



Colac Otway
SHIRE

SPECIAL COUNCIL MEETING

MINUTES

Wednesday 2 February 2022

at 4:00 PM

by videoconference



COLAC OTWAY SHIRE SPECIAL COUNCIL MEETING

Wednesday 2 February 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 by videoconference on Wednesday 2 February 2022 at 4:00 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

Anne Howard, Chief Executive Officer
Errol Lawrence, General Manager Corporate Services
Tony McGann, General Manager Environment and Infrastructure
Ian Seuren, General Manager Development and Community Services
Marlo Emmitt, Manager Governance and Communications
Lyndal Redford, Governance Officer
James Myatt, Manager Economy and Business Enterprises
Tamzin McLennan, Manager Healthy, Active Communities
Madeleine Bisits, Manager Assets and Project Delivery
Dora Novak, Acting Manager Environment and Community Safety
Nicole Frampton, Recreation and Open Space Coordinator

3 APOLOGIES AND LEAVE OF ABSENCE

Nil

4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

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

The purpose of the Special Council meeting is to consider:

- Environment Strategy Review Report
- Local Sports Infrastructure Fund 2022 grant proposals
- Forrest Mountain Bike Trail Construction Contract Award
- Contract 2202 - Design and Construct - Sportsground Lighting at four locations
- Maternal and Child Health Policy Review

Note: Both the Forrest Caravan Park Lease and the Lavers Hill Pool Funding Agreement will be considered at a future Council meeting.

RECORDING AND PUBLICATION OF MEETINGS

Please note: All Council and Committee meetings are live streamed and recorded (where it is practicably possible to do so), and the meeting location has the required equipment and internet capability. This includes the public participation sections of the meetings. However, matters identified as confidential items in the Agenda will not be live streamed or 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 live stream recording will be accessible on Council's website. Audio recordings are also taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy. Live stream and audio 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.

5 QUESTION TIME

A maximum of 30 minutes is allowed for question time. At every Special Council meeting a public question time will be held to enable any member of the public to question Council but only on items directly related to the Agenda. Questions that are more general in nature can either be submitted to Council in writing or asked at the next Council meeting.

QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING

Prabha Kutty, Colac

- 1. My interrelated questions relates to the case study on page 22 of the environment strategy review report and how it relates to the BSW Climate Alliance that starts in July 2022 and which the majority of Councillors have voted not to join now but with the possibility of joining at a future date.**

Does this mean that we were a member of an informal alliance for 6 years but decided not to join the alliance as a founding member once it was formalized? If so what membership status will we hold in this group from 1 July if, as I understand, we still have a seat at the table? What happens to the Climate Adaptation Plan as it applies to our council?

A related question is whether we have approached the G21 group regarding an alternative alliance (as requested by the majority of councillors) and what has been the outcome?

I ask these questions in accordance with the overarching governance principles relating to council transparency.

Response from General Manager Environment and Infrastructure

Council voted not to become a founding member of the now established Barwon South West Climate Alliance, allowing others to undertake the work of exploring the governance model and refining the role of the alliance. Council is still invited to consider becoming a member of the alliance and its consideration can be informed by the work done by the founding members. Council will consider membership to the Alliance before the end of the 2021-22 Financial Year.

Council has its own Climate Adaptation Plan, the Colac Otway Climate Change Adaptation Plan 2017-27 and Council is committed to implementing that plan.

Council's Chief Executive Officer and Mayor approached the G21 group regarding an alternate Alliance and G21 indicated that it has no plans to form or administer an alternate climate change or greenhouse alliance.

QUESTIONS RECEIVED VERBALLY AT THE MEETING

Nil

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

Nil

7 DECLARATIONS OF INTEREST

Nil

Item: 8.1

Environment Strategy Review Report

OFFICER	Dora Novak
GENERAL MANAGER	Tony McGann
DIVISION	Environment and Infrastructure
ATTACHMENTS	1. COS Environment Strategy 2010-2018 Review Report - January 2022 [8.1.1 - 27 pages]

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Chris Potter

That Council:

- 1. Notes the Colac Otway Shire Environment Strategy 2010-2018 Review (report as at Attachment 1).*
- 2. Notes that the Report will be made publicly available via Council's website and its content used to promote the environmental achievements of Council since 2010.*

CARRIED 7 : 0

Item: 8.2

Local Sports Infrastructure Fund 2022 grant proposals

OFFICER	Tamzin McLennan
GENERAL MANAGER	Ian Seuren
DIVISION	Development and Community Services
ATTACHMENTS	Nil

RECOMMENDATION

That Council:

- Endorses the following projects to be submitted under the 2021-22 Local Sports Infrastructure Fund:*
 - Eastern Reserve netball courts surface upgrades and installation of spectator grandstand seating, to be submitted under the Local Sports Infrastructure Fund Community Facilities Stream, seeking a State Government grant of \$117,068 and including a Council contribution of up to \$50,000.*
 - Elliminyt Recreation Reserve oval lighting upgrades, including a power upgrade, to be submitted under the Local Sports Infrastructure Fund Community Sports Lighting Stream, seeking a State Government grant of \$250,000 and including a Council contribution of up to \$200,000.*
- Authorises the Chief Executive Officer to submit applications for the endorsed projects to the 2021-22 Local Sports Infrastructure Fund.*
- Subject to the application(s) being successful, pre-allocates funds to meet its contributions to the successful projects in the 2022-23 Budget.*

The Officer Recommendation was revised as outlined below.

REVISED OFFICER RECOMMENDATION

That Council:

- Endorses the following projects to be submitted under the 2021-22 Local Sports Infrastructure Fund:*

- 1.1 *Eastern Reserve netball courts surface upgrades and installation of spectator grandstand seating, to be submitted under the Local Sports Infrastructure Fund Community Facilities Stream, seeking a State Government grant of \$117,068 and including a Council contribution of up to \$50,000.*
- 1.2 *Elliminyt Recreation Reserve oval lighting upgrades, including a power upgrade, to be submitted under the Local Sports Infrastructure Fund Community Sports Lighting Stream, seeking a State Government grant of \$250,000 and including a Council contribution of up to \$200,000.*
2. *Notes that further community consultation for the Elliminyt Recreation Reserve oval lighting upgrades is currently being undertaken to meet the requirements of the Local Sports Infrastructure Fund program guidelines, and that any feedback on the project (concluding 3 February 2022) will be provided to all Councillors.*
3. *Authorises the Chief Executive Officer to submit applications for the endorsed projects to the 2021-22 Local Sports Infrastructure Fund at their discretion, subject to having considered community feedback to the Elliminyt Recreation Reserve oval lighting upgrades.*
4. *Notes that any community members or groups who provide feedback to the Elliminyt Recreation Reserve oval lighting upgrades will be advised of the outcome of point 3.*
5. *Subject to the application(s) being successful, pre-allocates funds to meet its contributions to the successful projects in the 2022-23 Budget.*

MOTION

MOVED Cr Graham Costin, SECONDED Cr Stephen Hart

That Council:

1. *Recognises the Local Sports and Infrastructure Fund objective to build strong, active and healthy communities, which aligns to the Council Plan 2021-2025 objectives under the Healthy and Inclusive Community Theme to ensure i) all people have the opportunity to achieve and thrive in our shire, ii) our people are active and socially connected ..., and iii) we are a safe, equitable and inclusive community.*
2. *Endorses the following projects to be submitted under the 2021-22 Local Sports Infrastructure Fund:*
 - 2.1. *Eastern Reserve netball courts surface upgrades and installation of spectator grandstand seating, to be submitted under the Local Sports Infrastructure Fund Community Facilities Stream, seeking a State Government grant of \$117,068 and including a Council contribution of up to \$50,000.*
 - 2.2. *Elliminyt Recreation Reserve oval lighting upgrades, including a power upgrade, to be submitted under the Local Sports Infrastructure Fund Community Sports Lighting Stream, seeking a State Government grant of \$250,000 and including a Council contribution of up to \$200,000.*

- 2.3. *Les Nosedas Highview Trail Detailed Planning Project to be submitted under the Local Sports Infrastructure Fund Planning Stream, seeking a State Government grant of \$30,000 and including a Council contribution of up to \$15,000.*
3. *Notes that further community consultation for the Elliminyt Recreation Reserve oval lighting upgrades is currently being undertaken to meet the requirements of the Local Sports Infrastructure Fund program guidelines, and that any feedback on the project (concluding 3 February 2022) will be provided to all Councillors.*
4. *Authorises the Chief Executive Officer to submit applications for the endorsed projects to the 2021-22 Local Sports Infrastructure Fund at their discretion, subject to having considered community feedback to the Elliminyt Recreation Reserve oval lighting upgrades.*
5. *Notes that any community members or groups who provide feedback to the Elliminyt Recreation Reserve oval lighting upgrades will be advised of the outcome of point 4.*
6. *Subject to the application(s) being successful, pre-allocates funds to meet its contributions to the successful projects in the 2022-23 Budget.*

Cr Chris Potter foreshadowed he would move the revised officer recommendation in the event that the motion currently before Council was lost.

LOST 2 : 5

DIVISION

For the motion: Cr Graham Costin, Cr Stephen Hart

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

RESOLUTION

MOVED Cr Chris Potter, SECONDED Joe McCracken

That Council:

1. *Endorses the following projects to be submitted under the 2021-22 Local Sports Infrastructure Fund:*
 - 1.1 *Eastern Reserve netball courts surface upgrades and installation of spectator grandstand seating, to be submitted under the Local Sports Infrastructure Fund Community Facilities Stream, seeking a State Government grant of \$117,068 and including a Council contribution of up to \$50,000.*
 - 1.2 *Elliminyt Recreation Reserve oval lighting upgrades, including a power upgrade, to be submitted under the Local Sports Infrastructure Fund Community Sports Lighting Stream,*

seeking a State Government grant of \$250,000 and including a Council contribution of up to \$200,000.

- 2. Notes that further community consultation for the Elliminyt Recreation Reserve oval lighting upgrades is currently being undertaken to meet the requirements of the Local Sports Infrastructure Fund program guidelines, and that any feedback on the project (concluding 3 February 2022) will be provided to all Councillors.*
- 3. Authorises the Chief Executive Officer to submit applications for the endorsed projects to the 2021-22 Local Sports Infrastructure Fund at their discretion, subject to having considered community feedback to the Elliminyt Recreation Reserve oval lighting upgrades.*
- 4. Notes that any community members or groups who provide feedback to the Elliminyt Recreation Reserve oval lighting upgrades will be advised of the outcome of point 3.*
- 5. Subject to the application(s) being successful, pre-allocates funds to meet its contributions to the successful projects in the 2022-23 Budget.*

CARRIED 7 : 0

Item: 8.3

Forrest Mountain Bike Trail Construction Contract Award

OFFICER	James Myatt
GENERAL MANAGER	Ian Seuren
DIVISION	Development and Community Services
ATTACHMENTS	Nil

RECOMMENDATION

That Council:

1. *Notes the joint-tender process undertaken by Council and the Department of Environment, Land, Water and Planning to establish a joint contract between the Department of Environment, Land, Water and Planning, Council (as Co-Principals) and a preferred contractor.*
2. *Notes that each Co-Principal is responsible for their relative scope components.*
3. *Subject to the Department of Environment, Land, Water and Planning determining to award the contracts as per point 3.1 and 3.2 of this resolution, Council approves the awarding of the following contracts:*
 - 3.1 *Lot 1, Lot 2 and Lot 3B for CON 2213 Construct and Upgrade of Forrest Mountain Bike Trails to Dirt Art Pty Ltd for the lump sum price of \$1,085,691.20 (exclusive of GST).*
 - 3.2 *Lot 3A for CON 2213 Construct and Upgrade of Forrest Mountain Bike Trails to Travis Williams (ABN 29907200771) for Distinctive Trail Developments for the lump sum price of \$279,217.40 (exclusive of GST).*
- 4 *Notes that Council has funds already allocated to meet its commitment of \$930,000 (exclusive of GST) to CON 2213 Construct and Upgrade of Forrest Mountain Bike Trails with the remainder to be funded by the Department of Environment, Land, Water and Planning.*
- 5 *Authorises the Chief Executive Officer to execute documents on behalf of Council.*
- 6 *Authorises the Chief Executive Officer to perform all roles of the Co-Principal on behalf of Council.*
- 7 *Notes that unsuccessful tenderers will be advised of the outcome of the tender process and the successful tenderers and contract price will be listed on Council's website.*

The Officer Recommendation was revised as outlined below.

RESOLUTION

MOVED Cr Chris Potter, SECONDED Cr Margaret White

That Council:

- 1. Notes the joint-tender process undertaken by Council and the Department of Environment, Land, Water and Planning to establish a joint contract between the Department of Environment, Land, Water and Planning, Council (as Co-Principals) and a preferred contractor.**
- 2. Notes that each Co-Principal is responsible for their relative scope components.**
- 3. Subject to the Department of Environment, Land, Water and Planning determining to award the contracts as per point 3.1 and 3.2 of this resolution, Council approves the awarding of the following contracts:**
 - 3.1 Lot 1, Lot 2 and Lot 3B for CON 2213 Construct and Upgrade of Forrest Mountain Bike Trails to Dirt Art Pty Ltd for the lump sum price of \$1,085,691.20 (inclusive of GST).**
 - 3.2 Lot 3A for CON 2213 Construct and Upgrade of Forrest Mountain Bike Trails to Travis Williams (ABN 29907200771) for Distinctive Trail Developments for the lump sum price of \$279,217.40 (inclusive of GST).**
- 4 Notes that Council has funds already allocated to meet its commitment of \$930,000 (exclusive of GST) to CON 2213 Construct and Upgrade of Forrest Mountain Bike Trails with the remainder to be funded by the Department of Environment, Land, Water and Planning.**
- 5 Authorises the Chief Executive Officer to execute documents on behalf of Council.**
- 6 Authorises the Chief Executive Officer to perform all roles of the Co-Principal on behalf of Council.**
- 7 Notes that unsuccessful tenderers will be advised of the outcome of the tender process and the successful tenderers and contract price will be listed on Council's website.**

CARRIED 7 : 0

Item: 8.4

Contract 2202 - Design and Construct - Sportsground Lighting at four locations

OFFICER	Kristy Cochrane
GENERAL MANAGER	Tony McGann
DIVISION	Environment and Infrastructure
ATTACHMENTS	Nil

RESOLUTION

MOVED Cr Chris Potter, SECONDED Cr Jamie Bell

That Council:

- 1. Awards Contract 2202 - Sportsground Lighting at four locations (Design and Construct) to P and V Newell Electrical Contractors Pty Ltd for the lump sum price of \$1,352,127.55 (exclusive of GST), subject to approval from Sport and Recreation Victoria for a variation to the agreed project scope.*
- 2. Authorises the Chief Executive Officer to award contract 2202 – Sportsground Lighting at four locations (Design and Construct) to P and V Newell Electrical Contractors Pty Ltd for the lesser amount of \$1,268,953 (exclusive of GST) if Sport and Recreation Victoria do not approve the project scope variation.*
- 3. Authorises the Chief Executive Officer to execute the contract documents on behalf of Council.*
- 4. Authorises the Chief Executive Officer to perform all roles of the Principal.*
- 5. Authorises the Manager Assets and Project Delivery as the Superintendent for Contract 2202, including managing variations in accordance with the contract conditions.*
- 6. Notes that unsuccessful tenderers will be advised of the outcome of the tender process and the successful tenderer and contract price will be listed on Council's website.*

CARRIED 7 : 0

Item: 8.5

Maternal and Child Health Policy Review

OFFICER	Tamzin McLennan
GENERAL MANAGER	Ian Seuren
DIVISION	Development and Community Services
ATTACHMENTS	<ol style="list-style-type: none">1. Attachment 1: Maternal and Child Health Services policy - 2013 clean copy - for revocation [8.5.1 - 4 pages]2. Attachment 2: Updated operational Maternal and Child Health Services Policy - clean copy - 2022 [8.5.2 - 8 pages]

RESOLUTION

MOVED Cr Margaret White, SECONDED Cr Stephen Hart


That Council:

- 1. Revokes the Maternal and Child Health Services (MCH) Council Policy (2013) (as at Attachment 1).*
- 2. Notes that MCH services are primarily governed by the State Government's MCH Service Guidelines and MCH Program Standards, as well as a suite of additional supporting documents.*
- 3. Notes that an updated Maternal and Child Health Services Policy, which has been reviewed in reference to the State Government's Guidelines and Standards (as at Attachment 2), will be established as an operational policy.*

CARRIED 7 : 0

The meeting was declared closed at 5.10PM.

CONFIRMED at the meeting held on 23 February 2022.

.....**MAYOR**