



**Southern Grampians**  
SHIRE COUNCIL

# Council Meeting Minutes

Ordinary Meeting  
13 November 2019

Held at 5.30pm in the Council  
Chambers at 5 Market Place, Hamilton

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## The Meeting opened at 5.30pm

### 1. Present

#### **Councillors**

Cr Chris Sharples, Mayor  
Cr Colin Dunkley, Deputy Mayor  
Cr Cathy Armstrong  
Cr Mary-Ann Brown  
Cr Albert Calvano  
Cr Greg McAdam  
Cr Katrina Rainsford

#### **Officers**

Mr Michael Tudball – Chief Executive Officer  
Mr Darren Barber – Acting Director Community and Corporate Services  
Mr Andrew Goodsell – Director Planning and Development  
Mr David Moloney – Director Shire Infrastructure  
Ms Karly Saunders – Governance Coordinator

### 2. Acknowledgement of Country

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

*“Our meeting is being held on the traditional lands of the Gunditjmarra, 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.”*

### 3. Prayer

Cr Calvano led the meeting in a prayer.

### 4. Apologies

Nil

## 5. Confirmation of Minutes

**RECOMMENDATION**

That the Minutes of the Ordinary Meeting of Council held on 9 October 2019 be confirmed as a correct record of business transacted.

**COUNCIL RESOLUTION**

**MOVED:** Cr Calvano

**SECONDED:** Cr Brown

**That the Minutes of the Ordinary Meeting of Council held on 9 October 2019 be confirmed as a correct record of business transacted.**

**CARRIED**

## 6. Declaration of Interest

Cr's Armstrong and Rainsford declared an indirect conflict of interest in item 10.4 Public Exhibition Draft Showgrounds Master Plan.

## 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 Ordinary Meeting of Council.

Questions must:

1. Not pre-empt debate on any matter listed on the agenda of the Ordinary Meeting at which the question is asked
2. Not refer to matters designated as confidential under the Local Government Act 1989.
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 Ordinary Meeting of Council.

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 Ordinary 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 Public Participation at Council Meetings policy in relation to meeting procedures and public participation at meetings.

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

## 9. Records of Assemblies of Councillors

Written records of Assemblies of Councillors must be kept and include the names all Councillors and members of Council staff attending the meeting, the matters considered, any conflicts of interest declared and when the person/s with a conflict left and returned to the meeting.

Pursuant to section 80A (2) of the Act, these records must be, as soon as practicable, reported at an ordinary meeting of the Council and incorporated in the minutes of that meeting.

Section 3 of the Local Government Act 1989 defines as Assembly of Councillors as:

1. A meeting of an advisory committee of the Council, if at least one Councillor is present; or
2. A planned or scheduled meeting of at least half of the Councillors and one member of Council staff;

which considers matters that are intended or likely to be:

- a) The subject of a decision of the Council; or
- b) Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

As there are some meetings which may or may not be classed as an Assembly of Councillors depending on who is present and the topics that are discussed Southern Grampians Shire Council records these meetings as an Assembly of Councillors to ensure that transparency in relation to these meetings is publicised.

An Assembly of Councillors record was kept for:

- Council Briefing Session – 9 October 2019
- Industry Visits – 9 October 2019
- Byaduk Community Engagement – 9 October 2019
- Council Briefing Session – 23 October 2019

This agenda was prepared on 6 November 2019. Any Assemblies 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 Assembly of Councillors be noted and incorporated in the Minutes of this Meeting.

**COUNCIL RESOLUTION**

**MOVED:** Cr Brown  
**SECONDED:** Cr McAdam

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

**CARRIED**

# ASSEMBLY OF COUNCILLORS



Southern Grampians  
Shire Council

ASSEMBLY DETAILS	
<b>Title:</b>	Council Briefing Session
<b>Date:</b>	9 October 2019
<b>Location:</b>	MJ Hynes Auditorium
<b>Councillors in Attendance:</b>	Cr Mary-Ann Brown, Mayor Cr Chris Sharples, Deputy Mayor Cr Cathy Armstrong Cr Albert Calvano Cr Colin Dunkley Cr Greg McAdam Cr Katrina Rainsford
<b>Council Staff in Attendance:</b>	Michael Tudball, Chief Executive Officer Evelyn Arnold, Director Community and Corporate Services David Moloney, Director Shire Infrastructure Andrew Goodsell, Director Planning and Development Lachy Patterson, Manager Community Relations Susannah Milne, Manager Community and Leisure Services Amy Knight, Executive Officer Cultural Arts Rohit Srivastava, Manager Assets

The Assembly commenced at 11:30am

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Youth Engagement	Nil
2	Health and Fitness 2019/2020 Further Information	Nil
3	PAC Service Review	Nil
4	Public Art Installation Reference Group	Nil
5	Variation to HRLX Canteen Contract	Nil

The Assembly concluded at 3:00pm

## ASSEMBLY OF COUNCILLORS



Southern Grampians  
Shire Council

ASSEMBLY DETAILS	
<b>Title:</b>	Industry Visits
<b>Date:</b>	9 October 2019
<b>Location:</b>	Various
<b>Councillors in Attendance:</b>	Cr Mary-Ann Brown, Mayor Cr Chris Sharples, Deputy Mayor Cr Cathy Armstrong Cr Colin Dunkley Cr Greg McAdam Cr Katrina Rainsford
<b>Council Staff in Attendance:</b>	David Moloney, Director Shire Infrastructure Andrew Goodsell, Director Planning and Development Daniel Shaw, Business Development Officer Jane Coshutt, Community Engagement Coordinator Hugh Koch, Manager Economic Development and Tourism Lachy Patterson, Manager Community Relations

The Assembly commenced at 3:00pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
<b>1</b>	Byaduk Caves	Nil
<b>2</b>	Tumuli Blisters	Nil

The Assembly concluded at 5:00pm



## ASSEMBLY OF COUNCILLORS

ASSEMBLY DETAILS	
<b>Title:</b>	Byaduk Community Engagement Meeting
<b>Date:</b>	9 October 2019
<b>Location:</b>	Byaduk Recreation Reserve Pavilion
<b>Councillors in Attendance:</b>	Cr Mary-Ann Brown, Mayor Cr Chris Sharples, Deputy Mayor Cr Albert Calvano Cr Colin Dunkley Cr Greg McAdam Cr Katrina Rainsford Cr Cathy Armstrong
<b>Council Staff in Attendance:</b>	Michael Tudball, Chief Executive Officer Evelyn Arnold, Director Community and Corporate Services David Moloney, Director Shire Infrastructure Andrew Goodsell, Director Planning and Development Jane Coshutt, Community Engagement Coordinator Melanie Russell, Community Engagement Coordinator Darren Barber, Manager Organisational Development

The Assembly commenced at 7:00pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Matters Raised by Community	Nil
2	Footpath to Public Toilet	Nil
3	Free Camping Sign	Nil
4	Additional Bin for Recreation Reserve	Nil
5	Speed restrictions on Byaduk-Penshurst Rd	Nil
6	Storyboard Signs	Nil
7	Telecommunications Network	Nil

The Assembly concluded at 8.30pm



## ASSEMBLY OF COUNCILLORS

ASSEMBLY DETAILS	
<b>Title:</b>	Council Briefing Session
<b>Date:</b>	23 October 2019
<b>Location:</b>	MJ Hynes Auditorium
<b>Councillors in Attendance:</b>	Cr Mary-Ann Brown, Mayor Cr Chris Sharples, Deputy Mayor Cr Albert Calvano Cr Colin Dunkley Cr Greg McAdam Cr Katrina Rainsford
<b>Council Staff in Attendance:</b>	Michael Tudball, Chief Executive Officer Evelyn Arnold, Director Community and Corporate Services David Moloney, Director Shire Infrastructure Andrew Goodsell, Director Planning and Development Rhassel Mhasho, Manager Planning and Regulatory Services Darren Barber, Manager Organisational Development StJohn Lees, Manager Works Rohit Srivastava, Manager Assets

The Assembly commenced at 12:00pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Matters Raised by Councillors	Nil
2	Hamilton CBD Masterplan Concepts	Nil
3	Bev McArthur MP	Nil
4	Planning Committee	Nil
5	Quarterly Annual Report	Nil
6	Planning Policy Framework Translation	Nil

<b>7</b>	Update to s6 Instrument of Delegation	Nil
<b>8</b>	Corporate/Club & Community Memberships	Nil
<b>9</b>	Tender Supply of Bitumen Products	Nil
<b>10</b>	King Street Roundabout	Nil
<b>11</b>	Louth Swamp Road Bridge	Nil
<b>12</b>	Unused Road Licences Request Mirranatwa	Nil

The Assembly concluded at 4:00pm

## 10. Management Reports

### 10.1 Review of Instrument of Delegation by Council

**Directorate:** Darren Barber, A/Director Community and Corporate Services  
**Author:** Karly Saunders, Governance Coordinator  
**Attachments:** 1. s6 Instrument of Delegation from Council to Council Staff

#### Executive Summary

Council appoints many powers to its staff through instruments of delegation and authorisation.

The s6 Instrument of Delegation to Members of Council Staff requires updating due to legislative change.

It is recommended that Council resolve to delegate to members of Council staff in accordance with the attached instrument.

#### Discussion

The Act, and a variety of other legislation, makes express provision for the appointment of delegates to act on behalf of Councils and delegation of powers is essential to enable day to day decisions to be made and for the effective operation of the organisation.

The Instrument of Delegation from Council to Members of Council staff was last updated in October 2018.

There has been one change to the s6 Instrument by Maddocks since the last update:

- s185L of the Local Government Act has been added to the S6 template to clarify the CEO's ability to declare and levy a cladding rectification charge.

#### Financial and Resource Implications

Council subscribes to the Delegations and Authorisations service provided by Maddocks Lawyers, the cost of which is provided for in Council's budget.

There are no other financial implications in reviewing the Instrument of Delegation.

#### Legislation, Council Plan and Policy Impacts

Objective 5.1 – Provide transparent and responsible governance.

#### Risk Management

The use of the Maddocks service alleviates the potential risk of staff not being appropriately authorised in the exercise of various powers and functions. The updates are done regularly and capture any legislative changes. The service is available to all Victorian Councils which enables consistency

#### Environmental and Sustainability Considerations

Many of the activities undertaken by staff on behalf of Council have social, economic or environmental effects, including many of the powers included in the instruments of delegation. The Instruments of Delegation ensure that the decisions are made by the most appropriate person or persons with the organisation.

### **Community Consultation and Communication**

There is no requirement for community consultation in relation to the review of the Delegation.

Affected staff will be provided with confirmation of the amendments to the Instrument of Delegation.

### **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**

1. That Council, in the exercise of the powers conferred by section 98(1) of the *Local Government Act* 1989 and the other legislation referred to in the attached instrument, delegate to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *s6 Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
2. The *s6 Instrument of Delegation to members of Council staff* comes into force immediately after the common seal of Council is affixed to the instrument and on coming into force all previous delegations to members of Council staff under previous *s6 Instruments* are revoked.
3. That the instrument be signed and sealed.

**COUNCIL RESOLUTION**

**MOVED:** Cr Rainsford  
**SECONDED:** Cr Brown

1. That Council, in the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* and the other legislation referred to in the attached instrument, delegate to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *s6 Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
2. The *s6 Instrument of Delegation to members of Council staff* comes into force immediately after the common seal of Council is affixed to the instrument and on coming into force all previous delegations to members of Council staff under previous s6 Instruments are revoked.
3. That the instrument be signed and sealed.

**CARRIED**

## 10.2 Annual Plan Quarterly Report

**Directorate:** Darren Barber, A/Director Community and Corporate Services  
**Author:** Karly Saunders, Governance Coordinator  
**Attachments:** 2. Action and Task Progress Report

### Executive Summary

The Action and Task Progress Report for the period 1 July 2019 to 30 September 2019 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.

There are currently 51 actions from the Annual Plan and Council Plan. Of these 51 actions:

- 48 actions (94%) are on track - at least 90% of the target achieved;
- 1 actions (2%) require monitoring –between 70% and 90% of the target achieved;
- 2 actions (4%) are off track – less than 70% of target achieved; and
- 0 actions (0%) have no target set

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 125 of the Local Government Act 1989. This 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 to be 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 2019 to 30 September 2019 be received.

**COUNCIL RESOLUTION**

**MOVED:** Cr Dunkley  
**SECONDED:** Cr McAdam

That the Action and Task Progress Report for 1 July 2019 to 30 September 2019 be received.

**CARRIED**

## 10.3 Hamilton and Indoor Leisure Centre Corporate, Community and Club Membership Policy

**Directorate:** Darren Barber, A/Director Community and Corporate Services  
**Author:** Susannah Milne, Manager Community and Leisure Services  
**Attachments:** 3. HILAC Corporate, Community and Club Membership Policy

### Executive Summary

The purpose of this report to Council is to seek Council resolution to adopt the new Hamilton and Indoor Leisure Centre (HILAC) Corporate, Community and Club Membership Policy and associated fees.

The Council Plan, Health and Wellbeing Plan and Recreation and Leisure Strategic Plan aim to ensure that our community is healthy and vibrant by encouraging physical activity and social engagement to improve health and wellbeing. This policy seeks to increase accessibility to Council's HILAC for local organisations, businesses, sporting and community clubs.

It is well recognised that when an individual is given the opportunity to be engaged and active that there are benefits to their physical and mental health as well as an increase in participation and productivity in their community. Many organisations promote health wellbeing programs within their workplaces which includes memberships to health and fitness centres.

This policy is aimed at sporting and facilitating people in their workplaces and sporting groups to become more active.

### Discussion

HILAC has been approached by a number of businesses and clubs who are enquiring if we offer corporate and club memberships as a health and wellbeing initiative that they could offer employees and members. They recognise that physical activity, social engagement increases productivity and participation.

Currently HILAC only offers a Corporate Membership to a number of businesses and organisations. A review of the Corporate Membership type has found that memberships are inconsistently applied and do not allow for flexibility in payment, nor is there a clear process and management of these type of memberships. The policy would open the new membership to smaller organisations and businesses to access.

Community and sporting groups are excluded from discounted memberships, however there has been a discounted membership in place for the Hamilton Kangaroos Football and Netball Club which has since expired. This membership was implemented outside the fee schedule process, and has not always been accessed within the terms of the agreement.

Council is well positioned to support this initiative and contribute to the health and wellbeing of our community through implementing this new policy that supports corporate, community and club membership. The new membership category will in turn support clubs to improve membership, participation and social connection through as a membership incentive.

This policy will assist on delivering on the Council Plan, Health and Wellbeing Plan and Recreation and Leisure Strategic Plan as well as increasing the use of HILAC.

The policy will set the discount of 25% off all membership types, memberships will be payable via direct debit and can be payable by the organisation, club or by individual. Individual memberships will only be accessible under this policy, family memberships will be excluded. The discount through application will require a minimum 5 staff/club members to sign up to initiate the access to the new membership and upon application proof of employment or financial membership to the club will be required. The discount will also be applied to casual court hire for events, team building and social competitions/connections. The discount will be acknowledged as a form of sponsorship from the Southern Grampians Shire Council.

To implement the policy the Southern Grampians Shire Council Pricing Register 2019- 2020, will need to be changed to reflect the 25 % discount to the Gold, Silver and Bronze memberships offered under the Corporate, Community and Club Membership Policy. The old pricing structure of 20%, 15% and 10% for Corporate Membership will be removed.

### **Financial and Resource Implications**

This report has been prepared within current resource levels. Whilst HILAC memberships have increase since the responsibility to grow membership shifted from the Health & Fitness Contractor back in house and currently sits at 645 members. Membership capacity at HILAC under current resource levels is approximately 900 memberships.

It is estimated that with the adoption and implementation of this policy there is potential to increase income through this membership type by \$45,000 with appropriate marketing. It is difficult to estimate the financial benefit within the work place and community through increased health and wellbeing.

### **Legislation, Council Plan and Policy Impacts**

Council Plan 2017 -21

#### 1.2 A healthy and vibrant community

1.2.1 Provide appropriate, accessible and equitable Council services, facilities and activities.

1.2.2 Support and encourage participation in quality arts and cultural, education, leisure, recreation and sporting opportunities.

1.2.4 Provide, promote and support appropriate and accessible services, facilities and activities for you people.

#### 1.3 A growing, diverse and inclusive community

1.3.3 Support the increase of social, economic and digital connectedness

Health and Wellbeing Plan 2017 -2021

- Increase physical activity
- Compliant, accessible and inclusive facilities that are well utilised
- Community Connection

## Recreation and Leisure Strategic Plan 2019 – 2029

**Risk Management**

There are only risks associated with adopting this policy and introducing new fees, is transitioning existing members on to the new policy, this will be managed through a communication and transition period which will be effective as of the 1 January 2020.

The Community will benefit through having increase access to a facility that is funded through significant community funds. The benefit of the policy will also be recognise through increased health and wellbeing of the Community, rewards and recognises participations, increases social connection, gives opportunity for smaller local businesses to participates and includes sporting and community groups that are incorporated.

**Community Consultation and Communication**

The policy has been prepared in response to community demand and once the policy has been adopted it will be marketed and promoted.

Consultation with Hamilton Kangaroos Football and Netball Club has been conducted as the change will impact on some of their existing members.

**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:

1. Council resolves to adopt the HILAC Corporate, Community and Club Membership Policy.
2. Council adopt the following fee structure that results in a 25% discount to the current Gold, Silver and Bronze Memberships at HILAC;
  - Proposed Gold Corporate/Community - \$65.25
  - Proposed Silver Corporate/Community - \$53.25
  - Proposed Bronze Corporate/Community - \$46.50

These fees are subject to annual review through the budget process.

3. The Corporate Membership of 20%, 15% and 10% be removed from the Southern Grampians Shire Council Pricing Register 2019-20

**COUNCIL RESOLUTION**

**MOVED:** Cr McAdam  
**SECONDED:** Cr Rainsford

That:

1. **Council resolves to adopt the HILAC Corporate, Community and Club Membership Policy.**
2. **Council adopt the following fee structure that results in a 25% discount to the current Gold, Silver and Bronze Memberships at HILAC;**
  - **Proposed Gold Corporate/Community - \$65.25**
  - **Proposed Silver Corporate/Community - \$53.25**
  - **Proposed Bronze Corporate/Community - \$46.50**

**These fees are subject to annual review through the budget process.**

3. **The Corporate Membership of 20%, 15% and 10% be removed from the Southern Grampians Shire Council Pricing Register 2019-20**

**CARRIED**

**Cr's Rainsford and Armstrong left the Chambers at 5:38pm due to a conflict of interest in item 10.4.**

## 10.4 Public Exhibition Draft Showgrounds Master Plan

**Directorate:** Darren Barber, A/Director Community and Corporate Services  
**Author:** Susannah Milne, Manager Community and Leisure Services  
**Attachments:** 4. Hamilton Showgrounds Master Plan Draft for consultation

### Executive Summary

The Pastoral and Agricultural Society (P & A Society) requested from the Southern Grampians Shire Council (SGSC), \$7,500 to match their funding to review and develop a new Master Plan for the Hamilton Showgrounds.

The Council made an allocation to the P & A Society from the emerging priorities funding stream. The P & A Society engaged the consultant and provided the scope for the master plan.

The Hamilton Showgrounds is managed through a Committee of Management arrangement from Department of Environment Land Water and Planning (DELWP) to Council. SGSC has a number of License Agreements with user groups who use the Showgrounds, of which the P & A Society is one.

The Consultant has prepared a draft master plan in response to the P & A Society's scope and with consultation with the SGSC and other User Groups. As the Showgrounds is funded with community funds, it is important to publicly exhibit and seek feedback on the content of the draft master plan and for Council to consider that feedback, prior to it considering the final master plan for adoption.

Council should note that SGSC has facilitated the draft to be circulated directly with the other User groups prior to the public exhibition process as a courtesy to those other users. Their feedback will be included within the final report to Council.

It is recommended that Council resolve to permit the draft Showgrounds master plan to be placed on public exhibition process for a period of 2 weeks and to allow for submissions be reported back to Council prior to any report recommending adoption of the master plan.

### Discussion

The P & A Society engaged 'Myers Planning' to undertake a review of the 2007 Showgrounds Master Plan and develop a new master plan. The aim of the new for the new master plan is to provide a clear frame work for the ongoing management and development of the Hamilton Showgrounds to ensure that it continues to grow, improve and be recognised as one of the premier exhibitions centres in Australia.

The proposed enhancements seek to increase the capacity of event spaces and modernisation of facilities, including the development of a modern shared sure facility for all user groups. Whilst the site hosts Sheepvention and Hamilton Ram Sale it is important to note that it provides accommodation and activity centre for a number of community and sporting groups such as the Hamilton Archery Club, Western District Umpires Association, Hamilton Kennel Club, Hamilton Brass, Lions Club of Hamilton and the Hamilton and District Dart Club.

The State Emergency Services (SES) local Hamilton Branch office, vehicle and equipment storage as well as local call centre operate from the showgrounds as well. All users

including the P & A Society have a three (3 year) User Agreement with the exception of the SES who have a 10 year agreement.

The Showgrounds site is owned by the DELWP but managed by Council through a Committee of Management arrangement, Operational expenditure at the Showgrounds is approximately \$180,000 whilst income received is \$16,400.

The draft master plan has been informed by:-

- Master plan review summary of the 2007 master plan;
- Review and assessment of existing facilities and spaces;
- Consultation with some user groups and other;
- Analysis of issues and opportunities for the showground;

The recommendations of the draft master plan include;

- New office and shared facilities;
- Refurbishment of the Fashion Pavilion;
- Refurbish or replace the Sheep Pavilion;
- Extend the Ram Sale Pavilion;
- Construct a 2 new pavilion to increase all year round event capacity;
- Upgrade flexible turf area;
- Include CFA Training facility;
- Onsite car parking;
- Upgrade and renew toilet facilities;
- Develop secure storage space;
- Improve drainage and internal access tracks;
- Relocate Kennel Club Area;
- Relocate SES, Lions, and Western District Umpires Association to alternative locations within showgrounds.
- Update entrances and improve landscaping;

The draft master plan has been circulated to other User Groups for comment prior to public exhibition, as well as further consultations meeting offered to facilitate their feedback and thoughts. It is recommended that the current draft be placed on public exhibition to the community for comment and feedback.

Upon completion of the public exhibition period the feedback received will be compiled and Council will be updated. It is noted that dependant on the feedback received the final master plan may require amendments prior to it returning to Council for adoption.

### **Financial and Resource Implications**

There have been no costs associated with the development of this report and it has been prepared within existing resources.

Should Council decide to adopt this master plan there will be resource implications for Council and the Community. Presently Council has a number of approved master plans which it is in the process of implementing, there are many challenges associated with service delivery, renewal, community expectations and limited external funding opportunities.

It is important to note that any new building and development will have financial and resource implication on Council that are yet to be fully costed and realised. Before any of

the proposed capital works projects are undertaken the Shire and Council will need to determine the feasibility and affordability and finalise a priority for each proposed project.

Actions and outcomes that arise from this master plan will be subject to the normal Council budget process and therefore Council and the Community will be consulted on each occasion.

### **Legislation, Council Plan and Policy Impacts**

The Local Government Act 1989, states that the objective of a Council is to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions.

Council Plan 2017 -2021

2.4 Support encourage and promote a strong, innovative and distinctive tourism sector that grows the visitor economy.

2.4.1 Improve the reputation of the Shire as a destination of choice for events and conferences.

2.4.2 Support shared goals for growing the Region's visitor economy.

### **Risk Management**

Consultation during the development of this master plan has been limited and therefore proposals within the plan may not be supported by all users or the wider community. Council may be subject to some reputational risk associated with plan because of this.

There has been no feasibility study undertaken or supporting evidence included to determine if there is a need to develop the site to the aspired vision of 'the showgrounds will continue to grow, improve and be recognised as being one of the premier agricultural exhibitions centres in Australia.'

There is yet to be a community conversation or input on the long term vision of the site or discussion on Council's continued involvement at the site. The financial commitment to deliver on the recommendations will be challenging considering Council's existing long term financial plan, reoccurring service provision costs and competing expenditure expectations for other community projects and priorities.

### **Environmental and Sustainability Considerations**

Any capital projects and initiatives that arise from the strategy will be required to consider environmental and sustainability principals in their design, construct or implementation and will be done so on a case by case basis.

### **Community Consultation and Communication**

Consultation on the development of the master plan to date has been limited to the P & A Society, SGSC and the immediate Users of the site. A summary of points raised can be found within the 'Review Consultation' in section 5 of the plan.

The Shire has facilitated the circulation of the draft to existing User Groups and will also provide opportunity for them to meet with the Consultant to discuss their response to the

draft. The results of this consultation will be provided to Council along with the feedback received from the wider community through the public exhibition process.

### **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. Publicly exhibit the draft Hamilton Showgrounds Master Plan for a period of two (2) weeks.
2. That the exhibition process be communicated through to various media and website avenues.
3. That Council considers any feedback received as a part of the public exhibition process.

## **COUNCIL RESOLUTION**

**MOVED:** Cr Brown  
**SECONDED:** Cr Calvano

That Council:

1. **Publicly exhibit the draft Hamilton Showgrounds Master Plan, including feedback received from user groups, for a minimum period of one (1) week.**
2. **That the exhibition process be communicated through to various media and website avenues.**
3. **That Council considers any feedback received as a part of the public exhibition process.**

**Cr's Rainsford and Armstrong returned to the Chambers at 5:42pm.**

## 10.5 11-19 HRLX Cattle Yard Roof Construction – Variation to Contract Value

**Directorate:** David Moloney, Director Shire Infrastructure  
**Author:** Rohit Srivastava, Manager Assets  
**Attachments:** None

### Executive Summary

Council awarded the contract to construct a new roof over the cattle yard at HRLX to UltraBuild Pty Ltd on 14 May 2019 for a Contract Value of \$1,659,305.88. The works are proceeding in accordance with the HRLX Master Plan.

Variations to the contract have been negotiated with the contractor to enable Council to have additional works be done in accordance with planned works. The approved variations (1-3) were within the delegation of the CEO with cumulative variation amount being \$52,673.15.

Variation – 4 (\$46,684 for this contract will exceed the CEO's authorisation in the procurement guideline and therefore a report to Council is required for approval of the new contract value (the cumulative variation will be \$99,357).

It is recommended that Council approve Variation 4 and totalling a new contract value of \$1,758,663 (Excl GST).

### Background

Council awarded the contract to construct a new roof over the cattle yard at HRLX to UltraBuild Pty Ltd on 14 May 2019 for a Contract Value of \$1,659,305.

Variation 1, \$9,750.55, was approved to enable the Contractor to source Stage-1 and Stage-2 Building Permits.

Variation 2, \$42,922.60, was approved to enable completion of outstanding works on Manager's Office (electrical connection, plumbing, drainage, and construction of a disabled access ramp to the building). These works required completion before an Occupancy Permit is issued by the Building Surveyor.

Variation 3 was approved and had no financial implication to the Contract.

Now, Variation 4 is required to cover temporary works to cattle pens to facilitate cattle and sheep sales over the summer period while Stage-2 Building Permit is awaited. The variation amount is \$46,684.

Considering all the Variations (1-4), the overall Contract variation would be \$99,357.15 and make the overall Contract value \$1,758,663.

### Discussion

HRLX provides considerable economic benefits to the community and this work falls under stage 4 upgrade works in HRLX Master Plan, which seeks to review the infrastructure and operations of the facility and provide Council with options for future development.

The budget for the works is shown in the table below:

Budget	Amount
Adopted budget of 2019/20, Cattle Yard Roof & Manager's Office	\$1,673,000
Budget for 2018-2019	\$ 165,685
Total Budget	\$1,838,685
Current Contract Value including Variations 1, 2 & 4	\$1,758,663
Contract Amount paid under 2018/19 Financial Year	\$165,685
Remaining Contract Balance to be paid under 2019/20 Financial Year	\$1,592,977
Additional Available Budget after all variations awarded under the Contract	\$80,022

Than table above shows that the award of the variations does not require the requirement of extra funding, the overall project budget is \$1,838,685 against the remaining Contract value of \$1,758,663.

A snapshot from the Procurement Policy is presented below:

#### Procurement Guidelines - Variation Delegations

New Contract Value Including all Variations	Variation % (whether one or more variations)	Process type	Approval by
\$150,000.00 and above	Variation less than 20% and less than \$75,000	Variation Certificate	Approved by Chief Executive Officer
\$150,000 and above	Variation greater than \$75,000	Council Report	Approved by Council at monthly meeting

Variations 1-3 were processed at CEO's delegation but with Variation 4, the overall variation to the Contract would be over \$75,000 & require Council resolution.

#### Financial and Resource Implications

- The project is budgeted within the Council's capital works programme for the financial year 2019/2020;
- Overall, the project will be within the budgeted amounts;
- Considering above, there are no financial implications on the Council.

#### 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:

- 2019-2020 Southern Grampians Shire Council Budget.

- 2017-2021 Council Plan – 5.1.2 Ensure responsible, effective and efficient use of Council resources
- SGSC Procurement Policy and Guidelines

### **Risk Management**

What are the benefits/risks?

- Variation 4 is requested in order to reduce the risk of conducting livestock sales at a construction site.
- Summer period Livestock sales will be conducted uninterruptedly which will benefit the community at large.
- Construction will begin again in March/April 2020

### **Environmental and Sustainability Considerations**

Council officers and the Contractor has considered the environmental impacts – usage/disposal of materials on the project.

### **Community Consultation and Communication**

Council officers have kept the stakeholders informed on the progress of the project.

### **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:

#### **RECOMMENDATION**

That Council approve Variation 4 (\$46,684 excl. GST) towards temporary posts approving a new contract value totalling \$1,758,663 (excl. GST) for Contract 11-19 HRLX Cattle Yard Roof.

#### **COUNCIL RESOLUTION**

**MOVED:** Cr McAdam  
**SECONDED:** Cr Brown

**That Council approve Variation 4 (\$46,684 excl. GST) towards temporary posts approving a new contract value totalling \$1,758,663 (excl. GST) for Contract 11-19 HRLX Cattle Yard Roof.**

**CARRIED**

## 10.6 Supply and Delivery of Bitumen Products- 25-19

**Directorate:** David Moloney, Director Shire Infrastructure  
**Author:** StJohn Lees, Manager Works  
**Attachments:** None

### Executive Summary

Council undertakes an expression of interest for suitable contractors to supply Bitumen Products for Council's sealed road renewals programs.

The tender was publicly advertised 16/08/19 for Tender 25-19 Supply and Delivery of Bitumen Products from 01/12/19 to 30/11/22. The tender was closed 09/09/19.

Three tenders conforming from suitable suppliers were received who submitted prices for various products and were assessed on price of product, compliance with OH&S requirements, previous supply history and consideration for environmental sustainability.

1. Downer EDI Works
2. Sami Bitumen Technologies Pty Ltd
3. Fulton Hogan

The agreements have an initial contract period of 3 years with 2 x one year extensions possible subject to performance.

### Discussion

This is a panel contract. As such there is no obligation for Council to purchase any bitumen products under this contract or for all companies to supply product. Council does not guarantee volume of purchases from individual suppliers.

Tenders were advertised as being evaluated on specified weighting for various criteria. The intention is to operate a panel of suppliers to cover the eventuality of supply not being available from the best value supplier when needed. This was made clear in the tender documentation.

The tender was for a total of 12 bitumen products, and no tenderer has been given a pass/fail evaluation based on the price offered within an acceptable range for that product. The non-weighted items were also assessed with passed/failed. If they had the appropriate level of insurance and an OH&S plan in place, this was considered a pass.

Given the range of prices and products, staff will work off a pricing index matrix to determine the best value supplier based on the location of the works when placing each order. Staff will need to take into consideration the location of the project, freight options and product pricing in selecting the supplier for each order.

The qualitative aspects of the tender were evaluated as follows;

Company Name	Qualitative Score(%)	Moderated Total Price	Quantitative Score(%)	Total Score
Downer EDI Works	82.50%	\$0.00		
Sami Bitumen Technologies	89.40%	\$0.00		
Fulton Hogan Industries Pty Ltd	92.86%	\$0.00		

### Council Plan

The process in awarding this contract is supported by the 2017 - 2021 Council Plan in the following strategies:

- Plan for our Built Environment Infrastructure Pg.10
- 3.1.4 Develop the Shire's facilities, programs and services to increase usage Pg.19
- 3.2 Plan, advocate and provide for safe and well maintained transport routes and infrastructure Pg.19
- 3.2.3 Provide infrastructure that supports an active community Pg.19

### Financial and Resource Implications

In FY18-19 the spend on all products of this type was \$1,503,903, for a total construction cost of \$2,232,778. Therefore bituminous products represented 67% of costs.

This year's overall sealing budget is \$2,996,011. Therefore at 67% the estimated annual contract spend across this product range is **\$2,017,977/year**.

### Legislation, Council Plan and Policy Impacts

Public notice was given of the tender in accordance with section 186 of the Local Government Act 1989 and the tender process complied with Council's Procurement Policy.

### Risk Management

The tender was publically advertised through the tender process to procure the bitumen products for road works according to Council's Procurement Policy. This contract achieves the best value for money and services by assuring the product meet specifications, are supplied on time and conform to OHS requirements.

### Environmental and Sustainability Considerations

All products suppliers are certified to ISO14000 Environmental Sustainability Standards

### Community Consultation and Communication

During Sealing Works all adjacent property owners and occupiers will be notified of the road works and temporary road closures/detours in advance of works commencing on site.

Tenderers will be notified by the Procurement Officer of the decision made by Council at its meeting on 13 November 2019.

**Disclosure of Interests**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – David Moloney

In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – StJohn Lees

In providing this advice as the Author, I have no disclosable interests in this report.

Evaluation Panel – StJohn Lees, Acting Manager Assets  
Allan Wishart, Fleet Management Coordinator  
Dave Martin, Sealing Supervisor  
Mike Shanahan, Health and Safety Co-ordinator (OH&S only)  
Janelle Dahlenburg, Contracts / Procurement Officer

The Evaluation Panel Members have no disclosable interests in this report.

**RECOMMENDATION**

That:

1. The tender be awarded as a panel contract to the following suppliers:
  - a) Downer EDI Works
  - b) Sami Bitumen Technologies Pty Ltd
  - c) Fulton Hogan
2. Council authorise expenditure under this contract up to \$2,500,000/year excl GST to Council's CEO.
3. The Contract documents be signed and sealed when prepared.

**COUNCIL RESOLUTION**

**MOVED:** Cr Rainsford  
**SECONDED:** Cr Dunkley

That:

1. **The tender be awarded as a panel contract to the following suppliers:**
  - a) **Downer EDI Works**
  - b) **Sami Bitumen Technologies Pty Ltd**
  - c) **Fulton Hogan**
2. **Council authorise expenditure under this contract up to \$2,500,000/year excl GST to Council's CEO.**
3. **The Contract documents be signed and sealed when prepared.**

**CARRIED**

## 10.7 Tender 51-19: Louth Swamp Bridge Deck Overlay and Road Reinstatement

**Directorate:** David Moloney, Director Shire Infrastructure  
**Author:** Pratap Sapkota, Project Manager  
**Attachments:** None

### Executive Summary

In the 2019-2020 budget the Louth Swamp Road Bridge has been identified for bridge renewal and strengthening works including road reinstatement with a proposed budget allocation of \$500,000.00 (excl. GST). This bridge is a border bridge which has joint ownership with Moyne Shire and 50% of the cost of construction will be funded by them. The contribution from Moyne Shire will be made in the Financial Year 2020/21, initially Southern Grampians Shire Council will fund the project. The proposed work include construction of a concrete deck overlay, guard fence installation and road reinstatement works.

Tender 51-19 was advertised on tender search and closed on the 08 October 2019. Seven submissions were received and the Evaluation Panel including representative from Moyne Shire have assessed the tenders in accordance with the procurement policy and completed evaluation.

It is recommended that Council award Tender 51-19 Louth Swamp Bridge Deck Overlay and Road Reinstatement to Mibus Bros (Aust) Pty Ltd with a total sum of \$324,131.24 (incl. GST).

### Background

Proposed bridge renewal & strengthening works and road reinstatement works were identified as recommendation of Level 3 Bridge Assessment conducted in June 2017 after the flood event in September / October 2016. A load limit was applied to the bridge and this works will enable the lifting of the load limit.

Detailed design of the proposed works was done in 2018 under Flood Recovery Works. The project could not be delivered last year because of time and budget constraints.

Representatives from Moyne Shire Council were contacted to discuss their 50% contribution and agreement reached on a funding model for the bridge. The proposed works was tendered via Council's e-Tendering Portal with the following timelines:

- Tender Advertised: 16 September 2019
- Tender Closed: 08 October 2019
- Submissions Received: 07 Nos.

### Discussion

As this project was in the Council's list for a while, it is important to deliver the project to ensure reliable and safe road network. Council have received good response to the advertised Tender.

Submitted tenders were evaluated as per the Council procurement policy. A snapshot of submission with evaluation score is presented below:

Company Name	Qualitative Score (%)	Quantitative Score (%)	Total Score
M.F. & J.L. Willmore Contractors Pty Ltd	38.5%	29.94%	68.44%
DC Projects Pty Ltd	44.9%	37.94%	82.84%
APCR McDonald Construction	44.22%	27.13%	71.35%
James Milne Pty Ltd	36.84%	27.79%	64.63%
Millers Civil Contractors Pty Ltd	44.06%	28.86%	72.92%
B and J McLeod Holdings Pty Ltd	40.66%	40.00%	80.66%
Mibus Bros (Aust) Pty Ltd	47.5%	34.47%	81.97%

DC Projects Pty Ltd (82.84%) was the highest tenderer followed by Mibus Bros (Aust) Pty Ltd (81.97%), B and J McLeod Holdings Pty Ltd (80.66%) and Millers Civil Contractors Pty Ltd (72.92%).

In accordance with Councils Procurement Policy and Guidelines, as there were tenders that were within 10% of the highest final score, Local Content (contribution to the local economy) was considered.

The procurement guidelines state that where the tenders are within 10% of each other local content will be assessed and that the tenderer with the greatest local buy will be awarded the contract. Mibus Bros (Aust) Pty Ltd is the tenderer assessed as having the highest local content.

Based on the Procurement Guidelines Mibus Bros (Aust) Pty Ltd was assessed as the highest ranked tenderer.

The preferred tenderer's tender amount is \$324,131.24 (Incl. GST), i.e. \$294,664.76 (excl. GST) and is within the Council proposed budget of \$500,000 (excl. GST).

There are two options to Council in regards to this tender:

1. Award the tender to Mibus Bros (Aust) Pty Ltd for the amount of \$324,131.24 (Incl. GST); or
2. Not award the contract

It is recommended that Council proceed with option 1.

### Financial and Resource Implications

- The project is budgeted within the Council's capital works programme for the financial year 2019/2020;
- Overall, the project will be within the budgeted amounts;
- Considering above, there are no financial implications on the Council.

### 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:

- 2019-2020 Southern Grampians Shire Council Budget.

- 2017-2021 Council Plan – 5.1.2 Ensure responsible, effective and efficient use of Council resources
- SGSC Procurement Policy and Guidelines

### **Risk Management**

What are the benefits/risks:

- Considering the Contract is a lump sum, the risks of price variation is reduced. There is sufficient available funds for any contingency.
- Starting works before getting Works on Waterways permit:  
The above is being mitigated by having a robust project management practices and checklist before starting physical works.

### **Environmental and Sustainability Considerations**

Catchment Management Authority would be contacted to agree on an Environmental Management Plan (EMP) for the physical works. Environmental Sustainability has been considered in Tender Evaluation.

### **Community Consultation and Communication**

The Council officers will contact the affected residents in the neighbouring areas for any road closures. Officers will also contact emergency services, affected bus routes (if any) as part of the communications plan.

### **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:

**RECOMMENDATION**

That:

1. Council award Tender 51-19 Louth Swamp Bridge Deck Overlay and Road Reinstatement to Mibus Bros (Aust) Pty Ltd with a total sum of \$324,131.24 (incl. GST); and
2. The contracts are signed and sealed when prepared.

**COUNCIL RESOLUTION**

**MOVED:** Cr Brown  
**SECONDED:** Cr McAdam

That:

1. Council award Tender 51-19 Louth Swamp Bridge Deck Overlay and Road Reinstatement to Mibus Bros (Aust) Pty Ltd with a total sum of \$324,131.24 (incl. GST); and
2. The contracts are signed and sealed when prepared.

**CARRIED**

## 10.8 Tender 53-19: Construction of Roundabout in King Street and Shakespeare Street in Hamilton

**Directorate:** David Moloney, Director Shire Infrastructure  
**Author:** Pratap Sapkota, Project Manager  
**Attachments:** None

### Executive Summary

The existing intersection at King Street and Shakespeare Street / Gordon Street has been proposed to be upgraded as a Roundabout as part of Council's Capital Works Program 2019/20. In the 2019/20 budget, Council has received a grant of \$260,000 under Federal Blackspot Program for the intersection upgrade works from Regional Roads Victoria (RRV). The proposed works includes upgrading the existing intersection to a roundabout and associated pavement and other works.

Tender 53-19 was advertised on tender search on 27 September and closed on the 21 October 2019. Three submissions were received and the Evaluation Panel has assessed the tenders in accordance with the procurement policy.

The allocated budget for the upgrade works is \$310,000 (\$50,000 carry forward from 2018/19 and \$260,000 Grant funding). However, the preferred submission is \$345,748.10 (Excl. GST). The deficit in budget is \$35,748 which will be covered from potential savings from Fixing Country Roads (FCR) Program – Bridges Maintenance Project (Contract 43-19).

It is recommended that Council award Tender 53-19 Construction of Roundabout in King Street and Shakespeare Street in Hamilton to M.F. & J.L. Willmore Contractors Pty Ltd with a total sum of \$380,322.91 (incl. GST).

### Background

Southern Grampians Shire Council proposed to upgrade the existing intersection of King Street and Shakespeare Street / Gordon Street to a roundabout. The roundabout treatment is proposed to reduce crashes happened in the past at the intersection due to vehicles failing to give way to the oncoming traffic. This intersection has recorded three casualty crashes during last 5 years, two of which resulted in serious injury and identified as a high priority intersection upgrade needed within the council.

Detailed design of the roundabout was done in 2017/18 and grant funding application was submitted in 2018/19 to RRV. Through a letter dated 19 July 2019, Regional Roads Victoria have confirmed the grant of \$260,000 under Federal Blackspot Program 2019/20.

The tender for the proposed intersection upgrade works was advertised via Council's e-Tendering Portal with the following timelines:

- Tender advertised: 27 September 2019
- Tender Closed: 21 October 2019
- Submissions Received: 03 Nos.

### Discussion

This project was in the Council's list for a while, it is important to deliver the project to ensure reliable and safe road network. Council has received good response to the advertised Tender.

Submitted tenders were evaluated as per the Council procurement policy.

The tenders from Mibus Bros (Aust) Pty Ltd and James Milne Pty Ltd were rejected (after Technical evaluation) as their tender prices were significantly higher than the project budget.

The tender submission from M.F. & J.L. Willmore Contractors Pty Ltd was considered to be of quality and met the tender requirements. Though the submission from Willmore Contractor is \$36,000 above the existing project budget, there are savings realised from Fixing Country Roads (FCR) projects – Strengthening of Bridges which is proposed to be utilised to fund this project.

It has been confirmed with FCR that Council can reallocate the savings realised from FCR Bridge Maintenance Project as below:

	ORIGINAL - FCR			PROPOSED - FCR			Shire Savings
	Total	FCR	Shire	Total	FCR	Shire	
<b>Bridges</b>	\$ 316,250	\$ 211,888	\$ 104,363	\$ 208,100	\$ 139,427	\$ 68,673	
<b>Culverts</b>	\$ 448,155	\$ 300,264	\$ 147,891	\$ 448,155	\$ 300,264	\$ 147,891	
<b>Rds</b>	\$ 1,248,354	\$ 836,397	\$ 411,957	\$ 1,248,354	\$ 908,858	\$ 339,496	
<b>Total</b>	\$ 2,012,759	\$ 1,348,549	\$ 664,210	\$ 1,904,609	\$ 1,348,549	\$ 556,060	\$ 108,150
<b>CONTRIBUTION %</b>		<b>67%</b>	<b>33%</b>		<b>71%</b>	<b>29%</b>	

It is proposed to re-allocate \$70,000 (out of \$108,150) savings from the Shire's contribution to the FCR projects (as above) to this project.

There are two options to Council in regards to this tender:

3. Award the tender to M.F. & J.L. Willmore Contractors Pty Ltd for the amount of \$380,322.91 (Incl. GST); or
4. Not award the contract

It is recommended that Council proceed with option 1 and ensure road network is safe, reliable and resilient.

### Financial and Resource Implications

- The project is budgeted within the Council's capital works programme for the financial year 2019/2020;
- There is a budget deficit of about \$36,000 which is proposed to be funded from savings from FCR- Bridge Maintenance Project.
- Considering above, there are no financial implications on the Council.

### 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:

- 2019-2020 Southern Grampians Shire Council Budget.
- 2017-2021 Council Plan – 3.1.3 Collaborate with State Government and Regional agencies to ensure coordinated provision of regional infrastructure

- 2017-2021 Council Plan – 5.1.2 Ensure responsible, effective and efficient use of Council resources
- SGSC Procurement Policy and Guidelines

### **Risk Management**

What are the benefits/risks:

- The risks of price variation has been considered.
- No Planning Permit or Heritage Permit is required.
- Formal process for acquisition of land at the intersection (in front of Hamilton Indoor Leisure and Aquatic Centre) has been started, the Project can proceed in the meantime.

The above is being mitigated by having a robust project management practices and checklist before starting physical works.

### **Environmental and Sustainability Considerations**

Environmental Sustainability has been considered in Tender Evaluation. Environmental Management Plan will be prepared before starting the physical works and will be implemented during construction.

### **Community Consultation and Communication**

The Council officers will contact the affected residents in the neighbouring areas for any road closures. Officers will also contact emergency services, affected bus routes (if any) as part of the communications plan.

### **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:

**RECOMMENDATION**

That:

1. Council re-allocate \$70,000 Shire's contribution from FCR – Bridge Rehabilitation Project (Maintenance and Repair of Burdett's Road Bridge, Robson Road Grange Burn River Bridge and Cavendish Road Hawkins Creek Bridge) to Construction of Roundabout in King Street and Shakespeare Street in Hamilton
2. Council award Tender 53-19 Construction of Roundabout in King Street and Shakespeare Street in Hamilton to M.F. & J.L. Willmore Contractors Pty Ltd with a total sum of \$380,322.91 (incl. GST); and
3. The contracts are signed and sealed when prepared.

**COUNCIL RESOLUTION**

**MOVED:** Cr Calvano

**SECONDED:** Cr Brown

That:

1. **Council re-allocate \$70,000 Shire's contribution from FCR – Bridge Rehabilitation Project (Maintenance and Repair of Burdett's Road Bridge, Robson Road Grange Burn River Bridge and Cavendish Road Hawkins Creek Bridge) to Construction of Roundabout in King Street and Shakespeare Street in Hamilton**
2. **Council award Tender 53-19 Construction of Roundabout in King Street and Shakespeare Street in Hamilton to M.F. & J.L. Willmore Contractors Pty Ltd with a total sum of \$380,322.91 (incl. GST); and**
3. **The contracts are signed and sealed when prepared.**

**CARRIED**

## 10.9 Southern Grampians Shire Planning Scheme – Local Planning Policy Framework Review

**Directorate:** Andrew Goodsell, Director Planning and Development  
**Author:** Roslyn Snaauw, Coordinator Planning  
**Attachments:** None.

### Executive Summary

This report relates to a current State Government initiative to restructure Victorian planning schemes.

The Victorian State Government has prepared a new structure for all Victorian planning schemes which seeks to include all state, regional and local planning policy content under a single framework. Changes to the Southern Grampians Planning Scheme have been drafted by DELWP for review and endorsement by Council.

The Department of Environment, Land, Water and Planning (DELWP) have requested that Council consider and endorse proposed changes to the Southern Grampians Planning Scheme and consent to the Minister for Planning approving an amendment to the scheme to give effect to the changes.

### Discussion

Existing local planning directions under the Local Planning Policy Framework (LPPF) have been converted in a 'policy neutral' manner into the new planning policy framework.

An advantage of the revised framework is the consolidation of state, regional and local policy content within a single area providing ease of access for scheme users. Areas of duplication between state and local planning policy content have been removed and the size of the scheme has been reduced.

As the Southern Grampians LPPF currently follows the State planning policy headings, the restructuring of the policy framework has been relatively straight forward.

Council officers have ensured that existing local planning policy content has been effectively carried forward into the new planning policy format, including specific local policies.

The restructure of the scheme requires a planning scheme amendment. It is proposed that the amendment will occur under section 20(4) of the *Planning and Environment Act 1987*.

### Financial and Resource Implications

There are no financial implications or resource implication with the planning scheme reformatting. The State Government is fully funding this project through DELWP.

### Legislation, Council Plan and Policy Impacts

This report is consistent with the Southern Grampians Shire Council, Council Plan 2017-2021.

Council is not required to undertake any statutory processes in relation to the proposed planning scheme changes. DELWP have advised that it will recommend, following Council

consideration, that the changes proceed under section 20(4) of the *Planning and Environment Act 1987*. This provision allows the Minister for Planning to approve planning scheme amendment without formal exhibition.

### **Risk Management**

There is no risk associated with the planning scheme reformatting. The State Government is fully funding this project through DELWP.

The benefits to the Community and Council of this policy neutral translation are:

- Stronger policy
- Easier to use and understand
- Simplified planning scheme management

### **Environmental and Sustainability Considerations**

N/A

### **Community Consultation and Communication**

Given the proposed changes are policy neutral, formal exhibition and community consultation is not considered necessary.

### **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. Endorse the restructuring of the Southern Grampians Planning Scheme as proposed by the Department of Environment, Land, Water and Planning (DELWP).
2. Give consent for the Minister for Planning to prepare and approve an amendment to the Southern Grampians Planning Scheme without exhibition pursuant to section 20(4) of the *Planning and Environment Act 1987* (the Act) to implement the new scheme format.

**COUNCIL RESOLUTION**

**MOVED:** Cr Dunkley  
**SECONDED:** Cr Brown

That Council:

1. **Endorse the restructuring of the Southern Grampians Planning Scheme as proposed by the Department of Environment, Land, Water and Planning (DELWP).**
2. **Give consent for the Minister for Planning to prepare and approve an amendment to the Southern Grampians Planning Scheme without exhibition pursuant to section 20(4) of the *Planning and Environment Act 1987* (the Act) to implement the new scheme format.**

**CARRIED**

## 10.10 Planning Committee Terms of Reference

**Directorate:** Andrew Goodsell, Director Planning and Development  
**Author:** Andrew Goodsell, Director Planning and Development  
**Attachments:** 5. Updated Terms of Reference – Planning Committee

### Executive Summary

The existing terms of reference for the planning committee were established in 2016. Since then the committee has sat eight times and has proven effective in providing a forum to determine planning applications.

Notwithstanding, some refinements to the terms of reference with respect to voting rights is recommended to ensure that elected membership has majority vote within the decision making process.

An updated terms of reference is provided (**Attachment 5**) to ensure this change can be formalised.

### Discussion

The planning committee, as delegated by Council, was established in March 2016 and has since met on nine occasions. The most recent committee meeting was held in September 2019. Its purpose is to determine planning applications where a refusal is recommended by staff, or where 3 or more submissions are received or for projects valued at between \$1-5M. Call in powers exist for reports due to be tabled at Planning Committee to be referred to Council, but these powers have not been used to date.

On all occasions, saving a decision in 2018 (TP/85/2017 – 90 Armitage Road Dunkeld), the staff recommendation has been supported. And at each meeting there has been unanimity in voting between staff and the two councillor representatives present. There is no evidence that the committee has worked other than effectively in discharging its duties.

As a delegated committee of Council, the planning committee works on behalf of Council in a statutory role. It is generally unusual to have terms of reference which give councillors less than half the total votes of the committee, the other four members being staff - the Director Planning and Development, the Director Shire Infrastructure along with Manager Planning and Regulatory Services and Co-ordinator Planning.

Subsequent to the most recent meeting of the committee, the issue was raised as to whether the voting rights provided in the terms of reference require an update to re-balance the committee in favour of elected members.

In effect there are two scenarios for the planning committee to consider:

- (a) Remain unchanged – this requires the least effort and reflects that there is no evidence that the committee terms of reference has adversely impacted its role in delivering effective decision making; or
- (b) Either
  - a. Modify terms of reference to remove voting rights for all staff below director, resulting in votes for two councillors and 2 directors (a councillor), with the chair having a casting vote; or

- b. Modify terms of reference to add an extra councillor (thereby having three), with only the two directors having voting rights.

The optimal outcome is 2(a) since it will continue to operate with the existing councillor representation and follows a similar pattern to Council Ordinary Meetings, in that the chair has a casting vote. Externally, the committee will be seen as

Updated Terms of Reference are attached (Attachment 5), reflecting the recommended changes, together with other minor change of a non-strategic nature.

### **Financial and Resource Implications**

There are no resource implications associated with the recommended actions.

### **Legislation, Council Plan and Policy Impacts**

The Planning Committee is a Special Committee of Council under S86 of the *Local Government Act 1989*.

There are no legislative impediments to the proposed changes to the terms of reference.

### **Risk Management**

There are no risk issues attached to the proposed changes to the terms of reference.

### **Environmental and Sustainability Considerations**

None identified.

### **Community Consultation and Communication**

Not required.

### **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. Modify the terms of reference for the S86 Planning Committee as a Special Committee of Council as per Attachment 5.

## **MOTION**

**MOVED:** Cr Dunkley  
**SECONDED:** Cr Brown

**That Council**

1. **Modify the terms of reference for the S86 Planning Committee as a Special Committee of Council as per Attachment 5.**

**AMENDMENT**

**MOVED:** Cr Calvano  
**SECONDED:** Cr McAdam

That Council modify the terms of reference for the S86 Planning Committee as a Special Committee of Council as per Attachment 5 to read that the Membership include:

All councillors

Director Planning and Development

Director Shire Infrastructure (or one other member of the Executive Leadership Team if unavailable)

The AMENDMENT was PUT and LOST

**COUNCIL RESOLUTION**

**MOVED:** Cr Dunkley  
**SECONDED:** Cr Brown

That Council

1. **Modify the terms of reference for the S86 Planning Committee as a Special Committee of Council as per Attachment 5.**

**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 MUNICIPAL ASSOCIATION VICTORIA (MAV)

Cr Brown reported on her attendance at the MAV State Council Meeting held on 18 October 2019.

## 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

There were no Confidential Matters listed on tonight's agenda.

## 15. Close of Meeting

This concludes the business of the meeting.

Meeting closed at 6:55pm.

Confirmed by resolution 11 December 2019.

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Chairman