



**Southern Grampians**  
SHIRE COUNCIL

# Council Meeting Minutes

Council Meeting  
13 April 2022

Held in the Council Chambers,  
5 Market Place, Hamilton  
at 5:30pm.

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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 Katrina Rainsford

#### **Officers**

Mr Tony Doyle, 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 Calvano lead the meeting in a prayer.

*“Almighty god, we humbly beseech thee to vouchsafe thy blessing upon this council.*

*Direct and prosper its deliberations to the advancement of thy glory and the true welfare of the people of the Southern Grampians shire.”*

### 4. Apologies

Cr Greg McAdam

## 5. Confirmation of Minutes

### RECOMMENDATION

That the Minutes of the Council Meeting held on 9 March 2022 be confirmed as a correct record of business transacted.

That the Minutes of the Unscheduled Meeting held on 25 March 2022 be confirmed as a correct record of business transacted.

### COUNCIL RESOLUTION

**MOVED:** Cr Brown

**SECONDED:** Cr Henry

**That the Minutes of the Council Meeting held on 9 March 2022 be confirmed as a correct record of business transacted.**

**That the Minutes of the Unscheduled Meeting held on 25 March 2022 be confirmed as a correct record of business transacted.**

**CARRIED**

## 6. Declaration of Interest

None declared.

## 7. Questions on Notice

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

## 8. Public Deputations

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 - 9 March 2022
- Briefing Session - 16 March 2022
- Briefing Session - 23 March 2022
- Briefing Session - 30 March 2022

*This agenda was prepared on 6 April 2022. Any Informal Meeting of Councillors between that date and the date of tonight's Meeting will appear in the agenda for the next Ordinary Meeting of Council.*

## Southern Grampians Shire Council

## Informal Meeting of Councillors

ASSEMBLY DETAILS	
<b>Title:</b>	Briefing Session
<b>Date:</b>	9 March 2022
<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>	Tony Doyle, Chief Executive Officer Evelyn Arnold, Director Community and Corporate Services Marg Scanlon, Director Infrastructure Andrew Goodsell, Director Planning and Development Samantha Scott, Strategic Major Projects Coordinator Belinda Johnson, Manager Finance
<b>External Presenters:</b>	Graeme Christianson

The Informal Meeting commenced at 1:30pm.

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Councillor Only Meeting	Nil
2	Matters Raised by Councillors	Nil
3	Melville Oval Design	Nil
4	Review Existing LTFP and Parameters	Nil
5	Informal Residents Meeting	Nil

The Informal Meeting concluded at 5:30pm.



## Southern Grampians Shire Council

## Informal Meeting of Councillors

ASSEMBLY DETAILS	
<b>Title:</b>	Briefing Session
<b>Date:</b>	16 March 2022
<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>	Tony Doyle, Chief Executive Officer Evelyn Arnold, Director Community and Corporate Services Marg Scanlon, Director Infrastructure Andrew Goodsell, Director Planning and Development
<b>External Presenters:</b>	Ben Shoo

The Informal Meeting commenced at 1:00pm.

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Lonsdale/Hamilton CBD Precinct Planning	Nil

The Informal Meeting concluded at 3:00pm.

## Southern Grampians Shire Council

## Informal Meeting of Councillors

ASSEMBLY DETAILS	
<b>Title:</b>	Briefing Session
<b>Date:</b>	23 March 2022
<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>	Tony Doyle, Chief Executive Officer Evelyn Arnold, Director Community and Corporate Services Marg Scanlon, Director Infrastructure Andrew Goodsell, Director Planning and Development Alison Quade, Manager Community Relations Amy Knight, Manager Cultural Arts Jason Barker, Local Law Team Leader

The Informal Meeting commenced at 1:30pm.

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
<b>1</b>	Councillor and CEO Only Meeting	Nil
<b>2</b>	Matters Raised by Councillors	Nil
<b>3</b>	Greater Grants Round 2	Nil
<b>4</b>	Provision of Cinema Service	Nil
<b>5</b>	Community Local Law No 1	Nil

The Informal Meeting concluded at 5:00pm.

## Southern Grampians Shire Council

## Informal Meeting of Councillors

<b>ASSEMBLY DETAILS</b>	
<b>Title:</b>	Briefing Session
<b>Date:</b>	30 March 2022
<b>Location:</b>	Virtual Via Teams
<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>	Tony Doyle, Chief Executive Officer Evelyn Arnold, Director Community and Corporate Services Marg Scanlon, Director Infrastructure Andrew Goodsell, Director Planning and Development Belinda Johnson, Manager Finance Alison Quade, Manager Community Relations Jane Coshutt, Community Engagement Coordinator John Finnerty, Manager Assets

The Informal Meeting commenced at 2:00pm.

<b>MATTERS CONSIDERED</b>		<b>CONFLICTS OF INTEREST DECLARED</b>
<b>1</b>	Capital Works Budget – Business Cases and Major Projects	Nil
<b>2</b>	FreEZA Update and Youth Policy Discussion	Nil
<b>3</b>	Hamilton Industrial Park – Electrical and NBN Tender	Nil

The Informal Meeting concluded at 5:00pm.

## 10. Management Reports

### 10.1 50-22 Hamilton Gateway Business Park – Electrical and NBN Tender Award

**Directorate:** Marg Scanlon - Director Infrastructure  
**Author:** John Finnerty – Manager Assets  
**Attachments:** None

#### Purpose

The purpose of this report is to request Council to award tender 50-22 Hamilton Gateway Business Park Electrical and NBN for the contract sum of \$898,880.

#### Executive Summary

- One Tender has been received for the installation of Electrical and NBN infrastructure for the Hamilton Gateway Business Park.
- The tender is from a Bushfield based company called CivilNow and is for the total amount of \$898,880.
- The total contract price exceeds Council's available budget by \$172,449.
- The tender has been evaluated and the recommendation from the evaluation panel is to award the tender.

#### Discussion

In January 2019 the Council awarded the contract for the design and construction of the Hamilton Gateway Business Park to Lake and Land for \$3,760,000. By September 2020 there had been several necessary variations to the project scope and that increased the value of the contract to \$4,189,390.87.

In October 2020 Lake and Land requested to remove the remaining works from their contract and bring the contract to an end, Council agreed to this in November 2020 Works remaining at this stage include: Landscaping, Electrical, NBN and minor Civil works

In 2021 Council advertised for the Installation of NBN and electrical to the Business Park, with no submissions, the contract was then re-advertised with one response received that was deemed an unsuitable tender. The tender received was from a contractor who at the time did not hold Powercor accreditation and the amount was well above the budget allocated.

In January 2022 the tender documents were revised and advertised again, Council received one response, the tender from CivilNow is for a total value of \$898,880 (Ex GST) which includes \$114, 210 of provisional items.

The contract scope includes the following, all materials and installation of:

- pit and conduit networks for NBN;
- cable network, kiosks pits for electrical;
- cable network, light poles lanterns for the street lighting;

The tender was publicly advertised on 11 February and closed on 7 March 2022.

One (1) tender submission was received and evaluated in accordance with Council Procurement Policy.

Evaluations were carried out based on the following criteria:

- Price 40%
- Demonstrated Experience on Similar Projects 25%
- Construction methodology 15%
- Occupational Health and Safety 10%
- Sustainable Procurement 10%

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

Company Name	Qualitative Score(%)	Moderated Total Price	Quantitative Score(%)	Total Score
CivilNow Pty Ltd	33.01%	\$898,880.00	40.00%	73.01%

### Financial and Resource Implications

The total lump sum cost is \$898,880 including the provisional items of \$114,210.

Without provisional items the tender cost provided is \$784,670, unfortunately we won't know the full extent of the requirement for the provisional items until site works are well underway.

Council's budget for these works is \$726,431 and the tender price provided exceeds this budget by \$172,449.

Completion of this contract is the last major component of the Hamilton Gateway Industrial Park development. The relatively minor works that are not within the scope of this contract includes; Civil Works, Landscaping, and commissioning of services.

### Legislation, Council Plan and Policy Impacts

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

This report also relates to the:

- 2021-2022 Southern Grampians Shire Council Budget.
- SGSC Procurement Policy and Guidelines

### Risk Management

The contract puts in place a system for managing the risks of the works.

Council undertook a review of the tender specification to ensure clarity and limit the 'uncertainty' risk exposure to the potential new contractors, this is generally reflected in better tender response.

The contract now specifies items that address 'potential' additional work as provisional items, this way the items are costed in the contract but only used if required and approved by the

contract superintendent. This process provides some clarity around how the contractor and council will manage rectification issues that are outside the control of the new contractor.

### **Environmental and Sustainability Considerations**

Sustainability principles were considered in the evaluation of the tender response, limited opportunities were identified. Minimising waste and the appropriate reuse of waste materials was included in the contractor's response.

### **Collaborative Opportunities**

The specific nature of this tender doesn't allow for collaborative approach for these works.

### **Community Consultation and Communication**

As the project is well known and being undertaken on land that is currently Council property there is not requirement for community consultation in relation to this contract.

### **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:

- Marg Scanlon – Director Infrastructure
- John Finnerty – Manager Assets
- Anthony Bartlett – Project Manager
- Janelle Dahlenburg, Contracts / Procurement Officer

## **RECOMMENDATION**

That:

1. Council Award Contract No. 50-22 Hamilton Gateway Business Park Electrical and NBN to CivilNow Pty Ltd for \$898,880 Ex GST.
2. The contracts are signed and sealed when prepared.

## **COUNCIL RESOLUTION**

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

That:

1. **Council Award Contract No. 50-22 Hamilton Gateway Business Park Electrical and NBN to CivilNow Pty Ltd for \$898,880 Ex GST.**
2. **Delegate to the Chief Executive Officer the authority to execute Contract 50-22 and any other documents required by or to give effect to the terms of the contract on behalf of Council.**

**CARRIED**

## 10.2 Greater Grants

**Directorate:** Evelyn Arnold, Director Community and Corporate Services  
**Author:** Alison Quade, Manager Community Relations  
**Attachments:** None

### Executive Summary

This report provides Council with information regarding community grant applications (Tourism and Events, Sustainability, Community Strengthening, Community Infrastructure, Arts and Culture and Heritage categories) that have been recommended for Greater Grants program funding.

### Discussion

The Greater Grants program was established to deliver Council grants that are responsive to the needs and opportunities of the community, inclusive and equitable to all, and one that facilitated the flexible delivery of key strategies identified within the Council Plan 2021 - 25 across the social, economic and environmental spectrum.

This program consolidates Council's extensive range of grant opportunities into one program to enable better integration and co-ordination of grant administration and improved marketing of those grant opportunities.

Greater Grants assistance is considered for organisations, groups, committees and individuals with proposals that directly benefit the Southern Grampians Shire region. Applications are assessed using pre-determined evaluation criteria for each grant category taking into consideration strategic objectives within the Council Plan, other Council Strategies and Community Plans.

The current round of grants includes nine grants above delegation totalling \$76,711.50 and 11 grants under totalling \$21,865.20. Below is the summary of grant applications received in round two, which requested funds above \$2,500

Category	Applicant	Project	Ask Amount	Funding Amount	Total Project Cost
Sustainability	HIRL	Pine Removal in Carpark	\$5,844	\$5,844	\$11,688
Sustainability	Glenthompson Hall	Supper room upgrade (Lighting, new ceiling & insulation).	\$7,000	\$7,000	\$14,294
Sustainability	WDHS	Food waste Dehydrator	\$10,000	\$10,000	\$49,550
Tourism and Events	Parklands Golf Club	Victorian Championships & signs	\$12,268.54	\$7,000	\$24,537.08
Community Infrastructure	Balmoral Mechanics Institute	Upgrade Table and Chairs in Hall	\$6,500	\$6,500	\$13,000
Community Infrastructure	Branxholme Progress Assoc.	Heritage Signs	\$4,867.50	\$4,867.50	\$9,735
Community Infrastructure	Hamilton Speedway Drivers	Canteen Extension	\$7,500	\$7,500	\$15,000
Heritage	Mrs Karen Arnold	Dunkeld Post office Repairs	\$15,000	\$15,000	\$35,000
Heritage	Anglican Parish Coleraine	Chimney restoration	\$13,000	\$13,000	\$26,000
<b>Total</b>			<b>\$81,980.04</b>	<b>\$76,711.50</b>	<b>\$198,804.08</b>

Below is the summary of grant applications received in round two, which requested funds under \$2,500. The application's total is \$21,865.20

Category	Applicant	Project	Ask amount	Funding amount	Total Project Cost
Community Strengthening	Lions Club of Peshurst	Mobile Skin Check Van	\$1000	\$1000	\$1300
Arts and Culture	Trevor Flinn	Art Trail	\$2500	\$2500	\$2500
Tourism and Events	St Marys Primary School	Christmas Expo	\$950	\$950	\$950
Tourism and Events	Hamilton Eisteddfod	Advertising	\$2500	\$2500	\$2500
Tourism and Events	Glenthompson District Community Assoc.	Art Show	\$2500	\$2500	\$2500
Community Infrastructure	Grace Fellowship	No cost café Revamp	\$2480	\$2480	\$2480
Community Infrastructure	Hamilton Miniature Railway Group	Railway track replacement	\$2424	\$2424	\$2424
Community Infrastructure	Dunkeld Arboretum	Signs	\$1728.2	\$1728.2	\$1728.2
Community Infrastructure	Hamilton History Centre	Scanner	\$823	\$823	\$823
Community Infrastructure	Coleraine District Development Ass.	Heritage Signs	\$2460	\$2460	\$2460
Community Infrastructure	Pigeon Ponds Rec Reserve	White goods upgrade	\$2500	\$2500	\$3145
<b>Total</b>			<b>\$21,865.20</b>	<b>\$21,865.20</b>	<b>\$22,810.20</b>

### Financial and Resource Implications

The collaborative approach across Council grant categories opens opportunities for Council to work with the community to broaden the scope of ideas identified within applications to position these projects and or events to leverage external funding.

Applications for \$2,500 or greater must demonstrate cash or in-kind contributions and must provide evidence of cash held, or applicants must be able to demonstrate their financial capacity to complete the project.

The grant amount approved by Council cannot be increased post-funding approval. In the case of a funding shortfall, funding will not be made available by way of a Council loan.

### Legislation, Council Plan and Policy Impacts

The Greater Grants Policy was adopted in July 2018.

Each Grant category requests that applicants ensure that their project or idea demonstrates a link to the Council Plan outcomes, or endorsed Strategic Plans of Council. Such plans include but are not limited to:

- Economic Development Strategy
- Tourism Strategic Plan
- Disability Action Plan
- Health and Wellbeing Strategy
- Sustainability Strategy
- Arts and Culture Strategy



The Greater Grants program assists Council to deliver on key outcomes of the Council Plan 2021 - 25. The Council Plan establishes that we will:

- Support our Community
- Develop our Regional Economy
- Maintain and Renew our Infrastructure
- Protect our Natural Environment, and
- Provide Strong Governance and Leadership

### **Risk Management**

Each grant category has predetermined assessment criteria and a set weighting for each criteria to identify and assess the risk exposure within each application. The assessment criteria ensure that projects and events have adequate control measures in place to ensure the successful and safe delivery

Each grant applicant must also demonstrate that they comply with any legal or statutory regulations relevant to the project which they are seeking Greater Grants funding. This includes (where relevant) appropriate insurances, food handling permits, liquor licences etc.

### **Environmental and Sustainability Considerations**

No Environmental and Sustainability Considerations identified.

### **Community Consultation and Communication**

Various Council staff engage with the community in relation to the Greater Grants program at a range of meetings (including Councillor Engagement, Progress Association, club and user groups, committee of management and, event organiser meetings, etc). Staff also engage with applicants on a 1:1 basis, to provide support through the Greater Grant process.

Grant recipients across all categories are required to complete a grant acquittal report. As part of the acquittal, Council seeks feedback from the grant recipient on ways in which the delivery of grants to the community could be improved.

The Annual Tourism and Events Forum, held each year (not under COVID restrictions), provides an opportunity for Greater Grants applicants to hear the latest updates about the program, provide feedback to grant owners, and learn how to get the best outcome from their application.

The decision will be communicated through a media release to the general public, via letters to the Grant recipients and through Council's Community Newsletter and township newsletters. The successful applicants will be notified by phone call and mail, and successful projects will be promoted on Council's website.

### **Disclosure of Interests**

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

<b>RECOMMENDATION</b>
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That Council:

1. Notes the \$21,865.20 for Greater Grants approved under delegation.
2. Allocates \$76,711.50 as per the projects outlined in the summary table below.

Category	Applicant	Project	Ask Amount	Funding Amount	Total Project Cost
Sustainability	HIRL	Pine Removal in Carpark	\$5,844	\$5,844	\$11,688
Sustainability	Glenthompson Hall	Supper room upgrade (Lighting, new ceiling & insulation).	\$7,000	\$7,000	\$14,294
Sustainability	WDHS	Food waste Dehydrator	\$10,000	\$10,000	\$49,550
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Heritage	Mrs Karen Arnold	Dunkeld Post office Repairs	\$15,000	\$15,000	\$35,000
Heritage	Anglican Parish Coleraine	Chimney restoration	\$13,000	\$13,000	\$26,000
<b>Total</b>			<b>\$81,980.04</b>	<b>\$76,711.50</b>	<b>\$198,804.08</b>

<b>COUNCIL RESOLUTION</b>
---------------------------

**MOVED: Cr Calvano**

**SECONDED: Cr Henry**

**That Council:**

- 1. Notes the \$21,865.20 for Greater Grants approved under delegation.**
- 2. Allocates \$76,711.50 as per the projects outlined in the summary table below.**

Category	Applicant	Project	Ask Amount	Funding Amount	Total Project Cost
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Heritage	Mrs Karen Arnold	Dunkeld Post office Repairs	\$15,000	\$15,000	\$35,000
Heritage	Anglican Parish Coleraine	Chimney restoration	\$13,000	\$13,000	\$26,000
<b>Total</b>			<b>\$81,980.04</b>	<b>\$76,711.50</b>	<b>\$198,804.08</b>

**CARRIED**

## 10.3 Award Tender 42-21 - Operation of Hamilton Cinema

**Directorate:** Andrew Goodsell, Director Planning and Development  
**Author:** Amy Knight, Manager Cultural Arts  
**Attachments:** None.

### Executive Summary

Council runs the Hamilton cinema, owns the building and takes all responsibility for securing films, employing and managing staff and the customer experience.

Council resolved in November 2021 to undertake a public tender process for the future operation of the Hamilton Cinema. This followed various briefings to Council regarding the services ongoing operation acknowledging the limitations of the current operational model. Notwithstanding restrictions placed on the service in recent years due to COVID 19 (density, face masks etc) impacting the financial outcomes, limitations on negotiation power with film distributors and increasing staff wages have seen an upward trend in operational costs.

Put simply, Council is not the ideal operator of cinemas due to its staffing costs and the specialisation needed to run such a service. Council has made the same decision on other services across the last 12-18 months.

Private operation of the Hamilton Cinema provides greater access to timely screenings of blockbuster films, as well as mitigating financial risk on Council's behalf to fund the service long term with a ceiling on operational costs. This is what occurs when an operator runs screens across multiple venues in Victoria. It was on this basis, namely continuation of service at the same level that Council tendered 42-21 Operation of the Hamilton Cinema.

That tender process ran from 24 December 2021 and closed on 21 January 2022. Briefings to Council were provided on 27 October 2021 and 23 March 2022. Tenders were publicly advertised on the Council portal e-Procure.

One tender submission was received and evaluated based on the following criteria:

- Price – 40%
- Operational Proposal – 30%
- Previous Experience – 20%
- Environmental Sustainability – 10%
- OH&S P/F

The recommendation is to award Tender No 42-21 to tender Showbiz Group Pty Ltd for the GST exclusive price of \$160,200.00 over a three-year term with the option of an additional three years.

### Discussion

#### The need for a Cinema service in Hamilton

The Hamilton cinema is an important community service that delivers a mix of latest releases and other films on a five days a week basis throughout the year (6 days in school holidays). Similar to Portland, within Glenelg Shire, Council owns the building. However, unlike Portland, Council runs the service.

The service facilitates various fundraising and social opportunities for charity groups, records substantial attendance over school holiday periods, and is well supported and utilised by the Hamilton Film Club. The Cinema is an integral part of the towns amenity that contributes significantly to the liveability within Southern Grampians. It is not uncommon to see PG and G films for instance achieving a run of over 600-800 tickets in the space of 1-2 weeks during school holidays. For older residents, there is also a wide range of choices and the film group demonstrates the cultural value of cinema to locals.

A professionally run cinema service in Hamilton benefits the community both socially and culturally while also contributing to a broader economic influence on local business from patrons discretionary spending (eg dining, retail).

Notwithstanding the effects of Covid upon the data, patronage of the Cinema in 2018/19 was 15,900, comparable to other cultural and entertainment facilities such as Hamilton Gallery (15,290) and Hamilton Performing Arts Centre (15,700).

### Options Analysis

Consideration for the long-term operation of the Cinema, and ensuring the Cinema continues to provide an ongoing program of film entertainment for residents and visitors to the area, the following operational options were explored:

1. Community run facility;
2. Business as usual – Operated as Council service;
3. Private Operation - Return Cinema operation to private business under an agreement with Council.

#### 1. Community run facility

The level of service provided at the cinema should not be less than what is already being provided (eg number of screenings, movie choice etc). A community run facility, such as the Port Fairy Film Society which screens monthly film screenings, does not provide a comparable level of service provided by either Council or a potential private operator. At the time of writing for instance there were six (6) different films being screened and 20 screenings within 5 days at Hamilton.

The only current volunteer led group is the Film Club in Hamilton whose committee is made of four key managing members. Further, Council would still retain costs associated with the facility and projection equipment. This option is not considered to be a viable solution for the service. Furthermore, Port Fairy is within 20 minutes commute of a full commercial cinema, not 1 hour 15 minutes as is the case from Hamilton to Warrnambool. Towns within the same region running cinemas with comparable offer include Horsham, Portland and Ararat. None are run by Council or by community groups.

#### 2. Business as usual – Operated as Council service

Business as usual would see the operation continue to be managed in-house by Council. Following significant closure times during Covid the operational trend is consistently trending upwards with potential escalation to be well beyond \$100,000 pa as no ceiling on costs can be guaranteed.

The cost and rate of pay for casual employees is set by Council's Enterprise Agreement, and results in notably higher rates of pay than those of a commercial operator. Salaries are by far the largest cost for any operator of a cinema. Modelling of the previous four years show an

average annual operating cost to Council of \$80,000, which escalates in years impacted by COVID-19 (2019-20 – present) to figures no greater than \$130,000.

While Council's operation of the Cinema has been met with various successes, it remains outside of Council's core business. The Cinema is operated as a function of the Performing Arts Centre utilising both permanent and casual staff. While professionally run, the Cinema service is performed as an addition to staff's usual roles and responsibilities. With the program being delivered by HPAC in event and tour delivery, existing staff focus is best placed on those events, not stretching to include cinema operations.

### 3. Private Operation

Transition back to private operation for the Cinema service would see better delivery of customer service for the community with greater access and negotiation opportunities with film distributors. The offering of new release screenings will be significantly higher than Council's single screen, single venue operation. A private operator such as that being considered in this tender has considerably more leverage to attract film releases on their own terms. Customers will potentially not have to wait to see a film locally several weeks/months after release in other regional cinemas.

The reintroduction of private industry into the cinema space leads to potential opportunity of expansion over time and greater economic gains. This will be contingent on decisions Council will make on investments on the Hamilton Gallery, future planning of existing services in Brown Street and other factors. A 3-year contract with a 1 + 1 + 1 extension (6 years in total) secures the time needed for Council to complete that work and planning to strategically address the delivery of all cultural arts elements in a more integrated fashion.

It is determined that private operation of a Cinema service for Hamilton would result in a more economically viable model for the community in the long term, given current award rates of pay and greater freedoms in negotiation power with film distributors.

### The Tender Process

Following advertising in December 2021, the following tender submissions were received:

- ShowBiz Cinema Group Pty Ltd

Company Name	Qualitative Score(%)	Moderated Total Price	Quantitative Score(%)	Total Score
Showbiz Cinemas	40.07%	\$419,400.00	40.00%	80.07%

As there was only one submission to consider, the moderated score was an average of the individual panel members with no single score resulting in a fail (<5).

Referee checks confirmed operational practices were completed to a high standard. Referees expressed community support of ShowBiz Cinemas to be positive in their respective locations (Ballarat and Swan Hill) and their ability to screen new release films on time and on regular occurrence was well received.

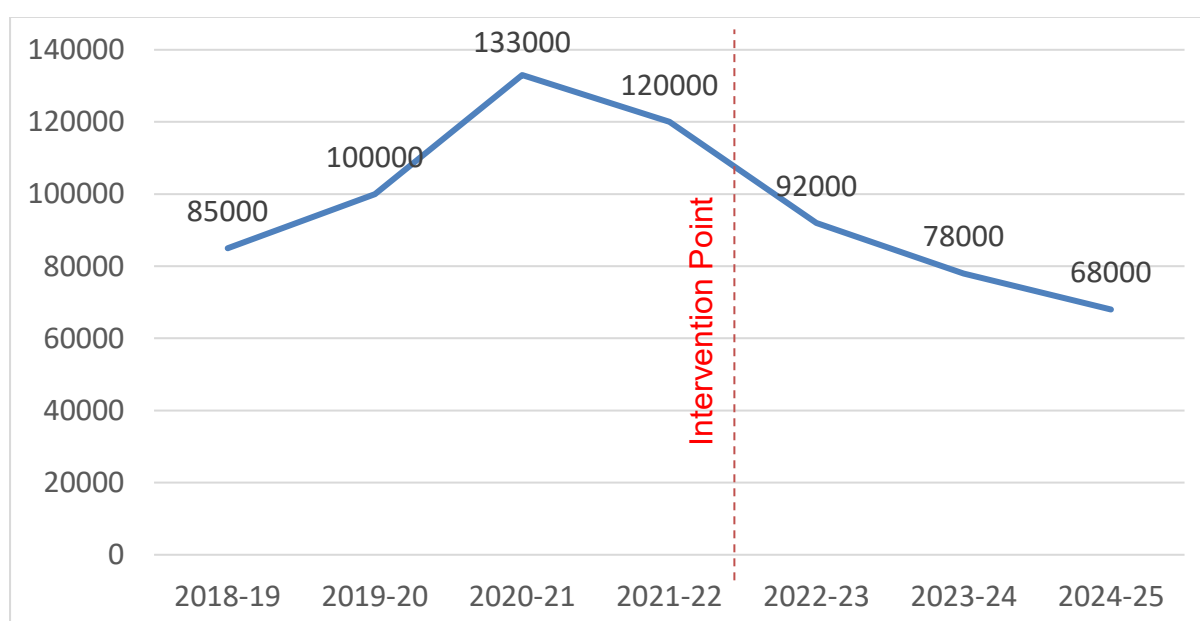
It is therefore the recommendation of the Tender Evaluation Panel that the tender submitted by Showbiz Group Pty Ltd for the GST exclusive price of \$160,200.00 be accepted.

## Financial and Resource Implications

Council budgets annually for the operation of the Cinema which is approximately \$80,000 per annum. The implications of Covid on the operational budget since 2019-20 has seen a significant impact on this figure, raising the operational spend to over \$130,000. This is due to honouring staff wages during lockdowns and reduced seating capacity due to restrictions.

The financial implications with progressing the tender are namely the management fee to deliver the service. The cost of this is \$160,200.00 exc GST over three years. This cost will need to be reflected in the current budget year, and the 2022/23 budget adjusted. Savings are anticipated to be reported in years two and three of the contract. A ceiling for Council's financial support over the life of agreement (likely three-year term) will be in place reversing a trend of increased operational costs linked to staffing.

**Projected Cost to Council over time**



Council will retain the building maintenance and servicing costs for the building as the cinema is part of the Brown Street complex. Council staff will still require use of the venue, including use of the toilet facilities. Corporate overheads will remain, however will see a significant reduction charged to the service line due to the level of operational support no longer required.

## Legislation, Council Plan and Policy Impacts

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

This tender supports the following objectives and strategies in the Council Plan 2021-25:

### 1.2 Support and promote a healthy Community

1.2.2 Support and encourage participation in arts and culture, education, leisure, recreation and sporting opportunities

### 1.3 Grow a diverse and inclusive community

1.3.4 Provide, promote and support appropriate and accessible services, facilities and activities for younger residents

**Risk Management**

It is acknowledged that the projection equipment utilised at the Hamilton Cinema is of considerable age. The Digital Projection System was purchased in June 2012 and has been operating successfully since this time. The potential risk of equipment failure is moderate to high considering the age of the equipment.

In order to mitigate the risk for both parties, the use, maintenance and ownership of the projection equipment was negotiated during the tender process. The outcome is that a leasing model will be activated if or when equipment comes to end of life – an operational matter outside the tender process.

**Environmental and Sustainability Considerations**

Showbiz Group Pty Ltd have provided appropriate detail of the company's environmental best practice policy which was considered as part of the evaluation.

**Community Consultation and Communication**

Public notice was given and the tender process complied with Council's Procurement Policy.

Tenderers will be notified by the Procurements Officer of the decision made by Council at its meeting on 13 April 2022.

Council Officers have met with the committee of the Hamilton Film Club detailing intentions of the management transition. Following Council decision, Officers will meet with Committee to discuss the outcome.

User groups and patrons of the Cinema will be notified through existing channels, including website, social media and EDM mailing lists. This will be in addition to public notice of operational change advertised in local media, at the facility and through Council's communications channels.

**Disclosure of Interests**

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

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

- Andrew Goodsell – Director Planning and Development
- Amy Knight – Manager Cultural Arts
- Melissa Forlano – Performing Arts Service Manager



**RECOMMENDATION**

That:

1. Council award Contract 42-21 to ShowBiz Cinemas Pty Ltd for the Operation of Hamilton Cinema for the tendered price of \$160,200.00 excluding GST for an initial term of three years with a three-year extension available.
2. Council delegate to the Chief Executive Officer the authority to negotiate the terms and conditions and to execute Contract 42-21 on behalf of Council.
3. A report be presented to Council for consideration prior to the three year extension being implemented.

**COUNCIL RESOLUTION**

**MOVED:** Cr Calvano  
**SECONDED:** Cr Rainsford

**Council defer awarding Contract 42-21 to ShowBiz Cinemas Pty Ltd for the Operation of Hamilton Cinema for the tendered price of \$160,200.00 excluding GST for an initial term of three years with a three-year extension available.**

**CARRIED**

## 10.4 Chief Executive Officer – Annual Leave

**Directorate:** Tony Doyle, Chief Executive Officer  
**Author:** Tony Doyle, Chief Executive Officer  
**Attachments:** None

### Executive Summary

This report requests noting of the Chief Executive Officer taking annual leave in April 2022, and the appointment of Evelyn Arnold, Director Corporate and Community Services as the Acting Chief Executive Officer.

### Discussion

It is requested Council note the CEO's annual leave for the period Friday, 15 April 2022 until Friday, 13 May 2022 with the period of 9– 13 May inclusive to be taken as Leave Without Pay. The Acting Chief Executive Officer is recommended as Evelyn Arnold, Director Corporate and Community Services.

This report also provides provision for an additional up to two (2) weeks leave for the CEO in the event of unforeseen circumstances occurring, e.g., potential COVID lockdowns or flight restrictions and extension of the Acting CEO's tenure.

### Financial and Resource Implications

There are no additional cost implications as leave is budgeted and allowed for.

### Legislation, Council Plan and Policy Impacts

Under the *Local Government Act 2020*, Council must appoint a Chief Executive Officer and others in an Acting capacity as, and when, required.

### Risk Management

There are no risks involved in the approval of leave and appropriate Director is recommended to act as the Chief Executive Officer.

### Environmental and Sustainability Considerations

There are no Environmental and Sustainability Considerations.

### Community Consultation and Communication

Prior to the leave, Council staff will be informed via an all-staff email from the Chief Executive Officer and will be noted in the staff newsletter.

### Disclosure of Interests

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

**RECOMMENDATION**

That:

1. The CEO, Tony Doyle's annual leave for the period Friday, 15 April 2022 until Friday, 13 May 2022 inclusive, be noted.
2. Council approve the CEO utilising Leave Without Pay for the period of 9 – 13 May inclusive.
3. Evelyn Arnold, Director Corporate and Community Services, be appointed Acting CEO for the period Friday, 15 April 2022 until Friday, 13 May 2022.
4. Council approve the provision of an additional two (2) weeks leave should any unforeseen circumstances arise and extend the appointment of the Acting CEO for the same period.

**COUNCIL RESOLUTION**

**MOVED: Cr Brown**

**SECONDED: Cr Henry**

**That:**

1. **The CEO, Tony Doyle's annual leave for the period Friday, 15 April 2022 until Friday, 13 May 2022 inclusive, be noted.**
2. **Council approve the CEO utilising Leave Without Pay for the period of 9 – 13 May inclusive.**
3. **Evelyn Arnold, Director Corporate and Community Services, be appointed Acting CEO for the period Friday, 15 April 2022 until Friday, 13 May 2022.**
4. **Council approve the provision of an additional two (2) weeks leave should any unforeseen circumstances arise and extend the appointment of the Acting CEO for the same period.**

**CARRIED**

## 11. Notices of Motion

### 11.1 Notice of Motion #3/22

Cr Rainsford

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 13 April 2022

#### MOTION

That Southern Grampians Shire Council:

1. Establishes a Hamilton Showgrounds Advisory Committee reflecting the intent of the current Hamilton Showgrounds Masterplan and consistent with the function of a Community Asset Advisory Committee as defined in the Local Government Act 2020.
2. Appoints two councillor delegates to the Hamilton Showgrounds Advisory Committee, with the intention of one of the councillors Chairing the Asset Advisory Committee and reporting to Council.
3. Develops a Terms of Reference for the Hamilton Showgrounds Advisory Committee to be adopted by Council within 2 months.
4. Two councillor delegates nominated to represent Southern Grampians Shire Council are Cr. ....& Cr.....;

#### Background

The Hamilton Showgrounds is a 12 Hectare of Crown Land “temporarily reserved as a site for Showgrounds, Public Recreation, Camping and Racecourse Purposes” with the Southern Grampians Shire Council duly appointed as the Committee of Management.

The User Groups which at the time of the current 2007 Hamilton Showgrounds Masterplan included Hamilton Gymnastics, Western Districts Umpire Association, Hamilton Kennel Club Hamilton Brass, SES Hamilton Branch, Lions Club of Hamilton and Hamilton & District Darts Club.

Each Use Group has a separate lease with the Council for access to and occupancy of their respective buildings/spaces. The Hamilton Pastoral & Agricultural Society undertakes some day-to- day administration

The 2007 Hamilton Showgrounds Masterplan describes the management structure as “the user groups are each represented on the Hamilton Showgrounds Advisory Board, a committee established by Council to provide “a voice” or all groups in relation to the planning, development and management of the site”

The Recommendation 16 of the Council adopted 2007 Hamilton Showgrounds Masterplan is “the Hamilton Showgrounds Advisory Board continue in its present form as a tenant representative group with which Council is able to utilise as a “sounding board “on matters pertaining to the development and management of the Showgrounds including the

implementation of the Masterplan.”” Page 19 Final Report. Stratcorp Hamilton Showgrounds Masterplan.

The purpose of this motion is to implement better communication and consultation processes with Council, community and Hamilton Showgrounds User Groups so as to ensure that the site continues to be relevant and responsive to the needs of user groups and the broader community. Many of the 17 improvement projects of the 2007 Masterplan have been implemented, the major investment being the construction of the Hamilton Exhibition Centre complete with commercial kitchen. 15 years on its time to ensure that the Showgrounds provides current and potential user groups, visitors and local residents with a range of facilities and spaces which are easily accessed, relevant and accommodate future needs and trends.

### **Officers Comments**

The Local Government Act 2020 does not allow for a “Community Asset Advisory Committee”. The Act provides for a Community Asset Committee under section 65 or Council can choose to establish an Advisory Committee. Previous consultation with the User Groups did not indicate support for a section 65 Committee.

A briefing is scheduled in May which will allow for a discussion on the management of a number of key assets including the Hamilton Show Grounds. Following this briefing a report will be prepared for Council (if required) to formalise the discussion.

## **COUNCIL RESOLUTION**

**MOVED:** Cr Rainsford  
**SECONDED:** Cr Robertson

**That Southern Grampians Shire Council:**

- 1. Establishes a Hamilton Showgrounds Advisory Committee reflecting the intent of the current Hamilton Showgrounds Masterplan and consistent with the function of a Community Asset Advisory Committee as defined in the Local Government Act 2020.**
- 2. Appoints two councillor delegates to the Hamilton Showgrounds Advisory Committee, with the intention of one of the councillors Chairing the Asset Advisory Committee and reporting to Council.**
- 3. Develops a Terms of Reference for the Hamilton Showgrounds Advisory Committee to be adopted by Council within 2 months.**
- 4. Two councillor delegates nominated to represent Southern Grampians Shire Council are Cr Katrina Rainsford & Cr David Robertson;**

**CARRIED**

## 12. Delegated Reports

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

### 12.1 HAMILTON REGIONAL LIVESTOCK COMMITTEE

Cr Brown reported on her attendance at the Hamilton Regional Livestock Committee Meetings.

### 12.2 BARWON SOUTH WEST WASTE AND RESOURCE RECOVERY GROUP

Cr Henry reported on her attendance at the Barwon South West Waste and Resource Recovery Group Meeting.

### 12.3 GREEN TRIANGLE ACTION GROUP

Cr Rainsford and Cr Colliton reported on their attendance at the Green Triangle Action Group Meeting.

### 12.4 RAIL FREIGHT ALLIANCE (RFA)

Cr Rainsford reported on her attendance at the Rail Freight Alliance Meeting.

## 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 6:25 pm.

Confirmed by resolution 11 May 2022.

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Chairman