

AGENDA

Council Meeting

6.00pm Tuesday 27 September 2022

VENUE:
Golden Plains Civic Centre
Council Chamber
2 Pope Street, Bannockburn

NEXT COUNCIL MEETING
6.00pm Tuesday 25 October 2022

Copies of Golden Plains Shire Council's Agendas & Minutes
Can be obtained online at www.goldenplains.vic.gov.au

Code of Conduct Principles

WORKING TOGETHER

We Councillors will:

- acknowledge and respect that a diversity of opinion exists among us;
- recognise that each of us has different life experience, knowledge and values, and that all of these contribute collectively to our discussions;
- behave with courtesy towards each other, Council officers and our citizens;
- conform to the policy and precedents that guide the conduct of meetings;
- attend punctually and participate in all relevant meetings, workshops and briefings;
- share reasonably in the representation, ceremonial and hosting tasks of the full Council; and
- honour the majority decisions made by the Council, irrespective of our own position, and explain these decisions frankly to the community, once made.

BEHAVING WITH INTEGRITY

We Councillors will:

- identify our financial and personal interest, or potential interest, in any matter that comes before the Council;
- be honest and truthful;
- comply with laws and the regulations deriving there from;
- respect Council property and be frugal in its use, where allowed;
- avoid using our position for personal gain or to achieve advantage over others or to obtain preferential treatment;
- be sympathetic to the legitimate concerns of our citizens;
- act impartially when making decisions and have due regard to the needs of the community as a whole, rather than that of narrow vested interest; and
- acknowledge the role of Council officers in providing advice to us and in implementing Council decisions.

MAKING COMPETENT DECISIONS

We Councillors will:

- without diminishing the short term focus, approach decisions with due regard to the long term needs of the municipality;
- form policies with regard to the needs of the entire Shire;
- direct our attentions to the strategic and statutory needs of the municipality rather than short term, transient, operational issues;
- seek to fully inform ourselves on the issues before Council before making a decision;
- take all reasonable steps to improve our knowledge of matters relevant to our municipal duties; and
- use and respect the professional knowledge of Council officers and other advisers to Council.

Order Of Business

1	Opening Declaration.....	4
2	Acknowledgement of Country	4
3	Apologies and Leave of Absence	4
4	Confirmation of Minutes.....	4
5	Declaration of Conflict of Interest.....	4
6	Public Question Time	4
7	Business Reports for Decision	5
7.1	Citizen Recognition Award	5
7.2	Citizenship Ceremony	6
7.3	Delegates Report & Informal Meetings of Councillors Records	7
7.4	Council Meeting Date Update - November 2022	10
7.5	Surplus Council Land in Batesford	13
7.6	Review of Instrument of Appointment and Authorisation - Planning and Environment Act 1987	17
7.7	Tender - Arthurs Lane Bridge Replacement	20
8	Notices of Motion.....	24
	Nil	
9	Petitions	24
	Nil	
10	Confidential Reports for Decision	24
	Nil	

1 OPENING DECLARATION

We the Councillors of Golden Plains Shire declare that we will undertake, on every occasion, to carry out our duties in the best interest of the community and that our conduct shall maintain the standards of the code of good governance so that we may faithfully represent and uphold the trust placed in this Council by the people of Golden Plains Shire.

2 ACKNOWLEDGEMENT OF COUNTRY

Golden Plains Shire spans the Traditional lands of the Wadawurrung and Eastern Maar Peoples.

Council acknowledges them as the Traditional Owners and Custodians and pays its respects to both Wadawurrung and Eastern Maar Elders past, present and emerging.

Council extends that respect to all Aboriginal and Torres Strait Islander People who are part of Golden Plains Shire.

3 APOLOGIES AND LEAVE OF ABSENCE**4 CONFIRMATION OF MINUTES****Recommendation**

That Council confirms the minutes and confidential minutes, which remain confidential in accordance with section 3(1)(h) of the Local Government Act 2020, of the scheduled Council meeting held on 23 August 2022.

5 DECLARATION OF CONFLICT OF INTEREST**6 PUBLIC QUESTION TIME**

7 BUSINESS REPORTS FOR DECISION

7.1 CITIZEN RECOGNITION AWARD

File Number:

Author: Elise Holmes, Executive Assistant to the CEO

Authoriser: Eric Braslis, CEO

Attachments: Nil

Golden Plains Shire is proud to recognise the fantastic achievements and contributions made by young people in the community. We are fortunate today to present a Citizen Recognition Award to Darcy McClelland who is being recognised for his achievement in sport.

- Darcy is 16 years old, lives in Bannockburn and has been fencing for about 8 years. Darcy was selected and competed for Australia in the World Cadet Championships in April 2022.
- Darcy also won two silver and two gold medals at the Oceania and Australian National Cadet Championships in July 2022.

7.2 CITIZENSHIP CEREMONY

File Number:**Author:** Elise Holmes, Executive Assistant to the CEO**Authoriser:** Eric Braslis, CEO**Attachments:** Nil

EXECUTIVE SUMMARY

Council would like to congratulate the following residents on their decision to become Australian Citizens:

- Joseph Heaphey who is from the United States and resides in Teesdale
 - Richard Kinsey who is from the United Kingdom and resides in Bannockburn
 - Sureerat Vassallo who is from Thailand and resides in Cape Clear
 - Linjong Wishart who is from Thailand and resides in Inverleigh
 - Kurt, Jennifer, Tayla and Kade Dixon who are from South Africa and reside in Bannockburn
 - Mohamed Hussain and Samiyah Ifran who are from Sri Lanka and reside in Bannockburn
 - Dishank, Maithili, Arya, Aryan and Misha Ghadge who are from India and reside in Bannockburn
 - Jose Arcos Gomez, Sheyla Guerrero Chiliquinga and Eithan Arcos Guerrero who are from Ecuador and reside in Bannockburn
 - William and Hollie Hilsdon who are from the United Kingdom and reside in Shelford.
-

A formal Citizenship Ceremony will take place at the commencement of the Council Meeting.

7.3 DELEGATES REPORT & INFORMAL MEETINGS OF COUNCILLORS RECORDS

File Number:**Author:** Elise Holmes, Executive Assistant to the CEO**Authoriser:** Eric Braslis, CEO**Attachments:**

1. Informal Meetings of Councillors Record - Strategic Briefing - 6 September 2022
2. Informal Meetings of Councillors Record - Briefing - 20 September 2022

RECOMMENDATION

That Council receive and note the Delegates Report and Informal Meetings of Councillors for the past month.

EXECUTIVE SUMMARY

At each Council meeting, Councillors have the opportunity to update their colleagues and the community about attendances at various Delegated Boards/Committees/Meetings that they attended on behalf of the Council and can acknowledge significant community events or Council functions / engagement opportunities that they have attended over the past month. This report contains records of informal meetings of Councillors as defined under Rule 1 of Chapter 5 of Council's Governance Rules.

MANDATORY BOARDS / COMMITTEES / MEETINGS

- Audit Committee
- G21 - Board of Directors
- Central Highlands Councils Victoria
- Peri Urban Group of Rural Councils
- Berrybank Wind Farm Community Engagement Committee
- Municipal Association of Victoria
- Geelong Regional Library Corporation
- Tourism Greater Geelong and the Bellarine Board
- Grampians Central West Waste & Resource Recovery Group - Local Government Forum
- Council Meeting, Strategic Briefing, Councillor Briefing and Portfolio meetings

COMMUNITY ENGAGEMENT / EVENTS**Cr Gamble**

- Photos with G21 Mayors for Regional Renewable Organics Network Announcement, Black Rock
- Bannockburn & District Chamber of Commerce Launch of Business Directory/Networking Event with Libby Croker
- Great Victorian Bike Ride Community Engagement Meeting, Inverleigh
- Peri Urban Councils Victoria (PUCV) Board Meeting, Melbourne
- G21 Mayors Meetings - Delegation Preparation
- Teesdale Shop And Car Park Meeting with Residents, School Principal and Council Officers
- Bannockburn P-12 College - Leadership Group Presentation
- G21 Two Day Spring Street Mayoral Delegation Meetings (15 meetings)
- Rural Councils Victoria (RCV) Forum & Dinner, Daylesford
- Coffee With The Mayor and Meeting with Youth Team, Bannockburn Farmers Market
- The Living Sculptures Launch, Linton
- G21 Integrated Transport Cross Pillar Group Meeting
- Berrybank Wind Farm Community Meeting, Wallinduc
- Inverleigh Active Youth Space Engagement Session
- Central Highlands Councils Victoria (CHCV) Board Meeting
- CFA National Emergency Medal Ceremony, Deakin University
- Grand final, Bannockburn vs Inverleigh, St Albans
- Caring for Nature Expo
- Live@Turtle Bend Lantern Festival, COM Planning Meeting, Teesdale
- PUCV Delegation Meetings with Minister for Local Government and Office of Catherine King MP
- G21 Representation at MCG, Geelong vs Brisbane
- Spirit of Tasmania Tourism Meeting Industry Briefing, Geelong
- Bush Tea With the Mayor and Friends of the Inverleigh Conservation Reserve

Cr Cunningham

- Bannockburn & District Chamber of Commerce Launch of Business Directory/Networking Event

Cr Getsom

- Fountain Launch: Smythesdale Historic Precinct
- The Living Sculptures - Planting Sessions, Linton
- Northern Business Network Meeting, Smythesdale

Cr Kirby

- Bannockburn & District Chamber of Commerce Launch of Business Directory + Networking Event
- Photo Opportunity: Woody Yaloak Equestrian Centre
- Fountain Launch: Smythesdale Historic Precinct
- Country Women's Association (CWA) Conference (Ballarat Group)
- Northern Business Network Meeting, Smythesdale
- Rural Councils Victoria (RCV) Forum & Dinner, Daylesford
- Ganesh Chaturthi Festival
- Inverleigh Active Youth Space Engagement Session
- Advancing Women's Leadership Summit

Cr Rowe

-

Cr Sharkey

-

Cr Whitfield

- Great Victorian Bike Ride Community Meeting
- Meeting with Teesdale Residents

INFORMAL MEETINGS OF COUNCILLORS

Rule 1 of Chapter 5 of the Governance Rules requires that if there is a meeting of Councillors that:

- a) Is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors.
- b) Is attended by an absolute majority of Councillors and one member of Council staff; and
- c) Is not a Council meeting, delegated committee meeting or community asset committee meeting.

The Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are:

- a) Tabled at the next convenient Council meeting; and
- b) Recorded in the minutes of that Council meeting.

Records of informal meetings of Councillors are reported to an open Council meeting in order to promote transparency of Council decisions, actions and information, in accordance with the Governance Principles as contained in s9(2) Local Government Act 2020. The informal meetings of Councillors records are attached to this report. Rule 6 of Chapter 5 of the Governance Rules provides procedures for the declaration of a conflict of interest at a meeting being held under the auspices of Council, which includes a meeting which meets the definition of an informal meeting of Councillors under Rule 1 of Chapter 5. The informal meetings of Councillors records attached include any declarations of conflicts of interest made at these meetings.

7.4 COUNCIL MEETING DATE UPDATE - NOVEMBER 2022**File Number:****Author:** Rosie Wright, Coordinator Governance and Risk**Authoriser:** Fiona Rae, Acting Director Corporate Services**Attachments:** Nil**RECOMMENDATION**

That the Council Meeting to hold the Mayoral Election scheduled for Thursday 17 November 2022 be changed to Tuesday 15 November 2022.

EXECUTIVE SUMMARY

Council adopted the schedule for the 2022 scheduled Council meetings on 16 November 2021. In the approved schedule, the Mayoral Election meeting was scheduled for 17 November 2022. This was a typographical error, as 17 November 2022 is a Thursday, and the intended date was Tuesday 15 November 2022.

Section 12.4 of Golden Plains Shire Council's Governance Rules states that Council may by resolution change the date, time and place of any Council meeting and must provide reasonable notice of the change to the public. Therefore, it is recommended that Council resolve to move the Mayoral Election Council Meeting from Thursday 17 November 2022 to Tuesday 15 November 2022.

BACKGROUND

In accordance with Council's Governance Rules, Council must fix the date, time and place of all scheduled meetings and any Delegated Committee meetings for the following year, at or before the last meeting of the calendar year.

DISCUSSION

At the time the dates for the 2022 Council Meetings were set, a typographical error set the date for the Mayoral Election as Thursday 17 November 2022. The Mayoral Election meeting is typically held on Tuesday the week prior to the Council meeting in November. As the Council meeting is scheduled for Tuesday 22 November, the Thursday 17 November 2022 Mayoral Election should be moved to Tuesday 15 November 2022.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
Public Transparency	Yes

(Consideration of Public Transparency Principles under s.58 of LGA 2020)	
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
Risk Assessment	No
Communication	Yes
Human Rights Charter	No
Gender Equality (Gender Impact Assessment required by s.9 of Gender Equality Act 2020)	No

GOVERNANCE PRINCIPLES

This report aligns with the overarching governance principles in s9 of the Local Government Act 2020.

POLICY/RELEVANT LAW

Local Government Act 2020

Golden Plains Shire Council's Governance Rules

PUBLIC TRANSPARENCY

Council approving the change of a scheduled Council meeting date two months in advance ensures that the public are provided reasonable notice.

RISK ASSESSMENT

There are no identified risk implications associated with this report.

COMMUNICATION

Public notice will be provided via the standard advertising means including Council's website.

HUMAN RIGHTS CHARTER

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (VIC).

OPTIONS

Option 1 – That Council approve changing the Mayoral Election Council Meeting to be held on 15 November 2022

This option is recommended by officers as Council meetings are typically held on a Tuesday and this will correct the meeting incorrectly scheduled for Thursday 17 November 2022.

Option 2 – That Council do not approve changing the Mayoral Election Council Meeting and hold the meeting on 17 November 2022.

This option is not recommended by officers as Council meetings are typically held on a Tuesday and members of the community may not expect the Mayoral Election to be held on a Thursday.

Option 3 – That Council change the Mayoral Election Council Meeting to another date.

This option is not recommended by officers as the Council Chambers facilities, Councillors, Council staff and members of the community may not be available on another chosen date.

CONFLICT OF INTEREST

No officer involved in preparing this report has any conflicts of interest regarding this matter.

CONCLUSION

This report is to correct the scheduled date of the 2022 Mayoral Election from Thursday 17 November 2022 to Tuesday 15 November 2022.

7.5 SURPLUS COUNCIL LAND IN BATESFORD

File Number:**Author:** Sophie Brown, Governance and Legal Services Specialist**Authoriser:** Fiona Rae, Acting Director Corporate Services**Attachments:** 1. Map of Surplus Land - Batesford**RECOMMENDATION**

That Council:

1. Deems the land described as “Surplus Area” in the attachment to this report as surplus to Council’s needs.
 2. Obtain a planning permit to remove the reserved status on the block.
 3. If successful in removing the reserved status of the block, in accordance with the requirements of section 114(2) of the Local Government Act 2020, publish notice of intention to sell the block at least 4 weeks prior to sale, and undertake a community engagement process in accordance with the community engagement policy.
 4. In accordance with the requirements of section 114(2) of the Local Government Act 2020, obtain a valuation of the land not more than 6 months prior to sale or exchange.
 5. Consider submissions and hear any submitters wishing to be heard at a future meeting of Council, prior to making a decision on the sale.
-

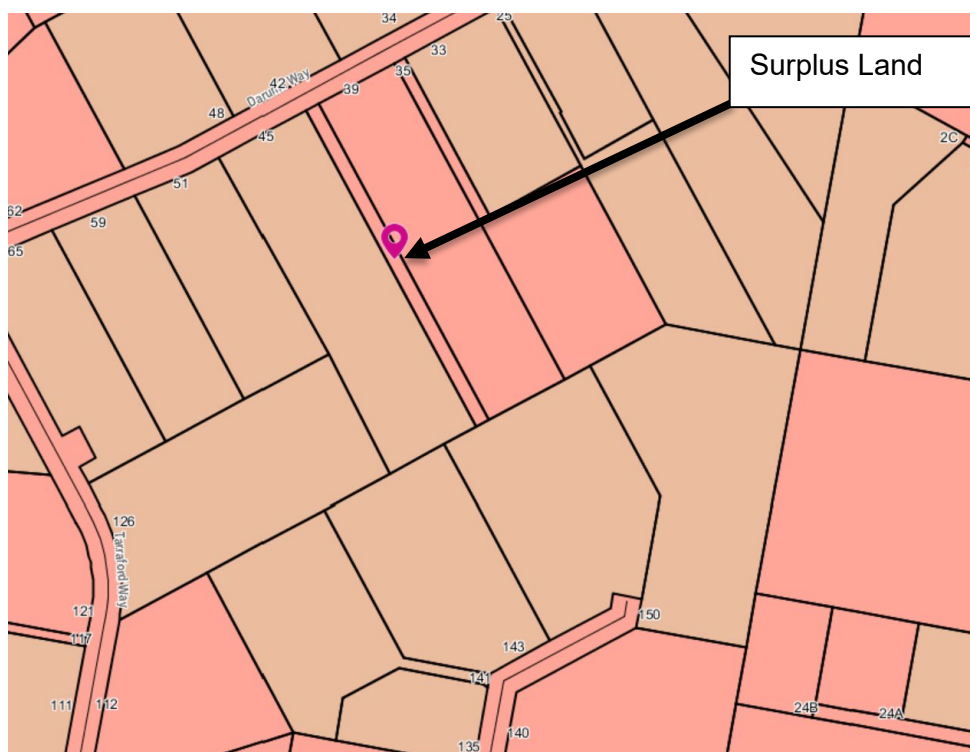
EXECUTIVE SUMMARY

Council owns a narrow strip of land in the Dog Rocks North Estate in Batesford which is unutilised for any Council or public purpose. The land appears best suited for sale. In order to commence the statutory process to sell, a planning permit needs to be obtained to remove the reserved status of the block, and Council is required to comply with section 114 of the Local Government Act 2020 which sets out the legislative process for the sale of Council land.

BACKGROUND

Council owns a 2496m² narrow strip of vacant land in Batesford, situated between 39 and 45 Daruma Way, which is not in use for any Council or public purpose. Adjoining the land are private residential blocks. The land is 10 metres in width and 249.6 metres in length. It is not an appropriate site for subdivision.

The development plan for the Dog Rocks North Estate endorsed in 2005, shows this strip of land classified as a walkway reserve, but has since ended up leading only to a private property. See below image.



The land is zoned Low Density Residential, and its zoning was never altered to the Public Park and Recreation Zone.

At face value it appears the land has the potential for sale.

DISCUSSION

It is proposed to declare the land described as “Surplus Area” in the attachment to this report and commence the process to sell the land.

A planning permit will need to be obtained to remove the reserved status on the block. The requirement for obtaining a permit is under Clause 52.02, Easements, Restrictions and Reserves and the relevant Section of the Subdivision Act 1988 is section 24A.

Before selling the land, the Council must, in accordance with Section 114(2) of the Local Government Act:

- At least 4 weeks prior to selling or exchanging the land, publish notice of intention to do so;
- Undertake a community engagement process in accordance with Council's Community Engagement Policy; and
- Not more than 6 months prior to sale, obtain a valuation of the land.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications	No

(Consideration of the Governance Principles under s.9 of LGA 2020)	
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
Risk Assessment	No
Communication	Yes
Human Rights Charter	No
Gender Equality (Gender Impact Assessment required by s.9 of Gender Equality Act 2020)	No

GOVERNANCE PRINCIPLES

The recommendations of this report are proposed with a view to achieving the best outcome for the municipality.

The land is not currently generating benefits for the community; however the eventual sale of the land could generate revenue that is then put towards generating community benefits.

POLICY/RELEVANT LAW

- The Subdivision Act 1988
- The Local Government Act 2020.

COMMUNITY ENGAGEMENT

In accordance with section 114 of the Local Government Act 2020, before selling or exchanging land, Council must publish a notice of intention to do so 4 weeks prior on Council's website, and in any other manner prescribed by the regulations; and undertake a community engagement process in accordance with Council's Community Engagement Policy.

PUBLIC TRANSPARENCY

In accordance with section 58 of the *Local Government Act 2020*, this report will be made publicly available as part of the Council Meeting Agenda.

RISK ASSESSMENT

There are no identified risk implications associated with this report.

COMMUNICATION

The proposal will be communicated in line with Council's Community Engagement Policy.

HUMAN RIGHTS CHARTER

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (VIC).

OPTIONS

Option 1 – Declare the land as surplus, obtain a planning permit to remove the reserved status on the block, and commence the statutory process to sell

This option is recommended by officers as the land is not in use for any Council or public purpose, would not add value as open space or be an appropriate site for subdivision.

Option 2 – Do not declare the land as surplus

This option is not recommended by Council officers as the land is currently not benefiting the community or Council.

CONFLICT OF INTEREST

No officer involved in preparing this report has any conflicts of interest in regards to this matter.

CONCLUSION

There is a 2496m² narrow strip of Council land within Batesford which provides no current benefit to the community, would not add value as open space, nor would it be a suitable site for subdivision.

The land is zoned Low Density Residential, and its zoning was never altered to the Public Park and Recreation Zone. It is proposed to declare the land described as “Surplus Area” in the attachment to this report and commence a process to sell the land.

7.6 REVIEW OF INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987

File Number:

Author: Sophie Brown, Governance and Legal Services Specialist

Authoriser: Fiona Rae, Acting Director Corporate Services

Attachments: 1. S11A Instrument of Appointment & Authorisation (Planning & Environment Act 1987) - September 2022 Update

RECOMMENDATION

In the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987* and other legislation referred to in the attached Instrument of Appointment (the 'instrument'), Golden Plains Shire Council (Council) resolves that:

1. The members of Council staff referred to in the instrument as shown in Attachment 1 be appointed and authorised as set out in the instrument.
2. The Chief Executive Officer is authorised to execute the instrument by affixing the common seal in accordance with Council's Governance Rules.
3. The instrument comes into force immediately upon execution and remains in force until Council determines to vary or revoke it.
4. The previous instrument dated 23 August 2022 is revoked.

EXECUTIVE SUMMARY

The appointment of authorised officers under the *Planning and Environment Act 1987* cannot be delegated and must be made through resolution of Council. The Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* was last reviewed and adopted by Council in August 2022. A review of that instrument has now been completed and updated to reflect organisational structure changes.

It is recommended that Council consider and adopt the revised Instrument, as shown at Attachment 1.

BACKGROUND

The Chief Executive Officer (CEO) appoints the majority of authorised officers under Council's delegation to the CEO. However, under section 188(2)(c) of the *Planning and Environment Act 1987*, the appointment of authorised officers under this Act cannot be delegated and must be made through resolution of Council.

By authorising the relevant officers to act under the *Planning and Environment Act 1987* Council will ensure they have the required authority to carry out their roles within legislative requirements.

The instrument was updated by Maddocks Lawyers in July 2022 and the authorised staff have been reviewed and updated to reflect staff changes in Council's organisational structure.

DISCUSSION

Council subscribes to the Maddocks Lawyers Delegations and Authorisations service. This service includes the provision of templates and regular updates as required to reflect new or amended legislation.

Maddocks Lawyers issued an amended instrument of appointment and authorisation under the *Planning and Environment Act 1987* in July 2022. The changes are not substantive and are primarily aesthetic in nature, however the July 2022 instrument has been used in this update to ensure the instrument remains up to date.

Officers authorised to act under the *Planning and Environment Act 1987* have authorisation to enter sites, gather evidence or serve legal notices, etc. if required, as appropriate to their level of experience and qualifications.

The specific authorisations provided through this instrument include:

1. under section 147(4) of the *Planning and Environment Act 1987* – appointment as an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 313 of the *Local Government Act 2020* authorisation generally to institute proceedings for offences against the Act and/or any regulations.

The proposed changes to the instrument are detailed below:

- Updated list of authorised officers following changes to the organisational structure

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
Risk Assessment	Yes
Communication	No
Human Rights Charter	No
Gender Equality (Gender Impact Assessment required by s.9 of Gender Equality Act 2020)	No

GOVERNANCE PRINCIPLES

The overarching Governance Principles have been taken into consideration when completing the update to the instruments of authorisation attached to this report.

POLICY/RELEVANT LAW

The *Local Government Act 2020*; and

The legislation referred to in the attached Instruments of Delegation.

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

Delegation of powers provided by the *Planning and Environment Act 1987* will allow Council officers to exercise these powers in protection of the environment.

PUBLIC TRANSPARENCY

Council will make available for public inspection a register of authorisations, including the dates on which the last reviews took place.

RISK ASSESSMENT

- Authorised officers are required to ensure Legislative Compliance; and
- Authorisations mitigate risks associated with inappropriate exercise of powers.

COMMUNICATION

Council will make available for public inspection a register of authorisations, including the dates on which the last reviews took place.

Changes to the authorisations will be communicated internally.

HUMAN RIGHTS CHARTER

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (VIC).

OPTIONS

Option 1 – That Council adopt the reviewed Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)

This option is recommended by officers as this will ensure compliance with legislation and ensure the members of Council staff exercising these powers are appropriately authorised.

Option 2 – That Council defer the report.

This option is not recommended by officers as it will risk non-compliance with legislation and hinder Council staff who require these authorisations to perform their duties.

CONFLICT OF INTEREST

No officer involved in preparing this report has any conflicts of interest in relation to this matter.

CONCLUSION

The appointment of authorised officers under the *Planning and Environment Act 1987* cannot be delegated and must be made by resolution of Council. The Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* was last reviewed and adopted by Council in August 2022. A review of that instrument has now been completed and updated to reflect organisational structure changes. It is recommended that Council consider and adopt the revised the Instrument, as shown at Attachment 1.

7.7 TENDER - ARTHURS LANE BRIDGE REPLACEMENT

File Number:**Author:** Vicki Shelton, Manager Asset Services**Authoriser:** Phil Josipovic, Director Infrastructure and Environment**Attachments:** Nil**RECOMMENDATION**

That Council:

1. Resolves to award Contract GPSC-RFT-19-2022 Arthurs Lane Bridge Replacement project to Ontrack Civil Earthworks Pty Ltd for the sum of \$443,716.77 exclusive of GST, and for the initial term of fourteen [14] weeks;
2. Delegates to the Chief Executive Officer or his delegate authority to execute the contract on behalf of Council.

EXECUTIVE SUMMARY

Golden Plains Shire Council sought tenders from suitably qualified and experienced contractors to undertake construction of Arthurs Lane Bridge and associated road approach works in Grenville.

BACKGROUND

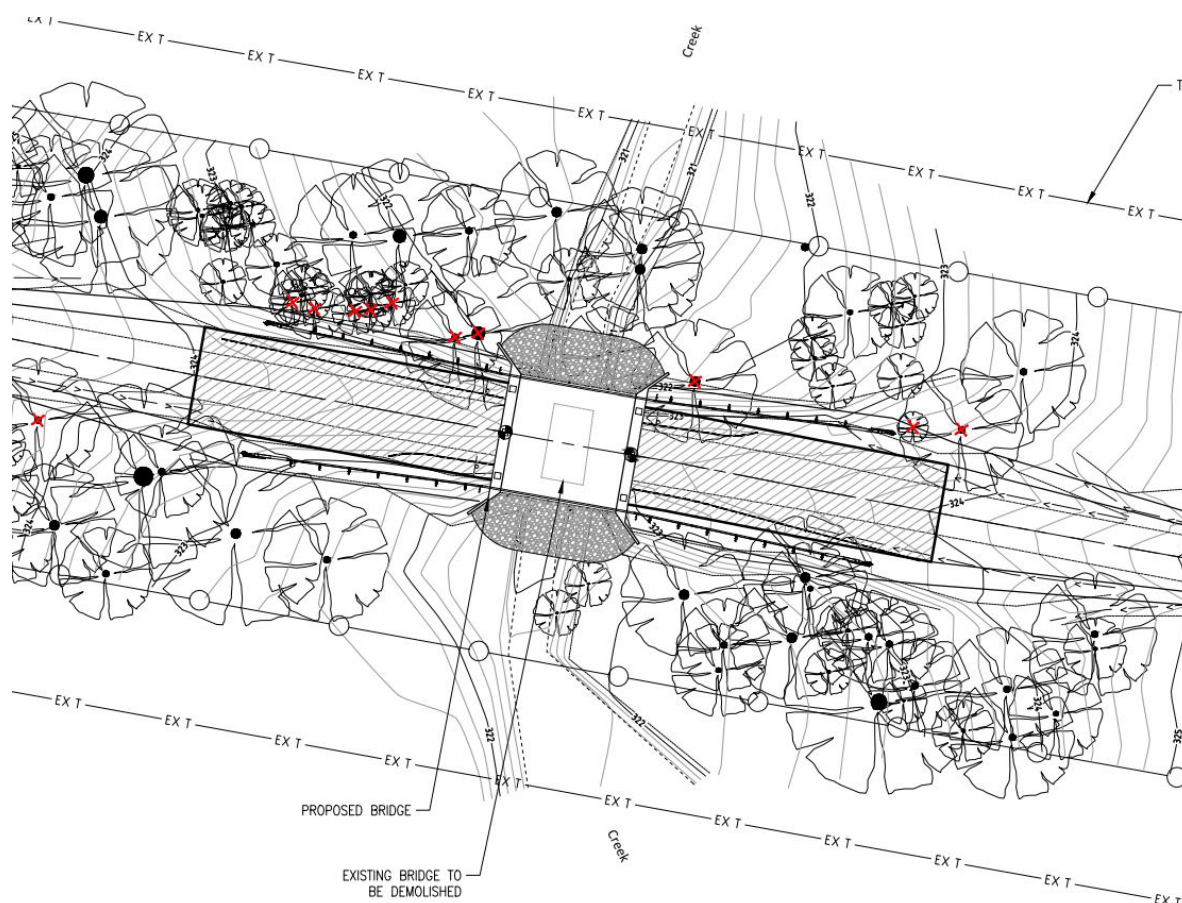
The existing single lane concrete bridge with bluestone wing walls is located over the crossing of an unnamed tributary of Yarrowee River on Arthurs Lane in Grenville. The existing narrow structure is in poor condition and cannot be used to move wider farm equipment across the creek.

The purpose of the proposed Arthurs Lane Bridge Replacement is to allow safer access to heavier, oversize vehicles and agriculture equipment across the Creek.

The proposed bridge is designed to current standard and with a target serviceable lifespan of 100 years will significantly reduce the maintenance burden on the Council. The existing bridge will be demolished. Bridge construction is concrete precast structure with new guardrails and rock work on the creek banks. The road approaches will be constructed and sealed.

Refer below to photo of the current bridge and design of the planned upgrade.





DISCUSSION

The tender was originally advertised on 7 July 2022, closing 3 August 2022, with four (4) submissions received on closing. The submissions were reviewed, and compliance checked, with *all* submissions identified as compliant. The panel members independently reviewed and scored each tender prior to the consensus meeting. Consensus evaluation meetings were held on 19 and 31 August 2022 and 5 September 2022. A confidential Tender Panel Evaluation report has been provided to Councillors.

Ontrack Civil Earthworks Pty Ltd was chosen as the preferred supplier based on consensus agreement/scores and reference checks which were measured by capacity, capability, innovation, price and local content.

A confidential Tender Evaluation Report has been previously provided to Councillors.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

Implications	Applicable to this Report
Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020)	No
Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes

Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
Risk Assessment	Yes
Communication	Yes
Human Rights Charter	Yes
Gender Equality (Gender Impact Assessment required by s.9 of Gender Equality Act 2020)	No

POLICY/RELEVANT LAW

Tender GPSC-RFT-19-2022-Arthurs Lane Bridge Replacement complies with GPSC Procurement Policy and the Local Government Act 2020.

COMMUNITY ENGAGEMENT

Reports of maintenance issues from the community and requests for improvements support the planned works. Residents will be kept informed of restrictions on access prior to and during construction.

PUBLIC TRANSPARENCY

Public notice was provided and included advertisements in the Geelong Times, Ballarat Times, Golden Plains Times and Council's eProcure portal. Decision outcomes are advised on Councils eProcure tender website and Council minutes.

FINANCIAL MANAGEMENT

The project is funded from Council's Bridge Renewal Program and is within the available budget.

RISK ASSESSMENT

There are no identified risk implications associated with this report.

Risks were considered by the evaluation panel requirements associated with this specific type of risk. Activities are actively monitored throughout the life of the contract.

COMMUNICATION

Council decisions on tender/s awarded are advised through Council Minutes and the electronic tender system and supplier notifications via procurement email.

HUMAN RIGHTS CHARTER

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (VIC).

OPTIONS

Option 1 – Approve Tender Award – GPSC-RFT-19-2022-Arthurs Lane Bridge Replacement project

This option is recommended by officers through the detailed Tender evaluation and selection process which recommends GPSC-RFT-19-2022-Arthurs Lane Bridge Replacement to be awarded to **Ontrack Civil Earthworks Pty Ltd**.

Option 2 – Not award contract to any tenderer

This option is not recommended by officers as the works have been identified as high need and if a contract is not awarded, may result in reputational damage for Council

CONFLICT OF INTEREST

No officer involved in preparing this report has any conflicts of interest in regarding this matter.

CONCLUSION

The Evaluation Panel has conducted a comprehensive and detailed assessment of the submissions which were received in response to Council's request for tender GPSC-RFT-19-2022-Arthurs Lane Bridge Replacement project as outlined in this report to ensure compliance with:

1. relevant provisions of the *Local Government Act 2020 (Vic)*; and
2. Council's Procurement Policy requirements.

In conclusion, *Ontrack Civil Earthworks Pty Ltd* met the Council's tender requirements and is considered best placed to provide these civil works for Council.

8 NOTICES OF MOTION

Nil

9 PETITIONS

Nil

10 CONFIDENTIAL REPORTS FOR DECISION

Nil