



Southern Grampians
SHIRE COUNCIL

Council Meeting Minutes

Council Meeting
11 August 2021

Held at 5:30pm
virtually via Zoom.

TABLE OF CONTENTS

1. Present	3
2. Welcome and Acknowledgement of Country	3
3. Prayer	3
4. Apologies	3
5. Confirmation of Minutes	4
6. Declaration of Interest	4
7. Questions on Notice	5
8. Public Deputations	6
9. Informal Meetings of Councillors	7
10. Management Reports	12
10.1 CEO Recruitment Process	12
10.2 Annual Plan Quarterly Report	15
10.3 Council Plan 2021-2025	17
10.4 Finance Report	21
10.5 Governance Rules	23
10.6 Proposed Local Law – Governance No. 1 of 2021	26
10.7 Tender 17-21 Lease of Gymnasium Equipment - HILAC	29
10.8 Contract Variation, Tender 36-20 Pedrina Park Inclusive Sports Hub Pavilion	33
10.9 Cox Street Hamilton – Redevelopment, Utility Relocation	37
10.10 Proposed Sale of Land – Moodie Avenue, Hamilton	41
10.11 Tender 19-21: Henty Highway and South Boundary Road Intersection Upgrade	47
10.12 Capital Works Report	51
10.13 Rescind Liquor Control Referrals Policy	53
10.14 27-20 Melville Oval Buildings – Detailed Design	55
10.15 SG2041 – Community Vision Framework	61
10.16 Community Local Law No.1 of 2021 – Public Exhibition	66
11. Notices of Motion	68
12. Delegated Reports	69
13. Mayors and Councillors Reports	70
14. Confidential Matters	71
14.1	71
15. Close of Meeting	72

The Meeting opened at 5.30pm

1. Present

Councillors

Cr Bruach Colliton, Mayor
Cr David Robertson, Deputy Mayor
Cr Mary-Ann Brown
Cr Albert Calvano
Cr Helen Henry
Cr Greg McAdam
Cr Katrina Rainsford

Officers

Mr Michael Tudball, Chief Executive Officer
Ms Evelyn Arnold, Director Community and Corporate Services
Ms Marg Scanlon, Director Infrastructure
Mr Andrew Goodsell, Director Planning and Development

2. Welcome and Acknowledgement of Country

The Mayor, Cr Colliton, read the acknowledgement of country –

“Our meeting is being held on the traditional lands of the Gunditjmara, Tjap Wurrung and Bunganditj people.

I would like to pay my respects to their Elders, past and present, and the Elders from other communities who may be here today.”

.

Please note: All Council meetings will be audio recorded, and may be livestreamed to Council's social media platform, with the exception of matters identified as confidential items in the Agenda.

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).

Other than an official Council recording, no video or audio recording of proceedings of Council Meetings will be allowed without the permission of Council.

3. Prayer

Cr Henry led the meeting in a prayer.

4. Apologies

Nil

5. Confirmation of Minutes

RECOMMENDATION

That the Minutes of the Council Meeting held on 14 July 2021 be confirmed as a correct record of business transacted.

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr Robertson

That the Minutes of the Council Meeting held on 14 July 2021 be confirmed as a correct record of business transacted.

CARRIED

6. Declaration of Interest

None declared.

7. Questions on Notice

Questions from the public must be submitted prior to the commencement of Council Meetings.

All questions must be submitted through completion of the Public Question Time form, and be forwarded to the Chief Executive Officer at 111 Brown Street, Hamilton. All questions must be received by no later than 5pm on the Monday before the Council Meeting.

Questions must:

1. Not pre-empt debate on any matter listed on the agenda of the Council Meeting at which the question is asked
2. Not refer to matters designated as confidential under the *Local Government Act 2020*.
3. Be clear and unambiguous and not contain argument on the subject.
4. Not be derogatory, defamatory or embarrassing to any Councillor, member of staff, ratepayer or member of the public, nor relate to a matter beyond the power of Council.

If the member of the public is in attendance at the Council Meeting the Mayor will read the question aloud and provide a response. If a question cannot be answered at the meeting, a written response will be prepared and forwarded to the person raising the question.

Residents do not need to attend the meeting for a question to be answered. If they do not attend the meeting a written response will be provided.

There were no Questions on Notice listed on tonight's agenda.

8. Public Deputations

Requests to make a Public Deputation to Council must be submitted prior to the commencement of the Council Meeting.

Anyone wishing to make a deputation to Council must complete the Request to Make a Deputation form and forward it to the Chief Executive Officer at 111 Brown Street, Hamilton by no later than 5pm on the Monday before the Council Meeting.

Speaking time is limited to 3 minutes per person. Organisations may be represented at the deputation to Council by not more than 4 representatives. The names of the representatives to attend must be advised in writing to the Chief Executive Officer and 1 of the representatives to attend must be nominated as the principal spokesperson for the deputation.

Deputations wishing to make a written submission to the Council must a copy either electronically or hard copy of the submission to the Chief Executive Officer prior to the Council Meeting. One copy will be made available to the local media representative, if requested.

All members of the public addressing the Council must extend due courtesy and respect to the Council and the processes under which it operates. If a member of the public fails to do this the Chairperson can remove them from the Chambers. All members of the public must also comply with Council's Council Meetings policy in relation to meeting procedures and public participation at meetings.

There were no Public Deputations listed on tonight's agenda.

9. Informal Meetings of Councillors

The Southern Grampians Shire Council Governance Rules require that records of Informal Meetings of Councillors that meet the following criteria:

If there is a meeting of Councillors that:

- a) took place for the purpose of discussing the business of Council or briefing Councillors;
- b) is attended by at least one member of Council staff; and
- c) is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting;

be tabled at the next convenient Council meeting and recorded in the minutes of that Council meeting.

An Informal Meeting of Councillors record was kept for:

- Briefing Session – 14 July 2021
- Briefing Session – 28 July 2021

This agenda was prepared on 4 August 2021. Any Informal Meeting of Councillors between that date and the date of tonight's Meeting will appear in the agenda for the next Ordinary Meeting of Council.

RECOMMENDATION

That the record of the Informal Meeting of Councillors be noted and incorporated in the Minutes of this Meeting.

COUNCIL RESOLUTION

MOVED: Cr Henry
SECONDED: Cr McAdam

That the record of the Informal Meeting of Councillors be noted and incorporated in the Minutes of this Meeting.

CARRIED

Southern Grampians Shire Council

Informal Meeting of Councillors

ASSEMBLY DETAILS	
Title:	Briefing Session
Date:	14 July 2021
Location:	MJ Hynes Auditorium
Councillors in Attendance:	Cr Bruach Colliton, Mayor Cr David Robertson, Deputy Mayor Cr Albert Calvano Cr Helen Henry Cr Greg McAdam Cr Katrina Rainsford
Council Staff in Attendance:	Michael Tudball, Chief Executive Officer Evelyn Arnold, Director Community and Corporate Services Marg Scanlon, Director Infrastructure Andrew Goodsell, Director Planning and Development Victoria Holt, Manager Organisational Development Karly Saunders, Governance Coordinator Susannah Milne, Manager Community and Leisure Services Rohit Srivastava, Manager Assets Hugh Koch, Manager Economic Development and Tourism

The Informal Meeting commenced at 1:40pm.

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Matters Raised by Councillors	Nil
2	Council Meeting Items	Nil
3	Proposed Local Law and Review of Governance Rules Workshop	Nil
4	S5 and s18 Instrument of Delegations	Nil

5	Committees – Lake Hamilton	Nil
6	Hamilton CBD Liveability and Economic Revitalisation Project (Cox Street) Tender	Nil
7	Penshurst Volcanoes Discovery Centre	Nil

The Informal Meeting concluded at 5:00pm.

Southern Grampians Shire Council

Informal Meeting of Councillors

ASSEMBLY DETAILS	
Title:	Briefing Session
Date:	28 July 2021
Location:	Virtual via Zoom
Councillors in Attendance:	Cr Bruach Colliton, Mayor Cr David Robertson, Deputy Mayor Cr Mary-Ann Brown Cr Albert Calvano Cr Helen Henry Cr Greg McAdam Cr Katrina Rainsford
Council Staff in Attendance:	Michael Tudball, Chief Executive Office Evelyn Arnold, Director Community and Corporate Services Marg Scanlon, Director Infrastructure Andrew Goodsell, Director Planning and Development

The Informal Meeting commenced at 11:00am.

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Matters Raised by Councillors	Nil
2	Project Scope New Gallery Option 3	Nil
3	Pedrina Park Inclusive Sporting Hub Update and Project Variation	Nil
4	Outdoor Swimming Pool Discussion	Nil
5	19-21 Henty Hwy/Sth Boundary Road Tender	Nil
6	Annual Plan (1 April – 30 June 2021) Quarter	Nil

7	Community Asset Committee Review	Nil
8	Draft Governance Rules and Proposed Local Law	Nil
9	Hardship Fund	Nil
10	Capital Reporting	Nil
11	Rescind Liquor Referrals Policy	Nil
12	27-20 Melville Oval Buildings Tender	Nil
13	Community Local Law Workshop 2	Nil

The Informal Meeting concluded at 5:00pm.

10. Management Reports

10.1 CEO Recruitment Process

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Cr Bruach Colliton
Attachments: None

Executive Summary

This report is presented to allow Council to make a decision on the appointment of an Interim Chief Executive Officer (Interim CEO) whilst arrangements are made for the appointment of a permanent CEO, and to appoint a third party recruitment agency for the permanent CEO role.

Discussion

Following the resignation of Council's Chief Executive Officer Michael Tudball, Council has resolved to appoint an interim CEO for a period of up to four months.

The Mayor called a Councillors Meeting on Wednesday 7 July commencing at 10.30am to provide an update to the Councillors and gained support for the appointment of an interim CEO.

It should be noted that Michael Tudball will be on a period of annual leave from Friday, 13 August to Monday, 23 August 2021 inclusive. During this period, Michael Tudball has exercised the delegated power under s11 of the *Local Government Act 2020* to appoint Andrew Goodsell as Acting Chief Executive Officer.

On Friday 23 July and Tuesday 27 July 2021, the CEO Employment and Remuneration Committee interviewed four candidates and proceeded to make the below recommendation.

The Committee consulted the MAV approved panel of CEO recruiters to shortlist an appropriate agency to conduct the recruitment of the permanent Chief Executive Officer role. Three agencies were invited to quote for the CEO recruitment service with quotes due by 4pm, Monday 2 August. The Committee carried out an evaluation against the evaluation criteria of three quotes received and proceeded to make the below recommendation.

Legislation, Council Plan and Policy Impacts

This report is conducted under the s45 of the *Local Government Act 2020* and in accordance with the Chief Executive Officer Employment and Remuneration Policy and Charter.

Disclosure of Interests

All Council Officers involved in the development and advice provided in this Report affirm that no general or material interests need to be declared in relation to any matters in this Report.

RECOMMENDATION

That Council:

1. Appoints Tony Doyle as Interim Chief Executive Officer, during the absence of the Chief Executive Officer or any vacancy in the office of the Chief Executive Officer, on the following basis:
 - a) A term of three months, commencing Tuesday, 24 August 2021;
 - b) Further options to extend on a month by month basis for up to two months;
 - c) A remuneration package that includes:
 - i) a salary package in line with the current Chief Executive Officer's including use of a Council vehicle and if not available, the prescribed ATO travel rates will apply; and
 - ii) an allowance for accommodation of up to \$450 per week.
2. Appoints McArthur as the agency for the recruitment of the permanent role of Chief Executive Officer.
3. Notes:
 - a) Chief Executive Officer Michael Tudball taking a period of leave from Friday 13 August to Monday 23 August 2021 inclusive, and
 - b) That Director Planning & Development Andrew Goodsell is delegated as Acting Chief Executive Officer for this period.

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr Robertson

That Council:

1. Appoints Tony Doyle as Interim Chief Executive Officer, during the absence of the Chief Executive Officer or any vacancy in the office of the Chief Executive Officer, on the following basis:
 - a) A term of three months, commencing Tuesday, 24 August 2021;
 - b) Further options to extend on a month by month basis for up to two months;
 - c) A remuneration package that includes:
 - i) a salary package in line with the current Chief Executive Officer's including use of a Council vehicle and if not available, the prescribed ATO travel rates will apply; and
 - ii) an allowance for accommodation of up to \$450 per week.
2. Appoints McArthur as the agency for the recruitment of the permanent role of Chief Executive Officer.
3. Notes:

- c) **Chief Executive Officer Michael Tudball taking a period of leave from Friday 13 August to Monday 23 August 2021 inclusive, and**
- d) **That Director Planning & Development Andrew Goodsell is delegated as Acting Chief Executive Officer for this period.**

CARRIED

10.2 Annual Plan Quarterly Report

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Karly Saunders, Governance Coordinator
Attachments: 1. Action and Task Progress Report 1 July 2020 – 30 June 2021

Executive Summary

The Action and Task Progress Report for the period 1 July 2020 to 30 June 2021 has been prepared to provide information regarding the performance of the organisation against the Annual Plan.

Discussion

The Annual Plan is developed each year to assist in the delivery of the Council Plan objectives and to demonstrate to the community the key projects to be delivered that year. The Annual Plan sets out the specific actions and includes a detailed list of Council's activities and initiatives for the upcoming financial year. These initiatives are projects that are undertaken over and above normal service delivery and are intended to attain important outcomes for Council and the community.

Reports on the progress of the Annual Plan are reported to Council quarterly. This allows Council to receive timely, relevant and measurable information about how the organisation is performing. This in turn allows Council an opportunity to raise concerns about performance in a timely manner. The Annual Plan reporting will also help formulate the Annual Report and support the reporting against the Council Plan each year.

This is the final report on the Annual Plan for the 2020/2021 financial year, as well as the final report for the 2017-2021 Council Plan.

There are 59 actions in the Annual Plan. Of these 59 actions:

- 29 of the 59 actions (49%) have been completed;
- 38 actions (64%) are on track - at least 90% of the target achieved;
- 12 actions (20%) require monitoring –between 70% and 90% of the target achieved;
- 9 actions (15%) are off track – less than 70% of target achieved; and
- 0 actions (0%) have no target set

	Complete	On Track	Require Monitoring	Off Track	Total Actions
30 September 2020	7% (4)	79% (41)	6% (3)	15% (8)	52
31 December 2020	17% (10)	72% (42)	10% (6)	17% (10)	58
31 March 2021	23% (14)	64% (38)	19% (11)	17% (10)	59
30 June 2021	49% (29)	64% (38)	20% (12)	15% (9)	59

Although not all Actions in the Annual Plan have been completed, excellent progress has been made throughout the year.

The Actions that weren't completed in the final year of the Council Plan have been reviewed. Of the 31 actions not completed:

- 25 will be rolled over into the new 2021-2025 Council Plan
- 4 will be completed between the period of this Council Plan expiring and the new Council Plan being adopted
- 2 will be merged into other projects

Details about the specific performance of the Annual Plan actions is detailed in the attached Action and Task Progress Report.

Legislation, Council Plan and Policy Impacts

Council is required to adopt a Council Plan in accordance with Section 90 of the *Local Government Act 2020*. The Council Plan is supported by the development of an Annual Plan which details the actions that will be undertaken to achieve the strategic objectives in the Council Plan.

Reporting on the Annual Plan is presented to Council quarterly so that Council can regularly monitor the performance of the organisation.

Disclosure of Interests

All Council Officers involved in the development and advice provided in this Report affirm that no direct or indirect interests need to be declared in relation to any matters in this Report.

RECOMMENDATION

That the Action and Task Progress Report for 1 July 2020 to 30 June 2021 be received.

COUNCIL RESOLUTION

MOVED: Cr McAdam
SECONDED: Cr Henry

That the Action and Task Progress Report for 1 July 2020 to 30 June 2021 be received.

CARRIED

10.3 Council Plan 2021-2025

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Karly Saunders, Governance Coordinator
Attachments: 2. Draft Council Plan 2021-2025

Executive Summary

Section 90 of the *Local Government Act 2020* (the Act) requires Councils to prepare and approve a Council Plan by 31 October in the year following a general election, noting it has effect from 1 July.

The draft Council Plan for 2021-2025 (the draft Plan) has now been prepared following an extensive community engagement process.

It is recommended that public notice of its preparation be given, and submissions invited on the adoption of the draft Plan in accordance with Council's deliberative engagement practices.

Discussion

The Council Plan is the key document that drives the strategic direction of Council. The Council Plan seeks to outline where Council and the community will be by 2025 and how the Council will achieve those outcomes. The Council Plan must include the strategic objectives of the Council, strategies for achieving these objectives, and indicators for monitoring the achievement of the objectives.

The draft Plan was developed through thorough consultation and discussion with Councillors, the community and Council's Senior Leadership Team.

This draft Plan identifies Council's five fundamental priority areas for the next four years. These priorities have formed the Themes of the Council Plan:

1. Support our Community
2. Grow our Regional Economy
3. Maintain and Renew our Infrastructure
4. Protect our Natural Environment
5. Provide Strong Governance and Leadership

Under each theme, Councillors, Council staff and the community have identified objectives and strategies to guide Councillors and Council staff over the next four years and developed performance measures to help monitor how well Council is achieving these objectives.

Council also has a range of specific Strategies and Plans that provide more detail about key local issues, how these issues will be addressed and the initiatives or services Council will provide. These Strategies and Plans are intrinsically linked to the Council Plan and are detailed under the relevant Themes in the draft Plan.

Each year Council will measure performance against the indicators set out in the Plan and report on the progress in the Annual Report.

Delivery of the Council Plan is supported by Council's other key strategic documents, in particular the Council Budget, Community Vision Framework and the Annual Plan which highlight the initiatives to be implemented by the organisation.

The Council Plan will be further supported by the development of an Annual Plan. The Annual Plan is developed each year to assist in the delivery of the Council Plan objectives, and to demonstrate to the community what key projects will be delivered each year. The Annual Plan identifies actions under each strategy in the Council Plan and contains a detailed list of Council's activities and initiatives for the upcoming financial year. These initiatives are projects that are undertaken over and above normal service delivery and are intended to attain important outcomes for Council and the community.

Financial and Resource Implications

There have been several costs in relation to the development of the Council Plan including:

- Community Engagement Costs;
- Expert external advice;
- Graphic Design of the document.

The total costs for the development of the Council Plan are expected to be approximately \$6,000. This figure does not include staff costs.

Legislation, Council Plan and Policy Impacts

Section 90 of the Act sets out that Councils must prepare and approve a Council Plan by 31 October in the year following a general election.

A Council Plan must include:

- The strategic objectives of Council;
- Strategies for achieving these objectives for at least the next 4 years;
- Strategic indicators for monitoring the achievement of the objectives; and
- Initiatives and priorities for services, infrastructure and amenity.

A Council must develop or review its Council Plan in accordance with its deliberative engagement practices.

Risk Management

There are no risk management issues in relation to Council giving public notice of the preparation of the draft Council Plan and inviting submissions.

Environmental and Sustainability Considerations

The draft Council Plan outlines objectives and strategies in relation to a wide range of categories. Achievement of these objectives will have an impact on many aspects of community life, including social, economic and environmental aspects.

Community Consultation and Communication

Significant community engagement was undertaken during the development phase of the Council Plan. This engagement included 10 engagement sessions across 10 towns with over 150 attendees, as well as 3 engagement sessions with staff with over 150 attendees. More than 1,400 ideas were shared at these engagement sessions with common themes being identified:

- Digital connectivity
- Education pathways
- Footpaths
- Increased promotion of the region and its assets
- Inclusive and connected community
- Housing
- Road maintenance
- Support for community events and family activities
- Transport connectivity
- Volunteer support
- Walking and cycling trails
- Waste management
- Youth focus

All of these common themes appear as objectives or strategies in the draft Council Plan.

The public notice inviting submissions from the community will be published in the Hamilton Spectator. Copies of the draft Council Plan will be available on Council's website and Council's offices.

Submissions will be circulated to Councillors for discussion, but submissions will not be heard.

Disclosure of Interests

All Council Officers involved in the development and advice provided in this Report affirm that no general or material interests need to be declared in relation to any matters in this Report.

RECOMMENDATION

That Council:

1. Approve the public exhibition of the draft Council Plan 2021-2025 for a period of 28 days; and
2. That following the expiration of the public notice period a further report be presented to Council.

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr Rainsford

That Council:

1. Approve the public exhibition of the draft Council Plan 2021-2025 for a period of 28 days; and
2. That following the expiration of the public notice period a further report be presented to Council.

CARRIED

10.4 Finance Report

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Belinda Johnson, Manager Finance
Attachments: 3. Finance Report to 30 June 2021 - Preliminary

Executive Summary

The Preliminary Finance Report for the Year to 30 June 2021 is presented for information. It should be noted that this is not the final report which will be audited and the published in Council's Annual Report.

Discussion

The Finance Report contains the Standard Statements namely:

- Comprehensive Income Statement,
- Balance Sheet,
- Statement of Cash Flows,
- Statement of Capital Work and
- Statement of Human Resources.

The Report also includes information on cash balances, current borrowing ratios and debtor balances.

Detailed narratives accompany each of the statements.

Legislation, Council Plan and Policy Impacts

Council Plan

The finance report provides interim information on the financial progress of the achievement of the Annual Budget. Financial sustainability and compliance with our annual budget are specifically identified as strategies within the Council Plan.

Legislation

Section 97 of the Local Government Act 2020 requires that after the end of each quarter, the CEO must ensure that a quarterly budget report is presented to the Council. The report must include a comparison of the actual and budgeted results to date and an explanation of material variations, and any other matters prescribed by the regulations.

In addition, the second quarterly report of a financial year must include a statement by the CEO as to whether a revised budget is, or may be, required.

The June report is indicative only with the final report being Council's official financial report which is audited and then included as part of Council's Annual Report.

Council is also required to implement the principles financial management detailed in Section 101 of the Local Government Act 2020 which states:

- (1) The following are the financial management principles—

- (a) Revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with a Council's financial policies and strategic plans;
 - (b) Financial risks must be monitored and managed prudently having regard to economic circumstances;
 - (c) Financial policies and strategic plans, including the Revenue and Rating Plan, must seek to provide stability and predictability in the financial impact on the municipal community;
 - (d) Accounts and records that explain the financial operations and financial position of the Council must be kept.
- (2) For the purposes of the financial management principles, **financial risk** includes any risk relating to the following—
- (a) The financial viability of the Council;
 - (b) The management of current and future liabilities of the Council;
 - (c) The beneficial enterprises of the Council

Disclosure of Interests

All Council Officers involved in the development and advice provided in this Report affirm that no direct or indirect interests need to be declared in relation to any matters in this Report.

RECOMMENDATION

That the Preliminary Finance Report for the year to 30 June 2021, be received.

COUNCIL RESOLUTION

MOVED: Cr Robertson
SECONDED: Cr Brown

That the Preliminary Finance Report for the year to 30 June 2021, be received.

CARRIED

10.5 Governance Rules

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Karly Saunders, Governance Coordinator
Attachments: 4. Draft Governance Rules

Executive Summary

Section 60 of the *Local Government Act 2020* (the Act) requires Councils to develop, adopt and keep in force Governance Rules.

Council adopted Governance Rules on 12 August 2020 and the Rules have subsequently been reviewed and are attached.

Discussion

Governance Rules include the following -

- Conduct of Council meetings;
- Conduct of meeting of Delegated Committees;
- Form and availability of meeting records;
- Election of the Mayor and Deputy Mayor;
- The appointment of an acting Mayor;
- Election Period Policy;
- Procedures for the disclosure of a conflict of interest by a Councillor and a member of Council staff

Must provide for a Council to –

- Consider and make decisions fairly and on merit; and
- Institute decision-making processes to ensure any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered.

The purpose of the review was to remove the elements relating to the Local Law Procedures No.10 of 2013 and adopt a new Local Law which will only include enforceable elements, such as the use of the Common Seal and infringements.

The review also captures amendments to the conduct of Council Meetings to remove elements which remain unused or outdated.

Council must ensure a process of community engagement is followed when developing or amending its Rules, as such, it is proposed to publish a public notice and exhibit the Governance Rules for a 14-day period, inviting submissions from the community which will be circulated to Councillors.

Legislation, Council Plan and Policy Impacts

It is a legislative requirement for Council to keep in force Governance Rules.

Risk Management

The review of the Governance Rules reduces risk as it ensures a clear separation between the Governance Rules and the elements which more appropriately sit within a Local Law to ensure they can be enforced by authorised officers.

Regular review of Council's Governance Rules provides a stronger Governance framework for decision-making processes.

Environmental and Sustainability Considerations

The adoption of the recommendations in this report do not have any environmental or sustainability impact.

Community Consultation and Communication

The Act states that Governance Rules must be developed or reviewed using a process of community engagement. In-line with Council's Community Engagement Policy, it is proposed to publish a public notice and exhibit the Rules for a 14-day period from Saturday 14 August – Friday 27 August 2021.

Once adopted, the Governance Rules will be made available on Council's website.

Disclosure of Interests

All Council Officers involved in the development and advice provided in this Report affirm that no general or material interests need to be declared in relation to any matters in this Report.

RECOMMENDATION

That Council:

1. In accordance with Section 60 of the *Local Government Act 2020* undertake a process of community engagement by publishing public notice and exhibiting the draft Governance Rules for a 14-day period inviting feedback from the community; and
2. Note that a further report will be provided to Council.

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr McAdam

That Council:

1. In accordance with Section 60 of the *Local Government Act 2020* undertake a process of community engagement by publishing public notice and exhibiting the draft Governance Rules for a 14-day period inviting feedback from the community; and
2. Note that a further report will be provided to Council.

CARRIED

10.6 Proposed Local Law – Governance No. 1 of 2021

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Karly Saunders, Governance Coordinator
Attachments: 5. Proposed Local Law – Governance No.1 of 2021

Executive Summary

As a result of Council's Governance Rules being reviewed, it is proposed to revoke 'Local Law Meeting Procedures No.10 of 2013' under Section 84 of the *Local Government Act 2020* (the Act) and propose a new Local Law under Section 73 of the Act titled 'Local Law Governance No 1 of 2021'.

The proposed Local Law is attached.

Discussion

Governance Rules include the following -

- Conduct of Council meetings;
- Conduct of meeting of Delegated Committees;
- Form and availability of meeting records;
- Election of the Mayor and Deputy Mayor;
- The appointment of an acting Mayor;
- Election Period Policy;
- Procedures for the disclosure of a conflict of interest by a Councillor and a member of Council staff

The Governance Rules render the Local Law Meeting Procedures No.10 of 2013 redundant as the Rules govern the conduct of Council Meetings. The sections in the existing Local Law relating to enforceable elements, such as the Common Seal and Infringements, are proposed to be included in the Local Law Governance No.1 of 2021.

Section 73 of the Act states that Council must make a local law in accordance with its community engagement policy.

The Council must publish a notice stating:

- The objectives of the proposed local law;
- The intended effect of the proposed local law;
- That a copy of the proposed local law is available for inspection at the Council's office and on the Council internet site;
- The community engagement process that applies in respect of the making of the local law.

The public notice must be published on the Council's internet site and in any other manner prescribed by the regulations.

The Council must ensure that a copy of the proposed local law is available for inspection at the Council's office and on the Council's internet site.

As previously outlined, a process of community engagement must be followed when proposing a local law, as such, it is proposed to publish a public notice and exhibit the proposed local law, in accordance with the requirements of the Act, for a 14-day period. This will include inviting submissions from the community, which will then be circulated to Councillors for consideration.

Legislation, Council Plan and Policy Impacts

Section 73 of the *Local Government Act 2020* outlined the process for proposing a local law.

Risk Management

Updating the Local Law ensures the content is current and relevant when read in conjunction with the revised Governance Rules and allows authorised officers to continue enforcing the Local Law should the need arise.

Environmental and Sustainability Considerations

The adoption of the recommendations in this report do not have any environmental or sustainability impact.

Community Consultation and Communication

Section 73 of the Act states that Council must make a local law in accordance with its community engagement policy. In-line with Council's Community Engagement Policy, it is proposed to publish a public notice and exhibit the proposed local law for a 14-day period from Saturday 14 August – Friday 27 August 2021.

Disclosure of Interests

All Council Officers involved in the development and advice provided in this Report affirm that no general or material interests need to be declared in relation to any matters in this Report.

RECOMMENDATION

That Council:

1. In accordance with Section 73 of the *Local Government Act 2020* publish a notice and exhibit the proposed local law for a 14-day period inviting feedback from the community; and
2. Note that a further report will be provided to Council; and
3. Note that Local Law Meeting Procedure No.10 of 2013 will be revoked when the proposed local law is made.

COUNCIL RESOLUTION

MOVED: Cr Rainsford
SECONDED: Cr McAdam

That Council:

1. In accordance with Section 73 of the *Local Government Act 2020* publish a notice and exhibit the proposed local law for a 14-day period inviting feedback from the community; and
2. Note that a further report will be provided to Council; and
3. Note that Local Law Meeting Procedure No.10 of 2013 will be revoked when the proposed local law is made.

CARRIED

10.7 Tender 17-21 Lease of Gymnasium Equipment - HILAC

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Roger Rook, Leisure Facilities Coordinator
Attachments: None.

Executive Summary

The tender 17-21 for the Hamilton Indoor Leisure and Aquatic Centre is to lease gymnasium equipment, in line with the HILAC Health and Fitness Business Service Review which recommended that the Health and Fitness element of HILAC be delivered in house and no longer contracted out to a third party provider.

The equipment lease provides for the installation and removal of the equipment, along with quarterly maintenance and ongoing support to ensure the effective operation of the equipment for the life of the lease.

The successful tenderer will provide new high quality equipment which will be complemented by an integrated software solution that meets the growing demand of interactive performance monitoring by current and future members. This tender compliments the Council's objective to provide facilities and services that support the health and wellbeing of our community

The tender was publicly advertised on 19th June 2021 for the Contract 17-21 Lease of Gymnasium Equipment – HILAC for a period of 5 years. Four (4) tender submissions were received and evaluated based on price, Health and Wellbeing Integration, Maintenance and Support, and Sustainability criteria.

The recommendation is to award Tender No. 17-21 to Technogym Australia for the GST inclusive price of \$255,448.16

Discussion

Background

Hamilton Indoor Leisure and Aquatic Centre (HILAC) is a major facility and service provider with a catchment that covers the Southern Grampians Shire Council and the broader region.

HILAC was established in 2006 through significant community and Council investment to build and to provide a service to the community in the absence of private investment.

Since the opening of the Hamilton Indoor Leisure and Aquatic Centre (HILAC) in 2006, the Health and Fitness component of the facility, incorporating the gymnasium and group fitness classes, has been operated by a private operator on a contractual basis.

That contractual service provision agreement commenced 1 March 2018 and expired on the 30 June 2021. The current Contractor advised that she would not be extending the contract a further year as allowed under that contract.

Following this advice, Council took the opportunity to review service provision at HILAC especially with respect to health and fitness services with the view to analyse the service, the cost, and efficiency opportunities through reducing costs or growing revenue to reduce costs.

Following the service review, it was determined to move to an in-house model for the provision of the health and fitness service of the Centre including leasing new equipment to fit out the gymnasium space.

Discussion

A tender was publicly advertised for the lease of gymnasium equipment on 19 June 2021. All together four (4) submission bids were received on or before closing date 2:00pm of 12 July 2021.

The following evaluation criteria, which was set before tender advertising, for the award of contract was adopted.

Price	40%
Health and Wellbeing Integration	40%
Maintenance and Support Agreement	10%
Environmental	10%

All bids were evaluated following Council Procurement Guidelines. A tender panel evaluation meeting was held on 22 July 2021 to finalise the qualification of bidders based on the set questions and evaluation criteria. All bids were scored above satisfactory against the Council Evaluation Criteria.

Among the received bids, Qualitative and Quantitative Scores were calculated to get the total score of the each tenderer. The ranking of bidders based on the total score has been presented as below:

Company Name	Qualitative Score (%)	Moderated Total Price	Quantitative Score (%)	Total Score
Tenderer 1	38.46%	\$216,622.00	35.03%	73.49%
Tenderer 2 (Technogym Aust. P/L)	49.68%	\$255,448.16	29.70%	79.38%
Tenderer 3	42.69%	\$189,700.00	40.00%	82.69%
Tenderer 4 option 1	40.30%	\$212,086.00	35.80%	76.10%
Tenderer 4 Option 2	42.34%	\$240,535.00	31.55%	73.89%

The Panel recommended that the top two tenders, Tender 2 and Tender 3 be explored further to clarify 'price inclusions and exclusions', 'comparisons of quality of equipment and technology' and 'reference checking on quality, maintenance and support', to ensure that the evaluation met the objectives of the Service Review.

Through the request of this further information it was established that Tender 2, was the preferred tenderer based on the additional information and the higher quality referee recommendations. Tender 3 failed to provide a satisfactory response to the further information request and the referee checking was not to a comparable standard to that of Tender 2.

It is therefore the recommendation of the Tender Evaluation Panel that the tender 17-21, Lease of Gymnasium Equipment – HILAC for a period of 5 years, be awarded to Technogym Australia for the Contract Amount of \$255,448.16 including GST.

Financial and Resource Implications

- As part of the Service Review of the of the health and fitness component of HILAC it was anticipated that the lease cost of the gymnasium equipment would be \$80,000 ex gst per annum.
- The tender price submitted by the contractor incorporates the delivery and installation of the equipment, quarterly maintenance for the life of the lease, and the cost to remove the equipment at the end of the lease period and is approximately \$46,913 Inc. gst. per annum

Legislation, Council Plan and Policy Impacts

This report assists Council in meeting its obligations under the Local Government Act 1989.

This report is also guided by the:

- 2020-2021 Southern Grampians Shire Budget.
- Council Plan 2017-2021
- Southern Grampians Health and Wellbeing Plan 2017 -2021
- Recreation and Leisure Strategic Plan 2019-2029 Volume 1: The Strategic Plan and Recommendations.
- Recreation and Leisure Strategic Plan 2019-2029 Volume 3: Masterplans – Lake Hamilton and Pedrina Park
- Southern Grampians Shire Council Procurement Policy and Guidelines

The following key elements of the 2017 – 2021 Council Plan are relevant to the Project.

- 1.2.1 Provide appropriate, accessible and equitable Council services, facilities and activities
- 3.1.4 Develop the Shire's facilities, programs and services to increase usage
- 3.2.3 Provide infrastructure that supports an active community
- 5.4.1 Maximise utilisation of digital solutions in service delivery

Risk Management

The maintenance of the equipment is integral to the operation of the service, and functional equipment is critical to the satisfaction of the users. By engaging the supplier to provide a quarterly maintenance service across the equipment, this will minimise any disruption due to malfunctioning equipment.

It is essential that the Tenderer has the understanding and ability to minimise disruption and provide a safe area for all people in the area. Tenderers were requested to address a number of safety items including traffic management and safe work practices systems to demonstrate their capacity to develop and implement suitable processes upon commencement. This assisted Council to evaluate the Contractors Environment and Safety Systems and their capacity and capability to undertake the works.

Environmental and Sustainability Considerations

The contractor operates within an ISO 14001:2015 certified Environmental Management System. The certification is valid with a scope of "Design, procurement and manufacturing

of wellness equipment through assembly activities delivery, installation and after sales service”

Community Consultation and Communication

Communication will occur in a staged process to not only market the installation of the new equipment, but also to manage the disruption to the service during the changeover of equipment.

Disclosure of Interests

All Council Officers involved in the development and advice provided in this Report affirm that no direct or indirect interests need to be declared in relation to any matters in this Report.

The evaluation panel affirm that no direct or indirect interests need to be declared in relation to any matters in this Report:

- Evelyn Arnold – Director Community and Corporate Services
- Susannah Milne – Manager Community and Leisure Services
- Roger Rook – Leisure Facilities Coordinator
- Janelle Dahlenburg – Contracts / Procurement Officer

RECOMMENDATION

1. That the tender received from Technogym Australia Pty Ltd for \$255,448.16 inclusive of GST be accepted.
2. That the Contract documents be signed and sealed when prepared.

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr McAdam

1. That the tender received from Technogym Australia Pty Ltd for \$255,448.16 inclusive of GST be accepted.
2. That the Contract documents be signed and sealed when prepared.

CARRIED

10.8 Contract Variation, Tender 36-20 Pedrina Park Inclusive Sports Hub Pavilion

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Susannah Milne, Manager Community and Leisure Services
Attachments: None

Executive Summary

A Contract was awarded to Rendine Construction Pty. Ltd. at the December 2020 Council meeting for the value of \$1,232,400 (exclusive GST) for design, construction and installation of the Pedrina Park Inclusive Sports Hub Pavilion (PPISH).

The approved budget allocation for this project was \$1,325,206, which included a \$500,000 Community Infrastructure Sporting Grant – Female Friendly and Council contribution of \$825,206.

Through the Project Control Group (PCG) the design and location of the Pavilion was finalised and the Contractor has been constructing the Pavilion offsite. The Contractor has been preparing the site including foundations and service connection investigations. It has been determined that connection into existing water, sewerage, fire hydrant and electrical services is not possible extensions and upgrades are required.

The PCG has also identified that it is desirable to upgrade the kitchen within the Pavilion to a commercial capacity to provide more flexibility with the use of the function room. It would be more cost effective to undertake this upgrade during construction.

The contractor has submitted a Contract Variation of \$148,832 (exclusive GST) for approval towards costs of time and material for the extra works.

It is recommended that the Council approve the submitted variation and increase the Contract value to \$ 1,381,236.70 (exclusive GST).

Discussion

The PPISH was identified as a key priority by the User Groups through the development and of the Pedrina Park Master Plan and Recreation Strategic Plan 2019- 2029. Working with the User Groups, Council developed an implementation priority list of which the PPISH was identified as equal priority with the netball courts. A modular construction project was identified by User Groups and staff as the best value approach to the pavilion.

Rendine and the PCG, which include representation from Hamilton Netball Association, Hamilton Soccer Club and Glenelg Regional Hockey Association consulted with the User Groups to finalise design and location of the facility.

Rendine have constructed the modular pavilion off site and they will be soon ready to be delivered and installed on site. In preparation for installation onsite Rendine have been preparing the site including footings and service investigation for connection of water, waste, fire and electrical services.

The service investigation has found that service capacity and location for the water, waste and electrical services to the new pavilion is not adequate and upgrade and extension for the following is required:

1. Sewer connection – the extension of the sewerage main and inclusion of a pumping station to connect to the existing sewer.
2. Water connection – extend the water connection including the supply and installation of a water meter.
3. Fire service – the building permit requires that a separate fire water supply, hydrant and hose reel be provided to the building.
4. Electrical supply – supply and install trenching, conduits and sub-mains to the pavilion.

These variations are required to complete the installation of the pavilion and obtain the Certificate of Occupancy under the Building Code of Australia. Once authorised these variation will not delay the project.

There is also an optional variation which the PCG is recommending to Council that we include within the pavilion, which is to upgrade the kitchen from basic fit out to a commercial grade, which would provide for more flexibility with the use of the function room for User Groups and the wider community. The upgrade option prior to delivery to site is less than undertaking a refit at a later date.

The Table 1 below details the variations and costs:

Table 1: Variations and Costs

Variation	Cost
Plumbing – Sewerage	\$18,198
Plumbing – Water Supply	\$2,646
Fire Service	\$21,663
Commercial Kitchen Upgrade	\$40,200
Electrical supply upgrade	\$50,050
Sundry items (service detection and permits)	\$16,075
Total	\$148,832

It is the recommendation that the variations be funded with unallocated LRCIP Round 2 funding which was directed to the Pedrina Park through a Council resolution. This will ensure that LRCIP Round 2 funding requirements of project completion by 31 December 2021 is met.

The overall project financials are presented below (table 2):

Table 2: Project Budget

Description	Amount (excl GST)
Council's annual adopted budget	\$1,325,206
Contract award (Dec' 20 Council Meeting) – (A)	\$1,232,400
Variation 1 (Proposed) – (B)	\$148,832
Revised contract value – (A) + (B) = (C)	\$1,381,232

The Contractor and Council Officers do not expect any substantial variations from this stage forward as the unknowns have been encountered with the PPISH Pavilion.

In accordance with Council's adopted Procurement Policy and Guidelines as the value of the contract is over \$150,000 and the variation is greater than \$75,000 Council must approve the proposed variation before it is accepted.

The recommendation is to approve the variation to a value of \$148,832 to include upgrade of the kitchen to a commercial standard as well as the water, waste, fire and electrical services as described in Table 1.

Financial and Resource Implications

- Council has allocated a project budget of \$1,325,206 for this project.
- Council has also allocated LRCIP Round 2 funding of \$1,746,721 which must be spend by 31 December 2021.
- Of the LRCIP Round 2 funding \$382,700 of funds remain uncommitted contractually.
- It is recommended that uncommitted funds from the LRCIP Round 2 funds be used to fund these variations and that \$233,868 would remain for contingency for Netball Court project.
- Project contingency of \$92,806 be retained for further projects which may arise due to the need to upgrade electrical service to whole site.

Legislation, Council Plan and Policy Impacts

This report assists Council in meeting its obligations under the Local Government Act 2020.

This report is also guided by the:

- 2020-2021 Southern Grampians Shire Budget.
- 2017-2021 Council Plan – 5.1.2 Ensure responsible, effective and efficient use of Council resources.
- Southern Grampians Shire Council Procurement Policy and Guidelines

Risk Management

The awarding of this variation will allow for the project to comply with building regulations and reduce the risk of the pavilion not being delivered on time. In addition, including the kitchen upgrade in this variation, will also allow the current and future requirements of both sporting users and the broader community to be accommodated.

Environmental and Sustainability Considerations

There are no environmental hazards or considerations required on the project. The preferred tender has a number of Environmental Sustainable Design principles included within the concept design and have a number of documented environmental waste minimisation processes.

Community Consultation and Communication

The variation has been discussed with PCG who are supportive of accepting the variation which included the required upgrades to services as well as the upgrade to the kitchen to a commercial capacity.

Disclosure of Interests

All Council Officers involved in the development and advice provided in this Report affirm that no general or material interests need to be declared in relation to any matters in this Report.

RECOMMENDATION

That Council:

1. That Council approve the variation from Rendine Constructions Pty Ltd for \$148,832 exclusive of GST; and
2. The Contract value be revised to \$1,381,232 (exclusive of GST)

COUNCIL RESOLUTION

MOVED: Cr Rainsford

SECONDED: Cr McAdam

That Council:

1. That Council approve the variation from Rendine Constructions Pty Ltd for \$148,832 exclusive of GST; and
2. The Contract value be revised to \$1,381,232 (exclusive of GST)

CARRIED

10.9 Cox Street Hamilton – Redevelopment, Utility Relocation

Directorate: Marg Scanlon, Director Infrastructure
Author: Rohit Srivastava, Manager Assets
Attachments: None

Executive Summary

The Cox Street “Front Door” Precinct Project design was completed in March 2019 and the tender was advertised in June 2019. Five submissions were received and the submitted prices ranged between \$8.8M to \$14M, significantly over Councils’ overall project budget and hence the procurement process was cancelled.

At the February 2021 Ordinary Council Meeting, Council resolved to proceed with option – 2 with a reduced project scope to remain deliverable within available resources. The amended option 2 scope includes only the eastern side of Cox Street including the median strip, new road pavement (east side only), new kerb and channel, 3m wide footpath, 3 pocket parks and 2 roundabouts including undergrounding of existing power lines and new Telstra lines (east side only).

The option 2 revised project tender was re-advertised with six submissions received. Council awarded the works to MACA Civil Pty Ltd at its 14 July 2021 Council meeting.

Council have been working directly with Powercor and Telstra to ensure the respective services are managed accordingly to enable the streetscape works to be undertaken without impact to the project timelines or scope.

Council further has received quotes from Telstra and Powercor for the relocation and undergrounding of services.

It is recommended that Council:

Enters into separate contracts with Telstra and Powercor for the (GST exclusive) value of \$181,107.32 and \$600,409.00 respectively.

Background

The Hamilton CBD Liveability and Economic Revitalisation Project – Cox Street Project is jointly funded by Council and Regional Development Victoria (RDV) with an overall budget of \$4.6M. The key objectives of the project are:

Objective 1: To facilitate economic development:

- Supporting diverse business development;
- Revitalising the entrance street to Hamilton CBD;

Objective 2: To improve regional access and interconnectedness:

- Improving amenity, access and connectivity between retail, local government services
- Delivering key smart city digital infrastructure

Objective 3: The project will seek to achieve the following project outcomes:

- The Project will create an additional 3,400m² of commercial space
- Leverage private sector investment
- Creation of jobs – during construction and then retail
- Increased gross regional product – during construction and then via retail investment/renewal post construction

A concept design was completed in 2015 and the detailed design was completed in November 2018. Council advertised the construction tender in June 2019 and received five submissions, ranging from \$8.8M to \$14M. The received tenders were considerably higher than the Councils' budgeted amount.

At the October 2019 Ordinary Council Meeting, Council resolved to continue re-zoning works on the east-side of Cox Street and seek further financial assistance to complete the overall project. No addition financial assistance was secured.

Council resolved at the February 2021 Ordinary Council Meeting to proceed with option 2, including the median strip, new road pavement for the east side of the pavement, new kerb and channel, 3m wide footpath, three pocket parks and two roundabouts including undergrounding of existing power lines and new Telstra lines.

In May 2021 a public tender process was conducted with six tenders received and MACA Civil Pty Ltd was the preferred tenderer and a Contract is to be negotiated and signed.

Discussion

Council officers have been continuously working directly with Powercor and Telstra on the relocation of services. The cost estimate for the services to be undergrounded and relocated was \$800,000. These costs are managed within the overall project budget as follows;

Agency	Funding		
Council	\$1,897,350		
RDV	\$2,702,650		
Total	\$4.6M (A)		
	Existing Tender Budget (Option – 2) (B)	Undergrounding/ Relocation of Services (C)	Other, Project Management Costs (D)
	\$3.3M B = [A – C – D – E]	\$800k (As per quotes received)	\$500k

The available budget for utility relocation is \$800,000.

Council has received a quote from Telstra of \$181,107.32 and Powercor \$660,449.90 (inc GST).

It is recommended that Council enters into an agreement with Telstra and Powercor to complete these critical service relocation works before December 2021 to enable the construction works to commence early 2022.

Financial and Resource Implications

Council has allocated \$800,000 for utility relocation works from an overall project budget of \$4.6M. As a result of the increased Powercor costs it is proposed that funds from the overall project budget of \$4.6M will be reallocated to the utility service relocation works.

Council's project manager, civil contractor's project team together with DoT, Telstra and Powercor will continue to engage to achieve the project's objectives.

Legislation, Council Plan and Policy Impacts

This report assists Council in meeting its obligations under the Local Government Act 1989.

This report also relates to the:

- 2017-2021 Council Plan – 5.1.2 Ensure responsible, effective and efficient use of Council resources
- Southern Grampians Shire Council Procure Policy and Guidelines

Risk Management

The key identified risk within this project is possible time delays attributed to the service relocation requirement before construction works commence.

Council officers are actively working with utility providers to ensure relocation works are done before civil works starts. We are also working to have workarounds/alternatives in order to meet the overall project objectives and timelines.

Environmental and Sustainability Considerations

Specific environmental and sustainability considerations pertinent to this project include noise and dust management, being centre of town and around residential and businesses.

Community Consultation and Communication

Council officers have established a project governance which includes a project control group which comprises representatives from Regional Development Victoria, Department of Transport and Council officers. A communications and engagement plan will be established for the project. It is proposed that a project hub will be established at 88 Cox Street, Hamilton.

Communications would be sent to all affected parties before and during the works.

Disclosure of Interests

All Council Officers involved in the development and advice provided in this report affirm that no general or material interests need to be declared in relation to any matters in this report.

RECOMMENDATION

That Council:

1. Enter into a contract with Telstra to the value of \$181,107.32 GST inclusive for works on the east side of Cox Street Hamilton
2. Enter into a contract with Powercor up to the value of \$660,449.90 GST inclusive and
3. Delegate to the CEO to negotiate with Powercor their final price.

COUNCIL RESOLUTION

MOVED: Cr Robertson
SECONDED: Cr McAdam

That Council:

1. Enter into a contract with Telstra to the value of \$181,107.32 GST inclusive for works on the east side of Cox Street Hamilton
2. Enter into a contract with Powercor up to the value of \$660,449.90 GST inclusive and
3. Delegate to the CEO to negotiate with Powercor their final price.

CARRIED

10.10 Proposed Sale of Land – Moodie Avenue, Hamilton.

Directorate: Marg Scanlon, Director Infrastructure
Author: Tendai S. Mhasho, Property Officer
Attachments: 6. Valuation Report
7. Moodie Avenue Submissions and Officer Comments
8. QRTA Risk Assessment Report

Executive Summary

On 14 April 2021, following a community engagement process, Council resolved to sell a vacant block of land in Moodie Avenue, now known as 14a Moodie Avenue, Hamilton. Subsequent legal advice recommended that Council undertake this process again, as the sale of land should have been conducted under the process outlined in the Local Government Act 1989.

At the close of the public submission period on 1 February 2021, the following had been received;

- A petition signed by 60 people;
- 7 written submissions; and
- One request for a submitter to be heard by Council.

At the Ordinary Council Meeting on 9 June 2021, Council resolved to give public notice of Council's intention to sell the vacant block located at Moodie Avenue under section 189 of the Local Government Act 1989 and invite public submissions for 28 days on the proposed sale of land under Section 223 of the Local Government Act 1989. Council also resolved to write to the submitters who submitted at the close of the public submission period on 1 February 2021, acknowledging their original submission and advising them that their original submission would be taken into consideration or they could choose to make a further submission.

At the close of the public submission period on Monday 19 July 2021, the following had been received;

- 8 written submissions.

Noting that the submissions received as part of the first and public notice periods are all valid. Under Section 223 of the Local Government Act 1989, Council published a Notice in the Hamilton Spectator on Saturday 7 August 2021 notifying the public of an opportunity for submitters to be heard at a meeting of Council on 11 August 2021.

A valuation report for this vacant block has also been received from a registered valuer.

It is recommended that:

1. Having given public notice of its intention to sell the vacant block in Moodie Avenue, Hamilton and having received a petition, submissions and public deputations, Council receives and acknowledges all the submissions and hearings received at the close of the public submission period;
2. Council resolves to sell the vacant block now known as 14a Moodie Avenue, Hamilton; and

3. Council authorises the Chief Executive Officer to appoint local estate agent(s) to sell the vacant block known as 14a Moodie Avenue and to execute all the paperwork necessary for the sale and transfer of this block.

Discussion

In early 2017, neighbours in Moodie Avenue (a neighbouring block) wrote a letter to Council stating that for a number of years they have been complaining about the gum trees on the vacant block next door to them in Moodie Avenue, Hamilton. Council has maintained this block for several years on the assumption that it was Council owned land.

A General Law search conducted by Melville Orton and Lewis Lawyers (MOL) confirmed that this parcel of land is privately owned. MOL advised Council that this land remained untransferred out of Conveyance (05/09/1968) Book 709 No. 995 and that the registered proprietors are deceased. The Grants of Probate issued by the Supreme Court of Victoria provided legal authority to the Executors of the respective Estates.

The Legal Personal Representatives of the Estates visited the block and decided to donate it to Council. The Representatives were advised that, if the land is transferred to Council, Council would likely declare it as surplus land to its requirements and may sell this parcel. The process of transferring this land to Council is now complete. Council's Asset Disposal Policy states that the sale of buildings and assets greater than \$150,000.00 must be approved by Council resolution.

Recent legal advice received in July 2021 confirmed that there is no reference to a recreation reserve in the conveyance. This search has been undertaken through the Registrar General's office in Melbourne since 2017.

The original plan of subdivision referred to the land as recreation reserve. The Law Agent in Melbourne found no evidence that the land was ever set aside as a reserve nor was there any evidence found that an Agreement had been struck between the original land owners and subsequent purchasers of the lots which formed part of this subdivision.

Land Victoria in 2018 assigned provisional Volume 12013 Folio 835 to this land under the Transfer of Land Act and prepared title plan 966204G. This is because they found no evidence that the land is considered a reservation otherwise they would have made reference to this on the title plan.

In July 2020 Council's Lawyers lodged with the land titles office a General Law Conversion application which was registered by the Land Titles office in Certificate of Title Volume 12240 Folio 135.

As part of the 2017 formal searches, land ownership was included and the owners were confirmed. As the owners were deceased the Legal Personal Representatives of the deceased, the "rightful owners" agreed to gift the land owned by them to the Shire. In accordance with s188 of the Local Government Act 1989, Council accepted the gift of this land from the Legal Personal Representatives.

This vacant piece of land measures approximately 2,439m². According to the Southern Grampians Shire Planning Scheme this land is zoned General Residential Zone 1 (GRZ1). The vacant block has now been allocated a new street number which is 14a Moodie Avenue.

The process to complete the sale of this block of land is presented below:

- Council to consider the petition, written submissions and public deputations received after the close of the public notice period.
- Council obtains from a registered valuer, a valuation of the vacant block for sale which is not more than 6 months prior to the sale.
- Council to appoint a local estate agent(s) to sell the vacant block in Moodie Avenue.
- The Chief Executive Officer to execute all paperwork necessary for the sale and transfer of this vacant block.

The location of the land and some photographs of the block are presented below.



Site Plan showing the vacant block in Moodie Avenue



Location pictures of the vacant block in Moodie Avenue

Financial and Resource Implications

The transfer of this block to Council means that Council now has full responsibility for this land until sold. Council will be required to maintain this block through regular mowing and upkeep. Other ongoing costs include installation of some perimeter fences and the removal of a dilapidated post and wire fence which needs replacement as well as removal of dangerous trees. The cumulative costs of these items is approximately \$55,000 over the next 10 years (\$25,000 for trees and fences + \$3,000pa for maintenance).

The other complication is that, as raised by a number of submitters, the block is being used as a thoroughfare (it appears for both foot and vehicle traffic) which is also of concern from a risk management and public liability insurance point of view.

Alternatively, Council would bear the costs associated with the sale of this block i.e. costs of appointing a local estate agent(s), advertising costs, transfer of land costs etc. However, these would be offset by the receipt of the proceeds from the sale of this block.

Legislation, Council Plan and Policy Impacts

Under Section 189 of the Local Government Act 1989, Council gave public notice of its intention to sell the vacant block in Moodie Avenue, Hamilton for a minimum of 28 days by a Notice published in the Hamilton Spectator and on Council's website on Saturday 19 June 2021. Under Section 223 of the Local Government Act 1989, Council invited public submissions on the proposal to sell this land. A petition, written submissions and public deputations were received from the public (**Attachment 2**).

Under Section 189 of the Local Government Act 1989, Council obtained a recent valuation for the vacant block in Moodie Avenue (**Attachment 1**).

Council Policy relating to this report is the Asset Disposal Policy.

Risk Management

The risk to Council is that if the lot remains unsold long-term, regular maintenance and upkeep will need to be undertaken. Council obtained a QRTA Risk Assessment Report (**Attachment 3**) for the trees located on this block.

Environmental and Sustainability Considerations

Council will have to maintain the lot through regular mowing and managing the trees so that there is no risk of damage to the neighbouring properties.

Community Consultation and Communication

Under Section 223 of the Local Government Act 1989, Council advertised by giving public notice of its intention to sell the vacant block in Moodie Avenue for a minimum of 28 days by a Notice published in the Hamilton Spectator and on Council's website.

Disclosure of Interests

All Council Officers involved in the development and advice provided in this report affirm that no direct or indirect interests need to be declared in relation to any matters in this Report.

RECOMMENDATION

That Council:

1. Having given public notice of its intention to sell the vacant block in Moodie Avenue, Hamilton and having received a petition, submissions and public deputations, Council receives and acknowledges all the submissions and hearings received at the close of the public submission period;
2. Council resolves to sell the vacant block now known as 14a Moodie Avenue, Hamilton; and
3. Council authorises the Chief Executive Officer to appoint local estate agent(s) to sell the vacant block known as 14a Moodie Avenue and to execute all the paperwork necessary for the sale and transfer of this block.

MOTION

MOVED: Cr Calvano
SECONDED: Cr McAdam

1. Having received the petition, submissions and public deputations, Council receives and acknowledges all the submissions and hearings received at the close of the public submission period.
2. Council resolves to maintain the status quo and not to sell the block known as 14a Moodie Avenue.

AMENDMENT

MOVED: Cr Brown
SECONDED: Cr Rainsford

That:

1. Council defer a decision regarding the sale or retention of the property known as 14a Moodie Avenue Hamilton
2. Further report is provided to Council regarding the governance and management of this land.

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr Rainsford

That:

1. Council defer a decision regarding the sale or retention of the property known as 14a Moodie Avenue Hamilton
2. A further report is provided to Council regarding the governance and management of this land

CARRIED

10.11 Tender 19-21: Henty Highway and South Boundary Road Intersection Upgrade

Directorate: Marg Scanlon, Director Infrastructure
Author: Rohit Srivastava, Manager Assets
Attachments: None

Executive Summary

Henty Highway and South Boundary Road Intersection Upgrade works have been identified as an associated project to the Cox Street Redevelopment Project with a dedicated budget of \$500,000 within the 2021/2022 Capital Works Program.

As a part of the Cox Street Redevelopment, during the times of construction, a heavy vehicle detour would be implemented around Hamilton to ensure safe passage of heavy vehicles around Hamilton.

This heavy vehicle detour is an existing designated/gazetted heavy vehicle route by the Department of Transport (DoT). Heavy vehicles will be diverted via Coleraine Road; Mt Baimbridge Road; Henty Highway; South Boundary Road; Mt Napier Road, Petschels Lane; and Hamilton Highway.

Council advertised a tender for this intersection upgrade on 25 June 2021 which closed on 19 July 2021. Council received eight tenders ranging from approximately \$417,000 to \$803,000.

Following assessment of the received tenders it is recommended that Council:

Award Tender 19-21 to Tenderer 6 (Nigmel Pty Ltd) to the lump sum value of \$417,215.99 (GST inclusive).

Background

Construction works for the redevelopment of Cox Street Hamilton is expected to commence early January 2022. Cox Street is a short section of Glenelg Highway located in Hamilton (between Lonsdale Street and French Street) which is frequented by heavy oversized vehicles, as it serves as an arterial regional connection.

In preparation for the Cox Street Redevelopment Project, detour arrangements are required. Council has considered various options for the detour in consultation with the DoT. This alternative heavy vehicle route aligns with the proposed Coleraine Road, Mt Baimbridge Road, Portland Road (Henty Highway), South Boundary Road, Mt Napier Road, Petschels Lane, Hamilton Highway and Ballarat Road alignment. The route is frequently used by heavy vehicles such as B-Doubles and other oversized vehicles and is also the preferred alternative route identified by the DoT with the least number of residents.

The Henty Highway and South Boundary Road Intersection improvement works are required to be completed and operational before the physical works for the Cox Street Redevelopment commences. To enable these works the intersection upgrade works are to be completed before the end of November 2021.

Council at its 14 July 2021 Council meeting awarded the civil works of Cox Street Redevelopment to MACA Civil Pty Ltd (subject to contract negotiations).

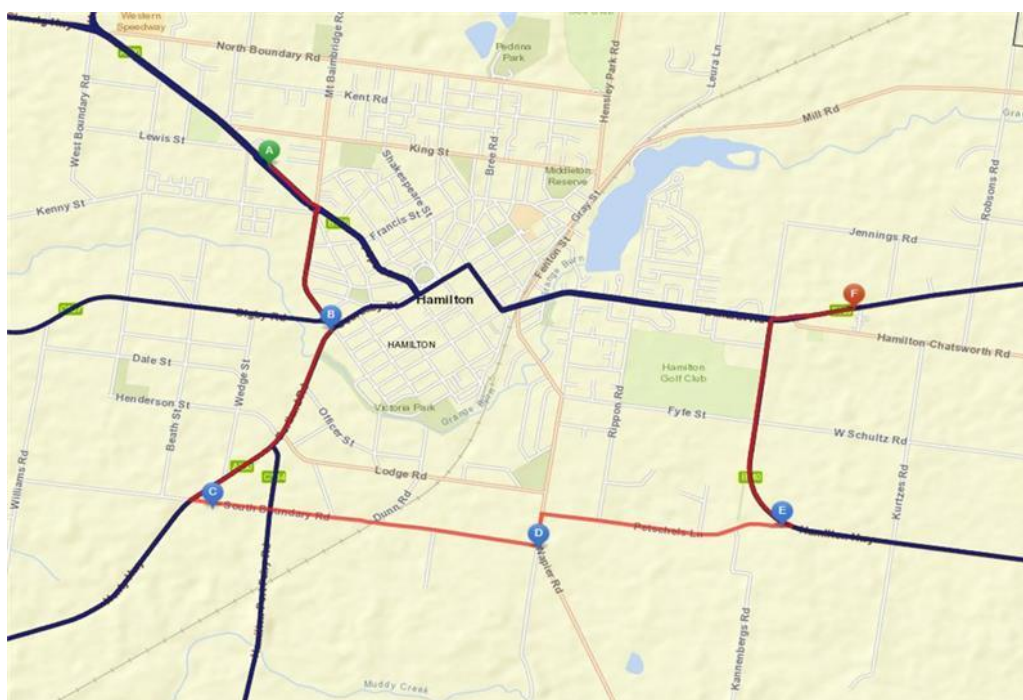
The existing Henty Highway and South Boundary Road Intersection Upgrade works are critical to the success of Cox Street Redevelopment and are expected to be complete by 30 November 2021 to ensure heavy vehicle detour route is operational before the civil works start at Cox Street.

Discussion

Council has identified Henty Highway and South Boundary Road Intersection Upgrade works as part of heavy vehicles detour. The route is gazetted by DoT and the upgrade works are required to be complete before the detour is implemented.

The following impact indicates the heavy vehicle alternate route:

- A- Coleraine Road
- B- Mt Baimbridge Road
- C- Henty Highway
- D- South Boundary Road; Mt Napier
- E- Petschels Lane/Hamilton Highway
- F- Ballarat Road.



In 2019 Council strengthened the intersection of Petschels Lane and Mt Napier Road as a short term measure to ensure safe turning of heavy vehicles. There are some minor road safety measures to be undertaken including line markings and patching of minor potholes. These minor works would be implemented by Council's internal team by November 2021.

As part of procuring the Henty Highway and South Boundary Road Intersection Upgrade works, Council advertised the tender on 25 June 2021 and closed on 19 July 2021. Council received eight tenders ranging between approximately \$417,000 to \$803,000.

The tender evaluation summary is as follows;

Tenderer	Company Name	Qualitative Score (%)	Quantitative Score (%)	Moderated Total Price	Total Score
Tenderer - 1	Willmore Contractors	28.50%	31.10%	\$536,606.85	59.60%
Tenderer – 2	Millers Civil Contractors Pty Ltd	29.77%	39.74%	\$419,998.28	69.51%
Tenderer – 3	MIEPOL PTY. LTD.	35%	20.77%	\$803,528.21	55.77%
Tenderer – 4	Porthaul Civil	22.24%	26.20%	\$637,029.36	48.44%
Tenderer – 5	InfraFirst Pty Ltd	38.59%	28.46%	\$586,430.26	67.05%
Tenderer – 6	Nigmel Pty Ltd (Hamilton Diesel Repairs)	31.41%	40.00%	\$417,215.99	71.41%
Tenderer – 7	Civilnow Pty Ltd	28.61%	34.99%	\$477,020.54	63.60%
Tenderer – 8	Mibus Bros (Aust) Pty Ltd	41.75%	33.05%	\$504,999.13	74.80%

Mibus Bros received the highest total score however after considering the local content of tenderers who are within 10% total score range, it has been evaluated that Nigmel Pty Ltd (Hamilton Diesel Repairs) are the preferred tenderer.

It is recommended to award the works to Tenderer – 6 (Nigmel Pty Ltd) for the lump sum value of \$417,215.99 (GST inclusive) against Council's budget of \$500,000.

Financial and Resource Implications

Council has allocated budget of \$500,000 (GST exclusive) within the 2021/2022 Capital Works Program. The recommendation to award this tender to the Nigmel Pty Ltd \$417,215.99 (GST inclusive) is within the allocated budget.

Legislation, Council Plan and Policy Impacts

This report assists Council in meeting its obligations under the Local Government Act 1989.

This report also relates to the:

- 2017-2021 Council Plan – 5.1.2 Ensure responsible, effective and efficient use of Council resources
- Southern Grampians Shire Council Procure Policy and Guidelines

Risk Management

Council officers have discussed with the tenderer and are comfortable that the works would be implemented before the end of November 2021. Council officers would work with DoT to ensure all plans are approved (the plans were discussed and approved earlier in 2019 by DoT).

Environmental and Sustainability Considerations

Specific environmental and sustainability considerations pertinent to this project include noise and dust management.

Community Consultation and Communication

Council officers have established a project governance which includes a project control group which comprises representatives from Regional Development Victoria, Department of Transport and Council officers. Furthermore, a project working group comprising Council Officers is operational. A communications and engagement plan has been established for the project. It is proposed that a pro-active communication would be sent to all affected parties before heavy vehicle de-tour is implemented. Consideration is being given to purchase mobile digital boards to be used for alternative route information.

Disclosure of Interests

All Council Officers involved in the development and advice provided in this report affirm that no general or material interests need to be declared in relation to any matters in this report.

The evaluation panel affirm that no direct or indirect interests need to be declared in relation to any matters in this report.

RECOMMENDATION

That Council award Tender 19-21: Henty Highway and South Boundary Road Intersection Upgrade works to the preferred Tenderer 6 (Nigmel Pty Ltd) to a lump sum value of \$417,215.99 (GST inclusive).

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr Robertson

That Council award Tender 19-21: Henty Highway and South Boundary Road Intersection Upgrade works to the preferred Tenderer 6 (Nigmel Pty Ltd) to a lump sum value of \$417,215.99 (GST inclusive).

CARRIED

10.12 Capital Works Report

Directorate: Marg Scanlon, Director Infrastructure
Author: Belinda Johnson, Manager Finance
Attachments: 9. Preliminary Capital Works Report to 30 June 2021

Executive Summary

The Preliminary Capital Works Report for the Year to 30 June 2021 is presented for information. Final capital work expenditure will be incorporated in Council's Annual Report.

Discussion

The Capital Works Report contains the Standard Statements namely:

- Statement of Capital Works by Asset Classification,
- Statement of Capital works by individual Project, and
- Statement of Capital works grants and asset sales.

Legislation, Council Plan and Policy Impacts

Council Plan

The capital works report provides interim information on the progress of the achievement of the Annual Capital Works Budget. Financial sustainability and compliance with our annual budget are specifically identified as strategies within the Council Plan.

Legislation

Section 97 of the Local Government Act 2020 requires that after the end of each quarter, the CEO must ensure that a quarterly budget report is presented to the Council. The report must include a comparison of the actual and budgeted results to date and an explanation of material variations, and any other matters prescribed by the regulations.

In addition, the second quarterly report of a financial year must include a statement by the CEO as to whether a revised budget is, or may be, required.

The June report is indicative only with the final report being Councils official financial report which is audited and then included as part of Council's Annual Report.

Council is also required to implement the principles financial management detailed in Section 101 of the Local Government Act 2020 which states:

- (1) The following are the financial management principles—
 - (a) Revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with a Council's financial policies and strategic plans;
 - (b) Financial risks must be monitored and managed prudently having regard to economic circumstances;
 - (c) Financial policies and strategic plans, including the Revenue and Rating Plan, must seek to provide stability and predictability in the financial impact on the municipal community;

- (d) Accounts and records that explain the financial operations and financial position of the Council must be kept.
- (2) For the purposes of the financial management principles, ***financial risk*** includes any risk relating to the following—
 - (a) The financial viability of the Council;
 - (b) The management of current and future liabilities of the Council;
 - (c) The beneficial enterprises of the Council

Disclosure of Interests

All Council Officers involved in the development and advice provided in this Report affirm that no direct or indirect interests need to be declared in relation to any matters in this Report.

RECOMMENDATION

That the Preliminary Capital Works Report for the year to 30 June 2021, be received.

COUNCIL RESOLUTION

MOVED: Cr McAdam
SECONDED: Cr Henry

That the Preliminary Capital Works Report for the year to 30 June 2021, be received.

CARRIED

10.13 Rescind Liquor Control Referrals Policy

Directorate: Andrew Goodsell, Director Planning and Development
Author: Daryl Adamson, Manager Shire Strategy and Regulation
Attachments: 10. Liquor Control Referrals Policy

Executive Summary

The stated purpose of this policy is to provide the Chief Executive Officer (or their nominee) with delegated authority to comment on routine referrals made to Council in accordance with Section 33 of the *Liquor Control Reform Act 1998* (the Act).

Section 33 of the Act requires the Director of the Liquor Licensing Commission to refer to the relevant municipal council for comment an application for a license for the variation of a license, or for the relocation of a license. However, the referral of an application for a limited license to Council is at the discretion of the Director of Liquor Licensing.

Discussion

The review of the liquor control referrals policy is to ensure this Council policy is fit for purpose and up-to date.

The reason for rescinding this policy is because it is considered a legislated process within the Act with existing powers of delegation contained within Council's s7 instruments of delegation. This decision to rescind responds to the 2017-2021 Council Plan to review all Council policies and where policies are no longer relevant they should be rescinded.

The policy review utilised the CAMMS reporting system, to ensure a timely review of this policy and its relevance.

Broadly Council policies cover a broad range of issues and have largely been adopted and added to the Policy listing on an 'as required' basis. One of the aims of this policy review was to reduce the number of policies in operation and question the relevance and necessity of the policy. The recommendation to rescind this policy reflects these objectives.

Legislation, Council Plan and Policy Impacts

Council is required by legislation to have specific policies, such as Procurement, Councillor Expenses, Equal Opportunity, timely review of these policies provides assurance that they are current and in line with legislative changes and best practice.

Disclosure of Interests

All Council Officers involved in the development and advice provided in this Report affirm that no general or material interests need to be declared in relation to any matters in this Report.

RECOMMENDATION

That Council rescind the Liquor Control Referrals Policy.

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr Robertson

That Council rescind the Liquor Control Referrals Policy.

CARRIED

10.14 27-20 Melville Oval Buildings – Detailed Design

Directorate: Andrew Goodsell, Director of Planning and Development
Author: Hugh Koch, Manager Economic Development and Tourism
Daryl Adamson, Manager Strategy and Regulation
Attachments: None

Executive Summary

The purpose of this report is to request Council to award tender 27-20 Melville Oval Buildings – Detailed Design. As the value of the tender is over \$150,000 the project falls outside CEO delegation and therefore requires Council's endorsement.

In May 2020 Southern Grampians Shire Council adopted the Hamilton Central Business Area Activation Master Plan 2020. This plan is the second stage of the Hamilton CBD Revitalisation project. This plan looks at increasing participation and activation of the Hamilton CBD through investment in public places and spaces that promote activity for both recreation and economic stimulus. The Melville Oval redevelopment has been identified as a key part of the implementation of this strategy. Not only does it relocate the current netball courts to allow a better connection to Lonsdale St and Gray St but has wide spread benefits for both structured and passive recreation, through the creation of green and active community spaces and safe linkages to the central business district that creates a sense of community and economic transfer.

The Melville Oval Buildings phase of the project will develop female friendly, unisex change facilities for players and umpires as well as social function space to the northern end of the facility, which will address aging and out-dated infrastructure. The development in a central location will also provide the ability to address accessible spectator shelter, seating and pathways.

The redevelopment of this facility including the social function space also creates a multifunctional space that would be accessible to the community and community groups as a universal designed modern facility that supports community activity and connection.

In December 2019 Council received Federal Government funding of \$2.843M towards the netball courts female changes rooms and function centre, to initiate the project and allow the project to progress. Additionally, a further funding announcement of \$1.2M from the Commonwealth Government in November 2020 has increased the total federal commitment to \$4.043m. Council has also received \$100,000 from Cricket Australia towards the project.

Council has applied twice to the Victorian Government's Community Sports Infrastructure Fund and the Victorian Government's Community Sports Infrastructure Loans Scheme (CSILS) but have been unsuccessful on both occasions.

Discussion

The 2011 Hamilton Structure Plan highlighted this heritage precinct as a priority to improve community amenity, unlock space for integrated connectivity linking sporting, civic, arts, cultural and pedestrian spaces.

Significant strategic planning and community consultation for the Melville Oval complex has been achieved over the past 3 years though the completion of the Hamilton CBD Activation Masterplan. Strategically, it was identified that design development of Melville Oval Buildings should be progressed to leverage funding opportunities as they become available.

Council endorsed the Hamilton CBD Activation Master Plan in May 2020, providing Council officers with clear strategic direction to implement a pipeline of projects within the Melville Oval precinct. With detailed design completed for the netball courts and play space the final design can now be completed for the Melville Oval Buildings delivering a pipeline of projects for construction in future financial years.

Melville Oval Buildings:

New clubrooms, function centre + heritage grandstand

- Refurbished grandstand + extension for football clubrooms and change rooms
- New function centre annexe with netball clubrooms and change rooms

The design must:

- Be a single level Function Building
- Consider the visual hierarchy between the existing heritage grandstand and function building, in particular, ensuring the prominence of the heritage grandstand within the landscape, both in terms of form and positioning
- Maintain visual separation and circulation between the existing heritage grandstand and the new Function Building
- Minimise removal of original heritage fabric of the grandstand building, particularly externally
- Sensitively and lightly connect any new structures to the original grandstand fabric
- Ensure viewing from the existing heritage grandstand
- Consider a sense of landscaped arrival from Market PI
- Must integrate with the adjacent netball court redevelopment (not part of this scope)
- Upgrade the heritage grandstand viewing area with consideration of impacts on heritage significance
- Take a whole of site approach by ensuring both buildings and shade structures share a similar or complementary design character

Tenders were publicly advertised on 30 April 2021 for the Melville Oval Buildings Project.

Six (6) tender submissions were received and these tenders were evaluated in accordance with Council Procurement Policy.

Evaluations were carried out based on the following criteria:

- Price
- Design Concept and Previous Experience
- Stakeholder Engagement
- OHS Compliance

- Environmental Sustainability

The initial tender evaluation results are shown in the table below:

Company Name	Qualitative Score(%)	Moderated Price	Total	Quantitative Score (%)	Total Score
Tenderer 1	45.66%	\$369,208.00		18.88%	64.54%
Tenderer 2	50.43%	\$382,800.00		18.21%	68.64%
Loft Architecture	54.25%	\$232,380.50		30.00%	84.25%
Tenderer 4	55.18%	\$358,567.00		19.44%	74.62%
Tenderer 5	45.58%	\$283,800.00		24.56%	70.14%
Tenderer 6	45.07%	\$253,033.00		27.55%	72.62%

Financial and Resource Implications

Council received Federal Government funding of \$2.843M towards the netball courts female changes rooms and function centre, to initiate the project and allow the project to progress. Additionally, a further funding announcement of \$1.2M from the Commonwealth Government in November 2020 has increased the total federal commitment to \$4.043m. Council has also committed to the project through the 2021-2022 Southern Grampians Shire Budget.

With these commitments Council is able to proceed with the Architectural detailed design of the Melville Oval Buildings. Progression of the architectural and engineering design will allow for construction to commence in FY22/23 and comply with Federal Grant commitments and Council strategic objectives.

Legislation, Council Plan and Policy Impacts

This project links directly to the Southern Grampians Shire Council Plan 2017-2021:

- 3.3.1 Invigorate and activate public places and spaces
- 3.2.3 Provide infrastructure that supports an active community
- 3.3.2 Develop the CBD of Hamilton and commercial precincts in all towns.
- 3.4.1 Ensure appropriate social infrastructure is provided to support all families and communities across the Shire.

This report assists Council in meeting its obligations under the Local Government Act 1989. This report is also guided by the:

- 2021-2022 Southern Grampians Shire Budget
- Council Plan 2017-2021
- Hamilton Structure Plan 2011
- Hamilton CBD Activation Masterplan 2020
- Southern Grampians Shire Council Procurement Policy and Guidelines

Risk Management

The implementation of this project is crucial to stimulate population and economic growth in Hamilton and the wider Southern Grampians Shire Region. It has been many years since significant investment has been made in the Melville Oval Precinct.

By awarding the tender for the Melville Oval Building Design, Council will be able to respond to the Great South Coast Regional Growth Plan and Hamilton Structure Plan with the ability to leverage funding from both the State and Federal Governments to achieve the greatest impact the wider Southern Grampians Shire community.

The project budget includes contingencies and an allocation for project management to assist council deliver a project of this magnitude. Due to the current demand in the economy for the construction industry, a current quantitative surveyor's estimate will be sought at the end of the design phase.

Environmental and Sustainability Considerations

Environmental and Sustainability principles are integrated throughout the project design and approach, including the following:

- The project includes the construction of a new sports and function facility at Melville Oval. This presents an opportunity to showcase the Councils sustainability aspirations and connection with the environment through a green star building design
- The landscape design includes natural materials (timber, stone, bamboo) and natural forms to provide connection with nature (biophilic design principles).
- Water sensitive urban design is continued throughout the design, with water features and stormwater management. Plantings are native and drought tolerant.
- Solar PV panels integrated into shade structures or public lighting.
- Provide bins for general waste, recycling and compostable organic waste.
- Use of below ground drip irrigation for landscaping and irrigation.

Community Consultation and Communication

This project had its genesis in 2011 when the Hamilton Structure Plan was adopted. This document laid out the principles and framework for future development in Hamilton and in essence was the business plan for the town. The Southern Grampians Shire Recreation and Leisure Strategy was adopted in 2019 and in relation to this project outlines the need for Melville Oval and how it will be utilised into the future. Council in May 2020 endorsed the Hamilton Central Business Area Activation Master Plan. The focus for the new concept designs is Melville Oval, Lonsdale Street and Gray Street, as well as other connecting streets and lane-ways.

Design Guidelines on all the necessary elements to implement a successful public realm master plan are included, including materials, planting, lighting, and many other aspects. More than 800 people have attended a variety of engagement sessions and another 275 providing feedback through a digital portal.

Hamilton Kangaroo Football and Netball Club and Hamilton and District Cricket Association representatives joined Councillor's and senior staff on a bus tour to Adelaide to investigate the design and function of similar projects. Both HKFNC and HDCA have been, and continue to be engaged right through the process and are strong advocates for the project. The following communications and consultations methods are referenced:

- Draft Master Plan online - The Draft Master Plan report publically available online for comment before adoption
- Community engagement event - Community members were invited to attend an open forum held at an open studio in the HUB Shopping Centre, 136 Gray Street, Hamilton on Thursday 20th February 2020. Community members were able to provide feedback directly to members from Jensen Plus, MRCagney and Southern Grampians Shire Council.
- Virtual tour - A 'virtual tour' of proposed upgrades using the latest virtual reality technology is available and used at community engagement events and through the Council's website.
- Street posters - Master Plans for Melville Oval, Gray Street, Lonsdale Street in the form of posters were displayed throughout the CBD during February 2020 for community viewing.
- Targeted stakeholder meetings - Meetings were held with sporting clubs and the Hamilton Regional Business Association to present the Melville Oval plan and receive feedback.
- Social Pinpoint, Facebook & email - The Master Plan report has is available online for public viewing. Community members were encouraged to participate and provide their feedback through Social Pinpoint, email and/or the South Grampians Shire Council's Facebook page.
- Community engagement events attributed to 600 people attending over two sessions with 275 online interactions. Stakeholder engagement sessions where well attended and supported.
- Continuing stakeholder engagement with the Melville Oval user groups.

Disclosure of Interests

All Council Officers involved in the development and advice provided in this Report affirm that no direct or indirect interests need to be declared in relation to any matters in this Report:

- Andrew Goodsell, Director Planning and Development
- Daryl Adamson, Manager Shire Strategy and Regulation
- Hugh Koch, Manager, Economic Development & Tourism
- Darren Ames, Coordinator Recreation Services
- Janelle Dahlenburg, Contracts / Procurement Officer

RECOMMENDATION

That Council:

1. Award Tender No. 27-20 to Loft Architecture for the GST inclusive price of \$232,380.50.
2. Approve variations (if any) to the value of the remaining budget to allow for latent conditions and any other reasonable variation.
3. The contracts are signed and sealed when prepared.

COUNCIL RESOLUTION

MOVED: Cr Calvano
SECONDED: Cr Brown

That Council:

1. Award Tender No. 27-20 to Loft Architecture for the GST inclusive price of \$232,380.50.
2. Approve variations (if any) to the value of the remaining budget to allow for latent conditions and any other reasonable variation.
3. The contracts are signed and sealed when prepared.

CARRIED

10.15 SG2041 – Community Vision Framework

Directorate: Andrew Goodsell, Director Planning and Development
Author: Andrew Goodsell, Director Planning and Development*
Attachments: 11. Attachment A: SG 2041 Community Vision Framework – Summary
12. Attachment B: SG 2041 Community Vision Framework

Executive Summary

Since mid-2019 Council has been heavily invested in the preparation of a 20 year strategic framework for the Shire, titled SG2041 – Community Vision Framework. The work has been jointly delivered by Council and KJA.

The purpose of SG2041 is to provide high level strategic guidance on recommended Council priorities, as set out in the strategic directions table (see E2). This in turn has been developed from an analysis of the five key pillars that underpin the Framework. These are the same key pillars found in the Council Plan 2021-25 (and the current Council Plan) and have been developed as a consequence of an extensive engagement process with the community and key stakeholders.

A second notable feature of SG 2041 is the focus on advocacy and partnership opportunities. These are provided at Schedules D and H respectively. In its current term, Council will review the advocacy priorities set out in its current published documents. Reviewing these afresh as a result of the engagement undertaken both in SG 2041 and the Council Plan will be highly beneficial to the community. With respect to partnership opportunities, SG2041 identifies a number of agencies that warrant further relationship development. These can be formal or informal in nature. But the philosophies and principles embedded within SG2041 from its earliest stages, namely that in a budget constrained environment, Council will need to be clear on its role as service/asset provider, partner or advocate is now more pressing than ever.

The analysis and strategic directions put forward on advocacy and partnerships reflect also another key aspect of SG2041, namely that the Shire is part of a region, that our issues are often shared with other neighbours. Regional solutions are therefore needed, a recurring theme whether it be the need for key workers to fill specific job needs, population growth initiatives, digital infrastructure, waste management or transport infrastructure.

Delivery of SG2041 is legislatively required under Part 4 Division 1 S88 of the *Local Government Act 2020* whereby Council must maintain a Community Vision that is developed with its municipal community, in accordance with its deliberative engagement practices (S88(1)) with a scope of at least 10 years (S88(2)) of the Act.

The key milestones for the project concern delivery of (a) discussion paper – completed April 2020; (b) consultation outcomes report – endorsed April 2021; and (c) SG2041 – community vision framework – now being tabled for resolution to exhibit.

Whilst work on SG2041 began well before the more recent efforts on the Council Plan 2021-25, both documents are strongly connected, with engagement that occurred close together in the engagement calendar. The new Council Plan makes repeated reference to SG2041 and likewise SG2041 recognises the role of the Council Plan. Both contain the same vision statement and the same 5 pillars to filter emerging themes. Not surprisingly, both identify often similar issues - the need for a youth strategy, an ongoing focus on digital connectivity

investment, road and transport infrastructure for instance. This helps verify that the findings in the Council Plan on community priorities are likely reflective of community interests. However, as could be reasonably expected, the Council Plan and SG2041 also bring different points of emphasis, further developing the strategic challenges to be grasped by Council. Key worker housing is a strong recurring theme in SG2041 for instance. So too is the review of regional tourism membership and where Council can best invest. Positioning the Shire to benefit from renewables investment and a clearer position on community infrastructure investment are likely enduring themes that will be of ongoing relevance both during the 4 year term of the new Council as beyond. In large, parts of the issues identified in SG2041, beyond being addressed in the Council Plan, can be progressed via ongoing advocacy and partnerships with key stakeholders.

SG2041 is yet to be formally exhibited and a resolution is now sought for this to occur. Feedback from that process will enable any final modifications of the strategy to be undertaken.

Discussion

Strategic Directions:

The strategic directions set out in SG2041 are set out in E2 of the document, colour coded to match the pillars they derive from e.g. community, economy, built environment and so on. Objectives are defined, strategies provided, timelines described and responsibilities allocated. The strategic directions do not have measures as these will be defined by its Council in annual works planning and the Council Plan. As mentioned throughout SG2041, it is a high level strategic framework.

Notable aspects of SG2041 include (but are not limited to) the following:

Pillar 1 Community

- Delivery of a youth strategy
- Effective indigenous partnership via RAP or Partnership Agreement
- Better volunteer recognition and support

Pillar 2 Economy and Business

- Clear vision of visitor experience via decisions on regional tourism board funding models, completion of Volcanic Trails Master Plan
- Complete the Key Worker Housing Strategy
- More comprehensive population attraction strategies for the region
- Complete the Sustainability Strategy to address renewables investment opportunities

Pillar 3 Built Environment and Infrastructure

- Ongoing delivery of investment in Hamilton CBD to facilitate revitalisation
- Undertaking of a Small Towns Strategy (STS) to clarify the strategic vision to be delivered in small towns across the Shire. This is to be underpinned by the Community Infrastructure Framework. [Note: A Council briefing on the scope of STS is scheduled for August 2021].
- Development of a bike strategy for the Shire. The focus initially would be recreational bike trails.

Pillar 4 Natural Environment

- Celebrate and better manage environmental assets via the Environmental Assets Strategy.

Pillar 5 Governance and leadership

- A Council commitment is recommended to a regional rural and regional liveability framework to measure investment decisions, providing a compelling reason to live in or move into Shire towns. Frameworks are being developed by GSG LLEN to progress these outcomes. This issue is also discussed in the Health and Wellbeing Plan.
- A community infrastructure framework will provide internal capacity to make clearer future decisions on infrastructure investments.

A number of the initiatives suggested in SG2041 have already commenced, including the environmental assets strategy (briefing to Council due later in 2021) or are funded for delivery in financial year 2021/22, including the Small Towns Strategy and the Key Worker Housing Strategy. Other initiatives such as the bike strategy are likely to be subject to funding bids for 2022/23 but have been foreshadowed as necessary for some time now.

Advocacy Opportunities:

Key areas for advocacy are identified in the areas of water management where stronger relationships with Southern Rural Water present new opportunities. The Great South Coast Economic Futures report strongly argued for more diversity in agricultural production and aligns closely with this finding.

Advocacy is also warranted in the health and education sectors. If Council is to promote liveability, ongoing investment is needed in Baimbridge College, the WDHS base hospital and other facilities. Opportunities also exist in emergency services noting the limitations with CFA existing facilities on Mt Bambridge Road. The VicPol HQ also warrants stronger advocacy as the building appears well beyond useful life. The change in approach proposed with advocacy is to focus on the key assets that support employment and enhanced liveability as opposed to whether Council owns the facility.

Finally, there are a range of health support outcomes identified from gaps in health specialist roles through to alcohol, drug and mental health support. Whilst Council's role in these areas is limited, the indicator of a strong community is provision of services that support appropriately those in most need. Council will need to keep a watching brief on whether extension services, substantially delivered from out of area with more limited local staffing is meeting these needs.

Partnership Opportunities:

A range of partnerships would increase Council capacity to deliver projects. A partnership agreement for instance with ParksVic would enable more strategic investment in Byaduk Caves as a significant tourism experience. The Volcanic Trails project signals the opportunities at Mt Napier as well. Working closely with Deakin University would assist with pilot horticulture projects that would demonstrate growth opportunities in the agricultural sector.

Key institutions such as the National Centre for Farmers Health and the Rural Industries Skill Training provide points of difference to much of regional Australia and allow via partnerships scope to promote these institutions and support local farmers with respect to training and support services.

Project Status:

The project status is provided in Figure 1.

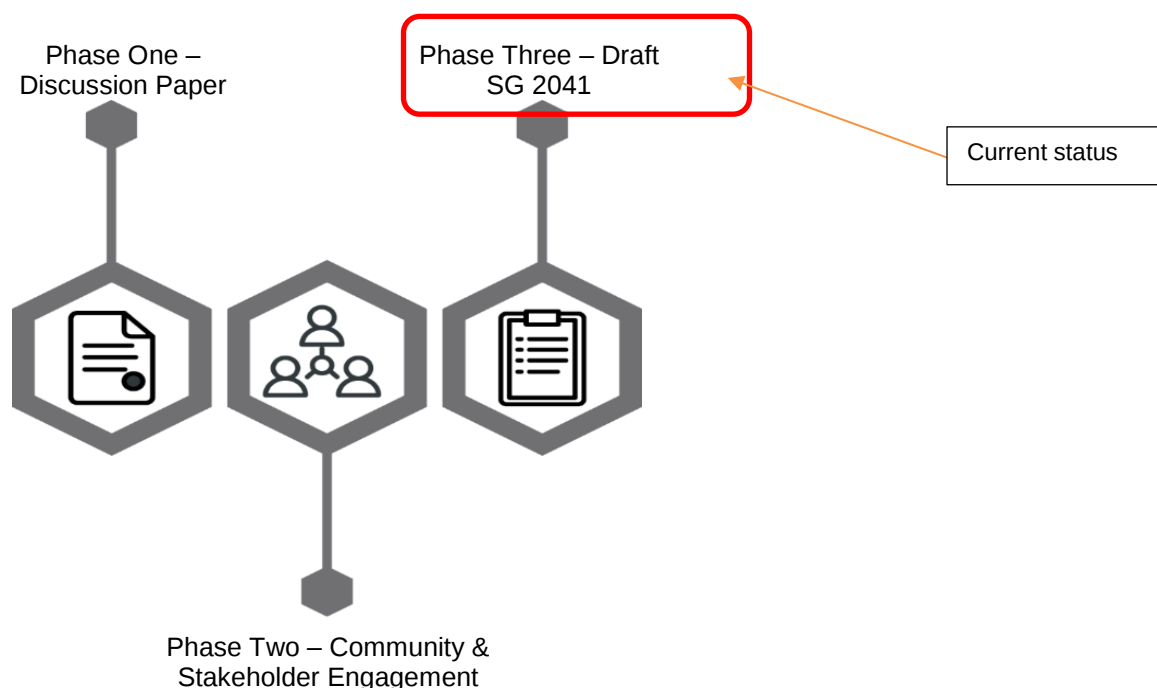


Figure 1: Project status

Financial and Resource Implications

There are no financial or resource implications attached to exhibition of SG2041.

Legislation, Council Plan and Policy Impacts

The *Local Government Act 2020* explicitly states that Council need to provide and maintain a community vision statement that extends beyond 10 years. SG2041 provides Council the opportunity to drive that conversation and provide community leadership. See S88 and 89 of the Act.

Risk Management

There are no risk management issues identified.

Environmental and Sustainability Considerations

SG2041 will likely facilitate more holistic responses by Council on a range of issues. The need for priority to be given to natural resource management is significant and currently not present in existing advocacy including *Towards 2030*.

More comprehensive policy positions on water management (groundwater and surface water) is closely connected to environmental flows, integrated water management and value-added agriculture. Likewise, policy positions on sustainable energy and climate change have economic as well as environmental foundations to address.

The advocacy and partnership opportunities identified to work closely with agencies such as GHCM, ParksVic and others will also ensure environmental assets are better managed into the future.

Community Consultation and Communication

The engagement process for SG2041 was covered in the phase 2 report previously tabled with Council. A summary is nonetheless provided below, noting engagement occurred across October 2020-February 2021. The result is a confidence level of 95% on findings.



Further detail on engagement is provided in Schedule A of SG2041.

Disclosure of Interests

All Council Officers involved in the development and advice provided in this Report affirm that no general or material interests need to be declared in relation to any matters in this Report.

RECOMMENDATION

1. That Council approve the public exhibition of SG2041 – Community Vision Framework for the purposes of placing on Council’s website seeking comment for a period of 28 days.
2. Upon completion of formal exhibition of SG2041 a further report be provided to Council on any feedback received and any final changes required to the strategy.

COUNCIL RESOLUTION

MOVED: Cr Henry
SECONDED: Cr Robertson

1. That Council approve the public exhibition of SG2041 – Community Vision Framework for the purposes of placing on Council’s website seeking comment for a period of 28 days.
2. Upon completion of formal exhibition of SG2041 a further report be provided to Council on any feedback received and any final changes required to the strategy.

CARRIED

10.16 Community Local Law No.1 of 2021 – Public Exhibition

Directorate: Andrew Goodsell, Director Planning and Development
Author: Daryl Adamson, Manager Shire Strategy and Regulation
Attachments: 13. Community Local Law No. 1 of 2021

Executive Summary

The Southern Grampians Shire Council Community Local Law No. 1 of 2015 ('the current Local Law') came into operation on 10 December 2015 and consists of 102 provisions that:

- provide for safe and fair use of Council-owned and managed land and roads (public places);
- the fair and reasonable use of private land;
- the keeping and control of animals;
- the regulation of street activities;
- the control of building sites;
- the protection of Council assets; and
- the uniform and fair administration of the Local Law.

The Act allows Council to make Local Laws for matters that Council has both the function and power, which is not dealt with by an existing Act or sub ordinate legislation. The Act contains clauses that specify processes required to create a Local Law. This is supported by the Victorian Government by the 'Guidelines for Local Laws Manual' which details what Council must apply to achieve legislative compliance, best practice and how to engage 'community' to review and comment on proposed Local Laws.

Discussion

The primary objectives of Local Laws are to protect the amenity of the municipality and the health and safety of the community. These objectives are not simply about compliance but are about creating an environment that is equitable and fair where residents, business and visitors alike, can participate in the community with mutual respect and enjoyment.

This recommendation seeks Council endorsement to publicly exhibit the proposed Local Laws for broader community consultation, which is incumbent on Council through the *Local Government Act 1989* ('the Act').

Legislation, Council Plan and Policy Impacts

The current Local Law sunsets on 9 December 2025, and a review and re-establishment of the Local Law is required every 10 years in accordance with Section 111 of the *Local Government Act 1989* ('the Act'). The current Local Law will be revoked at the time of the adoption of the new Community Local Law No. 1 of 2021 ('the proposed Local Law').

Disclosure of Interests

All Council Officers involved in the development and advice provided in this Report affirm that no general or material interests need to be declared in relation to any matters in this Report.

RECOMMENDATION

1. That Council approve the public exhibition of Community Local Law No. 1 of 2021 for the purposes of placing on Council's website seeking comment for a period of 28 days.
2. Upon completion of formal exhibition of Community Local Law No. 1 of 2021 a further report be provided to Council on any feedback received and any final changes required to the Local Laws.

COUNCIL RESOLUTION

MOVED: Cr McAdam
SECONDED: Cr Henry

1. That Council approve the public exhibition of Community Local Law No. 1 of 2021 for the purposes of placing on Council's website seeking comment for a period of 28 days.
2. Upon completion of formal exhibition of Community Local Law No. 1 of 2021 a further report be provided to Council on any feedback received and any final changes required to the Local Laws.

CARRIED

11. Notices of Motion

There were no Notices of Motion listed on tonight's agenda.

12. Delegated Reports

Reports on external Committees and Representative Bodies for which Councillors have been appointed as a representative by Council.

12.1 GREEN TRIANGLE ACTION GROUP

Cr Calvano reported on his attendance at the Green Triangle Action Group meeting held on 25 June 2021

13. Mayors and Councillors Reports

Address from the Mayor and Councillors in relation to matters of civic leadership and community representation, including acknowledgement of community groups and individuals, information arising from internal Committees, advocacy on behalf of constituents and other topics of significance.

14. Confidential Matters

RECOMMENDATION

That the following items be considered in Closed Council as specified in section 66 (2) (a) and referenced in section 3(1), Confidential Information (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released as per the *Local Government Act 2020*.

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr Rainsford

That the following item be considered in Closed Council as specified in section 66 (2) (a) and referenced in section 3(1), Confidential Information (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released as per the *Local Government Act 2020*.

CARRIED

14.1

15. Close of Meeting

This concludes the business of the meeting.

Meeting closed at 7:39pm.

Confirmed by resolution 8 September 2021.



.....
Chairman