safety issue with campers entering and leaving the site onto Gambier Street and this will become a Council responsibility. Does the Council have a management plan in place? And if so can we see it?

Response from General Manager Environment and Infrastructure

No Council does not have a management plan in place. The Great Ocean Road Coast and Parks Authority has been in discussions with Council regarding development at the Recreation Reserve, in particular on the land abutting Gambier Street and safety will be a key consideration.

Ms Bateman , Southern Otways Sustainable Incorporated

Given that Colac Otway Shire has targets to reduce greenhouse emissions , and there is evidence that electrification can expedite these goals, what progress has the Shire made in the requested Licence Agreement for two EV charging stations in the Council car park in Pascoe Street, Apollo Bay?

Response from General Manager Development and Community Services

Council provided support for an Apollo Bay community member to submit a grant application to the Destination Charging Across Victoria program for two fast EV chargers in Apollo Bay. The State government is yet to announce the successful projects to be funded through the program and Council look forward to progressing opportunities in Apollo Bay if funding is allocated.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Tony Webber, Otway Forum

1. The first question is about the Heritage Committee of Council. Has the Council actually rescinded the Heritage Committee and if not, when will they be meeting particularly with the Historical Society?

Response from General Manager Development and Community Services

Thanks for the question Mr Webber. To my knowledge I am not aware that there is an actual Heritage Committee of Council, but I will take that question on notice and follow up and provide a response to you.

2. The second question is on the recreation reserve, we have very little public land in Apollo Bay and some of it is subject to sea level rise. Would Council consider advocating to GORCAPA to first upgrade the facilities in the present recreation reserve before doing extra work up in Gambier Street?

Response from General Manager Development and Community Services

It was certainly in discussions with the authority about the work that they're proposing to do. As we've mentioned through the previous questions to Council, we're really keen to be involved in the broader recreation reserve master planning process to make sure that the required needs of the existing users are met through developments. We think from a community point of view, sporting requirements are really important and potentially as important, if not more important than then additional camping in Gambier Street.

Jane Gross, Apollo Bay

To the Mayor and Councillors my questions in reference to item 8.2 on your agenda today, being the proposed sale of 69 McLaughlin Street. My concern is that you're separating the method of sale of the property and how the proceeds of the sale are being allocated. It seems that to me that they should go hand in hand and the decision regarding how the funds are allocated is actually tied to the sale method. At the 23 February Council meeting this year, you resolved to sell the property and you also resolved that the method of sale and allocation of the proceeds of sale would be determined at a future Council meeting. This indicated that the intent of the resolution was that both the method and allocation of proceeds would be decided at the one meeting. I refer to your Council policy document, 4.3 Acquisition and Disposal of Council Property. Clause 7.4 states under Allocation of Proceeds of Sale that, and I quote 'Council will identify and disclose where the proceeds of any proposed sale of property will be allocated. Council will include the allocation of any proceeds of sale within the resolution to sell Council property'. So my question is twofold. Are you not bound by your own policy that ensures that any decision about how the property is to be sold should include how the sale proceeds are to be allocated? And secondly, do you concede that the Apollo Bay community has a genuine stake in this property historically, and therefore the proceeds of its sale should remain here in the Apollo Bay community?

Response from General Manager Development and Community Services

Through you Mayor and thanks for the question, Jane. It's a really good question because I guess once you refer back to the policy sometimes it can be challenging to group the sale of the land or how you're going to sell the land with what you're going to do with the money. From an officer's point of view, we felt it was best to include in the recommendation to Council that we consider the proceeds of the sale at a later date, once we know how much money we'll actually have to allocate, because at this point in time, we're not sure what the sale amount will be. In regards to the policy, we're meeting that by putting in the recommendation that Council will at a later date determine how to use the funds. In regards to the previous resolution, just because those two things were grouped in the one point I don't think that means that they have to be determined at the same time. In regards to your second question, that's a question of Council and the matter will obviously be dealt with tonight. So I think we probably need to leave that question for our Councillors to debate tonight.

Okay, thank you. I still would like to make the point that I think they are mutually dependent, regardless of what the amount is.

Stephanie Goodlet, Apollo Bay

My question is also in reference to item 8.2, the sale of 69 McLaughlin Street Apollo Bay. On page 21 of today's agenda, you refer to having advertised a Notice of Intention to Sell the property in the Colac Herald, the Apollo Bay News Sheet and on Council's website seeking public submissions for a period of six weeks from the fourth of November 2021. I believe that this notice was inadequately advertised as to my knowledge it only appeared once in the Apollo Bay News on 11 November, despite public submissions being open until the 17 December. Also of note, the closing date published on Council's website was incorrectly listed as 15 December. I asked that the community be given an opportunity to be engaged in the decision of the allocation of the funds. I believe that a thorough engagement process with

Apollo Bay residents would clearly preference funding going to two critical issues facing Apollo Bay - affordable housing and access to childcare. Given the history of the site in terms of how it was purchased and by whom, the Apollo Bay community has a genuine stake in this property and in the building. So I am referring to your policy Acquisition and Disposal of Council Property that I believe it's in the best interests of Council to consider additional community engagement which is 2.3.1. That states that if it is considered to be in the best interest of Council they may engage in further community engagement. Also that the disposal of Council owned property 5.2.3a must address whether the property was gifted to Council for a specified purpose. For the above reasons I will ask the Council to consider allocating the proceeds to support two of the critical projects in Apollo Bay, either affordable housing or the expansion of the preschool and maternal health hub to childcare. Alternatively, I asked if Council is willing to defer any decision regarding how the property is sold, and how the proceeds of the sale are allocated until a further community process engagement is undertaken.

Response from the Mayor

I'm just thinking whether that requires a response as it's going to be debated tonight as it's on the agenda. So as it's an item being discussed tonight, I think that will come up in the discussion and debate with the item on the agenda.

Is Council happy that the initial process was completed correctly and wasn't advertised to Apollo Bay until the 11 November and we are the stakeholders of that property?

Response from General Manager Development and Community Services

Thanks for the questions. I believe that the policy and procedures have been followed appropriately. I'm quietly confident that the majority of Apollo Bay and its residents would have known that it could make submissions. We did receive quite a number of submissions and Council gave them due consideration when they determined to sell the property.

Geoff Coffey, Apollo Bay

I have two questions related to the proposed development. Firstly, a lot of reference, including tonight and from GORCAPA talking about consultation. On the GORCAPA website and has verbally advised to me that consultation is only about the detailed master plan, what they call phase two. Phase one in which the total land grab is taken, is to not have any consultation. So the consultation is after the event - after the land has been taken. Then they'll decide what the long term plan for the community is. But the land has already been taken. The second question relates to parking. GORCAPA acknowledge that there's very limited parking on site. In fact, no parking at all shown on the plan, although they say that they intend to have some parking. Given our experience in the past, you mentioned previous camping there - that hasn't been for about eight years. But in the past they parked four or five deep on Gambier Street. Given that there are 43 proposed sites and ten glamping tents with an average of one and a half cars per site, that's something on the order of 70 cars. How will Council, who's responsible for parking, going to monitor parking on Gambier Street on a 24/7 basis?

Response from General Manager Development and Community Services

Thanks for the question Mr Coffey. Certainly with the consultation we've been in discussions as we've said previously, with GORCAPA around the level of consultation and I think it's fair to say that consultation was with the permanent campers in the reserve itself down the bottom and

the sporting clubs and not necessarily the broader community, including the residents of Gambier Street. So they have made some efforts to engage with the broader community and ...

[Inaudible]

It's my understanding that they're undertaking consultation now to understand the concerns, particularly with the Gambier Street residents and there'll be another consultation session. I think we need to let that play out and we're certainly relaying what we're hearing from the community back to the authority as well. In regards to car parking, you make some really good points today, but also at the consultation session with the authority and I'm confident they've heard that loud and clear because there is limited space on that site. And as we're probably all aware, when we go camping there are more cars than one per site as a rule. So it is an issue that they do need to be aware of and deal with because it's going to impact the local community and Council in terms of trying to police a potential car parking issue.

Carol Wilmink, Apollo Bay

Thank you for the opportunity to ask another question. In relation to the answer to my question, as read out earlier, the place of last resort indicated will be difficult to access on a hot windy day with visitors everywhere. I think everybody in town knows that. It's difficult enough to getting a park in the street anyway. If you've got a fire and people running everywhere, it'll be terrible. Is Council aware that Marrar Woorn has plans for older more vulnerable residents who live out of town, to use the Senior Citizens' as a refuge. Three parking spaces is insufficient for this purpose, or for a public building in Apollo Bay. My question is what is Council going to do to increase the number of parking spaces in our public hall facility?

Response from General Manager Environment and Infrastructure

Through the Mayor, I'll take that question on notice to a certain extent with the limited knowledge that I have of that location. It's certainly very difficult to provide additional car parking of any great number there. But, we'll certainly take that question on notice and respond in more detail.

I would like an answer to this question because I did send a question to Council asking that the 69 McLaughlin Street be considered as a car parking area, and I never actually got a response to that at all. I think you should still consider that issue.

Tim Cobb, Skenes Creek

I'm just following up on Mr Coffey's question earlier. So it's my understanding that the consultation on the recreation reserve has been extended to Gambier Street residents only, not the wider community. Given the Council suggested that GORCAPA consult a wide community some months ago to the project team and they rejected that, I don't understand why the Mayor and the Shire is not prepared to write to the GORCAPA CEO to ask that the wider community be consulted on this project before phase one, not after when the land grabs actually happened.

Response from the Mayor

I think you know after today Council can take on notice all the concerns that have been raised here today. You and I had a conversation yesterday about it. So Council and the Executive Management Team can have a discussion about how it's going, what's happening and whether Council needs to make further contact with GORCAPA.

Because we don't have any other representation other than the Shire.

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

Nil

7 DECLARATIONS OF INTEREST

Nil

Item: 8.1

SouthWest Victoria Alliance membership (formally Great South Coast Group)

CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	<ol style="list-style-type: none">1. SouthWest Victoria Alliance - Advocacy Priorities document - 2021 22 [8.1.1 - 9 pages]2. SouthWest Victoria Alliance - Assessment of the beneficial enterprise [8.1.2 - 1 page]

RECOMMENDATION

That Council:

1. *Determines to become a member of the SouthWest Victoria Alliance.*
2. *Notes that membership will result in an unfavourable variance of \$22,700 to the 2021-22 Budget and that annual membership contributions will be incorporated into future budgets.*
3. *Affirms that the Mayor will be the representative on the SouthWest Victoria Alliance.*
4. *Authorises the Mayor to sign the Memorandum of Understanding on behalf of Council.*

MOTION

MOVED Cr Stephen Hart, SECONDED Cr Graham Costin

That Council:

1. *Notes that it determined on 23 February 2022 that it intended to become a member of the Great South Coast (now the South West Victoria Alliance) "subject to the inclusion of a grievance resolution clause in the Memorandum of Understanding (MOU) to the satisfaction of Council".*
2. *Notes that the South West Victoria Alliance has not adopted a grievance resolution clause in the MOU or any other document.*
3. *Resolves that Council does not become a financial member of the South West Victoria Alliance.*

4. *Notes that nothing in this resolution prevents the Mayor and/or Chief Executive Officer from attending the South West Victoria Alliance meetings.*
5. *Resolves that any future consideration of financial membership of the South West Victoria Alliance is dependent on them first adopting a grievance resolution clause or procedure to the satisfaction of Council.*
6. *Resolves that if such a clause or procedure is adopted, membership is subject to approval at a future Council meeting.*

Cr Chris Potter foreshadowed an alternative motion in the event that Cr Hart's motion was lost.

LOST 2 : 5

DIVISION

For the motion: Cr Stephen Hart, Cr Graham Costin

Against the motion: Cr Margaret White, Cr Jamie Bell, Cr Joe McCracken, Cr Chris Potter, Cr Kate Hanson

RESOLUTION

MOVED Cr Chris Potter, **SECONDED** Cr Margaret White

That Council:

1. *Determines to become a member of the SouthWest Victoria Alliance.*
2. *Notes that membership will result in an unfavourable variance of \$22,700 to the 2021-22 Budget and that annual membership contributions will be incorporated into future budgets.*
3. *Affirms that the Mayor will be the representative on the SouthWest Victoria Alliance.*
4. *Authorises the Mayor to sign the Memorandum of Understanding on behalf of Council.*

CARRIED 6 : 1

Item: 8.2

Proposed Sale of 69 McLachlan Street Apollo Bay - Method of Sale

OFFICER	Mark McLennan
GENERAL MANAGER	Tony McGann
DIVISION	Environment and Infrastructure
ATTACHMENTS	1. Photographs - Apollo Bay Kindergarten - 69 Mc Lachlan Street Apollo Bay - March 2022 [8.2.1 - 19 pages]

RECOMMENDATION

That Council:

- 1. Resolves to offer to sell the property known as 69 McLachlan Street, Apollo Bay to Homes Victoria for the amount stated in the Valuation dated 31 March 2022 provided in confidential Attachment 4.*
- 2. Authorises the Chief Executive Officer to arrange for the property known as 69 McLachlan Street, Apollo Bay to be sold by public auction, should Homes Victoria not accept Council's offer.*
- 3. Authorises the Chief Executive Officer, as part of an auction process, to accept an offer above Council's agreed auction reserve amount which will be determined through resolution at a Council meeting prior to the public auction.*
- 4. Authorises the Chief Executive Officer to execute all necessary documentation of, and incidental to, a contract of sale.*
- 5. Authorises the use of the common seal in accordance with Colac Otway Shire's Governance Local Law No 4 – 2020.*
- 6. Resolves to release the sale amount following the execution of a contract of sale.*
- 7. Considers the allocation of any surplus funds resulting from the sale of the property at a future Council meeting.*

RESOLUTION 1

MOVED Cr Graham Costin, SECONDED Cr Stephen Hart

That Council:

- 1. Resolves to offer to sell the property known as 69 McLachlan Street, Apollo Bay to Homes Victoria for affordable housing for key and essential workers for the amount stated in the Valuation dated 31 March 2022 provided in confidential Attachment 4.*
- 2. Authorises the Chief Executive Officer to arrange for the property known as 69 McLachlan Street, Apollo Bay to be sold by public auction before the end of 2022, should Homes Victoria not accept Council's offer by 30 September 2022.*
- 3. Authorises the Chief Executive Officer, as part of an auction process, to accept an offer above Council's agreed auction reserve amount which will be determined through resolution at a Council meeting prior to the public auction.*
- 4. Authorises the Chief Executive Officer to execute all necessary documentation of, and incidental to, a contract of sale.*
- 5. Authorises the use of the common seal in accordance with Colac Otway Shire's Governance Local Law No 4 – 2020.*
- 6. Resolves to release the sale amount following the execution of a contract of sale.*
- 7. Notes that Council has allocated \$353,000 of the 69 McLachlan Street sale proceeds towards construction of the Maternal and Child Health component of the Early Years Hub per its agreement with the Victorian Schools Building Authority.*
- 8. Notes that Council has allocated up to \$80,000 of the sale proceeds for Early Years Hub equipment and other expenses outside the agreement with the Victorian Schools Building Authority.*

CARRIED 7 : 0

RESOLUTION 2

MOVED Cr Graham Costin, SECONDED Cr Stephen Hart

That Council:

- 1. Resolves to reserve the remaining net sale proceeds for part funding of the childcare component of the Apollo Bay Early Years Hub per Council's 16 December 2020 resolution.*
- 2. Requests a progress report be presented to Council by no later than 31 December 2023.*

CARRIED 4 : 3

DIVISION

For the motion: Cr Graham Costin, Cr Stephen Hart, Cr Margaret White, Cr Chris Potter

Against the motion: Cr Joe McCracken, Cr Jamie Bell, Cr Kate Hanson

Item: 8.3

Establishment of Apollo Bay Senior Citizens' Centre Community Asset Committee

OFFICER	Peter Macdonald
GENERAL MANAGER	Ian Seuren
DIVISION	Development and Community Services
ATTACHMENTS	Nil

RECOMMENDATION

That Council:

1. *In exercise of the power conferred by section 65 of the Local Government Act 2020:*
 - 1.1. *Establishes from the date of this resolution, as a Community Asset Committee, the Apollo Bay Senior Citizens' Centre Community Asset Committee (Committee).*
 - 1.2. *Determines that the purpose of the Committee is to manage the Council facility known as the Apollo Bay Senior Citizens' Centre at 4 Whelan Street, Apollo Bay, in accordance with delegated duties and functions.*
 - 1.3. *Determines that the members of the Committee are:*
 - 1.3.1. *Sally Forrester*
 - 1.3.2. *Cathy Donovan*
 - 1.3.3. *Stephanie Goodlet*
 - 1.3.4. *Talisha McCann*
 - 1.3.5. *Di Clarke*
 - 1.3.6. *Jade Forest.*
2. *Notes that the Committee will make recommendations to a future meeting of Council concerning:*
 - 2.1. *A change to the facility's name; and*
 - 2.2. *Setting the user fees and charges for the Community Asset.*

REVISED OFFICER RECOMMENDATION

MOVED Cr Graham Costin, SECONDED Cr Chris Potter

That Council:

- 1. In exercise of the power conferred by section 65 of the Local Government Act 2020:*
- 1.1. Establishes from the date of this resolution, as a Community Asset Committee, the Apollo Bay Senior Citizens' Centre Community Asset Committee (Committee).*
- 1.2. Determines that the purpose of the Committee is to manage the Council facility known as the Apollo Bay Senior Citizens' Centre at 4 Whelan Street, Apollo Bay, in accordance with delegated duties and functions.*
- 1.3. Determines that the members of the Committee are:*
 - 1.3.1. Sally Forrester*
 - 1.3.2. Stephanie Goodlet*
 - 1.3.3. Talisha McCann*
 - 1.3.4. Di Clarke*
 - 1.3.5. Jade Forest.*
- 2. Notes that the Committee will make recommendations to a future meeting of Council concerning:*
 - 2.1. A change to the facility's name; and*
 - 2.2. Setting the user fees and charges for the Community Asset.*

CARRIED 7 : 0

Item: 8.4

Contract 2206 - Supply and/or Delivery of Crushed Rock

OFFICER	Cameron Duthie
GENERAL MANAGER	Tony McGann
DIVISION	Environment and Infrastructure
ATTACHMENTS	Nil

RESOLUTION

MOVED Cr Graham Costin, SECONDED Cr Jamie Bell

That Council:

- 1. Awards Contract 2206 – Supply and/or delivery of crushed rock, for a period of three years with the option of two one-year extensions, to the following tenderers:*
 - Birregurra Resources Pty Ltd*
 - DE Quarry Solutions Pty Ltd*
 - Coragulac Quarries*
 - Quik Connect Pty Ltd (Walsh Quarries)*
 - Holcim Australia Pty Ltd*
 - Evans Earthmoving Pty Ltd*
 - Boral Resources Pty Ltd*
 - Hoare Bros Pty Ltd*
 - Local Mix Quarries*
 - Frank Russell Pty Ltd*
 - WA Molan & Sons Pty Ltd*
 - Melis & Sons Pty Ltd.*
- 2. Authorises the Chief Executive Officer to sign the contracts following award of Contract 2206 – Supply and/or delivery of crushed rock.*
- 3. Authorises the Chief Executive Officer to perform all roles of the Principal for Contract 2206 – Supply and/or delivery of crushed rock.*

CARRIED 7 : 0

Item: 8.5

Contract 2207 - External Plant Hire

OFFICER	Cameron Duthie
GENERAL MANAGER	Tony McGann
DIVISION	Environment and Infrastructure
ATTACHMENTS	Nil

RESOLUTION

MOVED Cr Chris Potter, SECONDED Cr Graham Costin

That Council:

- 1. Awards Contract 2207 – External Plant Hire, for a period of three years with the option of two one-year extensions, to the following tenderers:*
 - R Slater & sons Pty Ltd*
 - Gellibrand River Tree Farm Nusery Pty Ltd*
 - Apollo Bay Sawmill*
 - McNaughton Excavations*
 - Bitu-mill (civil) Pty Ltd*
 - Evans Earthmoving Pty Ltd*
 - Coragulac Quarries*
 - LJ Atkinson Pty Ltd*
 - Stabilized Pavements Australia (SPA)*
 - Richardson Transport (Vic) Pty Ltd*
 - Bartlett Environmental*
 - Otway Civil Pty Ltd*
 - Colac Landscape Supplies Pty Ltd*
 - Regional Contractors*
 - A & K Tucker Excavations Pty Ltd*
 - Hiway Stabilizers*
 - Coates Hire Operations Pty Ltd (Corporate)*

- *Stabilco Pty Ltd*
 - *Conplant Pty Ltd*
 - *PJ & T McMahon's Excavations*
 - *All Terrain Civil and Plant Hire*
 - *Porter Plant.*
2. *That Council authorises the Chief Executive Officer to sign the contracts following award of Contract 2207 – External Plant Hire.*
 3. *That Council authorises the Chief Executive Officer to perform all roles of the Principal for Contract 2207 – External Plant Hire.*

CARRIED 7 : 0

The meeting was declared closed at 5.45pm.

CONFIRMED AND SIGNED at the meeting held on 27 April 2022.

A handwritten signature in blue ink, appearing to read "E. Henson", is written over a horizontal dotted line.

MAYOR