

SOUTHERN GRAMPIANS SHIRE COUNCIL

**Council Meeting Minutes
Tuesday 19 September 2023**

Held Virtually via Teams
5 Market Place, Hamilton at 5:30pm



The Meeting opened at 5.32pm

1 Membership

Councillors

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

Officers

Mr Tony Doyle, Chief Executive Officer
Mr Darren Barber, Director People and Performance
Mr Rory Neeson, Director Wellbeing, Planning and Regulation
Mr Juan Donis, Acting Director Infrastructure and Sustainability
Ms Karly Saunders, Governance Coordinator

2 Welcome and Acknowledgement of Country

The Mayor, Cr Robertson will read the acknowledgement of country:

“Our meeting is being held on the traditional lands of the Gunditjmarra, Tjap Wurrung and Buandig 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 Rainsford will lead the meeting in a prayer.

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

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

4 Apologies

5 Declaration of Interest

6 Management Reports

6.1 Melville Oval Redevelopment - Market Place - Power Undergrounding - Powercor contract approval

Directorate: Infrastructure and Sustainability
Report Approver: Juan Donis, Acting Director Infrastructure and Sustainability
Report Author: Bill Scott (Manager Project Management Office)
Attachment(s):

1. Attachment 1 - Powercor cover letter - Market Place [6.1.1 - 2 pages]
2. Attachment 2 - Powercor design [6.1.2 - 1 page]

Executive Summary

In order to facilitate the Melville Oval redevelopment, specifically the expanded area of the new pavilion and changerooms the existing overhead powerlines need to be converted to underground lines. The contract for the undergrounding has now been received and required \$201,752 (excluding GST) of expenditure to be approved for signing.

Discussion

Council has long been pursuing a strategic objective of upgrading the Melville Oval facilities to more modern and compliant facilities more suited to modern user group requirements. Council successfully received funding for the project from the Federal Government, Community Development Grants and then doubled that via the federal Local Roads and Community Infrastructure fund, this allowed Council to successfully award contract 10-23 – Melville Oval redevelopment to Ultrabuild recently.

Alongside this award process, Council officers were working with other service providers to achieve certain pre-requisite items that would allow the works to proceed smoothly, Powercor has been able to alter their program to accelerate the delivery of the required relocation works and officers would like to avail of this.

- Stage1 which is reflected in this contract is the larger item and allows the majority of the works to be completed quickly to facilitate our current contract delivery.
- Stage 2 will likely involve works to relocate poles in Brown street - Market Place intersection to allow the final entry design for the site. The costs for stage 2 are being prepared and are expected to be covered within the existing approved budget for the project.

If approved Stage 1 works will be completed on site before Christmas.

Financial and Resource Implications

Councils available budget for this project is as summarised below:

Source	Amount (Excl GST)
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Federal Government, Community Development Grants	\$4,043,000
Federal Government, Local Roads and Community Infrastructure Fund	\$3,970,508
Southern Grampians Shire Parking Reserve	\$97,733
Southern Grampians Shire Open Space Reserve	\$160,980
Future allocation from Council	\$128,779
Total	\$8,400,000

Current anticipated and expended costs for this project are:

Item	Cost (Excl GST)
Design costs (Expended)	\$323,510
Project management, legal and preparation costs (Expended)	\$158,455
Construction contract 10-23	\$7,284,675
Expected further Project Management Costs	\$100,000
Relocation of Councils existing private fiber optics line away from the building line	\$100,000
Total	\$7,966,640

Costing Summary:

Item	\$ (Excl GST)
Current Budget	\$8,400,000
Current costs	\$7,966,641
Uncommitted	\$433,360
Powercor contract	\$201,752
Remaining uncommitted	\$231,608

Council Plan, Community Vision, Strategies and Policies

Support Our Community

1.2 Support and promote a healthy community

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

Maintain and Renew Our Infrastructure

3.1 Plan and maintain sustainable assets and infrastructure

3.1.1 Review and adopt asset management plans to align with future service levels, environmental and financial sustainability.

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

3.1.4 Strategically plan a sustainable long-term capital program with identification of funding and partnership opportunities.

Legislation

Local Government Act 2020

Road Management Act 2004

Gender Equality Act 2020

Not applicable

Risk Management

All appropriate controls will be in place for the delivery of this aspect of the project.

If the undergrounding works do not proceed the wider project will not proceed at this time and significant redesign would be required. This would place at risk the current funding arrangements for the project.

Climate Change, Environmental and Sustainability Considerations

The new facilities will be more energy efficient in design.

Removal of overhead lines improves visual amenity and reduces fire risks.

Community Engagement, Communication and Consultation

The impacted residents will shortly receive a letter drop providing the details of the proposed power works and continual update will be provided for the wider community for the ongoing project.

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.

Juan Donis (Acting Director Infrastructure & Sustainability)

Bill Scott (Manager – Project Management Officer)

RECOMMENDATION

That Council delegate to the Chief Executive Officer the power to sign and execute the contract provided by Powercor for the stage 1 of the works for the value of \$201,752 (excluding GST).

COUNCIL RESOLUTION

MOVED: Cr Henry
SECONDED: Cr Rainsford

That Council delegate to the Chief Executive Officer the power to sign and execute the contract provided by Powercor for the stage 1 of the works for the value of \$201,752 (excluding GST).

CARRIED

6.2 Transfer of Land 109 French Street and 57-61 Cox Street Hamilton

Directorate: Infrastructure and Sustainability
Report Approver: Juan Donis, Acting Director Infrastructure and Sustainability
Report Author: Juan Donis, Acting Director Infrastructure and Sustainability
Attachment(s): 1. CONFIDENTIAL - Advice on proposed land transfer 109 French Street and 57-61 Cox Street, Hamilton [6.2.1 - 7 pages]

Executive Summary

Council has been approached by Cogger Land to purchase two parcels of land surrounded by their properties. These are a piece of land running from French Street to behind 57-61 Cox Street (red parcel) and part of a road running behind 103, 105 and 109 French Street (blue parcel).

Council is the registered proprietor of the land running from French Street to behind 57-61 Cox Street (red parcel). Council is not the registered proprietor of the land running behind 103, 105 and 109 French Street (blue parcel). Council has proposed to sell both parcels of land to the Coggers, with the condition that Council preserve any existing easements, and that the Coggers will provide public car parking spaces.



Council seeks to advertise the sale of lot 1 on title plan no. TP948841B, being the whole of the land contained in certificate of title volume 11317 folio 915, in accordance with Local Government Act 2020 (LGA20), Section 114 (French Street to behind 57-61 Cox Street) to the Coggers.

Council also seeks to begin the process to discontinue the road running behind 109 French Street and vest it in Council's ownership, before transferring (selling) it to the Coggers with newly created easements giving right of access to Council. This process will be done in accordance with Local Government Act 1989 (LGA89), clause 3 of Schedule 10 and section 207D.

Council has recently approved the planning application for the construction of a new Veterinary Clinic on 109 French Street Hamilton which three parking bays are proposed to be over the blue parcel.

Discussion

Council was approached for the purchase of the two parcels of land as shown below coloured red and blue and surrounded by the Cogger Land coloured green.



Council officers sought legal advice from Maddocks Lawyers on the proposal to transfer the land to Cogger Land (attached).

Upon reviewing the advice, it was selected to follow the advice of Maddocks Lawyers section 2.1.1 (a) as the preferred option for the discontinuance of the blue parcel section of road, vest it in Council's ownership, before transferring (selling) it to Cogger Land with newly created easements and provisions for public car parking spaces.

The process for the sale of the red parcel of land to Cogger Land in accordance with the advice in section 2.2.3, has also been selected to follow.

As shown in the image below, the proposed development has earmarked three car parking spaces over the blue parcel.



Financial and Resource Implications

Council will be required to obtain a valuation for the red parcel of land that is not less than 6 months old as at the date of sale.

In addition, legal advise and survey services will be required prior the commencement of the process to ensure not significant issues are present in the area. The total cost for these services is being obtained.

Council Plan, Community Vision, Strategies and Policies

Provide Strong Governance and Leadership

5.1 Transparent and accountable governance

5.1.2 Ensure flexible and transparent decision making through open and accountable governance.

Legislation

The proposed course of actions is in accordance with the Local Government Act 2020

Gender Equality Act 2020

Gender Equality requirements under the Act 2020 do not apply to this report

Risk Management

At the moment, the red parcel of land is not maintained by Council and it would benefit removing any risk associated with it.

All existing rights of access over the Blue Parcel will be extinguished upon the discontinuance of the road comprising the Blue Parcel. Therefore, any required rights of access would need to be re-created by way of a creation of easement, either before or after the transfer of the Blue Parcel to the Coggers.

Climate Change, Environmental and Sustainability Considerations

The red and blue parcels of land given the surrounding businesses would not be suitable for the development of an open air space, and as such would most likely remain as a road reserve or carpark.

Community Engagement, Communication and Consultation

If adopted Council could proceed with a notice of intention to sell the red parcel of land as required under section 114 of the LGA20. It would advertise for a period of 28 days on the Council internet site as well as a public notice in the local newspaper.

For the blue parcel, Council would need to commence the process to discontinue and sell the section of the road, complying with section 223 of the LGA89. It would advertise for a period of 28 days on the Council internet site as well as a public notice in the local newspaper. After consideration of any submissions, if Council chooses to proceed, it will then need to publish a discontinuance notice in the Victoria Government Gazette for a period of 28 days. After this period, council would first need to transfer the parcel to itself pursuant to section 207D of the LGA89 before it could be transferred to the Coggers.

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.

- Michael Jones
- Juan Donis

RECOMMENDATION

That Council:

1. Proceed with the discontinuance of the blue parcel of road, being the land running behind 103, 105 and 109 French Street and sales process which will commence with community consultation process for a minimum period of 28 days.
2. Note the intention to sell the red parcel, being the land running from French Street to behind 57-61 Cox Street, which will commence after the community consultation process for the discontinuance of the blue parcel of road is completed.

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr Malone

That Council:

1. **Proceed with the discontinuance of the blue parcel of road, being the land running behind 103, 105 and 109 French Street and sales process which will commence with community consultation process for a minimum period of 28 days.**
2. **Note the intention to sell the red parcel, being the land running from French Street to behind 57-61 Cox Street, which will commence after the community consultation process for the discontinuance of the blue parcel of road is completed.**

CARRIED

7 Close of Meeting

This concludes the business of the meeting.

Meeting closed at 5:39pm.

Confirmed by resolution 11 October 2023.

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Chairperson