



Southern Grampians
SHIRE COUNCIL

Council Meeting Minutes

Ordinary Meeting
9 December 2020

Held MJ Hynes Auditorium,
5 Market Place 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 Greg McAdam
Cr Katrina Rainsford

Officers

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

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 Brown led the meeting in a prayer.

4. Apologies

None

5. Confirmation of Minutes

RECOMMENDATION

That the Minutes of the Council Meeting held on 14 October 2020 be confirmed as a correct record of business transacted.

That the Minutes of the Statutory Meeting held on 18 November 2020 be confirmed as a correct record of business transacted.

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr McAdam

That the Minutes of the Council Meeting held on 14 October 2020 be confirmed as a correct record of business transacted.

That the Minutes of the Statutory Meeting held on 18 November 2020 be confirmed as a correct record of business transacted.

CARRIED

6. Declaration of Interest

Cr Brown declared a conflict of interest in item 10.7: Neighbourhood Safer Place - Place of Last Resort.

7. Questions on Notice

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

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

Questions must:

1. Not pre-empt debate on any matter listed on the agenda of the Ordinary Meeting at which the question is asked
2. Not refer to matters designated as confidential under the Local Government Act 1989.
3. Be clear and unambiguous and not contain argument on the subject.
4. Not be derogatory, defamatory or embarrassing to any Councillor, member of staff, ratepayer or member of the public, nor relate to a matter beyond the power of Council.

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

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

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

8. Public Deputations

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

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

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

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

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

There were two Public Deputations listed on tonight's agenda.

8.1 Petition – Recycling Charges

A petition has been received requesting that Council reconsider the decision to impose fees on recycling of commercial quantities of cardboard and paper by Hamilton businesses at the Hamilton Transfer Station. Darcy Walker spoke to this item on behalf of Hamilton Regional Business Association (HRBA)

Attachment: 1. Recycling Charges Petition

RECOMMENDATION

That the petition be received by Council and Officers provide a report back to Council.

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr Rainsford

That the petition be received by Council and Officers provide a report back to Council.

CARRIED

8.2 David Coldbeck, Graeme Gunn, Graeme Linke and Lesley Hobbs
- Heart of Hamilton, Community Citizens Group

Civic Square Art Gallery and Future Plan

RECOMMENDATION

That Council receive the deputation.

COUNCIL RESOLUTION

MOVED: Cr Calvano
SECONDED: Cr McAdam

That Council receive the deputation.

CARRIED

9. Records of Assemblies of Councillors

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

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

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

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

which considers matters that are intended or likely to be:

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

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

An Assembly of Councillors record was kept for:

- Council Briefing Session – 25 November 2020

This agenda was prepared on 2 December 2020. Any Assemblies of Councillors between that date and the date of tonight's Meeting will appear in the agenda for the next Ordinary Meeting of Council.

RECOMMENDATION

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

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr Henry

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

CARRIED

Southern Grampians Shire Council

ASSEMBLY OF COUNCILLORS

ASSEMBLY DETAILS	
Title:	Council Briefing Session
Date:	25 November 2020
Location:	MJ Hynes Auditorium and Virtual
Councillors in Attendance:	Cr Bruach Colliton, Mayor Cr David Robertson, Deputy Mayor Cr Mary-Ann Brown Cr Albert Calvano Cr Helen Henry Cr Greg McAdam Cr Katrina Rainsford
Council Staff in Attendance:	Michael Tudball, Chief Executive Officer Evelyn Arnold, Director Community and Corporate Services Andrew Goodsell, Director Planning and Development David Moloney, Director Shire Infrastructure Karly Saunders, Governance Coordinator Rohit Srivastava, Manager Assets Kirsty Miller, Manager Shire Strategy and Regulation Sherie Bain, Regulatory Services Coordinator Susannah Milne, Manager Community and Leisure Services Parvesh Siroha, Senior Strategic Planner

The Assembly commenced at 1:00pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Matters Raised by Councillors	Nil
2	Local Roads and Community Infrastructure Program Round 2 Funding	Nil
3	Annual Plan Quarterly Report	Nil

4	S11A Instrument of Appointment and Authorisation and s6 Delegations	Nil
5	Rescind Councillor and Staff Interaction Policy	Nil
6	Hamilton and Coleraine Flood Amendments	Nil
7	Hamilton-Port Fairy Road Widening Tender	Nil
8	Transfer of Land from Estates	Nil
9	PAC Building Roof Tender	Nil
10	Neighbourhood Safer Places	Cr Brown declared a conflict of interest and remained in the Briefing.
11	Pedrina Park Inclusive Sports Hub	Nil
12	External Committees	Nil Cr McAdam left the Briefing at 4:20pm and was not in attendance for this item.

The Assembly concluded at 5:00pm.

10. Management Reports

10.1 Annual Plan Quarterly Report

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Karly Saunders, Governance Coordinator
Attachments: 2. Action and Task Progress Report – 1 July 2020 – 30 September 2020

Executive Summary

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

Discussion

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

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

There are currently 52 actions from the Annual Plan and Council Plan. Of these 52 actions:

- 41 actions (79%) are on track - at least 90% of the target achieved;
- 3 actions (6%) require monitoring –between 70% and 90% of the target achieved;
- 8 actions (15%) are off track – less than 70% of target achieved; and
- 0 actions (0%) have no target set

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

In light of the current environment relating to the impacts of COVID-19, when the annual plan report was prepared for this quarter, staff took into consideration any known or potential impacts of COVID-19 on existing annual plan actions.

Legislation, Council Plan and Policy Impacts

Council is required to adopt a Council Plan in accordance with section 125 of the Local Government Act 1989 and subsequently determine whether any adjustments are required. This Plan is supported by the development of an Annual Plan which details the actions that will be undertaken to achieve the strategic objectives in the Council Plan.

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

Disclosure of Interests

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

RECOMMENDATION

That Council receive the Action and Task Progress Report for 1 July 2020 to 30 September 2020.

COUNCIL RESOLUTION

MOVED: Cr Calvano
SECONDED: Cr Brown

That Council receive the Action and Task Progress Report for 1 July 2020 to 30 September 2020.

CARRIED

10.2 Review of Instruments of Delegation by Council (S6 and S11A)

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Karly Saunders, Governance Coordinator
Attachments: 3. s11A Instrument of Appointment and Authorisation
4. s6 Instrument of Delegation from Council to Council Staff

Executive Summary

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

The s11A Instrument of Appointment and Authorisation appoints Council staff to be authorised under the *Planning and Environment Act 1987*, which allows them to fully discharge their duties and responsibilities under that Act.

The s6 Instrument of Delegation delegated from Council to members of Council staff the powers, duties and functions set out in that instrument.

It is recommended that Council resolve to appoint and authorise the Council staff in accordance with the attached instruments.

Discussion

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

S11A Instrument of Appointment and Authorisation

The s11A Instrument of Appointment and Authorisation:

- Appoints the officers to be authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
- Authorises the officers generally to institute proceedings for offences against the *Planning and Environment Act 1987* and the regulations made under that Act.

S6 Instrument of Delegation from Council to Members of Council Staff

- Appoints staff holding, acting or performing the duties or positions referred to in the instrument, the powers, duties and functions set out in the instrument, subject to the conditions and limitations specified in that Instrument.

Both Instruments were last updated 12 August 2020 and include the following changes since:

- Updated to reflect the commencement of the Manager Shire Strategy and Regulation
- Updated to reflect the position of Senior Strategic Planner

Financial and Resource Implications

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

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

Legislation, Council Plan and Policy Impacts

Objective 5.1 – Provide transparent and responsible governance.

Risk Management

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

Environmental and Sustainability Considerations

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

Community Consultation and Communication

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

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

Disclosure of Interests

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

RECOMMENDATION

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

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *s6 Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
2. That Council, adopt the attached s11A Instrument of Appointment and Authorisation for the members of Council staff set out in the instrument.
3. The instruments come into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it.
4. On the coming into force of the instruments, all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
5. On the coming into force of the instruments, all previous s11A instruments are revoked.
6. The duties and functions set out in the instruments must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

COUNCIL RESOLUTION

MOVED: Cr McAdam
SECONDED: Cr Brown

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

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *s6 Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.**
- 2. That Council, adopt the attached s11A Instrument of Appointment and Authorisation for the members of Council staff set out in the instrument.**
- 3. The instruments come into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it.**
- 4. On the coming into force of the instruments, all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.**
- 5. On the coming into force of the instruments, all previous s11A instruments are revoked.**
- 6. The duties and functions set out in the instruments must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

CARRIED

10.3 Councillor and Staff Interactions - Rescission

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Karly Saunders, Governance Coordinator
Attachments: 5. Councillor and Staff Interactions Policy

Executive Summary

Council last adopted the Councillor and Staff Interactions policy on 14 November 2020.

As a result of changes to the Local Government Act, this policy is no longer the responsibility of Council and as such, it is recommended that the attached Councillor and Staff Interactions Policy be rescinded.

Discussion

This Policy outlines the appropriate channels for interactions between Councillors and Council Staff. It deals with improper or undue influence, communication channels, and responses to Councillors, personal interaction between Councillors and Staff and contact contradictory to the Policy.

Section 46(3)(c) of the *Local Government Act 2020* reads:

CEO is responsible for managing interactions between members of Council staff and Councillors and ensuring that policies, practices and protocols that support arrangements for interaction between members of Council staff and Councillors are developed and implemented.

Therefore this policy will become operational and be approved by the CEO.

Financial and Resource Implications

There are no financial and resource implications in relation to the drafting of the report or the implementation of the Policy. The Policy reflects the current practices at Southern Grampians Shire Council, making things clear for new Councillors and Council Staff.

Legislation, Council Plan and Policy Impacts

Section 46 of the *Local Government Act 2020* contains provisions in relation to the Chief Executive Officer's responsibility to manage interactions between members of Council staff and Councillors.

The Local Government (Governance and Integrity) Regulations 2020 support this and it is stated in the Councillor Conduct Standards that Councillors must comply with any policy, practice or protocol developed and implemented by the CEO in accordance with section 46 to manage interactions between members of Council staff and Councillors.

Risk Management

This Policy seeks to provide protection to Councillors and Council Staff by outlining what interactions are appropriate and what interactions may constitute improper or undue influence.

Environmental and Sustainability Considerations

Not applicable.

Community Consultation and Communication

No community consultation is required in the development of this Policy.

Once adopted a copy of the Policy will be made available to all Councillors and Council Staff, and it will be uploaded onto Council's webpage and intranet.

Disclosure of Interests

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

RECOMMENDATION

That Council rescind the attached Councillor and Staff Interactions Policy.

COUNCIL RESOLUTION

MOVED: Cr Henry
SECONDED: Cr Brown

That Council rescind the attached Councillor and Staff Interactions Policy.

CARRIED

10.4 Tender 36-20 Pedrina Park Inclusive Sports Hub Pavilion

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

Executive Summary

The purpose of this report is to request Council to award the tender 36-20 Pedrina Park Inclusive Sports Hub Pavilion as the value of the tender is over \$150,000.

The Pedrina Park Inclusive Sports Hub Pavilion is an identified priority from the adopted Southern Grampians Shire Council Recreation and Leisure Strategic Plan 2019-2029 and Pedrina Park Master Plan.

Council with support from all Pedrina Park User Groups, successfully applied for \$500,000 grant under the State Governments Local Sports Infrastructure Fund – Female Friendly category to build a modular facility. The grant success was based on the fact that the application demonstrated that the multiuse facility shared between netball, hockey and the wider community would increase female participation in these sports and community activities. The facility would also provide amenities for the Soccer community until the second pavilion at the Northern end of the site could be funded and built. Council resolved on the 9 September 2020 to reallocate a further \$825,206 from the 2020/21 Adopted Budget which brought the total budget for the project to \$1,325,206 (GST Exclusive)

A project scope for design and construct of a multiuse female friendly sporting facility that included players/umpires amenities and change rooms, public toilets, storage, meeting spaces, social/viewing facilities, kitchen and first aid facilities was developed in consultation with the Project Reference Group (PRG). The PRG membership is made up of representatives from key User Groups - Netball, Hockey and Soccer. The pavilion is to be located within the Netball and Hockey precinct at Pedrina Park and is a shared pavilion for the users and wider community.

As a result Tender 36-20 was advertised on Tender Search and closed on 19 October 2020. Council Officers have assessed the tenders in accordance with the adopted Procurement Policy and evaluated the submitted tenders.

In awarding the tender, the next stage will be for staff and the successful tenderer to engage with all key stakeholders to finalise location and floorplan design with consideration of site constraints such as services, existing fields of play and sporting infrastructure.

It is recommended that Council:

1. Award Tender 36-20 to Rendine Constructions Pty Ltd for the GST inclusive price of \$1,355,639
2. The contracts are signed and sealed when prepared.

Discussion

Background

At its Ordinary meeting Council on the 8 May 2019 Council resolved to adopt the Recreation and Leisure Strategic Plan and Pedrina Park Master Plan. These documents were

developed based on extensive community consultation, evidence and data collection as well as specific user group consultation by an independent consultant on behalf of the Council.

The Pedrina Park Master Plan identified a number of opportunities to improve the facility to increase capacity for participation and support to our Community. As a recognised Municipal Facility that caters for the wider municipality catchment, investment in this precinct has the potential to increase participation amongst our female population as well as support existing participants as well as allow for greater community use of a modern and purpose built facilities.

User group consultation on the adopted Master Plan identified their top priorities with respect to implementing the Master Plan which is as listed:

- Priority 1 - Irrigation to ovals,
- Equal Priority 2 - Pavilion/public toilet – netball and hockey precinct and 6 new netball courts
- Priority 3 – Soccer and Multipurpose Pavilion (Northern End)
- Equal Priority 4 – Soccer Drainage and Cricket Nets.

At its Council Meeting on the 11 December 2019 Council resolved funding the Irrigation project which is currently under installation and is approximately 70% complete. At this meeting Council also resolved to approve the application to Sports and Recreation Victoria (SRV) for a funding application made under the Local Sports Infrastructure Fund. As directed, staff along with the assistance and support of the key Pedrina Park User Groups an application was made on behalf of Council for \$500,000 under the Female Friendly Local Sports Infrastructure Fund. A copy of that application was provided to the Councillors as requested on the 14th February 2020.

Council was successful in obtaining the \$500,000 and has signed a funding agreement with SRV to build an Inclusive Sports Hub in accordance with the Masterplan, the facility is to be located within the Netball and Hockey precinct at Pedrina Park and is a shared pavilion for the users and wider community. The grant success was based on the fact that the application demonstrated that the multiuse facility shared between netball, hockey and the wider community would increase female participation in these sports and community activities. The facility would also provide amenities for the Soccer community until the second pavilion at the Northern end of the site could be funded and built

The key User Groups have formed a Project Reference Group with membership from the executive of the Hamilton Netball Association, Glenelg Regional Hockey Association and Hamilton Soccer Club to engage and support staff on the delivery this project.

At its Ordinary meeting on the 9 September 2020 Council resolved to reallocate \$825,206 from the 2020/21 budget to form a total budget of \$1,325,206 (GST exclusive) to enable this project to be delivered. With this resolution the project was advertised on Tender Search for a period of 4 weeks ending on the 19 October 2020. The Project Reference Group assisted in the preparation of Tender Specifications by reviewing the documents and confirming the content as well as suggesting additional specific requirements for their requirements. Four (4) tender submissions were received and evaluated in accordance with Council Procurement Policy based on criteria around:

- Price
- Design
- Stakeholder Engagement
- OHS
- Environmental Sustainability

The evaluation results are shown in the table below:

Company Name	Qualitative Score(%)	Moderated Total Price	Quantitative Score(%)	Total Score
Tenderer 1	0%	0%	0%	0%
Tenderer 2	46.22%	\$1,355,639.00	32.23%	78.45%
Tenderer 3	49.75%	\$1,563,476.31	27.95%	77.70%
Tenderer 4	46.11%	\$1,392,618.00	31.37%	77.48%

Rendine Construction Pty. Ltd. was the highest ranked tenderer. The preferred tenderer's tender amount is \$1, 355,639.00 GST inclusive, i.e. \$1,232,180 (GST exclusive) and is within the Council budget of \$1,325,206 GST exclusive.

Financial and Resource Implications

- The project is budgeted within the Council's capital works programme for the financial year 2020/21;
- Overall, the project will be within the budgeted amounts;
- SRV have provided funding of \$500,000 for a Female Friendly multiuse facility, in the specified location. Council must deliver the project in accordance with the funding conditions, which include a shared/multiuse facility for the key User Groups and wider community.

Legislation, Council Plan and Policy Impacts

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

This report is also guided by the:

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

Risk Management

What are the benefits/risks to:

- The risks of contract variation has been considered.
- The project is consistent with the adopted Southern Grampians Recreation and Leisure Strategic Plan 2019-2029 and Pedrina Park Master Plan.
- The project scope and objectives have been discussed with the Pedrina Park User Groups and funding partner Sports and Recreation Victoria.
- The project will result in the development of a modern purpose build multiuse sporting and community facility that is available for the Pedrina Park User Groups and wider community.

Environmental and Sustainability Considerations

There are no environmental hazards or considerations required on the project. The preferred tender has a number of Environmental Sustainable Design principles included

within the concept design and have a number of documented environmental waste minimisation processes.

Community Consultation and Communication

The guiding documents The Southern Grampians Shire Council Recreation and Leisure Strategic Plan 2019-2029 and the Pedrina Park Master Plan that this project has been developed on were prepared through extensive community engagement and evidence based research.

The Pedrina Park User Groups were engaged in the development of the Master Plan as well as identifying the key priorities for the implementation of the Master Plan.

The Pedrina Park User Groups provided support and assistance in preparing the successful SRV Local Infrastructure Fund – Female Friendly application.

A Project Reference Group (PRG) consisting of 2 executive representatives from the Hamilton Netball Association, Glenelg Regional Hockey Association and Hamilton Soccer Club, has been formed to engage and support staff to delivery this project.

To date the PRG have contributed to the development of the Project Scope which informed the tender specifications.

Upon awarding the tender the PRG will be further consulted on the design response provided by the winning tenderer to ensure that all User Group needs are met (within budgetary constraints).

In awarding the tender, the next stage will be for staff and the successful tenderer to engage with all key stakeholders to finalise location and floorplan design with consideration of site constraints such as services, existing fields of play and sporting infrastructure.

The resulting final design from this process will be presented to Council prior to commencement of the build aspect.

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:

- Evelyn Arnold – Director Community and Corporate Services
- Susannah Milne – Manager Community and Leisure Services
- Darren Ames – Recreation Coordinator
- Janelle Dahlenburg – Contracts/Procurement Officer.

RECOMMENDATION

That Council:

1. Award Tender No. 36-20 to Rendine Constructions Pty Ltd for the GST inclusive price of \$1,355,639.00
2. That the Contract documents be signed and sealed when prepared.

MOTION

MOVED: Cr Rainsford

1. Award Tender No. 36-20 to Rendine Constructions Pty Ltd for the GST inclusive price of \$1,355,639.00
2. That the Contract documents be signed and sealed when prepared.
3. That user group representatives from hockey, soccer and netball are included in the Pedrina Park Inclusive Sports Hub Pavilion Project Reference Group and the Project Control Group
4. That two Southern Grampians Shire Councillors are included in the Project Reference Group

MOTION lapsed for want of a SECONDER

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr McAdam

1. Award Tender No. 36-20 to Rendine Constructions Pty Ltd for the GST inclusive price of \$1,355,639.00
2. That the project control group, include a representative of the Glenelg Regional Hockey Association, Hamilton Soccer Club and Hamilton Netball Association.
3. That the meetings of the Project Control Group be scheduled at times convenient for all members
4. That the Contract documents be signed and sealed when prepared.

CARRIED

10.5 Planning Scheme Amendment C54sgra, Hamilton Flood Investigation

Directorate: Andrew Goodsell, Director Planning and Development
Author: Parvesh Siroha, Senior Strategic Planner
Attachments: None

Executive Summary

The purpose of this report is to consider submissions received during the exhibition period of Planning Scheme Amendment C54sgra Hamilton Flood Investigation, to the Southern Grampians Planning Scheme. The proposed amendment seeks to amend the Scheme to incorporate the recommendations of the *Hamilton Flood Study 2012*, including changes to the flood mapping and to the planning scheme ordinances.

Council has an obligation to include overlays in its planning scheme to address flood risk. The proposed overlay mapping represents a snap-shot in time that measures the full extent of a 1% AEP (1 in 100 year) event. The proposed schedules accompanying the amendment also provides for permit exemptions in certain circumstances. In most other cases where an exemption does not apply, the overlay ensures that flood risk is considered as part of the overall assessment process rather than preventing development.

Amendment C54 was exhibited from 20 August 2020 to 21 September 2020. Two submissions were received during exhibition period objecting to the amendment. One submission received from Department of Transport. The submissions were referred to the Flood Investigation Consultants (the Consultants) and Glenelg Hopkins Catchment Management Authority (GHCMA) for their technical review.

An online meeting was undertaken on 4 Nov 2020 with the objectors, the Consultants, GHCMA and Council staff. Experts provided their reasoning and recommended changes to the flood mapping, which are discussed in the 'Submissions' section of the report. Both objectors are satisfied with the explanations and withdrawn their objections. There are no objections for Amendment C54sgra and consequently a panel hearing won't be required.

Recommendations

That Council:

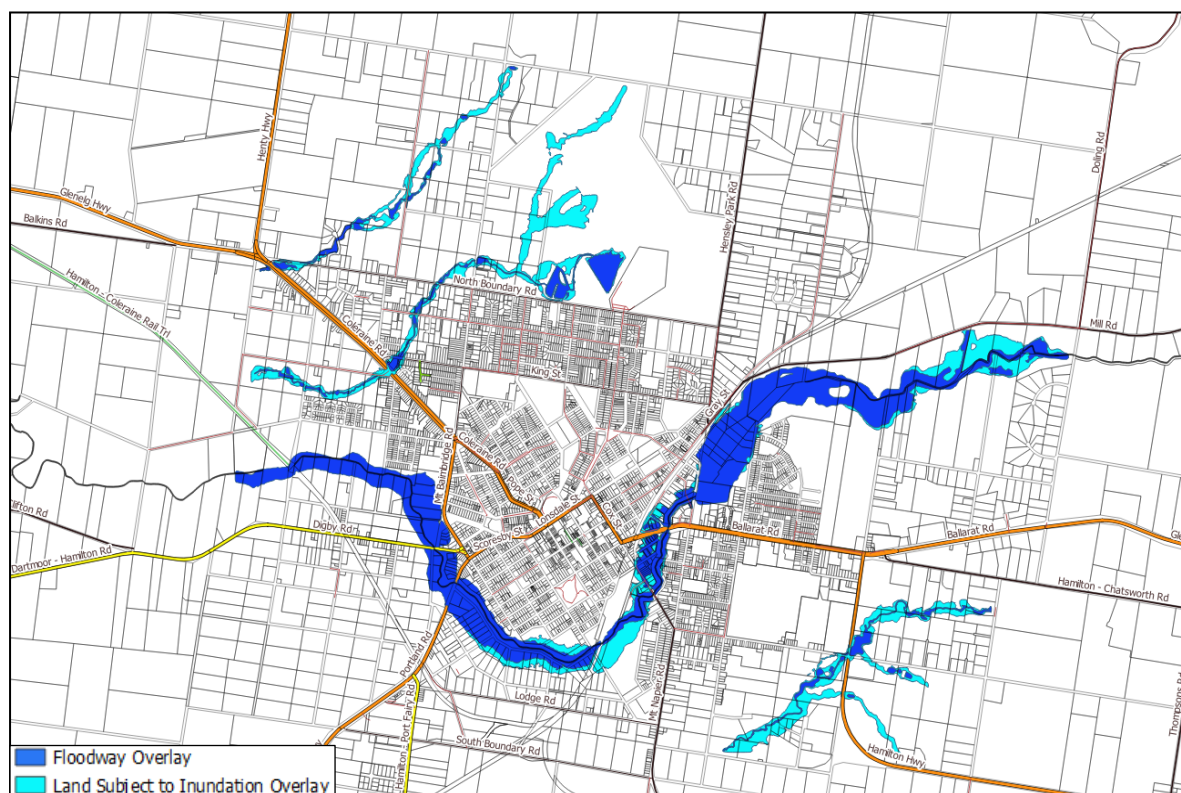
1. Adopt Amendment C54sgra, Hamilton Flood Investigation to the Southern Grampians Planning Scheme pursuant to Section 29 of the Planning and Environment Act 1987.
2. Pursuant to section 22 (1) of the Planning and Environment Act 1987, consider all submissions received to Southern Grampians Amendment C54sgra, Hamilton Flood Investigation.
3. Pursuant to section 23 (1)(a) of the Planning and Environment Act 1987, make changes to Amendment C54sgra, Hamilton Flood Investigation to remove the Land Subject to Inundation Overlay, from 2 Handbury Blvd, Hamilton as detailed within the report.

4. Submit Planning Scheme Amendment C54sgra, Hamilton Flood Investigation, to the Minister for Planning for approval and gazettal pursuant to Section 31 of the Planning and Environment Act 1987.

Discussion

Council at its ordinary meeting on 12 June 2019 resolved to proceed with the amendment C54sgra for Hamilton Flood Investigation and to obtain Minister for Planning authorisation to prepare and exhibit the Amendment. The Minister for Planning on 4 August 2020 authorised to prepare and exhibit Planning Scheme Amendment C54sgra.

Amendment C54sgra seeks to implement the findings of Hamilton Flood Investigations into the Southern Grampians Planning Scheme.



The Amendment is the culmination of the combined efforts of Council, the GHCMA and the Department of Environment Land Water and Planning (DELWP). It involved extensive investigations on the potential for flooding in Hamilton and surrounds. Flood investigations commenced in 2012 and included detailed flood modelling of the Hamilton catchments. A community drop in session was held as part of this study to provide the local community with the opportunity to share their knowledge of flooding and comment on the draft mapping available.

The final proposed mapping changes reflected the more precise methodology employed by the flood consultants as part of this project, as well as the catchment wide assessment. Flooding remains a significant risk which must be managed through the application of planning controls. The Study identified other areas where the flood mapping should be extended.

In terms of total numbers, 75 properties are covered by the current flood controls in Hamilton (as well as significant areas of Council and Crown land). This amendment as exhibited

would result in a total of 330 properties being included in the Land Subject to Inundation Overlay (LSIO) and Floodway Overlay (FO). With regard to total area, currently 107 ha of land is included in the current flood controls. Amendment C54sgra as exhibited would result in 283 ha of land being included in the LSIO and FO in Hamilton. While these figures would appear to represent a considerable expansion on the current flooding controls, it is noted that the application of the controls over the Hamilton catchments, within the Residential and Farming Zone, contribute to most of this expansion. Some of these areas were previously not mapped.

The schedules to the flood overlays contained within the Southern Grampians Planning Scheme were also rewritten as part of the amendment process. The revised schedules allow Council to tailor the requirements of the generic state wide overlays to individual requirements that meet local needs. At present, the Overlay triggers the need for a planning permit for virtually all development and works. The new Schedules establish or extend the broad range of works that do not require a planning permit in the Overlays, including some forms of replacement buildings, some extensions or external alterations to buildings, some forms of fencing and open sided agricultural sheds.

Submissions

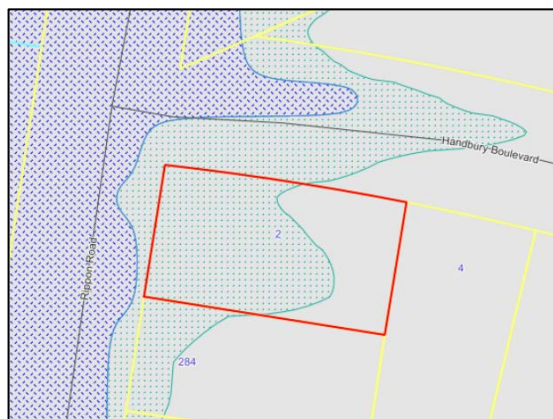
Two submissions were received from private landowners during the exhibition period objecting to the Amendment and one submission received from Department of Transport not objecting to the Amendment.

An online meeting was organized on 4 Nov 2020 with the objectors to address their concerns. Experts from Cardno, Pty Ltd (Flood Investigation consultant) and GHGMA were engaged to participate in the online meeting. Experts provided their reasoning and recommended changes to the flood mapping.

Submission 1

The landowners of 2 Handbury Blvd, Hamilton objected on the following grounds:

1. There was no mention from the council of any flood overlay at the time of purchase in 2012 and the objectors have not experienced any flooding at our residence or in the area since 2012.
2. Lack of maintenance of waterways.



At the online meeting with the objectors the experts reassessed the situation at 2 Handbury Blvd and recommended to adjust the flood mapping on following grounds.

Experts considers it appropriate to adjust the extent of the proposed LSIO in the context of 2 Handbury Blvd and also 282 and 284 Rippon Road.

The reasons for this adjustment are:

- It is clear that the dwelling on 2 Handbury Blvd, Hamilton was constructed soon after the completion of the 2012 flood study and that the surface of the property was raised such that the dwelling floor level is close to the neighbouring property at 284 Rippon Rd.
- As per the attached approved plans, the approved dwelling floor level is 179.83 m AHD. The estimated 1% AEP (Annual Exceedance Probability) flood level is 179.59 m AHD as per information provided by Venant Solutions. The dwelling therefore has in the order of 240 mm of freeboard over the 1% AEP flood level and the dwelling footprint at the very least should not be covered by the LSIO.
- Further to the above, the 2 Handbury Blvd parcel is full developed and any further development within the frontage to Rippon Road is unlikely. This is also the case for 282 and 284 Rippon Road.

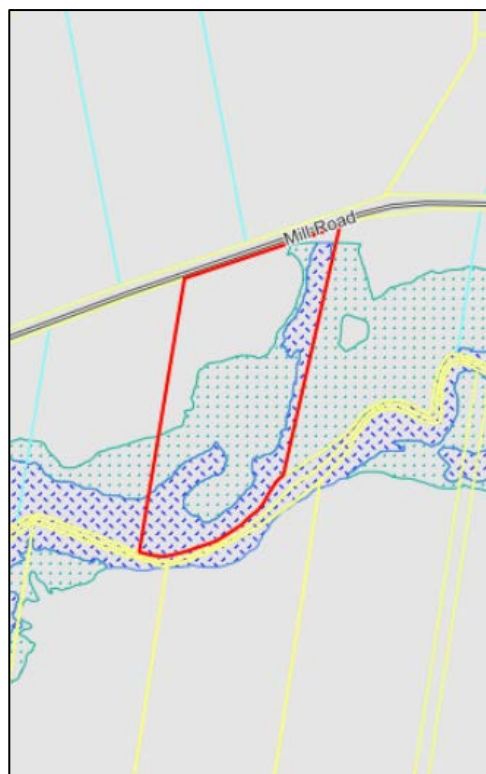
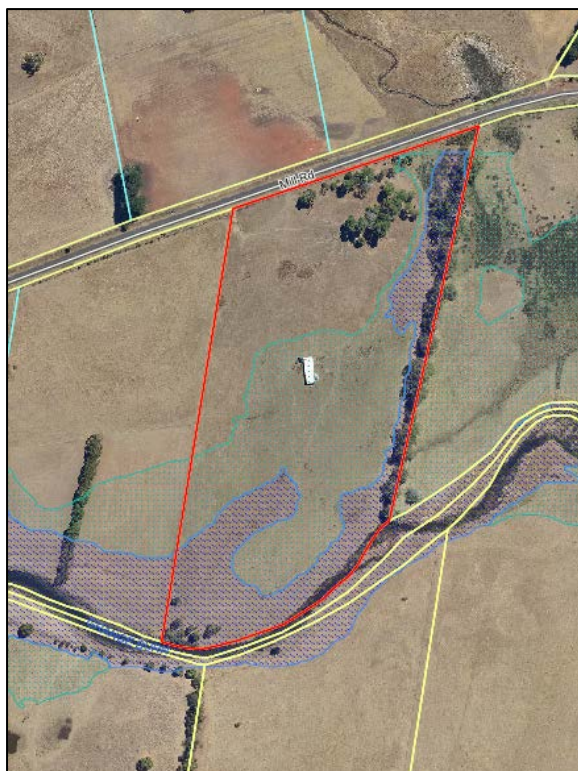
Given the above points, the permit application trigger that would result from adoption of the LSIO mapping as exhibited is unwarranted in the context of these 3 parcels and it is recommended that the extent of the LSIO be brought back to the Rippon Road boundary fence for each of these lots prior to adoption of the mapping into the planning scheme.

Consequently, 2 Handbury Blvd, Hamilton would not be affected by Amendment. The landowners are happy with the outcome and wish to withdraw their objection to the Amendment.

Submission 2

The landowners of Lot 30 Mill Rd, Hamilton objected and fundamentally disputed the new planning controls introduced into the scheme and how it will affect the development on the their property. The objectors wanted know what they can or can't do on their property and they discussed building a new shed on the property.

It is considered that the application of the overlay will not prevent future development of the land, rather it will ensure that the siting and design of the development takes into account the potential for flooding. This could include siting a building away from the deepest waters or channels, and/or building the floor level above the flood level (i.e. stumps instead of a slab floor). In some cases, particularly where a Flood Overlay is being proposed, there may be some challenges in developing land (as this is where the deepest and fastest flowing waters have been modelled), however this simply reflects the flood risk that exists, and land owners would need to work with Council and the GHCMA to explore development options that may be acceptable.



The landowners of Lot 30 Mill Rd, Hamilton have confirmed in writing to withdraw their objection on the basis of explanations given by the experts.

Submission 3

Department of Transport

The Department of Transport provided the following response to the Amendment C54sgra:

The flood mitigation works outlined within the Hamilton Flood Investigation report (Cardno Pty Ltd 2012) and the subsequent review of the Land Subject to Inundation Overlay, as well as the Floodway Overlay, must not increase the risk to or flow of flood water over the assets managed by the Department of Transport (DoT). Prior to any mitigation works commencing, it is expected that further consultation with DoT occurs where work abuts or impacts on these assets.

The proposed overlays do not change the flow of water in any way across the land or change the flood risk of Department of Transport assets. The overlays ensure that any flood mitigation works will not adversely impact assets owned or managed by the DoT. Flood mitigation works that impacted DoT assets would be designed in consultation with the DoT as part of a separate process.

Financial and Resource Implications

A \$30,000 grant for implementing a planning scheme update has been granted under National Disaster Resilience Grants Scheme.

Legislation, Council Plan and Policy Impacts

The application of the *Planning and Environment Act 1987* relies on data from this investigation to apply flood overlays into the planning scheme.

Council Plan - Support our Community:

- Information from this investigation is intended to be used to support an empowered and resilient community.
- A safe community is contributed to by the urban design and regulatory services components of this investigation.

Plan for our built environment and infrastructure:

- The application of the overlay will not prevent future development of the land, rather it will ensure that the siting and design of the development takes into account the potential for flooding.

Promote our natural environment:

- By accurately reflecting the flood risk areas in the Planning Scheme, the amendment protects designated flood paths and the riverine areas from development and encroachment from other activities. It also contributes to minimising flood risks to people, assets and properties.

Risk Management

Introducing the planning scheme amendment provides surety for landowners where developers are informed of flood overlay implications as early as possible in the development approval process.

Council has an obligation to the community to ensure that its planning controls accurately reflect risk. If Council does not pursue the mapping update, it could result in risks for Council and the community. These risks could be:

- The prospective buyers could buy land that they later learn has limited development potential
- Incorrect perception of reduced development potential
- Develop their land which is subject to flooding.

The introduction of flood overlay information in the planning scheme reduces Council's vulnerability to legal risk exposure. In practical terms, the risk is that if Council issues planning permits devoid of flood data that cannot be prosecuted in the building phase due to the late input of flood information. In essence the planning permit is flawed and cannot be implemented. This risk has been noted in other councils and has led to litigation.

Environmental and Sustainability Considerations

Implementing the planning scheme recommendations will contribute to improved sustainability of future development by avoiding unnecessary increases in flood related damage to private and public property.

Community Consultation and Communication

Engagement with community occurred with conduct of the flood investigation.

The local community was consulted in the preparation of the *Hamilton Flood Investigation Study 2012* and their comments were incorporated into the Study.

Amendment C54sgra was placed on formal public exhibition from 20 August 2020 to 21 September 2020. The amendment was advertised in the local newspaper and on Council's website. All affected landowners were directly notified in writing.

Disclosure of Interests

Nil.

RECOMMENDATIONS

That Council:

1. Adopt Amendment C54sgra, Hamilton Flood Investigation to the Southern Grampians Planning Scheme pursuant to Section 29 of the Planning and Environment Act 1987.
2. Pursuant to section 22 (1) of the Planning and Environment Act 1987, consider all submissions received to Southern Grampians Amendment C54sgra, Hamilton Flood Investigation.
3. Pursuant to section 23 (1)(a) of the Planning and Environment Act 1987, make changes to Amendment C54sgra, Hamilton Flood Investigation to remove the Land Subject to Inundation Overlay, from 2 Handbury Blvd, Hamilton as detailed within the report.
4. Submit Planning Scheme Amendment C54sgra, Hamilton Flood Investigation, to the Minister for Planning for approval and gazettal pursuant to Section 31 of the Planning and Environment Act 1987.

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr Henry

That Council:

1. **Adopt Amendment C54sgra, Hamilton Flood Investigation to the Southern Grampians Planning Scheme pursuant to Section 29 of the Planning and Environment Act 1987.**
2. **Pursuant to section 22 (1) of the Planning and Environment Act 1987, consider all submissions received to Southern Grampians Amendment C54sgra, Hamilton Flood Investigation.**
3. **Pursuant to section 23 (1)(a) of the Planning and Environment Act 1987, make changes to Amendment C54sgra, Hamilton Flood Investigation to remove the Land Subject to Inundation Overlay, from 2 Handbury Blvd, Hamilton as detailed within the report.**
4. **Submit Planning Scheme Amendment C54sgra, Hamilton Flood Investigation, to the Minister for Planning for approval and gazettal pursuant to Section 31 of the Planning and Environment Act 1987.**

CARRIED

10.6 Planning Scheme Amendment C58sgra - Coleraine Flood Investigation

Directorate: Andrew Goodsell, Director Planning and Development
Author: Parvesh Siroha, Senior Strategic Planner
Attachments: 6. Amendment C58sgra Submissions Review

Executive Summary

The purpose of this report is to consider submissions received during the exhibition period of Planning Scheme Amendment C58sgra to the Southern Grampians Planning Scheme. The proposed Amendment seeks to amend the Scheme to incorporate the recommendations of the *Coleraine Flood Study 2012*, including changes to the flood mapping and to the planning scheme flood schedules.

Council has an obligation to include overlays in its planning scheme to address flood risk. The proposed overlay mapping represents a snap-shot in time that measures the full extent of a 1% AEP (1 in 100 year) event.

The Amendment was exhibited from 20 August 2020 to 21 September 2020. One submission received during notification period objecting to the amendment. The submission was referred to the Flood Investigation Consultants (the Consultants) and Glenelg-Hopkins Catchment Management Authority (GHCMA) for technical review. Minor adjustments to Floodway Overlay were made as a result.

An online meeting was undertaken on 4 Nov 2020 with the objector, the Consultant, Glenelg Hopkins CMA (GHCMA) and Council officers however the concerns raised in the submission were not resolved.

It is recommended that the opposing submission to be referred to an Independent Panel appointed by the Minister for Planning.

Recommendations

That Council:

1. Pursuant to section 22 (1) of the Planning and Environment Act 1987, consider all submissions received to Southern Grampians Amendment C58sgra.
2. Pursuant to section 23 (1)(a) of the Planning and Environment Act 1987, make changes to Amendment C58sgra to remove the Floodway Overlay from 66 Whyte Street, Coleraine affected by very minor encroachments at the extremity of the flood mapping extent as detailed within the report.
3. Pursuant to section 23 (1) (b) of the Planning and Environment Act 1987, refer the unresolved submission to an Independent Panel.
4. Authorise officers/suitable persons to represent Council at the Planning Panel hearing generally in accordance with the response to issues outlined in this report.

catchments, within the residential and Farming Zone, contribute to most of this expansion. Most of these areas were previously not mapped.

The schedules to the flood overlays contained within the Southern Grampians Planning Scheme were also rewritten as part of the amendment process. The revised schedules allow Council to tailor the requirements of the generic state wide overlays to individual requirements that meet local needs. At present, the Overlay triggers the need for a planning permit for virtually all development and works. The new Schedules establish or extend the broad range of works that do not require a planning permit in the Overlays, including some forms of replacement buildings, some extensions or external alterations to buildings, some forms of fencing and open sided agricultural sheds.

Submissions

One submissions received from private landowners during the exhibition period objecting to the Amendment. Two submissions were received from Wannon Water and Department of Transport.

An online meeting was organized on 4 Nov 2020 with the objectors to address their concerns. Experts from Cardno, Pty Ltd (flood Investigation consultant) and GHCMA were engaged to participate in the online meeting. Experts provided their reasoning and recommended changes to the flood mapping.

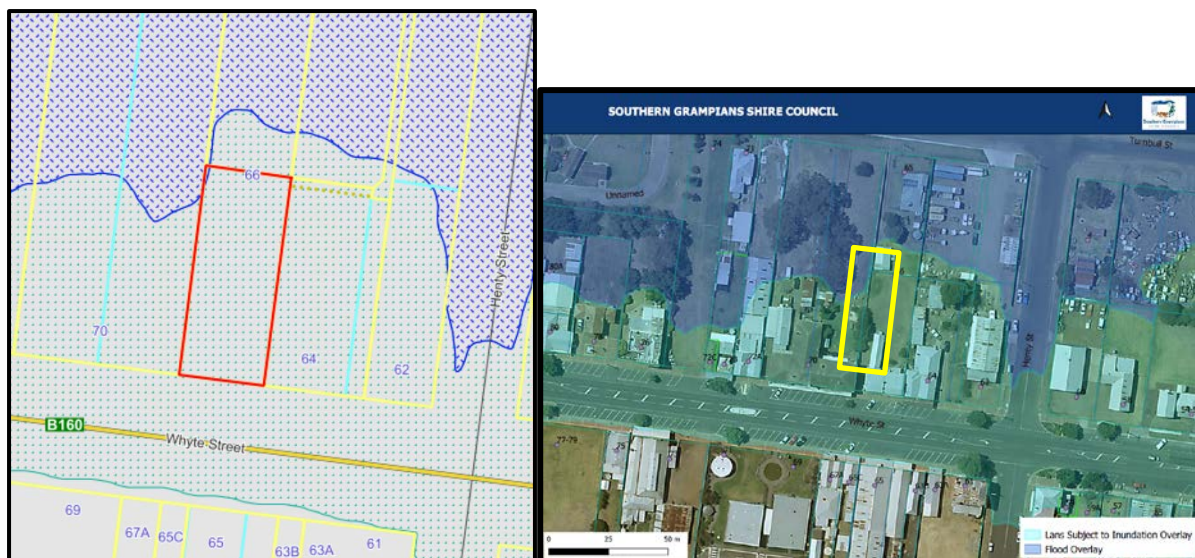
Submission 1

One submission received from private landowner during the exhibition period objecting amendment.

The landowners of 66 Whyte St, Coleraine objected on the following grounds:

1. No form of compensation will be available to affected land holders;
2. Rates and Council charges will also not be altered to show the obvious loss of land value if this Amendment should proceed;
3. Why has the strong suggestions from many members of this community to clear the Creek of the choking reeds and weed to allow proper flow, not been listened to?
4. Is it not reasonable to suggest that the relatively low-cost of dredging and clearing work to the Creek be trialed first?

The submission which was referred to the flood investigation consultants and GHCMA for technical review. Please refer to the attachment for more details.



- Having regard to insurance premiums, it should be noted that insurance companies rely on GHGMA mapping and not the mapping contained in any individual planning scheme. It is therefore unlikely that the overlay mapping will create any significant change in premiums.
- Furthermore, with respect to land valuations, evidence suggests that where flood controls have been introduced elsewhere, there is little evidence that such controls have had an overall adverse impact. In any case, impact on land values is not a valid consideration for the amendment, which must be considered on its planning merits. It is noted that a number of land owners will benefit from the current overlays being removed from their properties.
- Objectors expressed their concerns for dredging and clearing work to Bryan Creek and increase property rates and effect on their property value due to the Amendment.
- Objectors requested to exclude minor incursions of Flood Overlay on the rear north-west corner of their property.
- The experts at the meeting agreed with the landowners and recommended to exclude the property from Flood Overlay extent; however the property will remain entirely within the extent of Land Subject to Inundation Overlay (LSIO).

It is recommended that this unresolved submission to be referred to an independent panel established by the Minister for review prior to the proposed amendment being referred back to Council for a final decision.

Submission 2

Wannon Water

Wannon Water requests that a “Minor Utility Installation” as per Clause 73.03 of the Southern Grampians Planning Scheme be exempt from requiring a planning permit for works within the Overlays to allow Wannon Water to install and replace underground pipes and other minor installation.

Clause 73.03 lists the following as a Minor Utility Installation:

- a) sewerage or water mains;
- b) storm or flood water drains or retarding basins;
- c) flow measurement device or a structure to gauge waterway flow;
- d) siphons, water storage tanks, disinfection booster stations and channels;
- e) gas mains providing gas directly to consumers;
- f) a sewerage treatment plant, and any associated disposal works, required to serve a neighbourhood;
- g) a pumping station required to serve a neighbourhood;
- h) power lines designed to operate at less than 220,000 volts but excluding any power lines directly associated with an Energy generation facility or Geothermal energy extraction; or
- i) an electrical sub-station designed to operate at no more than 66,000 volts but excluding any sub-station directly associated with an Energy generation facility or Geothermal energy extraction.

The flood consultant has provided following response to Wannon Water's concerns:

Many of these installations have the potential to alter flood behaviour and hence potentially cause adverse impacts. Therefore it is recommended that an exemption to Clause 73.03 not be provided. The requirement for Wannon Water to undertake works within flood overlays would not be particular to Coleraine, and similar other water authorities would also face similar issues. Therefore it is recommended that further discussions be held with Wannon Water to identify if other mechanisms exist that may assist Wannon Water in undertaking their work efficiently without increasing the flood risk to other users of the floodplain.

A further clarification was sought from GHCMA to affirm the situation where the Minor Utility Installations should or shouldn't be exempted. GHCMA provided following reasoning:

Contrary to the impression given by Flood Consultant's response - the overlays don't establish a permit trigger for the kind of works Wannon Water is concerned about. The exemption Wannon Water is seeking is built in to cl.44.03 (FO) and cl.44.04 (LSIO) and cl.62.02, and this cannot be changed without amendment of cl.44.03 and cl.44.04 themselves to expressly require a permit for "a pumping station required to serve a neighbourhood".

At present, the CMA is of the opinion that the existing planning permit exemptions for the type of buildings and works undertaken by water authorities are acceptable. The CMAs experience is that Water Authorities are typically cognisant of:

- flood risk associated with existing and proposed new infrastructure; and
- the CMAs Floodplain Management Authority function in providing advice on managing flood risk.

Water Authorities therefore typically seek advice directly from the CMA in relation to managing flood risk to their infrastructure. In addition, Works on Waterway approval from the CMA is often required for new infrastructure such as pump stations (often near waterways and therefore in the floodplain) and underground pipe crossings of waterways. These mechanisms also accounts for flood risk.

To sum up, Flood Consultant's comment isn't valid in CMA's opinion as:

- the exemption already exists and cannot be changed via this amendment; and
- the exemption is acceptable from a flood risk management perspective as the risks associated with such works are appropriately managed via the CMAs flood risk advice and Works on Waterways functions.”

Council staff liaised with Wannon Water to clarify whether the minor utility installation works adversely affect other properties in the catchment and/or change the flood behaviour. Wannon Water confirmed that minor utility installation works mainly comprise of very minor works on waterways and won't adversely affect other properties in the catchment and/or change the flood behaviour. Following response provided by Wannon Water:

Wannon Waters clarifies the concerns around the need for a planning permit when undertaking works under the banner of a minor utility installation within the new Flood/LSI overlays within Coleraine. Wannon Water works requirements under the banner of minor utility installation that we would like exempt from requiring a planning permit include:

- sewerage or water mains installation or maintenance;
- flow measurement device or a structure to gauge waterway flow;
- siphons, water storage tanks, disinfection booster stations and channels;
- a sewerage treatment plant, and any associated disposal works, required to serve a neighbourhood;
- a pumping station required to serve a neighbourhood;

Wannon Water also understands that the exemption would be on the basis that the installation/works would not impact the flood path or cause additional flood impacts to nearby properties.

In light of the above it is considered that existing exemptions for Minor Utility Installation is still applicable under cl.62.02-1 and including exemptions Minor Utility Installation in the Schedules is beyond the scope of this planning scheme amendment.

Submission 3

Department of Transport

The DoT require that that the implementation of the LSIO and FO as well as any flood mitigation works do not increase the risk to or flow of flood water over assets managed by the DoT.

The Amendment seeks to incorporate the LSIO and FO into the Planning Scheme. The LSIO and FO identify existing flood risk and do not alter flood behaviour. Therefore their implementation into the Planning Scheme will not increase flood risk to DoT assets.

The Amendment does not contemplate the implementation of flood mitigation works identified in the Study, and hence there is no risk to DoT assets from mitigation works.

Financial and Resource Implications

A \$30,000 grant for implementing a planning scheme update has been granted under National Disaster Resilience Grants Scheme.

Legislation, Council Plan and Policy Impacts

The application of the *Planning and Environment Act 1987* relies on data from this investigation to apply flood overlays into the planning scheme.

Council Plan - Support our Community:

- Information from this investigation is intended to be used to support an empowered and resilient community.
- A safe community is contributed to by the urban design and regulatory services components of this investigation.

Plan for our built environment and infrastructure:

- The application of the overlay will not prevent future development of the land, rather it will ensure that the siting and design of the development takes into account the potential for flooding. This could include siting a building away from the deepest waters or channels, and/or building the floor level above the flood level (i.e. stumps instead of a slab floor). In some cases, particularly where a Flood Overlay is being proposed, there may be some challenges in developing land (as this is where the deepest and fastest flowing waters have been modelled), however this simply reflects the flood risk that exists, and land owners would need to work with Council and the GHCMA to explore development options that may be acceptable.

Promote our natural environment:

- By accurately reflecting the flood risk areas in the Planning Scheme, the amendment protects designated flood paths and the riverine areas from development and encroachment from other activities. It also contributes to minimising flood risks to people, assets and properties.

Risk Management

Introducing the planning scheme amendment provides surety for landowners where developers are informed of flood overlay implications as early as possible in the development approval process.

Council has an obligation to the community to ensure that its planning controls accurately reflect risk. If Council does not pursue the mapping update, it could result in risks for Council and the community. These risks could be:

- The prospective buyers could buy land that they later learn has limited development potential
- Incorrect perception of reduced development potential
- Develop their land which is subject to flooding.

The introduction of flood overlay information in the planning scheme reduces Council's vulnerability to legal risk exposure. In practical terms, the risk is that if Council issues planning permits devoid of flood data that cannot be prosecuted in the building phase due to the late input of flood information. In essence the planning permit is flawed and cannot be implemented. This risk has been noted in other councils and has led to litigation.

Environmental and Sustainability Considerations

Implementing the planning scheme recommendations will contribute to improved sustainability of future development by avoiding unnecessary increases in flood related damage to private and public property.

Community Consultation and Communication

Engagement with community occurred with conduct of the flood investigation. The local community was consulted in the preparation of the Coleraine *Flood Investigation Study 2016* and their comments were incorporated into the Study.

Amendment C58sgra was placed on formal public exhibition from 20 August 2020 to 21 September 2020. The amendment was advertised in the local newspaper and on Council's website. All affected landowners were directly notified in writing.

Disclosure of Interests

Nil.

RECOMMENDATIONS

That Council:

1. Pursuant to section 22 (1) of the Planning and Environment Act 1987, consider all submissions received to Southern Grampians Amendment C58sgra.
2. Pursuant to section 23 (1)(a) of the Planning and Environment Act 1987, make changes to Amendment C58sgra to remove the Floodway Overlay from 66 Whyte Street, Coleraine affected by very minor encroachments at the extremity of the flood mapping extent as detailed within the report.
3. Pursuant to section 23 (1) (b) of the Planning and Environment Act 1987, refer the unresolved submission to an Independent Panel.
4. Authorise officers/suitable persons to represent Council at the Planning Panel hearing generally in accordance with the response to issues outlined in this report.

COUNCIL RESOLUTION

MOVED: Cr Robertson
SECONDED: Cr Henry

CARRIED

Cr Brown declared a conflict of interest in the following item and left the meeting at 6:23pm

10.7 Neighbourhood Safer Place – Place of Last Resort

Directorate: Andrew Goodsell, Director Planning and Development
Author: Sherie Bain, Regulatory Service Coordinator
Attachments: None.

Executive Summary

Neighbourhood Safer Places - Place of Last Resort (NSPs-PLR) are identified buildings or spaces within the community that may afford some protection from radiant heat, which is the biggest killer during a bushfire. They are a place of last resort and should be used if your Bushfire Survival Plan fails and you have nowhere else to go. There is currently nine registered NSPs-PLR in Southern Grampians Shire.

The recommendation is to designate the Balmoral Mechanics Institute and add it to the existing NSP- PLR sites. The hall is next to the open air bowling green area offering added protection. Maintaining the school location on the opposite side of Glenelg River is viewed as essential to the Balmoral community due to the river corridor dividing the township.

The recommendation is to designate the Dunkeld Community Centre and remove the Anglican Church Grounds as the designated NSPs-PLR.

Discussion

Neighbourhood Safer Places - Place of Last Resort (NSPs-PLR) are identified buildings or spaces within the community that may afford some protection from radiant heat, the biggest killer during a bushfire. They are a place of last resort and should be used if a household Bushfire Survival Plan fails.

NSPs-PLR are municipal council designated buildings or open spaces within the community that may afford some protection from flames and heat through a separation distance from the fire hazard. They are not designed for all day relocation. They provide few amenities and will offer only limited protection from smoke and embers.

While NSPs – PLR are for a last resort circumstances in rural communities they have commonly been used as first resort areas. Therefore providing ample conditions for vulnerable residents is essential. These locations can then enable easier evacuations for community members when necessary.

Currently there are 9 (nine) registered NSPs-PLR in Southern Grampians Shire:

Township	Location	Address
Balmoral	Balmoral Community College Car parking adjacent to gymnasium/tennis courts	Harrow - Balmoral Road Balmoral
Balmoral	Balmoral Memorial Hall and Bowls Club Grounds	Corner Stirling Street (Natimuk-Hamilton Road) and Glendinning Street Balmoral
Branxholme	Unused Bowling Green Opposite Fire Station	Best Street (between Cox Street and Brown Street) Branxholme
Cavendish	Cavendish Town Square	Corner Barker Street and

	Memorial Park	Scott Street Cavendish
Coleraine	Coleraine Railway Reserve	Pilleau Street (near corner of Read Street) Coleraine
Dunkeld	Anglican Church Grounds	Cnr Wills Street and Sterling Street Dunkeld
Glenthompson	Vacant land adjacent to Glenthompson War Memorial Swimming Pool	Corner Henry Street and Cameron Street (Maroona-Glenthompson Road) Glenthompson
Hamilton	Melville Oval	Cnr Lonsdale Street and Brown Street Hamilton
Penshurst	Grassed road reserve at rear of Penshurst Senior Citizens Centre	French Street between Bell Street and Watton Street Penshurst

Dunkeld Community Centre and Balmoral Mechanics Institute are community managed halls and in both townships the community and the local CFA brigades have been the driving force behind the desire to have these two locations as designated NSPS-PLR. The designation of these sites has been endorsed by the Municipal Emergency Management Planning Committee.

Structures (halls) are more favourable to community as compared with open spaces due to shade, toilets, water in hot weather for community members and other basic amenities.

In the event of an emergency NSPs-PLR become a CFA supported site. Sites can be both a designated Council Relief Center and NSPs-PLR.

- Relief Centers are for after an event or for an event a safe distance away
- NSP-PLR is for last resort when the fire is imminent

Financial and Resource Implications

CFA in its annual audit recommends activities that could be undertaken to improve site safety and it is recommended over the coming 24 months Council work with the local Committees of Management to support these works:

Balmoral:

- Maintain painted surfaces to prevent flaky paint occurring
- Install an external Fire Hose Reel
- Appropriate signage be installed

Dunkeld

- CFA recommends that any gaps in the sub floor greater than two millimetres be reduced down to or less than two millimetres to prevent ember incursion
- Install mesh with a smaller than 2mm aperture on any vents fitted to external walls and on the vents in the end at the gable roof
- The wall vents fitted to the hall do not have mesh fitted to the back of the vent
- Install an external Fire Hose Reel
- Appropriate signage be installed

First priority is to install the signage and remove signage from decommissioned sites.

By not designating these sites Council face a reputational risk from not supporting sites lead by the community and determined to be valid locations from CFA assessments.

A nominal cost for appropriate signage is recommended, to the value of \$3,000.

Legislation, Council Plan and Policy Impacts

Under Part 3A, Division 3 – Neighbourhood Safer Places of the *CFA Act 1958*

Municipal Emergency Management Plan 2018-2021

Risk Management

Annual audits from the CFA ensure the sites remain compliant and allow Council to remove the designation if for some reason the sites do not comply.

Environmental and Sustainability Considerations

As the buildings are Crown Land Committees of Management there is no environmental or sustainability considerations

Community Consultation and Communication

Consultation has occurred through representation of community and local CFA brigades on the Municipal Fire Management Planning Committee and the Municipal Emergency Management Planning Committee.

Following the Council resolution the Council minutes will be registered on the Neighbourhood Safer Place portal with CFA. This will instigate the final stages of designation through the CFA and Emergency Management Victoria before being registered publically.

Consultation with the communities will occur via the local CFA brigades and through the hall committees. Approved signage will also be installed on the sites.

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

The recommendation is to:

1. Support the designation of the Balmoral Mechanics Institute and add it to the existing designated NSP- PLR. The hall is next to the open air bowling green area offering added protection. Maintaining the school location on the opposite side of the river is viewed as essential to the Balmoral community due to not being able to cross the river in the last fire.
2. Support the designation of the Dunkeld Community Centre and remove the Anglican Church Grounds as the designated NSP- PLR.
3. Allocate \$3,000 to the installation of new signage and decommission of old signage.

COUNCIL RESOLUTION

MOVED: Cr Calvano
SECONDED: Cr Rainsford

The recommendation is to:

1. Support the designation of the Balmoral Mechanics Institute and add it to the existing designated NSP- PLR. The hall is next to the open air bowling green area offering added protection. Maintaining the school location on the opposite side of the river is viewed as essential to the Balmoral community due to not being able to cross the river in the last fire.
2. Support the designation of the Dunkeld Community Centre and remove the Anglican Church Grounds as the designated NSP- PLR.
3. Allocate \$3,000 to the installation of new signage and decommission of old signage.

CARRIED

Cr Brown returned to the Meeting at 6:26pm.

10.8 Proposed Sale of Land – Moodie Avenue, Hamilton.

Directorate: David Moloney, Director Shire Infrastructure
Author: Tendai S. Mhasho, Property Officer
Attachments: None

Executive Summary

The vacant block in Moodie Avenue has recently been transferred to Council ownership. The block in Moodie Avenue measures approximately 2,439m². According to the Southern Grampians Shire Planning Scheme the land is zoned General Residential Zone 1.

According to Council's Asset Disposal Policy, the sale of buildings and assets greater than \$150,000.00 must be approved by Council resolution. This block has been assessed by Officers as surplus to Council's needs. In order to sell this lot Council is legislatively required to give notice of its intention to sell in accordance with Section 114 of the Local Government Act 2020 and seek feedback on the proposal.

It is recommendation that:

- Council gives public notice by advertising for a minimum of 28 days, Council's intention to sell the vacant block located at Moodie Avenue, Hamilton under section 114(2)(a) of the Local Government Act 2020;
- Council undertakes a community engagement process in accordance with its community engagement policy in accordance with s114(2)(b) of the Local Government Act 2020;
- Council obtains a valuation of this land for sale, from a registered valuer in accordance with s114(2)(c) of the Local Government Act 2020; and
- A further report to be presented to Council at the end of the notice period.

Discussion

In early 2017, neighbours in Moodie Avenue (a neighbouring block) wrote a letter to Council stating that for over a number of years they have been complaining about the gum trees on the vacant block next door to them in Moodie Avenue, Hamilton.

Council has over the years has maintained this block on the assumption that it was Council owned land. A General Law search conducted with the assistance of our solicitors at Melville Orton and Lewis (MOL) revealed that the block was not owned by Council. The land was privately owned and is subject to the Recreation Reserve status set out on Plan of Subdivision GL210.

Melville Orton and Lewis (MOL) advised us that this land was un-transferred out of conveyance and that the previous owners were now deceased. Following the probate of will Council determined the beneficiaries to this estate and the now legal owners.

The beneficiaries visited the block and they decided that they do not want this block of land and would like to donate it to Council. It was made clear to them that, if the land is transferred to Council, Council would likely declare it as surplus land to its requirements and sell the block. The process of transferring this land to Council is now complete.

This vacant piece of land measures approximately 2,439m². According to the Southern Grampians Shire Planning Scheme this land is zoned General Residential Zone 1 (GRZ1), although it has been referred to as a Recreation Reserve under the General Law search.

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

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

- Council to give public notice of Council's intention to sell the vacant block located in Moodie Avenue, Hamilton under section 114(2)(a) of the Local Government Act 2020;
- Council to undertake a community engagement process in accordance with its community engagement policy in accordance with s114(2)(b) of the Local Government Act 2020;
- Council to obtain a valuation of this land for sale, from a registered valuer in accordance with s114(2)(c) of the Local Government Act 2020; and
- A further report to be presented to Council at the end of the notice period.

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



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



Location pictures of the vacant block at (16) Moodie Avenue

Financial and Resource Implications

Council has over the years trimmed trees and maintained this block through regular mowing and upkeep on the assumption that it was Council owned land. The transfer of this block to Council means that Council now has full responsibility for this land until sold. Council will bear all the costs associated with the sales.

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

Legislation, Council Plan and Policy Impacts

Section 114 of the Local Government Act 2020 relates to the restriction on Council's power to sell or exchange land.

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

Risk Management

The risk to Council is that if the lot remains unsold long-term, regular maintenance and upkeep will need to be undertaken.

Environmental and Sustainability Considerations

Council will have to maintain the lot through regular mowing so that there is no fire hazard for the neighbouring properties.

Community Consultation and Communication

Under Section 114 of the Local Government Act 2020, Council will give public notice of its intention to sell the vacant block in Moodie Avenue for a minimum of 28 days by a Notice published on Council's website and in the Hamilton Spectator.

Disclosure of Interests

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

RECOMMENDATION

That:

1. Council gives public notice by advertising for a minimum of 28 days Council's intention to sell the vacant block located in Moodie Avenue, Hamilton under section 114(2)(a) of the Local Government Act 2020;
2. Council undertakes a community engagement process in accordance with its community engagement policy in accordance with s114(2)(b) of the Local Government Act 2020;
3. Council obtains a valuation of this land for sale, from a registered valuer in accordance with s114(2)(c) of the Local Government Act 2020; and
4. A further report to be presented to Council at the end of the notice period.

MOTION

MOVED: Cr Rainsford
SECONDED: Cr McAdam

That:

1. **Council gives public notice by advertising for a minimum of 28 days Council's intention to sell the vacant block located in Moodie Avenue, Hamilton under section 114(2)(a) of the Local Government Act 2020;**
2. **Council undertakes a community engagement process in accordance with its community engagement policy in accordance with s114(2)(b) of the Local Government Act 2020;**
3. **Council obtains a valuation of this land for sale, from a registered valuer in accordance with s114(2)(c) of the Local Government Act 2020; and**
4. **A further report to be presented to Council at the end of the notice period.**

AMENDMENT

MOVED: Cr Calvano
SECONDED: Cr Robertson

That:

1. Council gives public notice by advertising for a minimum of 28 days Council's intention to sell the vacant block located in Moodie Avenue, Hamilton under section 114(2)(a) of the Local Government Act 2020;
2. Council undertakes a community engagement process in accordance with its community engagement policy in accordance with s114(2)(b) of the Local Government Act 2020;
3. Council obtains a valuation of this land for sale, from a registered valuer in accordance with s114(2)(c) of the Local Government Act 2020; and

4. A further report to be presented to Council at the end of the notice period.
5. Because of constant complaints from neighbours that prior to the sale that Council remove the trees in consultation with the neighbours the Kings.

THE AMENDMENT WAS PUT AND LOST

COUNCIL RESOLUTION

MOVED: Cr Rainsford
SECONDED: Cr McAdam

That:

1. Council gives public notice by advertising for a minimum of 28 days Council's intention to sell the vacant block located in Moodie Avenue, Hamilton under section 114(2)(a) of the Local Government Act 2020;
2. Council undertakes a community engagement process in accordance with its community engagement policy in accordance with s114(2)(b) of the Local Government Act 2020;
3. Council obtains a valuation of this land for sale, from a registered valuer in accordance with s114(2)(c) of the Local Government Act 2020; and
4. A further report to be presented to Council at the end of the notice period.

CARRIED

10.9 Local Roads and Community Infrastructure Program - Round 2

Directorate: David Moloney, Director Shire Infrastructure
Author: David Moloney, Director Shire Infrastructure
Attachments: None.

Executive Summary

As part of the response to COVID-19 in the Federal Budget, the second round of the Local Roads and Community Infrastructure Program (LRCIP) totalled \$1B. As part of this second round of funding Council received \$1,746,721.

Council is able to select the projects to be funded but they must meet the eligibility criteria of the program and be delivered by 31 December 2021.

This report looks at the program and recommends allocation of the funding.

Discussion

In the Federal Budget an announcement of an additional \$1B Local Roads and Community Infrastructure Program (LRCIP) to support Councils in stimulating the economy was made. The program is administered by the Federal Department of Infrastructure, Transport, Regional Development and Communications.

The allocation from this program for Southern Grampians Shire Council is \$1,746,721 and needs to complete by 31 December 2021 or the funding will be lost. The program requires no co-contribution from Council.

Council is able to select the projects to be funded but they must meet the eligibility criteria of the program. The funding is available for local roads and community infrastructure projects that involve the construction, maintenance and/or improvements to Council-owned assets that are generally accessible to the public. Other conditions such as signage requirements, will be outlined in the program guidelines.

In order to develop projects for the program the following process was followed

1. Review of the previous projects considered under LRCIP - Round 1
2. Future capital works lists and masterplan works programs
3. Other funding sources/programs that Council currently has applications in for projects
4. The project is able to be delivered by 31 December 2021

One project considered was the Netball Courts renewal (\$1.6M). Previously an application was submitted under the Community Sports Infrastructure Stimulus Fund but was unsuccessful.

As this project is unable to secure any other funding source and is a key sporting facility and is nearing the end of its useful life, it is recommended that it is delivered under this program.

Another project that is part of the Pedrina Park Masterplan is the drainage on of the soccer pitch. An estimate from a third party design puts this works at \$442,000 (ex GST). This project would need to be confirmed as eligible under the guidelines.

While the netball courts does not require all the funding provided, the addition of the soccer drainage and associated work would put the program over the funding and would require some additional funding from Council.

- Pedrina Park Netball Courts (Improve accessibility of community facilities) (\$1.6M)
- Pedrina Park Soccer Pitch Drainage (Improve accessibility of community facilities) (\$442,000)

Total: \$2,042,000

Project Management Costs (\$50,000) to be levied over all projects above.

Total: \$2,092,000 against Funding \$1,746,721

This leaves a shortfall of \$345,279. The funding gap could be funded by committing to the project and funding the shortfall in the 2021-2022 Council budget. The other benefit of this approach is, should the netball courts come under budget, an application could be made to allocate the surplus funding to the drainage works and reduce Council's future contributions.

The proposed program is based on a high use facility utilised by a large section of the community and part of Council's Recreation and Leisure Strategy, the Pedrina Park Masterplan, and is deliverable by 31 December 2021.

Financial and Resource Implications

- The funding provided under the LRCIP does not require a co-contribution from Council though the proposed program is \$345,279 over the program budget inclusive of project management costs
- By funding projects from within Council's asset management plans and future programs it will free up funds in the long term financial plan to complete other projects in the future
- Council's current project managers are at capacity. In order to deliver the LRCI program, a review of resources will need to be undertaken to determine if additional resources are required or can be delivered with the current resources of Council.

Legislation, Council Plan and Policy Impacts

This report is in keeping with the following legislation and Council Policies:

- *Local Government Act (1989)*
- *Asset Management Policy (2019)*
- *Road management Plan (2018)*

This report is also consistent with the:

- *Recreation and Leisure Plan (2019)*
- *Pedrina Park Masterplan (2019)*

Risk Management

This program will deliver on strategic plans of Council and enable funding for future of projects to reduce the financial risk to Council to fund these projects.

There is a risk that the program will not be delivered by 31 December 2021. This is being mitigated by ensuring appropriate project manage to deliver the program.

Environmental and Sustainability Considerations

Sustainable practices will be considered as part of the tender process including recycling of pavement materials.

Community Consultation and Communication

Internal consultation has been held with relevant staff and the Council.

Disclosure of Interests

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

RECOMMENDATION

That Council:

1. Under the Local Roads and Community Infrastructure Program allocate the \$1,600,000 to the Pedrina Park Netball Courts, and
2. Confirm eligible under the Local Roads and Community Infrastructure Program of the Soccer Pitch drainage works: and
3. If deemed eligible under the Local Roads and Community Infrastructure Program allocate the remaining \$146,721 to the Soccer Pitch Drainage Project and allocate the remaining \$345,279 in the 2021-2022 Council Budget.

MOTION

MOVED: Cr Brown
SECONDED: Cr Calvano

That Council:

1. **Under the Local Roads and Community Infrastructure Program allocate the \$1,600,000 to the Pedrina Park Netball Courts, and**
2. **Confirm eligibility under the Local Roads and Community Infrastructure Program of the Soccer Pitch drainage works: and**
3. **If deemed eligible under the Local Roads and Community Infrastructure Program allocate the remaining \$146,721 to the Soccer Pitch Drainage Project and allocate the remaining \$345,279 in the 2021-2022 Council Budget.**

AMENDMENT

MOVED: Cr Rainsford
SECONDED: Cr Henry

That Council:

1. Under the Local Roads and Community Infrastructure Program allocate the \$1,600,000 to the Pedrina Park Netball Courts, and
2. Confirm eligibility under the Local Roads and Community Infrastructure Program of the Soccer Pitch drainage works: and
3. If deemed eligible under the Local Roads and Community Infrastructure Program allocate the remaining \$146,721 to the Soccer Pitch Drainage Project and allocate the remaining \$345,279 in the 2021-2022 Council Budget.
4. Points 2 and 3 are subject to a review of the Pedrina Park Masterplan and community consultation

THE AMENDMENT WAS PUT AND LOST

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr Calvano

That Council:

1. Under the Local Roads and Community Infrastructure Program allocate the \$1,600,000 to the Pedrina Park Netball Courts, and
2. Confirm eligibility under the Local Roads and Community Infrastructure Program of the Soccer Pitch drainage works: and
3. If deemed eligible under the Local Roads and Community Infrastructure Program allocate the remaining \$146,721 to the Soccer Pitch Drainage Project and allocate the remaining \$345,279 in the 2021-2022 Council Budget.

CARRIED

10.10 Tender 42-20: Hamilton Performing Arts Centre (PAC) Maintenance Works & Roof Replacement

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

Executive Summary

The PAC building at Hamilton was built in 1910. The building provides and facilitating area for the events and live performances continuously.

The project of undertaking condition assessment of buildings completed in early 2019 also highlighted the fact that the roof of PAC needs replacement due to its condition & leakage history.

The main building is structurally sound and serviceable for use but the roof has some leakage issues that require replacement of the roof to maintain the structure integrity.

Council has a budget of \$526,000.00 (excl. GST) towards this project under the current year's capital works programme.

Tender 42-20 was advertised on tender search on 09 October 2020 and closed on the 06 November 2020. Only one submission has been received and the evaluation panel have assessed the tender in accordance with the procurement policy.

It is recommended that Council

1. Award Contract 42-20 Hamilton Performing Arts Centre Maintenance and Roof Replacement to BDH Construction Pty. Ltd for the value of \$210,100.00 (incl. GST)
2. Contract documents are signed and sealed once prepared

Background

Southern Grampians Shire Council proposes to replace the roof and conduct minor maintenance works at Hamilton PAC building. The project has a budget of \$526,000 under the Council's current annual plan.

The works involve the replacement of the existing roof, insulation, and associated minor building works at the Hamilton PAC building. The project works are expected to start mid-February 2021 and finish by May 2021.

The tender for the roof replacement works was advertised via Council's e-Tendering Portal with the following timelines:

- Tender advertised: 09 October 2020
- Tender Closing: 06 November 2020
- Submissions Received: 01 No.

Discussion

This project is part of Council's annual plan commitment with a budget of \$526,000.00 (excl. GST). The following tenders were received:

Tenderer	Price (Incl. GST)
Tenderer 1	\$210,100.00

The tender evaluation criteria were set as follows:

Criteria	Weightage
Price	50%
Demonstrated experience on similar projects	15%
Works methodology	10%
Occupational Health & Safety	15%
Environmental	10%

Tender was evaluated by the panel and the evaluation score is presented below.

Tenderer	Qualitative Score	Quantitative Score	Total Price (Incl. GST)	Total Score
Tenderer 1	31.28%	50.00%	\$210,100.00	81.28%

Only one tender response was received. The evaluation panel completed the evaluation as per the Council's Procurement Guidelines. The tender was deemed to be suitable based on the tender that was received/

It is therefore the recommendation of the Tender Evaluation Panel that the tender submitted by Tenderer 1 (BDH Construction Pty Ltd) for the GST inclusive price of \$210,100.00 be accepted.

Financial and Resource Implications

- The project is budgeted within the Council's capital works programme for the financial year 2020/21;
- The budget \$526,000.00 is allocated under the Council's annual plan for the project;
- Considering the above, there are no known financial implications to the Council.

Legislation, Council Plan and Policy Impacts

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

This report also relates to the:

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

Risk Management

What are the benefits/risks:

- The risks of price variation have been considered.
- No Planning Permit or Building Permit is required.

- Heritage requirement have been discussed and included in project planning. The selected contractor would provide the material and roof installation as “Like for like” to complete the work under the contract.

All risks are being mitigated by having a robust project management practices and checklist before starting physical works.

Environmental and Sustainability Considerations

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

Community Consultation and Communication

The Council officers will contact the affected residents in the neighbouring areas to update the construction work and implementation any traffic management on the road. Officers will also contact emergency services, affected bus routes (if any) as part of the communications plan.

Disclosure of Interests

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

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

RECOMMENDATION

That:

1. Council award Tender 42-20, Hamilton PAC Maintenance works and Roof Replacement to BDH Construction Pty Ltd with a total sum of \$210,100.00 (incl. GST);
2. The contracts are signed and sealed when prepared.

MOTION

MOVED: Cr Calvano
SECONDED: Cr McAdam

That:

1. Council award Tender 42-20, Hamilton PAC Maintenance works and Roof Replacement to BDH Construction Pty Ltd with a total sum of \$210,100.00 (incl. GST);
2. That following tender awarding, officers negotiate a longer defect warranty period of up to five years and provide a briefing back to Council
3. The contracts are signed and sealed when prepared.

THE MOTION WAS PUT AND LOST

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr Henry

That:

1. Council award Tender 42-20, Hamilton PAC Maintenance works and Roof Replacement to BDH Construction Pty Ltd with a total sum of \$210,100.00 (incl. GST);
2. The contracts are signed and sealed when prepared

CARRIED

10.11 Tender 41-20 Hamilton-Port Fairy Road Widening Including Intersection & Slip Lanes

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

Executive Summary

The Tender 41-20 Hamilton-Port Fairy Road widening including intersection and slip lanes construction was tendered to execute works on the state network road as part of the planning permit. This component has been removed from the existing Contract 56-18 Hamilton Gateway Business Park Project's scope. The total cost to complete all Road component was estimated at \$1,000,000.00 exclusive of GST.

The tender was advertised on 09 October 2020, six (6) tender submissions were received before the closing date at 2 pm on Monday 9th November 2020; the tender evaluation was finalised on Wednesday 18th November 2020.

The tenders were assessed against Council's Procurement Policy and it is recommended that:

1. Tender received for the Tender 41-20 Hamilton-Port Fairy Road Widening Including Intersection & Slip Lanes Construction be accepted and awarded to Mibus Bros (Aust) Pty Ltd for a Lump Sum price of \$760,237.00 inclusive of GST.
2. That the contract documents be signed and sealed once prepared.

Discussion

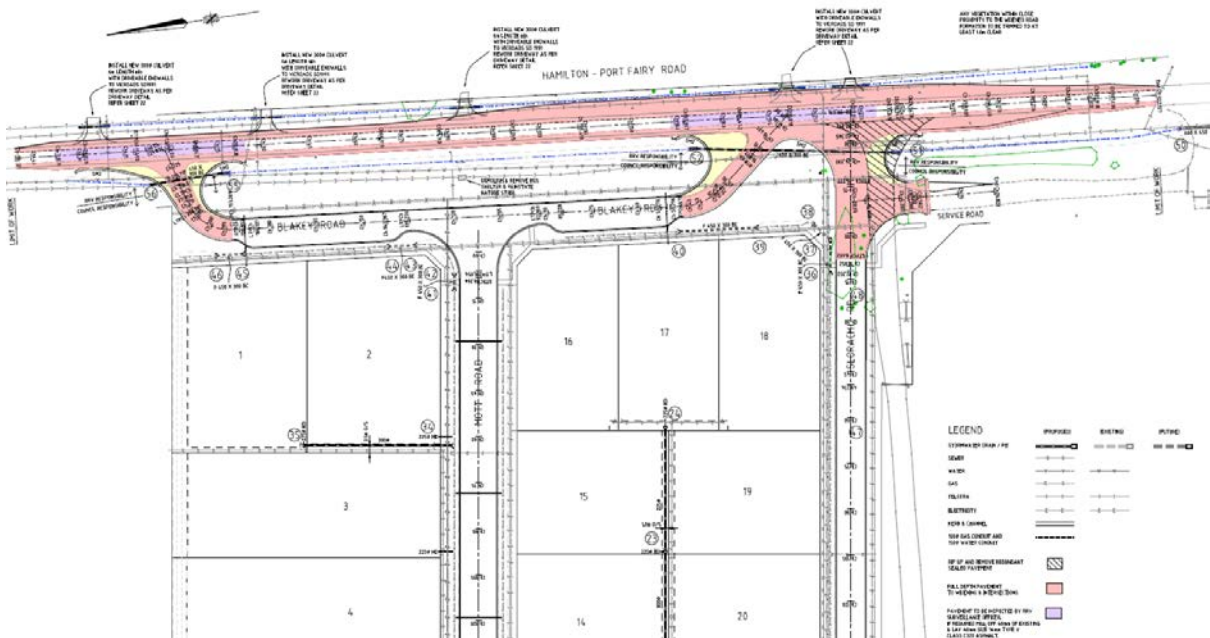
Hamilton Gateway Business Park is being constructed by the Contractor Lake and Land. The contract agreement was made in June 2019 to design and construct infrastructure required for proposed 23 lots, ranging between 1,800m² and 6,800m² in area to allow a range of uses associated with construction, manufacturing, fabrication, repairs and some professional goods and services. The proposed plan of subdivision includes a 1,800m² drainage reserve to store stormwater run-off and improve water quality.

The proposed scope of the existing Tender 41-20 Hamilton-Port Fairy Road Widening Including Intersection & Slip Lanes Construction was initially part of the current contract 56-18 *Hamilton Gateway Business Park*. The work required is to widen the existing Hamilton-Port Fairy Road, constructing an intersection entry and exit slip lanes, to facilitate safe traffic entry into the Hamilton Gateway Business Park subdivisions.

The Department of Transport (DoT formerly VicRoads) have significantly altered the design over the Council's preliminary concept plan of constructing a double lane single road to connect a subdivision with an external state owned Hamilton-Port Fairy Road to meet the planning permit requirements. Drawing 1 and Drawing 2 shown below are the preliminary council plan and the DoT approved design respectively, to access to the sub-division from the Hamilton-Port Fairy Road.



Drawing 1: The preliminary concept plan shows the one access road to subdivisions from Hamilton-Port Fairy Road.



Drawing 2: VIC Road approved design shows the separate entry and exit slip lane to the sub-division together with the clear demarcation of an extension of Hamilton-Port Fairy Road.

Council could not agree suitable terms with the existing Contractor to undertake this work.. Therefore, this component of work has been procured through competitive bidding process.

Tender Evaluation

Six (6) tender submissions were received before the closing date at 2 pm on Monday 9th November 2020 and evaluated both qualitatively and quantitatively as detailed below:

Tenderer	Qualitative Score (%)	Moderated Total Price	Quantitative Score (%)	Total Score
Tenderer 1	31.05%	\$1,073,608.00	27.20%	58.25%
Tenderer 2	46.50%	\$1,142,344.00	25.57%	72.07%
Tenderer 3	39.05%	\$887,764.00	32.90%	71.95%
Tenderer 4	37.45%	\$730,170.11	40.00%	77.45%
Tenderer 5	50.50%	\$1,003,604.59	29.10%	79.60%
Tenderer 6	49.40%	\$760,237.00	38.42%	87.82%

The highest overall score was achieved by Tenderer 6, although Tenderer 4 had slightly less financial price. The submissions were assessed as per the following parameters:

- Price - 40 %
- Similar Project Experience and Proposed Methodology - 30%
- Occupational Health and Safety - 15%
- Environmental - 15%

It is, therefore, the recommendation of the Tender Evaluation Panel that the tender 41-20 Hamilton-Port Fairy Road Widening Including Intersection & Slip Lanes Construction, be awarded to Tenderer 6 for the amount of \$760,237.00 including GST.

Financial and Resource Implications

The budget for this work component was estimated as \$1,000,000 (Exclusive of GST), of which \$340,909 (Exclusive of GST) has been taken from existing contract of Hamilton Gateway Business Park.

Legislation, Council Plan and Policy Impacts

All works are to be procured in accordance with the Local Government Act (1989).

This project supports the Council Plan strategic objective 2.3.1 to “Facilitate and Encourage Business Capacity and Development”.

SGSC’s Procurement and Governance Policy and Processes will be followed in this award of Contract

Risk Management

The benefits/risks associated with this decision are to:

- Risk- No Geo-Technical investigation has been done before designing of pavement. If the designer assumed California Bearing Ratio (CBR) value does not meet during construction. There might be a slightly variation in cost to strengthen the existing subgrade of road.

- Risk- The risks of price variation has been considered and there is sufficient budget to cover variations
- Benefit- Meeting project development objectives.
- The above risks will be mitigated by having robust project management practices and checklist before starting physical works.

Environmental and Sustainability Considerations

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

Community Consultation and Communication

Community consultation was taken stage 1 and 2 in development of Industrial Land Strategic Plan.

The communication plan will prepare by the Contractor before starting any physical works at the site. Also, the Council officers will inform and the design changes with the affected residents in the neighbouring areas.

Disclosure of Interests

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

The following Council Officers participated on the evaluation panel;

- David Moloney, Director of Shire Infrastructure
- Rohit Srivastava, Manager Assets
- Anil Pyakurel, Project Engineer

RECOMMENDATION

That:

1. Tender received for the Tender 41-20 Hamilton-Port Fairy Road Widening Including Intersection & Slip Lanes Construction be accepted and awarded to Mibus Bros (Aust) Pty Ltd for a Lump Sum price of \$760,237.00 inclusive of GST.
2. That the contract documents be signed and sealed once prepared.

COUNCIL RESOLUTION

MOVED: Cr Rainsford
SECONDED: Cr Calvano

That:

1. **Tender received for the Tender 41-20 Hamilton-Port Fairy Road Widening Including Intersection & Slip Lanes Construction be accepted and awarded to Mibus Bros (Aust) Pty Ltd for a Lump Sum price of \$760,237.00 inclusive of GST.**
2. **That the contract documents be signed and sealed once prepared.**

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.

There were no delegated reports.

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 7:33 pm.

Confirmed by resolution 10 February 2021.

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Chairman