



**Southern Grampians**  
SHIRE COUNCIL

# Council Meeting Minutes

Council Meeting  
9 June 2021

Held at 5:30pm  
virtually via Zoom

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**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 Robertson 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 12 May 2021 be confirmed as a correct record of business transacted.

**COUNCIL RESOLUTION**

**MOVED:** Cr Henry  
**SECONDED:** Cr McAdam

**That the Minutes of the Council Meeting held on 9 June 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 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 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 – 12 May 2021
- Audit and Risk Committee – 17 May 2021
- Briefing Session – 19 May 2021

This agenda was prepared on 2 June 2021. Any Informal Meeting of Councillors between that date and the date of tonight's Meeting will appear in the agenda for the next Council Meeting.

### RECOMMENDATION

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

### COUNCIL RESOLUTION

**MOVED:** Cr Brown  
**SECONDED:** Cr Robertson

**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

<b>ASSEMBLY DETAILS</b>	
<b>Title:</b>	Briefing Session
<b>Date:</b>	12 May 2021
<b>Location:</b>	MJ Hynes Auditorium
<b>Councillors in Attendance:</b>	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
<b>Council Staff in Attendance:</b>	Michael Tudball, Chief Executive Officer Evelyn Arnold, Director Community and Corporate Services Marg Scanlon, Director Infrastructure Andrew Goodsell, Director Planning and Development Belinda Johnson, Manager Finance Natalie Martin, Revenue Coordinator Victoria Hold, Manager Organisational Development Karly Saunders, Governance Coordinator Susannah Milne, Manager Community and Leisure Services Roger Rhook, Coordinator Leisure Facilities Hugh Koch, Manager Economic Development and Tourism Rohit Srivastava, Manager Assets Bill Wright, AUS – Associate Director Opteon Solutions Barrie White, Valuer General Victoria Terry Maguire, Valuer General Victoria Darcy Walker, President HRBA

The Informal Meeting commenced at 1:00pm.



<b>MATTERS CONSIDERED</b>		<b>CONFLICTS OF INTEREST DECLARED</b>
<b>1</b>	Matters Raised by Councillors	Nil
<b>2</b>	Council Meeting Items	Nil
<b>3</b>	Land Revaluation and Budget Timelines	Nil
<b>4</b>	Council Plan – Discuss Data received from Community Engagement	Nil
<b>5</b>	S5 Instrument of Delegation to CEO and s6 Instrument of Delegation to Staff	Nil
<b>6</b>	HILAC Health and Fitness Business Review	Nil
<b>7</b>	HRBA Briefing	Nil
<b>8</b>	Ansett Museum	Nil
<b>9</b>	Dunkeld VIC Project – Pedestrian Island Tender	Nil

The Informal Meeting concluded at 5:00pm.

## Southern Grampians Shire Council

## INFORMAL MEETING OF COUNCILLORS

ASSEMBLY DETAILS	
<b>Title:</b>	Audit & Risk Committee Meeting
<b>Date:</b>	17 May 2021
<b>Location:</b>	Martin J Hynes Auditorium
<b>Councillors in Attendance:</b>	Cr David Robertson, Deputy Mayor Cr Mary-Ann Brown
<b>Council Staff in Attendance:</b>	Mr Michael Tudball, Chief Executive Officer Ms Evelyn Arnold, Director Community & Corporate Services Ms Belinda Johnson, Manager Finance Ms Victoria Holt, Manager Organisational Development Ms Marg Scanlon, Director Shire Infrastructure Ms Karly Saunders, Governance Coordinator Mr Tim McLoughlin, Acting Health & Safety Coordinator Mr Mike Shanahan, Acting Manager Organisational Development Ms Kara Winderlich, Risk Management Coordinator Ms Elise Holmes, Acting Human Resources Coordinator Mr Russell Bennett, Manager Business Systems Ms Sherie Bain, Regulatory Services Coordinator Mrs Leanne Morey, Financial Services Coordinator Ms Nadine Rhook, EA to Director Community & Corporate Services

The Informal Meeting commenced at 1.30pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
<b>1</b>	Welcome	Nil
<b>2</b>	Apologies	Nil

<b>3</b>	Conflict of Interest	Nil
<b>4</b>	Confirmation of Previous Minutes	Nil
<b>5</b>	Summary Table of Outstanding Matters	Nil
<b>6</b>	Progress Report of Current Actions – McLaren Hunt	Nil
<b>7</b>	Revaluation of Assets	Nil
<b>8</b>	Review Interim Management Letter	Nil
<b>9</b>	Internal Audit – Progress Overall	Nil
<b>10</b>	Progress Report of Internal Audit Actions (Interplan) – Customer Service & Complaints, Contract Management, Risk Management & Waste Management, Asset Management & Road Maintenance, Building Maintenance. Depot Management	Nil
<b>11</b>	Internal Audit – Final Report – Purchasing Cards	Nil
<b>12</b>	Internal Audit – Final Report – Sexual Harassment in Local Government	Nil
<b>13</b>	Warrnambool City Council Credit Card Report	Nil
<b>14</b>	Reducing Bushfire Risk Report	Nil
<b>15</b>	VAGO – Sexual Harassment In Local Government	Nil
<b>16</b>	Standard Statements	Nil
<b>17</b>	Implementation of Local Government Act	Nil
<b>18</b>	Compliance Framework	Nil
<b>19</b>	OHS Report	Nil
<b>20</b>	Councillor Expenses – Q3 (January – March)	Cr Robertson & Cr Brown declared an indirect conflict at the ARC Meeting at Item 9.5
<b>21</b>	Review Draft Budget & Associated Documents	Nil

<b>22</b>	Progress Update on Council's Procurement Policy & Guidelines	Nil
<b>23</b>	Review Strategic Risk Register & Action Plan	Nil
<b>24</b>	VAGO, Ombudsman & IBAC Reports	Nil
<b>25</b>	Brown Street Building Flood Update – January 2021	Nil
<b>26</b>	Next Meeting	Nil

The Informal Meeting concluded at 3.54pm

## Southern Grampians Shire Council

## Informal Meeting of Councillors

<b>ASSEMBLY DETAILS</b>	
<b>Title:</b>	Briefing Session
<b>Date:</b>	19 May 2021
<b>Location:</b>	MJ Hynes Auditorium
<b>Councillors in Attendance:</b>	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
<b>Council Staff in Attendance:</b>	Michael Tudball, Chief Executive Officer Evelyn Arnold, Director Community and Corporate Services Marg Scanlon, Director Infrastructure Andrew Goodsell, Director Planning and Development Belinda Johnson, Manager Finance Susannah Milne, Manager Community and Leisure Services Hugh Koch, Manager Economic Development and Tourism Daryl Adamson, Strategic Major Projects Coordinator Gary Smith, Ansett Museum Committee Mark Williams, GWM Water Managing Director Peter Vogel, GWM Water Chair John Challis, Challis Design

The Informal Meeting commenced at 12:50pm.

<b>MATTERS CONSIDERED</b>		<b>CONFLICTS OF INTEREST DECLARED</b>
<b>1</b>	Matters Raised by Councillors	Nil

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<b>2</b>	Ansett Museum Committee	Nil
<b>3</b>	Revenue & Rating Strategy, Pricing Register, 4 Year Budget	Nil
<b>4</b>	GWM Water Annual Briefing	Nil
<b>5</b>	Committee Lake Hamilton/Hamilton Showgrounds	Nil
<b>6</b>	Gateway Signage	Nil

The Informal Meeting concluded at 5:00pm.

## 10 Management Reports

### 10.1 Audit and Risk Committee - Minutes

**Directorate:** Evelyn Arnold, Director Community and Corporate Services  
**Author:** Evelyn Arnold, Director Community and Corporate Services  
**Attachments:** 1. Minutes – 17 May 2021

#### Executive Summary

The Minutes from the May meeting as endorsed by the Audit and Risk Committee (ARC) are presented to Council for adoption.

#### Discussion

The Audit and Risk Committee (ARC), as an Advisory Committee of Council, fulfils both a statutory and consultative function. It provides feedback, advice and direction to Council. The intention is not to focus on financial risk which is adequately addressed by the external auditors, but rather to review internal processes in line with the culture of continuous improvement.

#### Legislation, Council Plan and Policy Impacts

The Local Government Act 2020 (Section 53).

#### 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 Minutes for the Audit and Risk Committee meeting held on 17 May 2021 be noted.

#### COUNCIL RESOLUTION

**MOVED:** Cr Brown  
**SECONDED:** Cr Henry

**That the Minutes for the Audit and Risk Committee meeting held on 17 May 2021 be noted.**

**CARRIED**

## 10.2 Review of Instrument of Delegation - s5 Instrument of Delegation from Council to CEO and s6 Instrument of Delegation from Council to Staff

**Directorate:** Evelyn Arnold, Director Community and Corporate Services  
**Author:** Karly Saunders, Governance Coordinator  
**Attachments:** 2. s5 Instrument of Delegation from Council to the Chief Executive Officer  
3. s6 Instrument of Delegation from Council to Staff

### Executive Summary

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

The s5 Instrument of Delegation from the Council to the Chief Executive Officer and the s6 Instrument of Delegation from Council to Staff have both been updated and are attached for consideration.

### Discussion

The s5 Instrument of Delegation from Council to the CEO was last made on 10 June 2020. Through this delegation, Council delegates all of its powers to the CEO with a few exceptions which are details in the attached instrument. The changes proposed since the update in June last year are outlined below:

- entering a contract exceeding the value of \$150,000.00 (except for contracts for insurance, in which case, the value must not exceed \$1,000,000);
- making any expenditure that exceeds \$150,000.00 (unless it is expenditure relating to insurance made under a contract already entered into or is insurance expenditure which Council is, by or under legislation, required to make in which case it must not exceed \$1,000,000).

The change will allow a timely and streamlined approach to renewing insurance contracts and premiums, noting that legal advice obtained from Maddocks indicated that the renewal of insurance policies amounts to entering a contract and insurance premium payments would constitute expenditure.

After this delegation is exercised annually by the CEO, a report will proceed to the next available Council meeting to ensure Council is aware of the details.

The s6 Instrument of Delegation was last adopted by Council on 9 December 2020. Through this delegation, Council delegated certain statutory provisions directly to the relevant Council staff within the organisation.

The changes are a result of legislative changes including:

- ss 36A, 36B, 38G(1), 38G(2) and 40F of the *Food Act 1984* have been inserted. Pursuant to the *Food Amendment Act 2020*, these provisions will commence on 1 July 2021 unless proclaimed earlier (EHC, EHO)
- s 181H of the *Local Government Act 1989* (LGA 1989) has been removed. With the repeal of s 181H(2) of the LGA 1989, the CEO may now sub-delegate the power to



enter into an environmental upgrade agreement and declare and levy an environmental upgrade charge to a member of Council staff pursuant to s 181H of the LGA 1989 and s 47 of the Local Government Act 2020 (LGA 2020).

- updated the commencement date of the new provisions of the *Residential Tenancies Act 1997* to 27 April 2021 unless proclaimed earlier.
- s 42A of the Road Management Act 2004 has been updated. We have removed reference to VicRoads and replaced it with Head, Transport of Victoria.

### **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 1 Leadership and Good Governance

Outcome 1.1 Soundly Based Decisions

Strategy 1.1.1 - Base decisions on the highest available level of professional advice and expertise

Strategy 1.1.2 - Develop and enact policies, plans and strategies to ensure consistency in decision making

Strategy 1.1.4 - Work together to develop a highly responsive Council organisation.

Strategy 1.1.5 - Provide timely and accurate advice.

### **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 Delegations.

The Instrument is available for viewing on Council's website and is also available for public inspection.

## 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

In the exercise of the powers conferred by the legislation referred to in the attached instruments of delegation, Council resolves that -

1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument.
2. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *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.
3. The instruments come into force immediately the common seal of Council is affixed to the instruments.
4. On the coming into force of the instruments, all previous delegations are revoked.
5. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

**COUNCIL RESOLUTION**

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

In the exercise of the powers conferred by the legislation referred to in the attached instruments of delegation, Council resolves that -

1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument.
2. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *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.
3. The instruments come into force immediately the common seal of Council is affixed to the instruments.
4. On the coming into force of the instruments, all previous delegations are revoked.
5. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

**CARRIED**

## 10.3 2021/2022 Budget Submissions

**Directorate:** Evelyn Arnold, Director Community and Corporate Services  
**Author:** Belinda Johnson, Manager Finance  
**Attachments:** 4. 2021/2022 Budget, Pricing Register and Revenue & Rating Plan Submissions and Comments

In accordance with Council's Community Engagement Policy comments were invited by placement of a notice in the Hamilton Spectator and on Council's website and Facebook page. The closing date for receipt of comments was Monday 7 June 2021.

At the time of writing this report, ten submissions were received in response to the public notice advising of the Draft Budget, Pricing Register and Revenue and Rating Plan and these have been circulated to Councillors.

Further submissions received between the writing of this report and the closing date, will be added to the existing report and circulated to Councillors prior to the meeting.

The submissions received commented on broad issues such as:

- Rate and revenue management,
- Funding of Council's programs and priorities as set in the Council Plan,
- Capital Works program and
- General financial management observations.

Specific items commented on within the submissions included (but limited to):

- Good Shepherd College – Request to extend Bike/Footpath along Mt Napier
- Revenue & Rating Plan & Policy Review 2021
- Balmoral Recreation Reserve Committee of Management – Sealing Driveway and Carpark at Balmoral Recreation Reserve
- Glenelg Nature Trust —Walker Swamp Community Toilet Block
- Hamilton & District Stock Agents Association — Objecting to the stock agents fee increase
- Dunkeld Public Lands Committee Inc. — Request for cleaning contract of the proposed toilet facility at the Dunkeld Arboretum Reserve
- Cavendish Townscape Association Inc. —Funding to progress the Cavendish Structure Plan
- Coleraine District & Development Association. —Proposed Redevelopment of Gage Street Precinct Coleraine
- Dunkeld Structure Plan Review Sub-Committee & Dunkeld Progress Association — Request for Urban Design Framework
- Municipal Charge explanation

In accordance with the provisions Council's Community Engagement Policy the opportunity is provided for submitters to speak to their comments if they so choose. The opportunity is to be provided at this meeting for submitters to address Council.

A listing of those submitters wishing to be heard, will be distributed with the updated report following the close on 7 June 2021.

Council will subsequently consider all comments received and determine upon the adoption of the budget, with or without amendment, at a Meeting of Council to be held on Wednesday 23 June 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.

**MOTION**

That following consideration of all submissions received, Council consider:

- a) Adoption of the 2021/2022 Budget
- b) Adoption of the Revenue & Rating Strategy
- c) Adoption of the Pricing Register for 2021/2022

at a Meeting of Council to be held on Wednesday 23 June 2021, commencing at 5.30pm.

**COUNCIL RESOLUTION**

**MOVED:** Cr Brown  
**SECONDED:** Cr Henry

That following consideration of all submissions received, Council consider:

- a) Adoption of the 2021/2022 Budget
- b) Adoption of the Revenue & Rating Strategy
- c) Adoption of the Pricing Register for 2021/2022

at a Meeting of Council to be held on Wednesday 23 June 2021, commencing at 5.30pm.

**CARRIED**

## 10.4 Tender 04-21 Landfill Environmental Monitoring Services

**Directorate:** Marg Scanlon – Director Infrastructure  
**Author:** Kylie McIntyre – Acting Team Leader – Environmental Management, Waste & Aerodrome  
**Attachments:** None

### Executive Summary

Council is responsible for the ongoing environmental impacts of the Hamilton Landfill and is required to conduct groundwater, gas and surface water monitoring at regular intervals according to the Hamilton Landfill Environmental Monitoring Plan (April 2015). Sampling and measurement are contracted out to a specialist environmental monitoring provider.

A public tender for the monitoring services was advertised on 9 April 2021 for a four-year contract with an option to extend for two twelve-month extensions.

Fourteen tenders were received. The highest scoring tender on the basis of price, quality and local economic contribution was from Ventia Utility Services Pty Ltd, for \$217,184.56 inc. GST for the six-year period.

It is recommended that the Ventia Utility Services Pty Ltd tender be accepted and the contract documents be signed and sealed when prepared.

### Discussion

#### Background

Council is the owner and responsible entity for the Hamilton Landfill (EPA Licence 20720). In 2017 Council resolved to discontinue the intended expansion of the landfill and convert the site to a transfer station, with all waste to be exported to an alternative landfill. The site requires ongoing monitoring to meet EPA licence requirements as defined in the Hamilton Landfill Environmental Monitoring Plan, April 2015 to ensure no environmental damage arises from the landfill.

This Monitoring Plan includes sampling of ground water bores to determine if leachate from the landfill is entering and polluting the groundwater, and measurement of landfill gases on and around the site to determine if levels are dangerous to humans or the environment.

The landfill monitoring is a routine operation that takes place on a predetermined regular schedule and a consistent monitoring methodology is imperative. A 4 year contract with two 12-month extensions was determined to minimise administrative time and associated costs. The tender was advertised on 9 April 2021 for three weeks.

The tender evaluation criteria were set as follows:

Criteria	Weight
Price	60%
Demonstrated experience on similar projects	20%
Capability and resources	10%
Environmental	10%

The following tender submissions were received:

	Qualitative Score(%)	Moderated Total Price	Quantitative Score(%)	Total Score	Economic contribution score	Revised Total Score
Tenderer 1	31.07%	\$188,160.00	60.00%	91.07%	1.33%	92.40%
Tenderer 2	34.18%	\$199,040.00	56.72%	90.90%	0.26%	91.16%
Tenderer 3	32.06%	\$196,365.00	57.49%	89.55%	0.49%	90.04%
Tenderer 4	29.03%	\$190,862.00	59.15%	88.18%	0.16%	88.34%
<b>Tenderer 5</b>	<b>35.23%</b>	<b>\$217,184.56</b>	<b>51.98%</b>	<b>87.21%</b>	<b>6.65%</b>	<b>93.86%</b>
Tenderer 6	33.22%	\$233,904.00	48.27%	81.49%		
Tenderer 7	29.60%	\$255,670.00	44.16%	73.76%		
Tenderer 8	33.34%	\$294,640.39	38.32%	71.66%		
Tenderer 9	28.36%	\$261,115.00	43.24%	71.60%		
Tenderer 10	29.06%	\$274,503.00	41.13%	70.19%		
Tenderer 11	30.17%	\$373,679.88	30.21%	60.38%		
Tenderer 12	21.23%	\$319,290.00	35.36%	56.59%		
Tenderer 13	25.07%	\$461,152.00	24.48%	49.55%		
Tenderer 14	18.70%	\$391,299.00	28.85%	47.55%		

Tenderers 1-4 offered the lowest prices and hence gained high quantitative scores. Tenderer 5 gained the highest qualitative score. Tenderers 1-4 were all within 10% of Tenderer 5 in both quantitative and qualitative scores. After the local economic contribution was taken into account as per the Procurement Policy/Guidelines, Tenderer 5 gained the highest score.

Considering the evaluation result presented above, Tenderer 5 is the preferred Tenderer.

It is therefore the recommendation of the Tender Evaluation Panel that the tender submitted by Tenderer 5 (Ventia Utility Services Pty Ltd) for the GST inclusive price of \$217,184.56 be accepted.

### Financial and Resource Implications

Council budgets annually for the monitoring works which in the previous four-year contract cost \$31,754 inc. GST per year. The environmental auditor who examines and verifies the monitoring reports has added a small number of additional sample sites to the program for future years to improve the understanding of leachate movement. The auditor also requires a small number of additional water samples to be taken when overland runoff occurs and when leachate can be accessed. These will be managed separately to the contract as the number of samples is not known.

### Legislation, Council Plan and Policy Impacts

The Hamilton Landfill is licenced by the Environment Protection Authority under Licence 20720. EPA's Landfill Best Practice Environmental Management Guideline Publication 788.3 (2015) stipulates the levels of environmental pollutants that are allowed in order to avoid dangerous impacts. The monitoring program involves regular sampling and measurement of ground water and landfill gas to ensure the levels do not exceed what is permitted.

The total contract value is over \$150,000 inc. GST and therefore went to competitive tender in accordance with the Local Government Act 1989. The Procurement Policy requires a decision from Council on any tender over \$150,000.

**Risk Management**

A risk assessment was carried out to understand the risks to Council associated with shortcomings in the performance of the monitoring contract. Control measures are: 1. Ensure a number of people within Council are notified of exceedances so that EPA can be alerted within the required 24-hour time frame and 2. Be aware of measurements that appear unusually high or low and if necessary, request resampling to avoid unnecessary remediation costs or damage to Council's reputation.

**Environmental and Sustainability Considerations**

The contract itself is centred on environmental protection. The Hamilton Landfill is unlined so has the potential to pollute groundwater with leachate and is likely to emit methane and carbon dioxide as the waste contents decompose. Both gases are dangerous to human health and to the environment, with both being greenhouse gases that contribute to human-induced climate change. The monitoring program is an important environmental protection as it will indicate if levels of pollutants exceed the permitted levels in accordance with the EPA's Landfill Best Practice Environmental Management Guideline Publication 788.3 (2015).

**Community Consultation and Communication**

There are no adjoining private properties to the Hamilton Landfill. Wannon Water own the adjoining property and have allowed contractor access via their property for the purposes of completing the Landfill monitoring.

Tenderers will be notified of the decision made by Council at the Ordinary Council Meeting of 9 June 2021.

**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. The tender received from Ventia Utility Services Pty. Ltd. for \$217,184.56 inc. GST be accepted and
2. The Contract documents be signed and sealed when prepared.

**COUNCIL RESOLUTION**

**MOVED:** Cr Henry  
**SECONDED:** Cr Rainsford

That:

1. **The tender received from Ventia Utility Services Pty. Ltd. for \$217,184.56 inc. GST be accepted and**
2. **The Contract documents be signed and sealed when prepared.**

**CARRIED**

## 10.5 Proposed Sale of Land – Moodie Avenue, Hamilton.

**Directorate:** Marg Scanlon, Director Infrastructure  
**Author:** Tendai S. Mhasho, Property Officer  
**Attachments:** None

### Executive Summary

On 14 April 2021, following a community engagement process, Council resolved to sell a vacant block of land in Moodie Avenue.

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.

In order to finalise the sale, Council will undertake an additional community engagement process.

It is recommended that:

- Council gives 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 invites public submissions for 28 days on the proposed sale of land under Section 223 of the Local Government Act 1989;
- Council writes to authors of submissions received as part of the first community engagement process and acknowledge these will be treated as valid submissions and advise that if they wish to do so, they can provide a new submission;
- A further report is to be presented to Council at the end of the public submission period.

### Discussion

In early 2017, adjoining neighbours wrote a letter to Council stating that for over a number of years they have been complaining about the gum trees on the vacant block at 16 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 un-transferred 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. It was made clear to the Representatives 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 the sale of buildings and assets greater than \$150,000.00 must be approved by Council resolution.

This vacant piece of land measures approximately 2,439m<sup>2</sup>. According to the Southern Grampians Shire Planning Scheme this land is zoned General Residential Zone 1 (GRZ1), although it has been referred to as a Recreation Reserve under the General Law search.

Council officers are currently working to arrange for a new street number for this block to avoid confusion and duplication of street numbers. The neighbouring property is also number 16 Moodie Avenue.

Therefore, the process to complete the sale of this land is presented below:

- Council to give public notice of Council's intention to sell the vacant block located in Moodie Avenue, Hamilton under section 189 (2)(a) of the *Local Government Act 1989*;
  - Council to invite public submissions under section 223 of the *Local Government Act 1989*.
- a) The public notice must;
- i. specify the matter in respect of which the right to make a submission applies;
  - ii. contain the prescribed details in respect of that matter;
  - iii. specify the date by which submissions are to be submitted, being a date which is not less than 28 days after the date on which the public notice is published;
  - iv. state that a person making a submission is entitled to request in the submission that the person wishes to appear in person, or to be represented by a person specified in the submission, at a meeting to be heard in support of the submission;
- b) If a request has been made;
- i. provide the person with the opportunity to be heard in support of the submission in accordance with the request at a meeting of the Council or of a committee determined by the Council;
  - ii. fix the day, time and place of the meeting;
  - iii. give reasonable notice of the day, time and place of the meeting to each person who made a request;
- c) If the committee determined under paragraph (b)(i) is not responsible for making the decision in respect of which the submissions have been made, the committee must provide a report on its proceedings, including a summary of hearings, to the Council or the special committee which is responsible for making the decision;
- d) The Council or special committee responsible for making the decision must—
- i. consider all the submissions made under this section and any report made under paragraph (c).
  - ii. notify in writing, each person who has made a separate submission, and in the case of a submission made on behalf of a number of persons, one of those persons, of the decision and the reasons for that decision.
- A further report to be presented to Council at the end of the public submission period.



Image 1: Site Plan showing the vacant block at (16) Moodie Avenue



Image 2: Location pictures of the vacant block at 16 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 bear all the costs associated with the sales.

Council will also receive a financial benefit from the proceeds of the sale of this block.

**Legislation, Council Plan and Policy Impacts**

Section 189 of the Local Government Act 1989 relates to the restriction on Council's power to sell or exchange land.

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

**Risk Management**

If this parcel remains unsold long-term, regular maintenance and upkeep will continue to be undertaken by Council.

**Environmental and Sustainability Considerations**

Council will maintain this parcel to mitigate fire hazards to the surrounding properties.

**Community Consultation and Communication**

Under Section 189 of the Local Government Act 1989, Council will give public notice of its intention to sell the vacant block in Moodie Avenue for a minimum of 28 days by a Notice published on Council's website and in the Hamilton Spectator.

**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 gives 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 invites public submissions for 28 days on the proposed sale of land under Section 223 of the Local Government Act 1989;
2. Council writes to authors of submissions received as part of the first community engagement process and acknowledge these will be treated as valid submissions and advise that if they wish to do so, they can provide a new submission;
3. A further report to be presented to Council at the end of the public submission period.

**COUNCIL RESOLUTION**

**MOVED:** Cr Henry  
**SECONDED:** Cr McAdam

**That:**

1. Council gives 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 invites public submissions for 28 days on the proposed sale of land under Section 223 of the Local Government Act 1989;
2. Council writes to authors of submissions received as part of the first community engagement process and acknowledge these will be treated as valid submissions and advise that if they wish to do so, they can provide a new submission;
3. A further report to be presented to Council at the end of the public submission period.

**CARRIED**

A division was called

<b>DIVISION</b>	
<b>FOR</b>	<b>AGAINST</b>
Cr Brown Cr Colliton Cr Henry Cr McAdam Cr Rainsford Cr Robertson	Cr Calvano

## 10.6 Planning Committee

**Directorate:** Andrew Goodsell, Director Planning and Development  
**Author:** Andrew Goodsell, Director Planning and Development  
**Attachments:** 5. Planning Committee Minutes – 24 May 2021.

### Executive Summary

The Minutes from the Planning Committee meeting held on 24 May 2021 and endorsed by members of the Committee are presented to Council for information.

### Discussion

This committee was established as a Delegated Committee of Council on 12 August 2020 in accordance with Section 64 of the *Local Government Act 2020*.

Matters for consideration at a Planning Committee:

- All planning permits valued between \$1million and \$5million (or less if the officer is recommending refusal).
- All planning permits that receive between three (3) and five (5) objections
- All applications where the officer is recommending refusal.
- Power to decide to grant an amendment to a planning permit if the value of the original development exceeds \$1 million or if 3 or more objections were received, or if the officer is recommending refusal.
- All planning permits made pursuant to Section 97C of the *Planning and Environment Act 1987* to request the Minister to decide the application.
- All planning scheme amendment under section s.8A(7) of the *Planning and Environment Act 1987* to prepare the amendment specified in the application without the Minister's authorization if no response received after 10 days.
- All planning scheme amendments that clarify or correct mistakes in the Planning Scheme (applied for under Section 20(4) of the *Planning and Environment Act 1987*).
- Whether applications should be referred to the full Council for a decision.

### Legislation, Council Plan and Policy Impacts

The *Planning and Environment Act 1987* provides that certain local government authority, responsibility and functions can be delegated to Committees of Council or Council Officers.

### 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 Minutes of the Planning Committee Meeting held on 24 May 2021 be received.

**COUNCIL RESOLUTION**

**MOVED:** Cr McAdam

**SECONDED:** Cr Henry

**That the Minutes of the Planning Committee Meeting held on 24 May 2021 be received.**

**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 RAIL FREIGHT ALLIANCE

Cr Calvano reported on his attendance virtually at the Rail Freight Alliance meeting on 7 May 2021.

### 12.2 GRAMPIANS WIMMERA MALLEE WATER

Cr Rainsford reported on her attendance virtually at the Grampians Wimmera Mallee Water Stakeholder meeting on 20 May 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

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

## 15 Close of Meeting

This concludes the business of the meeting.

Meeting closed at 6:25pm.

Confirmed by resolution 14 July 2021.

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Chairman