



**Southern Grampians**  
SHIRE COUNCIL

# Council Meeting Minutes

Council Meeting  
14 December 2022

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

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## The Meeting opened at 5:30pm

### 1. Present

#### **Councillors**

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

#### **Officers**

Mr Tony Doyle, Chief Executive Officer  
Mr Kevin Leddin, Acting Director People and Culture  
Ms Marg Scanlon, Director Infrastructure and Sustainability  
Ms Belinda Johnson, Acting Director Wellbeing, Planning and Regulation  
Ms Tania Quinn, Acting Governance Coordinator

### 2. Welcome and Acknowledgement of Country

The Mayor, Cr Robertson 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 Colliton led 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

## 5. Confirmation of Minutes

### RECOMMENDATION

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

That the Minutes of the Unscheduled Council Meeting held on 30 November 2022 be confirmed as a correct record of business transacted.

### COUNCIL RESOLUTION

**MOVED:** Cr Colliton  
**SECONDED:** Cr McAdam

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

**That the Minutes of the Unscheduled Council Meeting held on 30 November 2022 be confirmed as a correct record of business transacted.**

**CARRIED**

## 6. Declaration of Interest

None declared.

## 7. Questions on Notice

### 7.1 Doug Fleming

**Q1** The Dunkeld Tourism Association understands that at the April 2020 Meeting, Council approved the application for a Public Acquisition Overlay for the property of 178 Victoria Valley Road, to form part of the Dunkeld Loop Walk. Furthermore, the Dunkeld Tourism Association understands that State Government's approval of the public acquisition was Gazetted on 11 February 2021. Given the complex matters of compulsory acquisition were finalised 22 months ago, why haven't the remaining straightforward steps of compulsory acquisition been achieved?

**Response:**

When the proposed Plan of Subdivision PS829972N was created it was noted on the Plan that the land was to be acquired by **Agreement**, which is a far more cooperative approach to land acquisition. While there has been several attempts to achieve this in good faith, it is deemed that Agreement could not be reached and Council has now proceeded for a compulsory acquisition process.

**Q2** Given that this project has been running for 15 years, can Council outline the expected timeframe against the remaining steps in the process that are required to achieve acquisition of 178 Victoria Valley Road, Dunkeld, and then complete the project?

**Response:**

It is proposed that this process would take up to 6 months.

## 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:

- 9 November 2022 – Briefing Session
- 15 November 2022 – Audit and Risk Committee Meeting
- 23 November 2022 – Briefing Session
- 30 November 2022 – Briefing Session

This agenda was prepared on 7 December 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

<b>ASSEMBLY DETAILS</b>	
<b>Title:</b>	Briefing Session
<b>Date:</b>	9 November 2022
<b>Location:</b>	MJ Hynes Auditorium
<b>Councillors in Attendance:</b>	Cr David Robertson, Mayor Cr Helen Henry, Deputy Mayor Cr Mary-Ann Brown Cr Albert Calvano Cr Bruach Colliton Cr Katrina Rainsford
<b>Council Staff in Attendance:</b>	Tony Doyle, Chief Executive Officer Kevin Leddin, Acting Director Community and Corporate Services Marg Scanlon, Director Infrastructure Belinda Johnson, Acting Director Planning and Development Susannah Milne, Manager Recreation and Leisure Services Di Dixon, Leisure Facilities Coordinator Jason Cay, Acting Financial Sustainability Coordinator
<b>External Presenters:</b>	Mark Williams, Peter Vogel

The Informal Meeting commenced at 1:00pm.

<b>MATTERS CONSIDERED</b>		<b>CONFLICTS OF INTEREST DECLARED</b>
<b>1</b>	Councillor Only Meeting	Nil
<b>2</b>	Matters Raised by Councillors	Nil
<b>3</b>	GWMWater Annual Briefing	Nil
<b>4</b>	Outdoor Pool Operations Update	Nil
<b>5</b>	ARC Independent Member Fees	Nil
<b>6</b>	Quarterly Finance Report	Nil

The Informal Meeting concluded at 4:00pm.



## Southern Grampians Shire Council

## INFORMAL MEETING OF COUNCILLORS

ASSEMBLY DETAILS	
<b>Title:</b>	Audit & Risk Committee Meeting
<b>Date:</b>	15 November 2022
<b>Location:</b>	Martin J Hynes Auditorium/Teams Meeting
<b>Councillors in Attendance:</b>	Cr David Robertson, Mayor Cr Helen Henry, Deputy Mayor
<b>Council Staff in Attendance:</b>	Mr Tony Doyle, CEO Mr Kevin Leddin, Acting Director Community & Corporate Services Mr Jason Cay, Acting Financial Sustainability Coordinator Mrs Tahlia Homes – Manager Organisational Development Ms Nadine Rhook, EA to Director Community & Corporate Services

The Assembly commenced at 1:30pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Welcome	Nil
2	Apologies	Nil
3	Conflict of Interest	Nil
4	Confirmation of Previous Minutes	Nil
5	Summary Table of Outstanding Matters	Nil
6	External Audit - Progress Report of Current Actions	Nil
7	Final Management Letter, Closing Repor & Representation Letter	Nil
8	Internal Audit – Progress Overall & Updated Internal Audit Plan 2022-2022	Nil
9	Progress Report of Internal Audit Actions (Interplan) – Data Security Protection (VPDSS) & Data Analysis – Accounts Payable & Procurement	Nil

<b>10</b>	VAGO, Ombudsman & IBAC Reports	Nil
<b>11</b>	Excess Leave Update	Nil
<b>12</b>	Compliance Framework	Nil
<b>13</b>	OHS Report	Nil
<b>14</b>	Integrated Strategic Planning & Reporting Framework	Nil
<b>15</b>	Review Strategic Risk Register & Action Plan	Nil
<b>16</b>	Evaluation of Emerging Risk – Circular Economy (Waste Reduction & Recycling) Act 2021	Nil
<b>17</b>	Councillor Expenses Quarterly Report (July 2022 – September 2022)	Cr Robertson & Cr Henry declared an indirect conflict at the ARC Meeting at Item 12.1
<b>18</b>	Audit & Risk Committee – Annual Chair Report 2021/2022	Nil
<b>19</b>	Audit & Risk Committee – Annual Plan 2023	Nil
<b>20</b>	Other Items	Nil
<b>21</b>	Next Meeting	Nil

The Assembly concluded at 4.12pm

## Southern Grampians Shire Council

### Informal Meeting of Councillors

<b>ASSEMBLY DETAILS</b>	
<b>Title:</b>	Briefing Session
<b>Date:</b>	23 November 2022
<b>Location:</b>	MJ Hynes Auditorium
<b>Councillors in Attendance:</b>	Cr David Robertson, Mayor Cr Helen Henry, Deputy Mayor Cr Albert Calvano Cr Bruach Colliton Cr Greg McAdam Cr Katrina Rainsford
<b>Council Staff in Attendance:</b>	Tony Doyle, Chief Executive Officer Kevin Leddin, Acting Director Community and Corporate Services Marg Scanlon, Director Infrastructure Belinda Johnson, Acting Director Planning and Development Daryl Adamson, Manager Shire Strategy and Regulation John Finnerty, Manager Assets Alastair Griffiths, Contract Engineer

The Informal Meeting commenced at 1:00pm.

<b>MATTERS CONSIDERED</b>		<b>CONFLICTS OF INTEREST DECLARED</b>
<b>1</b>	Councillor and CEO Only Meeting	Nil
<b>2</b>	Matters Raised by Councillors	Nil
<b>3</b>	86 and 86A Lonsdale Street Acquisition	Nil
<b>4</b>	RESA Hamilton Aerodrome Runway Extension	Nil
<b>5</b>	Development Plan, Recreation Road, Dunkeld	Nil
<b>6</b>	Building Services Contract	Nil

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<b>7</b>	Caravan Park Concept Plan – Penshurst and Coleraine	Nil
<b>8</b>	Road Management Plan Review	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 November 2022
<b>Location:</b>	MJ Hynes Auditorium
<b>Councillors in Attendance:</b>	Cr David Robertson, Mayor Cr Mary-Ann Brown Cr Albert Calvano Cr Bruach Colliton Cr Greg McAdam Cr Katrina Rainsford
<b>Council Staff in Attendance:</b>	Tony Doyle, Chief Executive Officer Kevin Leddin, Acting Director People and Culture Brett Homes, Acting Director Infrastructure and Sustainability Belinda Johnson, Acting Director Wellbeing, Planning and Regulation Alison Quade, Manager Communications and Community Engagement John Finnerty, Manager Assets Bill Scott, Manager Project Management Office Vaibhav Gavande, Project Manager
<b>External Presenters:</b>	P & A Society Representatives

The Informal Meeting commenced at 2:00pm.

<b>MATTERS CONSIDERED</b>		<b>CONFLICTS OF INTEREST DECLARED</b>
<b>1</b>	Matters Raised by Councillors	Nil
<b>2</b>	Grants Policy	Nil
<b>3</b>	Bridge Maintenance Tender Award	Nil
<b>4</b>	P & A Society Briefing	Nil
<b>5</b>	Dunkeld Hub Construction Tender	Nil
<b>6</b>	HPAC Auditorium Seating Award	Nil

The Informal Meeting concluded at 5:00pm.

## 10. Management Reports

### 10.1 Tender 08-23 Hamilton PAC Auditorium Seating

**Directorate:** Marg Scanlon, Director Infrastructure and Sustainability  
**Author:** James Damman, Project Manager  
**Attachment:** None

#### Executive Summary

The seating in the auditorium in the Hamilton Performing Arts Centre needs an upgrade. It is 30 years old and is showing considerable wear. This project has been designed so that

- Industry standard ergonomic seats are installed
- Accessibility is improved for all patrons
- More wheelchair spaces are provided

Council was successful in applying for a grant of \$150,000 from Creative Victoria. An additional \$120,000 of Council funds have been allocated to the project, giving a total budget of \$270,000.

The tender was publicly advertised on 17<sup>th</sup> October 2022 and closed on 8<sup>th</sup> November. Four tender submissions were received. There was a clear winner on both qualitative criteria and on price.

The recommendation is to award Tender No 08-23 to Profurn Commercial for \$260,599.09 ex GST.

#### Discussion

##### Seating Layout

Council prepared a range of 4 layouts for the new seating, based on accessibility, an increase in wheelchair spaces, and the slightly greater width of ergonomic seating. As a result, the total number of seating is reduced from 497 to 449. Tenderers were asked to price all layouts.

Senior management and councillors were consulted during the tender period and the consensus was for a revised layout that provided 450 seats. Councillors also had a preference for a staggered central block of 139 slightly 'oversize' seats that provided improved sight lines for patrons.

##### Tender Discussion

To be conforming, tenderers had to meet minimum insurance requirements and demonstrate safe work practises. Price was scored at 65% and qualitative data at 35%. Qualitative questions concerned the qualifications of staff, methodology, time lines, and relevant previous experience.

Company Name	Qualitative Score (%)	Moderated Total Price	Quantitative Score (%)	Total Score
Tenderer 1	0%	\$0.00	0%	0%
Tenderer 2	0%	\$0.00	0%	0%

Company Name	Qualitative Score (%)	Moderated Total Price	Quantitative Score (%)	Total Score
Tenderer 3	28.87%	\$260,599.09	65.00%	93.87%
Tenderer 4	21.59%	\$289,487.00	56.37%	77.96%

Tenderer 3 scored highest on the qualitative data and, of the compliant bids, also had the lowest price.

### Financial and Resource Implications

The total project cost is summarised below.

	Item	Status	Cost (ex GST)	Budget (ex GST)
1	Contract sum	To be awarded	\$260,599.09	\$270,000.00
2	Project Management	Ongoing internal cost	\$3,000.00	\$9,400.91
3	Contingency	Budget remaining	\$6,400.91	\$6,400.91
			\$270,000.00	0.00

The table shows that there is sufficient funding in the budget to accept the tender submitted by Profurn Commercial, allowing a remainder of \$9,400.91. That will leave \$6,400.91 of the budget as recommended contingency and \$3,000 for project delivery costs.

It is recommended that Council approve

- The contract sum of \$260,599.09
- A sum of \$3,000 for project management, and
- A contingency of \$6,400.91 to cover any potential variations during the project

### Legislation, Council Plan and Policy Impacts

The value of this project is \$260,599. This puts it into the Process 6 of Council's procurement policy. This has involved a full competitive tendering process on the open market. And it requires Council approval of the successful tenderer.

### Risk Management

The upgrade of the HPAC auditorium seating is a low-risk project. Risk analysis shows no extreme risks and only two risks rated as high – the risk of litigation arising from negligence during the installation (mitigated by contractor insurances), and a lack of resources to properly manage the project (mitigated by Council recruiting into the Project Management Office).

### Collaborative Opportunities

The successful tenderer, Profurn, is located in Melbourne. There will be some electrical work associated with lighting of aisle numbers, and this will be carried out by a local Hamilton-based contractor. All other work – removal and disposal of old seating, removal of existing carpet, relocation of boxing for steps, etc – will be carried out by HPAC staff during the period the auditorium is closed to the public.

## Environmental and Sustainability Considerations

The seating of the preferred tenderer is partly manufactured in Malaysia and finished in Nunawading in Melbourne. The Malaysian content has been certified by the Singapore Green Building Council. The Australian content is governed by the tenderer's environmental policy that aims to minimize environmental impacts.

## Consultation and Communication

Senior management and a number of councilors were canvassed regarding the preferred layout. The constraints of the project were discussed and there was an opportunity to examine and test a sample of the seating proposed by the preferred tenderer.

The auditorium will need to be closed for several months early in 2023 while the old seating is removed, the auditorium is painted, and the new seating then installed. A public notice will be issued and interest groups directly contacted and informed.

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 14 December 2022.

## 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:

- Kevin Leddin
- Mark Pryle
- James Damman
- Brendan Dickson

## RECOMMENDATION

That Council:

1. Award Contract No. 08-23 Hamilton PAC auditorium seating upgrade to Profurn Commercial for \$260,599.09 ex GST.
2. Approve a contingency spend amount of \$6,400.91 to Contract No. 08-23.
3. Authorise the Chief Executive Officer to execute Contract No. 08-23 and any other documents required by or to give effect to the terms of the contract on behalf of Council.



**COUNCIL RESOLUTION**

**MOVED:** Cr Colliton  
**SECONDED:** Cr Brown

**That Council:**

- 1. Award Contract No. 08-23 Hamilton PAC auditorium seating upgrade to Profurn Commercial for \$260,599.09 ex GST.**
- 2. Approve a contingency spend amount of \$6,400.91 to Contract No. 08-23.**
- 3. Authorise the Chief Executive Officer to execute Contract No. 08-23 and any other documents required by or to give effect to the terms of the contract on behalf of Council.**

**CARRIED**

## 10.2 Tender 01-23 Bridge Maintenance & Repair Work

**Directorate:** Marg Scanlon, Director Infrastructure and Sustainability  
**Author:** Vaibhav Gavande - Project Manager  
**Attachments:** None

### Executive Summary

Southern Grampians Shire Council has undertaken level 2 inspections of several bridges and major culverts throughout the municipality to plan for the safe maintenance of bridge structure and minimise risk.

Tender was publicly advertised on 30/09/2022 for contract 01 - 23 Bridge Maintenance & Repair Work (2022-2023). Two tender submissions were received and evaluated based on price, methodology, OHS, and sustainable procurement.

The recommendation is to award Contract 01-23 to Waratah Constructions for the tendered lump sum price of \$720,053.00 excluding GST.

### Discussion

Proposed repair and maintenance work for the following structures were identified as recommendation from Level 2 inspection report completed in 21/22 which were verified later through an internal team of engineers.

#### Bridges

1. Bell Street (035) Yuppeckiar Creek
2. McKellars Road (1970) Violet Creek
3. Mt Napier Road (00265) Grange Burn
4. Blackwood-Dunkeld Road (20500) Back Creek
5. Quigleys Road (00258) Wannon River
6. Walkers Road (1990) Back Creek
7. Hamilton Botanic Gardens – Footbridge
8. Yatchaw Road (8225)
9. Victoria Point Road (00615) Dwyer Creek
10. Melville Forest-Vasey Road (09850)
11. Mt Napier Road (04806) Muddy Creek

#### Culverts

12. Back Bushy Creek Road (10015) Bushy Creek – Culvert
13. Giant Rock Road (860) Konongwootong Creek - Major Culvert
14. Tarrenlea Road (9117) Saltpan Creek - Major Culvert
15. Melville Forest-Vasey Road (11935) Major Culvert
16. Cavendish Coleriane Road (36640) Major Culvert
17. McCutcheons Road (5640) Little Tea Tree Creek - Major Culvert

The minor maintenance works required to be carried out are treatment of rusting on beams and girders, repainting, concrete spalling, cleaning, clearing work but not limited too.

Two (2) tender submission was received and evaluated in accordance with Council Procurement Policy.

Tenderer	Price	Conforming
Tenderer 1	\$1,351,132.00	Yes
Tenderer 2	\$720,053.00	Yes

Both tender responses are of good quality and are conforming and as such evaluated by the evaluation panel. Tenderer 1 cost is over budget.

The tenders were then evaluated by the designated evaluation panel members against the following pre-set evaluation criteria:

- Price - 45 %
- Demonstrated performance including available resources - 25%
- Methodology - 15%
- Sustainable Procurement - 15%
- Occupational Health & Safety - Pass/Fail

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

Company Name	Qualitative Score (%)	Moderated Total Price	Quantitative Score (%)	Total Score
McElligott Partners Pty Ltd	39.29%	\$1,351,132.00	23.98%	63.27%
Waratah Constructions	41.35%	\$720,053.00	45.00%	86.35%

McElligott Partners Pty Ltd was given the opportunity to correct any error or omission as initial prices seemed high and cost breakdown for each component as per provided schedule of rates document was not provided. Based on revised prices, it can be concluded that Quigleys Road (00258) Wannon River bridge was priced for replacement rather than repair. Prior work experience for McElligott aligns more with steel repair and large-scale complex steel repair and quoted price is significantly over budget.

Waratah Constructions has experience delivering several works of similar nature to this tender for councils around Victoria and have return with reference checks suggesting no variation concerns with proper documentation of records and good practice of toolbox meetings. Good detail on procedure for works were provided along with a detailed schedule that highlights duration of works on each bridge with start in March and completion in May 23. Waratah has provided supporting evidence of competence, particularly regarding quality and safety management. The preferred tenderer Waratah Construction's tender amount is \$720,053.00 (excl. GST) and is within the Council proposed budget of \$765,000 (excl. GST).

### Financial and Resource Implications

- The project is budgeted within the Council's capital works programme for the financial year 2022 – 2023.
- Overall, the project will be within the budgeted amounts.
- Considering which there are no financial implications on the Council.

	Incomings	Outgoings	
Budget	<b>\$765,000.00</b>		
CMA Applications		<b>\$5,500.00</b>	
Available funds			<b>\$759,500.00</b>

### 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:

- Southern Grampians Shire Procurement Policy 2021-25
- Southern Grampians Shire Procurement Guidelines 2019 V13

### Risk Management

What are the benefits/risks:

- Considering the Contract is a lump sum, the risks of price variation are reduced. There are sufficient available funds for any contingency.
- Waterway permit has been obtained for all bridges from Glenelg Hopkins Catchment Management Authority (GHCMA)

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

### Collaborative Opportunities

There are no collaborative opportunities identified for this project.

### Environmental and Sustainability Considerations

Waterway permit has been obtained for all bridges from Glenelg Hopkins Catchment Management Authority. Environmental Sustainability has been considered in Tender Evaluation.

### Community Consultation and Communication

Public notice was given of the tender in accordance with Local Government Act 2020 and the tender process complied with Council's Procurement Policy.

The tender was publicly advertised in the Council's e-Tendering portal on 30 Sep 2022 and closed on 24 Oct 2022.

Tenderers will be notified by the Procurement Officer of the decision made by Council.

### **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.

- John Finnerty
- Bill Scott
- Brendan Dickson
- Vaibhav Gavande

### **RECOMMENDATION**

That Council:

1. Award Contract No. 01-23 Bridge Maintenance & Repair Work to Waratah Constructions for the tendered lump sum price of \$720,053.00 exc GST.
2. Authorise the Chief Executive Officer to execute Contract 01-23 and any other documents required by or to give effect to the terms of the contract on behalf of Council.

### **COUNCIL RESOLUTION**

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

That Council:

1. **Award Contract No. 01-23 Bridge Maintenance & Repair Work to Waratah Constructions for the tendered lump sum price of \$720,053.00 exc GST.**
2. **Authorise the Chief Executive Officer to execute Contract 01-23 and any other documents required by or to give effect to the terms of the contract on behalf of Council.**

**CARRIED**

## 10.3 Tender 11-23 Dunkeld Visitor Hub Precinct A & C

**Directorate:** Marg Scanlon, Director Infrastructure and Sustainability  
**Author:** Vaibhav Gavande, Project Manager  
**Attachments:** None

### Executive Summary

The Dunkeld Visitor Information Centre is proposed for an upgrade to attract more tourists and to enhance the economy by creating opportunities for the local community.

The scope of this project is primarily divided into 2 locations: Construction of Dunkeld Visitor Hub (Precinct A) at 84 - 88 Parker St, Dunkeld and construction of a viewing podium at the Corner of Adams and Sterling Streets, Dunkeld (Precinct C). The infrastructure will allow visitors to enjoy the local artwork, indigenous planting, native garden, photo spots and canopy shelter with additional public toilet including a shower area.

Tender was publicly advertised on 18<sup>th</sup> Oct 22 and closed on 9<sup>th</sup> Nov 22. No tender submissions were received, and contractor was approached for a quote as per SGSC procurement guideline 3.5.2.

The recommendation is to award Tender No 11-23 to Otway Securities T/A MKM Construction for \$694,183.00 exc. GST.

### Discussion

#### Background

The Dunkeld Visitor Hub (DVH) tender has been publicly advertised for a 3<sup>rd</sup> time and has received no response from contractors.

Council analysed the issues from the previous 2 attempts and re-tendered the works by dividing the scope of project into various packages, part of which has been delivered. The current detailed design was developed taking into consideration cost for construction, design principles of the Dunkeld community and its natural surroundings.

#### Tender Discussion

The overall DVH project has an allocated budget of \$1,000,000 (excl. GST) for FY 22-23 part of which contributed to the construction of pedestrian refuge, pathway, electrical works, and parking.

Current tender which included the viewing podium & redesigned DVH was publicly advertised for construction and failed to get responses, a number of companies were approached for a quote with one company accepting to submit a quote.

Tender response is of good quality, conforming and as such evaluated by the evaluation panel. Referee checks reflected a high quality of work.

The tender has been evaluated by the designated evaluation panel members against the following pre-set evaluation criteria:

- Price - 40 %
- Demonstrated performance including available resources - 25%
- Methodology - 25%
- Sustainable Procurement - 10%
- Occupational Health & Safety - Pass/Fail

Company Name	Qualitative Score 60(%)	Moderated Total Price (gst exclusive)	Quantitative Score (40%)	Total Score
Tender 1	25.0%	\$ 694,184.00	40.0%	65.0%

Currently, Precinct C has not been priced under the submitted amount. Given the small area of works required to deliver the viewing podium, council did not anticipate a significant additional cost however returned price from Tenderer 1 for precinct C is high, works will be completed through SGSC works team or another contractor.

	Tenderer	Price (Ex GST)	Compliant
1	MKM Construction Pty Ltd	\$694,184.00	Yes

### Financial and Resource Implications

The contractor will be responsible for carrying out the works under specified conditions in technical and general specification of the contract document and has priced through a submitted quote.

DVH precinct A detailed design has been developed by MKM Construction. Whilst cost risk exists to Council due to the nature of works, this risk is reduced by achieving design and construction through one contractor. Any variations will be assessed through the standard approval process, which will minimise cost risk to Council.

Total committed budget for overall DVH project for FY 22-23 is \$1,000,000 (excl. GST).

The total project cost is summarised below.

	Item	Status	Cost (Excl GST)	Budget (Excl GST)
1	Final payment for crossing works from last financial year	Complete	\$145,297	\$1,000,000
2	Detailed design works	Issued for tender complete, final construction pending.	\$36,528	\$818,175
3	Concrete pathway works on Sterling Street	Completed internally (Depot), costs pending.	\$40,000	\$778,175
4	Project Management	Underway	\$20,000	\$758,175

The table shows that there is sufficient funding in the budget to accept the tender submitted by MKM Pty Ltd, including funds for council project managers to assist as required.

It should be noted that additional pathway works in Dunkeld Memorial Park constitute part of the overall project under the funding agreement, these works may be partially funded from the separate pathway program capital funds.

## **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:

- Southern Grampians Shire Procurement Policy 2021-25
- Southern Grampians Shire Procurement Guidelines 2019 V13

## **Risk Management**

The construction of DVH is low risk project.

Construction Quality –

The construction of DVH Precinct A & C shall follow as per approved design by a chartered engineer and must follow the relevant Australian Standard.

It is essential that the contractor has the capability to construct to a high standard and follow stringent quality controls. MKM has been responsible for detailed design of DVH hence minimising SGSC's risk of variations due to design flaws during construction.

Construction Timing-

The project must start before 30<sup>th</sup> Jan 23 & be completed as stated in the contract before the end of May 23 to meet funding body milestones. It is therefore essential that the tender be awarded, and contract documents are signed in advance for the works to commence as early as possible.

Material Quality-

The contractor is responsible for the provision of suitable and material that will suffice the Australian standards.

Precinct C-

Currently, Precinct C is under negotiation and has not been priced under the submitted amount.

Councils approach to MKM complies with the requirements of Council's Procurement Policy and Local Government Best Practise Guidelines 2013.

## **Collaborative Opportunities**

There are no collaborative opportunities identified for this project.

## **Environmental and Sustainability Considerations**

The project is considered as low impact on environmental parameters, the contractor's Environmental and sustainability plan will be assessed, and approval process will be conducted by internal team. Recycle

## **Community Consultation and Communication**

Public notice was given of the tender in accordance with Local Government Act 2020 and the tender process complied with Council's Procurement Policy.



The tender was publicly advertised in the Council's e-Tendering portal on 18 October 2022 and closed on 9 November 2022.

Tenderers will be notified by the Procurement Officer of the decision made by Council.

Community consultation has been completed prior to concept phase of this project.

Nearby neighbours and community will be notified of the proposed works nearing commencement.

### **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.

- Belinda Johnson (Acting Director Wellbeing, Planning & Regulation)
- Bill Scott (Manager, PMO)
- Vaibhav Gavande (PM)
- Janelle Dahlenburg (Contracts/Procurement Officer)

### **RECOMMENDATION**

That Council:

1. Award Contract No. 11-23 Dunkeld Visitor Hub Precinct A to Otway Securities T/A MKM Construction for \$694,184.00 Excl. GST.
2. Authorise the Chief Executive Officer to execute Contract 11-23. and any other documents required by or to give effect to the terms of the contract on behalf of Council.

### **COUNCIL RESOLUTION**

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

That Council:

1. **Award Contract No. 11-23 Dunkeld Visitor Hub Precinct A to Otway Securities T/A MKM Construction for \$694,184.00 Excl. GST.**
2. **Authorise the Chief Executive Officer to execute Contract 11-23. and any other documents required by or to give effect to the terms of the contract on behalf of Council.**

**CARRIED**

## 10.4 Tender 04-23 – Building Services

**Directorate:** Belinda Johnson, Acting Director Wellbeing, Planning and Regulation  
**Author:** Daryl Adamson, Manager Shire Strategy and Regulation  
**Attachments:** None

### Purpose

The purpose of this report is to request Council to award tender 04-23 Provision of Building Services for the contract sum of \$489,753 Ex GST with a service period of 2 years with a 1 + 1 option with a total expenditure of \$1,058,891 Ex GST over the service period of the contract.

### Executive Summary

Southern Grampians Shire is required under the *Building Act 1993* to appoint a Municipal Building Surveyor of Council to perform the functions that relate to the administration and enforcement by Council of Parts 3, 4, 5, 7 and 8 and the Building Regulations in the Council's municipal district.

Traditionally this function has been delegated to a Building Surveyor – Unlimited (BS-U) employed directly by the Southern Grampians Shire. However, changes in the private sector and traditional LGA structures have dictated that this function is outsourced to secure the licenced qualification with CEO delegations to enable the Southern Grampians Shire to comply with statutory requirements incumbent on Council through legislation.

- One tender has been received for the provision of building services at the Southern Grampians Shire.
- The tender recommendation is to award to GovSS Pty Ltd who is the current provider of services for the total amount of \$489,753 Ex GST over 2 years and \$1,058,891 Ex GST over 4 years if the 1 + 1 option is taken.
- The evaluation panel has recommended to award the tender for 2 years with a 1 + 1 option.

### Discussion

A public tender process must be used for all procurement activities valued at \$150,000 and above (for goods, services or works).

It is incumbent on Council to administer and enforce the *Building Act 1993*. Strategically Council has delegated responsibilities of Municipal Building Surveyor (MBS) and Responsible Building Surveyor (RBS).

It has then been determined that a 'hybrid' use of internal and external resources continues to provide the best value for Council to deliver building services whilst internal staff gain appropriate skills and qualifications. Recent approaches to Randstad Recruiting have indicated the market annualised salary to employ a fulltime MBS at Council is in a range of \$220-270K pa with an addition 10-15% finder's fee and on-costs. This is independent of further resources required for a functional Building Office.

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 %
- Methodology and Service Level 25%
- Relevant Experience 13%
- Capacity to deliver the service 12%
- Environmental Sustainability 10%

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

Company Name	Qualitative Score (%)	Moderated Total Price	Quantitative Score (%)	Total Score
Govss Pty Ltd	46.41%	\$489,753.00	40.00%	86.41%

### Financial and Resource Implications

Strategically, we have increased the MBS hours of engagement to reflect the workload and replaced some external resources with experienced local building surveyors with a broader understanding of the Southern Grampians Shire client base. This was implemented from feedback from clients, builders and community. The costs associated with the contract are covered in the 2022/23 budget with forecasting continuing for future financial years.

### Service Period

The tender was for a schedule of rates contract. Value of award will be based on the anticipated service level over the contract period of 2 + 1 + 1. Rates were requested for the initial 2 years. Rates for Option period (1+1). Will be negotiated prior to offering any extension.

Contract	Year 1	Contingency	Year 2	Contingency	Year 3	Year 4	Total
04-23	\$237,178	\$25,000	\$252,575	\$25,000	\$259,569	\$259,569	\$1,058,891

All values GST EXCLUSIVE

### Legislation, Council Plan and Policy Impacts

The Southern Grampians Procurement Policy is made under Section 108 and 109 of the *Local Government Act 2020*.

The *Building Act 1993*, and the *Building Regulations 2018*, set out certain powers, functions and duties that are conferred or imposed on Councils. These powers can be delegated by Councils pursuant to s 11 of the *Local Government Act 2020*. This delegation is dealt with in our Instrument of Sub-Delegation by the CEO to Members of Council Staff (S7).

Under the *Building Act 1993*, the MBS has certain powers by virtue of being an MBS. The MBS has the power to delegate these powers, and can authorise certain persons to exercise some of the powers of the MBS. More specifically:

- s 216B of the *Building Act 1993* allows the MBS appointed by Council to delegate their powers (as opposed to the powers of that Council) under the Building Act or the Regulations to any person employed, or engaged, by the Council who is registered as a building surveyor or building inspector under Part 11 of the Building Act whose registration authorises the carrying out of the work required for performing the functions to be delegated by the MBS; and

- s 228A of the Building Act allows the MBS to authorise a person to be an authorised person for the purpose of exercising the powers of the MBS under Division 2 of Part 13 of the Building Act.

In councils where there are no other registered building surveyors or registered building inspectors under Part 11 of the *Building Act 1993* whose registration authorises the carrying out of the work required for performing the functions to be delegated by the MBS, the MBS will not be able to delegate their powers pursuant to s 216B. However, the MBS can still authorise some persons to be authorised persons in relation to some specified powers of the MBS, as provided for under s 228A of the *Building Act 1993*.

This report also relates to the:

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

### **Risk Management**

The recommendation provided is consistent with relevant legislation. It also minimises the risk of financial increases on the service.

### **Collaborative Opportunities**

The tender was evaluated on human resources having experience from neighbouring councils. This has enabled collaboration across IT platforms and sharing of professional knowledge and regional building industry context from adjoining Councils.

### **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.

### **Community Consultation and Communication**

Public notice was given of the tender in accordance with Local Government Act 2020 and the tender process complied with Council's Procurement Policy.

The tender was publicly advertised in the Council's e-Tendering portal and The Hamilton Spectator on 16 August 2022 and closed on 19 September 2022.

Tenderers will be notified by the Procurement Officer of the decision made by Council.

### **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.

- Belinda Johnson, Acting Director Planning and Development
- Daryl Adamson, Manager Shire Strategy and Regulation
- Pauline Porter, Environmental Health Coordinator
- Janelle Dahlenburg, Contracts / Procurement Officer

**RECOMMENDATION**

That Council:

1. Award contract No. 04-23 Provision of Building Services for a value up to \$1,058,891.00 (gst exclusive) over a contract period of 4 years with an initial contract of 2 years with a 1 + 1 option to extend.
2. Authorise the Chief Executive Officer to execute Contract No. 04-23 and any other documents required by or to give effect to the terms of the contract on behalf of Council.

**COUNCIL RESOLUTION**

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

That Council:

1. **Award contract No. 04-23 Provision of Building Services for a value up to \$1,058,891.00 (gst exclusive) over a contract period of 4 years with an initial contract of 2 years with a 1 + 1 option to extend.**
2. **Authorise the Chief Executive Officer to execute Contract No. 04-23 and any other documents required by or to give effect to the terms of the contract on behalf of Council.**

**CARRIED**

## 10.5 Temporary changes to the Outdoor Pool Service Level for the 2022/23 Season

**Directorate:** Belinda Johnson, Acting Director Wellbeing, Planning and Regulation  
**Author:** Susannah Milne, Manager Community and Leisure Services  
**Attachments:** Current Operations of Outdoor Pools Policy

### Executive Summary

In 2017 Southern Grampians Shire Council adopted the Operations of Outdoor Pools Policy which outlined the operational hours and service level that would be maintained to ensure Council's Outdoor Pools would be safe, open, and reliable.

Over the past two outdoor pool seasons there has been decreasing levels of qualified lifeguards available to ensure the safe operations of the six outdoor pools across the Shire in accordance with the service level outlined in the adopted policy.

After a multi-pronged recruitment campaign, the 2022/23 season sees this trend continuing, making it impossible to meet the adopted service level.

The purpose of this report is to recommend to Council proposed changes to swimming pools opening times to ensure that the Community has equitable and safe access to all pools over the 2022/23 pool season.

### Discussion

The current adopted Outdoor Pool Policy outlines the operating hours, duration and conditions of which Council's outdoor pools will be operated at and include:

- Hamilton Olympic Swimming Pool will be open from the first weekend in November until the last weekend in March.
- All other pools will open early December and close in March.
- Pools will be open 3:00pm – 7:00pm provided that the temperature forecast is above 21 degrees Celsius for heated pools and 23 degrees for non- heated pools.
- All pools to be open from 12:00pm – 7:00pm when the temperature forecast is above 35 degrees Celsius (weekends and January only).
- Supervised early morning swimming offered 3 days per week at Hamilton and Coleraine.
- Note: Above conditions subject to lifeguard availability.

Over the past two pool seasons, it has been difficult to meet the service level outlined above due to the shortage of available lifeguards and pool aging infrastructure impacting safety.

This current season we are again impacted by the inability to attract an adequate number of qualified lifeguards, as well as significant rain events impacting on pool preparations, failing pool infrastructure and chemical shortages.

These issues have resulted in delays into the opening dates of the pools with the Hamilton Olympic Swimming pool not opening until the 17 November and the potential for the Glenthompson and Penshurst pools to be open mid-December.

Despite the multi-pronged recruitment campaign to facilitate the employment of lifeguards for the upcoming season, the recruited lifeguard numbers are approximately 55% of the

required level to ensure all pools can open as per the Outdoor Pools Policy. The following table indicates the numbers of lifeguards required versus recruited.

Lifeguards	21/22 Season	22/23 Season (current)	Required
Senior >18	35	28	<b>40</b>
Junior < 18	12	10	<b>20</b>
Total	47	38	<b>60</b>

The decreasing availability of suitably qualified lifeguards is associated with numerous challenges including:

- 90% of currently employed lifeguards have existing roles at HILAC. When deployed to the outdoor pools issues in filling rosters and maintaining service levels across swim school, customer service, café, gym and the outlying pools occurs.
- Shortage of lifeguards' industry wide and a high demand for employees across several industries.

With current and predicted staffing levels considered there are not adequate numbers of lifeguards available to staff the outdoor pools in accordance with the policy.

To address the staff shortages the following is proposed:

Based on expected lifeguard resources that Council implement the following changes in opening times for the 2022-23 Outdoor Pool Season noting that all other conditions in Council's adopted Operations of Outdoor Pools Policy will remain unchanged:

1. Early morning swimming be offered on the following days at the Hamilton and Coleraine pools:
  - a) Hamilton: Monday and Thursday mornings
  - b) Coleraine: Tuesday and Friday mornings
2. Glenthompson and Penshurst pools will operate on a rotational timetable as follows:
  - Glenthompson: Sunday, Monday, Tuesday
  - Penshurst: Wednesday, Thursday, Friday and Saturday

Alongside these proposed changes, strategic discussion regarding future direction of operations of the outdoor pools for the 2023/24 season and review of the Operations Policy is to be undertaken.

These discussions will be informed by:

- An operational report of the 2022/23 season.
- Pool condition assessment report being undertaken in Nov/Dec 2022,
- Community Infrastructure Framework, and
- Southern Grampians Long Term Financial Plan.

### Financial and Resource Implications

- This report was prepared within existing resourcing levels.
- The report aims to ensure fair and equitable sharing of resource levels across the Shire to allow community access to the Outdoor Pools.

- The recommendations of this report do not increase further financial or resource obligations to Council.
- This report highlights the future strategic considerations and discussions regarding the long term financial and operations of outdoor pools which will have financial and resource implications to Council.

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

Public Swimming Pools must be registered and maintained in accordance with the Public Health and Wellbeing Regulations 2019.

Life Saving Victoria set industry standards in association with Safe Operating Procedures and Lifeguard accreditation requirements.

Council Plan 2021-2025 Priorities

Key Priority 1 – Support out Community

1.2.1 Provide and advocate for accessible, inclusive and equitable Council Services, facilities, activities and participation practices.

Key Priority 3 – Maintain and Renew our Infrastructure

3.1.2 – Maintain infrastructure to the agreed standard and ensure the principles of sustainability and universal design are considered in the planning and development of infrastructure to support community access and connection meeting the needs of the community.

Southern Grampians Shire Council Operations of Outdoor Pools Policy 2017.

### **Risk Management**

This report aims to manage the reputational risk associated with Council being unable to meet adopted policy due to the staff shortage associated with accredited lifeguards.

Council is required to ensure that risks associated with swimming pools are met in accordance with industry standard and legislative requirements.

### **Environmental and Sustainability Considerations**

Environmental and sustainability considerations have not been made within this report.

### **Community Consultation and Communication**

Extensive information around the challenges for the upcoming pool season have been communicated within the community through social media and press releases. Despite this coverage lifeguard numbers remain below required levels.

The changes to service levels will be communicated to all community members using various communication methods.

### **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**

Based on expected lifeguard resources that Council implement the following changes in opening times for the 2022-23 Outdoor Pool Season noting that all other conditions in Council's adopted Operations of Outdoor Pools Policy will remain unchanged:

1. Early morning swimming be offered on the following days at the Hamilton and Coleraine pools:
  - a) Hamilton: Monday and Thursday mornings
  - b) Coleraine: Tuesday and Friday mornings
2. Glenthompson and Peshurst pools operate on a rotational timetable as follows:
  - Glenthompson: Sunday, Monday, Tuesday
  - Peshurst: Wednesday, Thursday, Friday and Saturday

**COUNCIL RESOLUTION**

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

**Based on expected lifeguard resources that Council implement the following changes in opening times for the 2022-23 Outdoor Pool Season noting that all other conditions in Council's adopted Operations of Outdoor Pools Policy will remain unchanged:**

1. **Early morning swimming be offered on the following days at the Hamilton and Coleraine pools:**
  - a) **Hamilton: Monday and Thursday mornings**
  - b) **Coleraine: Tuesday and Friday mornings**
2. **Glenthompson and Peshurst pools operate on a rotational timetable as follows:**
  - **Glenthompson: Sunday, Monday, Tuesday**
  - **Peshurst: Wednesday, Thursday, Friday and Saturday**

**CARRIED**

## 10.6 Community Partnership Grants Policy

**Directorate:** Kevin Leddin, Acting Director People and Performance  
**Author:** Alison Quade, Manager Communication and Engagement  
**Attachments:** Community Partnership Grants Policy

### Executive Summary

Council's Grants Policy was last updated in 2018. Council's Grants program is intended to facilitate and support development of community groups within Southern Grampians Shire by providing a funding source for initiatives, events and projects.

A review and redraft of the Grants Policy has been completed to provide further details and clarity to community groups around eligibility, conflict of interest, application and assessment processes. The review was also informed by a recent VAGO audit of Fraud Control over Local Government Grants.

The policy is attached for Council's consideration.

This report recommends that the revised Grants Policy be approved by Council.

### Discussion

Council allocates \$195,000 each year across two funding rounds under its community grants program.

The current Grant's policy was adopted in 2018. Following a 2022 audit by the Victorian Auditor General's Office (VAGO), it was seen as timely opportunity to review the policy. Advice from VAGO, benchmarking with other councils and feedback from grant recipients and Council have guided the policy review. No legislative requirements are attached to this policy or this review.

The proposed changes provide greater clarity around eligibility criteria, managing conflicts of interest and the application and assessment processes. The following changes are proposed:

1. That the program name be changed from 'Greater Grants' to 'Community Partnership Grants' to reflect the intention of the program more accurately;
2. That groups who are the responsibility of another level of government, and groups that have outstanding acquittals are not eligible to apply;
3. Includes an explanation of the need for 1:1 funding for applications over \$2500 and the requirement to provide evidence of matching funds;
4. All applications now approved under delegation by the CEO following recommendation by the assessment panel and presented to Council for noting;
5. All Council officers involved in the assessment process are required to declare if they have a conflict of interest prior to each assessment, which is recorded in Smarty Grants;
6. Stipulates funding conditions which include submission of an acquittal, return of the funding if the funded activity is no longer viable and details on how to seek a variation.

### Financial and Resource Implications

The funding total will be determined as part of the annual budgeting process across the grant categories.

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

This policy aligns with the Southern Grampians Shire Council - Council Plan 2021-2025. In particular:

- 1.1 An empowered and connected community
  - 1.1.1 Facilitate opportunities for people to participate in community life, through volunteering, civic leadership, social programs, to enable inclusion, social connection and wellbeing
  - 1.2.1 Provide and advocate for accessible, inclusive and equitable Council services, facilities, activities and participation practices
  - 1.2.2 Support and encourage participation in quality arts and cultural, 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**

The policy reduces reputational risk to Council by clearly defining the governance of the grants program.

## **Environmental and Sustainability Considerations**

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

## **Community Consultation and Communication**

Council Officers responsible for administering the program have advised the review process and the policy has been benchmarked against other Council grant programs. In addition, previous grant recipients across all categories are required to complete a grant acquittal. As part of the acquittal, Council seeks feedback from the recipient on ways the delivery of the grants program could be improved.

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

Implementation of the Policy will also include communication to the public on the adoption of the Policy.

## **Disclosure of Interests**

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

**RECOMMENDATION**

That Council adopt the revised Community Partnership Grants Policy.

**COUNCIL RESOLUTION**

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

**That Council adopt the revised Community Partnership Grants Policy.**

**CARRIED**

## 10.7 Audit & Risk Committee - Minutes

**Directorate:** Kevin Leddin, Acting Director People and Performance  
**Author:** Kevin Leddin, Acting Director People and Performance  
**Attachments:** Minutes – 15 November 2022

### Executive Summary

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

### Discussion

The Audit and Risk Committee, 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 general or material 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 15 November 2022 be noted.

### COUNCIL RESOLUTION

**MOVED:** Cr Henry  
**SECONDED:** Cr Colliton

**That the Minutes for the Audit and Risk Committee meeting held on 15 November 2022 be noted.**

**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 HAMILTON REGIONAL LIVESTOCK ADVISORY COMMITTEE (HRLX)

Cr Brown and Cr McAdam reported on their attendance at the Hamilton Regional Livestock Committee Meeting held on 25 November 2022

### 12.2 AUDIT AND RISK COMMITTEE

Cr Henry and Cr Robertson reported on their attendance at the Audit and Risk Committee Meeting held on 15 November 2022

### 12.3 MUNICIPAL EMERGENCY MANAGEMENT PLANNING COMMITTEE (MEMPC)

Cr McAdam reported on his attendance at the Municipal Emergency Management Planning Committee Meeting held on 17 October 2022.

### 12.4 HAMILTON SHOWGROUNDS ADVISORY COMMITTEE

Cr Rainsford and Cr Robertson reported on their attendance at the Hamilton Showgrounds Advisory Committee Meeting held on 13 December 2022.

## 13. Mayors and Councillors Reports

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



## 14. Confidential Matters

### RECOMMENDATION

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

### COUNCIL RESOLUTION

**MOVED:** Cr Colliton  
**SECONDED:** Cr Henry

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

**CARRIED**

### 14.1 Hamilton Gallery Resolution – 9 November 2022

### RESOLUTION

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

**That Council:**

1. Pursuant to section 125(2) of the Local Government Act 2020 determines that:
  - (a) Points 1 - 5 of the Resolution made on 9 November 2022 and the results of the division in respect of Agenda Item 14.1, and
  - (b) this Resolution,  
be made publicly available, effective immediately.
2. Directs the Chief Executive Officer to update the Minutes of the Council meeting held on 9 November 2022 to include the points 1 – 5 of the Resolution.

**CARRIED**

## 15. Close of Meeting

This concludes the business of the meeting.

Meeting closed at 7:09pm

Confirmed by resolution 8 February 2023.

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Chairman