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AGENDA

**SPECIAL MEETING OF COUNCIL
FOR
WEDNESDAY 30 JANUARY 2019
TO BE HELD AT COBRAM CIVIC CENTRE, PUNT ROAD COBRAM
COMMENCING AT 5:00 PM**

1. CALLING TO ORDER - CEO

2. PRAYER

Almighty God we humbly ask you to guide our deliberations for the welfare and benefit of the Moira Shire and its people whom we serve.

Amen

3. ACKNOWLEDGEMENT OF COUNTRY

We, the Moira Shire Council, would like to acknowledge the traditional owners of the land upon which we meet and pay our respects to their Elders both past and present.

4. APOLOGIES & REQUESTS FOR LEAVE OF ABSENCE

5. DECLARATION UNDER ACTS, REGULATIONS, CODES OR LOCAL LAWS

6. DECLARATION OF ANY INTEREST OR CONFLICT OF INTEREST

7. OFFICER REPORTS FOR DETERMINATION

7 CORPORATE

- 7.1 PROPOSAL TO DISCONTINUE AND SELL A SECTION OF RICHARDSON STREET NATHALIA 2

7 INFRASTRUCTURE

- 7.1 C013/19 - COBRAM APEX RESERVE 5

8. CLOSE OF MEETING

FILE NO: F13/858/001
4. A WELL RUN COUNCIL

ITEM NO: 7.1

PROPOSAL TO DISCONTINUE AND SELL A SECTION OF RICHARDSON STREET NATHALIA

RECOMMENDATION

That Council:

1. Authorise the Chief Executive Officer to:

- a) give public notice of Council's intention to discontinue and sell a section of Richardson Street Nathalia defined in Plan of Subdivision 1315 Parish of Barwo County of Moira.
- b) make the proposal available for public inspection;
- c) invite submissions in accordance with Section 223 of the Local Government Act 1989;
- d) receive submissions until 5pm Wednesday 6 March 2019.

2. If required:

- a) convene a Committee of Council comprising Cr_____, Cr_____ and General Manager Infrastructure and/or delegate to meet at 6pm Thursday 7 March 2019 at the Dancocks Room, Robertson Street Nathalia to hear any person wishing to be heard in support of their written submission.
- b) consider a recommendation to proceed with the road closure and sale with or without amendment at the March Ordinary Council meeting.

1. Executive Summary

The purpose of this report is to seek Council's authorisation to seek community feedback on the proposal to discontinue a portion of Richardson Street Nathalia defined in Plan of Subdivision 1315 Parish of Barwo County of Moira and sell the land to an adjoining land owner.

Council has received a request from an adjoining land owner to purchase the road reserve from Council. To consider this request Council is required to seek community feedback on this proposal under s223 of the Local Government Act 1989.

Following on from the public feedback received on this proposal a subsequent sale of land may occur.

2. Background and Options

Council has received a request from an adjoining land owner of Richardson Street Nathalia to purchase the road reserve from Council.

Process

- The process for council to discontinue a road is defined in section 12 of the Road Management Act 2004 and Schedule 10 Clause 3 of the Local Government Act 1989.
- The process for council to sell public owned land is defined in Section 189 of the Local Government Act 1989.
- Both processes require council to seek community feedback (LGA S223) on the proposal before making a decision to proceed or otherwise. This report seeks council's approval to commence this consultation process.

FILE NO: F13/858/001
4. A WELL RUN COUNCIL

ITEM NO: 7.1

**PROPOSAL TO DISCONTINUE AND SELL A SECTION OF RICHARDSON STREET
NATHALIA (cont'd)**

- If council decides to sell the land, a separate and subsequent process may involve public auction, tender, private treaty or any other method as determined by the Chief Executive Officer in accordance with section 189 of the Local Government Act 1989.
- Council is required to seek an independent valuation of the parcel prior to sale.

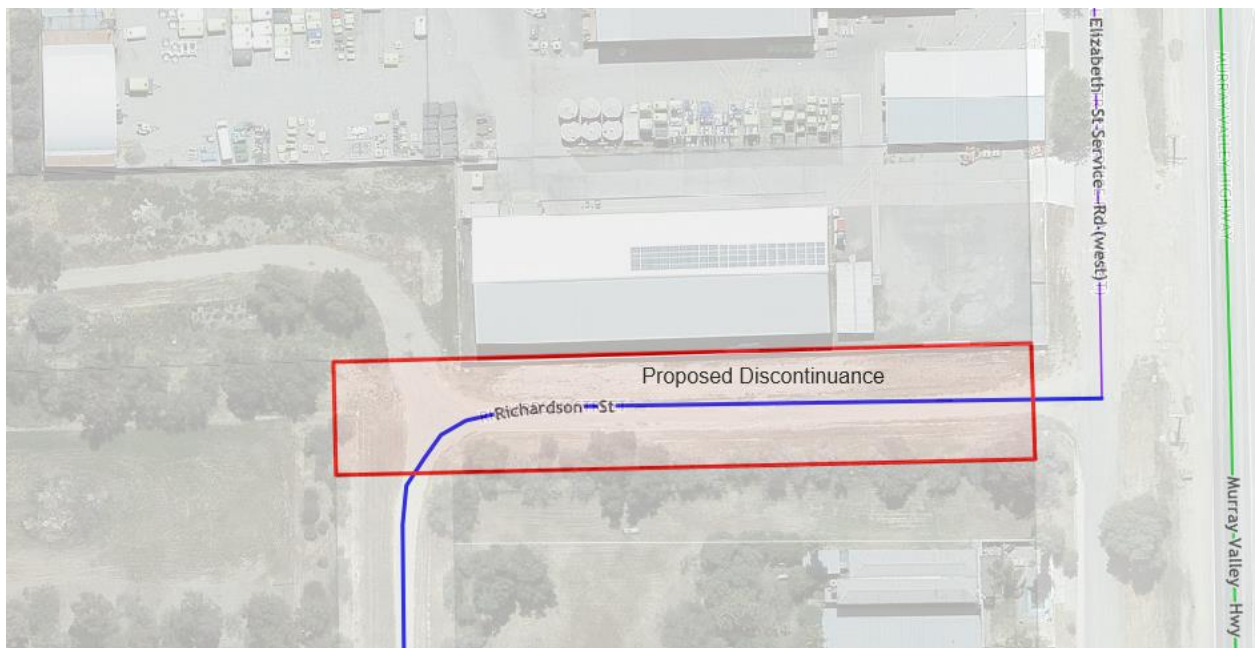
The proposal to be provided for community feedback

The location to discontinue and sell a section of Richardson Street Nathalia defined in Plan of Subdivision 1315 Parish of Barwo County of Moira.

The section of road

- runs east-west and marked on the diagram below
- classed as access residential in Council's road hierarchy
- 119m
- 6m width pavement, road reserve width 20.12m

Understanding of use is primarily by the adjoining landowner for the operation their business.



Outcomes to be achieved from closing the road

- Council's consideration of a potential sale of the road has been triggered by a request from the local business to acquire the land to support its business development plans.

FILE NO: F13/858/001
4. A WELL RUN COUNCIL

ITEM NO: 7.1

**PROPOSAL TO DISCONTINUE AND SELL A SECTION OF RICHARDSON STREET
NATHALIA (cont'd)**

3. Internal/External Consultation

Council's Operations and Assets and Construction departments were consulted regarding this proposal and concluded that there are minimal maintenance undertaken by Council on the proposed section of road and there are no Moira assets within the road reserve that require protection. There are however, GV Water sewer assets. If council resolves to discontinue the road Council will liaise with GV Water to create an easement.

Council's Planning Department have advised that there is a current 3 lot subdivision proposal to the north of the section of the road to be discontinued. This could potentially leave lot 2 without road access (landlocked).

To overcome the potential of creating a landlocked parcel of land (lot 2):

- a condition of sale could be to require these parcels of land to be consolidated;
- a carriageway easement created in favor of lot 2 over the discontinued road or
- the section of Richardson Street to be discontinued be shortened by 20 metres at the western end, this would provide road access to lot 2.

4. Financial Implications

- If council resolves to sell the land, a separate and subsequent process may involve public auction, tender, private treaty or any other method as determined by the Chief Executive Officer in accordance with section 189 of the Local Government Act 1989.
- Council will obtain a valid valuation no more than 6 months prior to the sale.

5. Conflict of Interest Considerations

There are no officer conflicts of interest associated with the preparation of this report.

6. Conclusion

It is recommended that Council resolve to authorise the CEO to seek community feedback on this proposal.

Attachments

Nil

FILE NO: C013/19
4. A WELL RUN COUNCIL

ITEM NO: 7.1

C013/19 - COBRAM APEX RESERVE

RECOMMENDATION

That Council:

1. Authorise the Chief Executive Officer to undertake negotiations with the preferred tenderer, Crow Constructions Pty Limited in order to achieve a best value outcome and award the contract C013/19 – Cobram Apex Reserve.
2. Allocate an additional \$300,000 from Council reserves toward the project
3. Authorise the Chief Executive Officer to sign and seal the contract either upon evidence that the community fund raising will achieve their target contribution to the project of \$200,000 or with the scope of the community area of the project varied according to the amount raised.

1. Executive Summary

Moira Shire Council invited submissions from suitably qualified organisations or individuals to construct the change rooms, sanitary and community facilities at the Cobram Apex Reserve.

Following evaluation of the submissions, presentations were requested with the top three scored tenderers.

After consideration of the tender submissions and subsequent presentations, the evaluation panel recommends that Crow Constructions Pty Limited be appointed as the preferred tenderer for contract C013/19 – Cobram Apex Reserve.

For more information, please refer to Appendix A – Evaluation Summary (Confidential).

2. Background and Options

The contract is for building construction works that comprise a multi user facility combining female friendly change rooms, sanitary facilities and community space.

It is of a robust utilitarian steel and prefabricated concrete construction consisting of:

- Total floor space 650 m2 including approximately 300 m2 community area
- 4 x unisex change rooms each with showers, toilets, accessible shower and toilet, and seating and change space.
- Community area includes
 - Canteen space
 - Office, storage, first aid rooms
 - 2 x accessible toilets
 - public toilets
- Exterior undercover viewing area to main field

The new facility is immediately adjacent to the Cobram Sports Stadium and will enhance the facilities that exist within the stadium.

Contract Details

The contract is for a lump sum and the construction period is estimated to be 10 months.

FILE NO: C013/19
4. A WELL RUN COUNCIL

ITEM NO: 7.1

C013/19 - COBRAM APEX RESERVE (cont'd)

Date of Public Notice

Paper	Date
The Age	24 November 2018
Border Mail	24 November 2018
Shepparton News	27 November 2018
Cobram Courier	28 November 2018
Numurkah Leader	28 November 2018
Yarrawonga Chronicle	28 November 2018

Tenders closed at 4pm Wednesday 19 December 2018.

Receipt of Tenders

A total of four submissions were received from the following organisations:

- Crow Constructions Pty Limited
- Kennedy Builders Pty Ltd
- Adaptive Pty t/a Dezign
- Colin Joss & Co Pty Ltd t/a Joss Facility Management

Supervision

Superintendent – Manager Construction and Assets
Superintendent Representative – Project Supervisor

Panel Membership

The submissions were independently evaluated in TenderSearch by the following positions:

- Coordinator Design and Construction
- Manager Construction and Assets
- Project Supervisor

The evaluation was moderated by the Procurement Coordinator.

Non-conforming tenders

No submission was considered to be non-conforming.

Tender Evaluation

Each tender was evaluated separately utilising our electronic tendering system, TenderSearch.

The criteria and weightings utilised are detailed in the following table:

Evaluation Criteria	Evaluation Weighting
Price	40%
Track Record	15%
Skills and Resources	15%
Compliance with Specification	10%

FILE NO: C013/19
4. A WELL RUN COUNCIL

ITEM NO: 7.1

C013/19 - COBRAM APEX RESERVE (cont'd)

Evaluation Criteria	Evaluation Weighting
Management of Schedules	10%
Contribution to Local Economy	10%

Subsequent presentations were weighted out of 200%.

For more information, please refer to Appendix A – Evaluation Summary (Confidential).

3. Financial Implications

The facility construction is funded through Federal and State Government grants, Council funding and community contributions.

The recommendation to appoint a preferred tenderer will allow Council to negotiate the method of construction to achieve best value.

The Council will be asked to allocate a further \$300,000 toward the project to provide for:

- the shortfall in the budget
- a necessary power upgrade to the site,
- provision for a 5% contingency

The Cobram Roar Soccer Club have committed to a \$200,000 community contribution to the project. It is unclear how much has been raised to this point in time and it is proposed that the scope of the project with respect to the community area be varied to fit the available budget.

For more information, please refer to Appendix A – Evaluation Summary (Confidential).

4. Risk Management

To minimise the risks associated with the works under the contract, the following conditions are required to be met by the successful contractor:

- Within one week from the date of contract execution the successful contractor must supply the Superintendent with their final Works Program for approval. The program is to be updated in no less than monthly intervals throughout the course of the contract.
- Various weekly and monthly meetings covering the project status, risks, cashflow, variations etc. are a contract requirement.
- A contract specific Project Management Plan, Traffic Management Plan and Site Safety Plan are required to be submitted prior to works commencing.
- Various Hold Points have been specified (Hold Points are points beyond which the work may not proceed without review by the Superintendent).
- Superintendent Representative will conduct regular site visits.
- The contractor will be appointed the Principal Contractor in relation to management or control of the worksite safety.
- A plant risk assessment is required for each item of heavy plant to be supplied, hired or expected to enter the work site.

5. Internal and External Consultation

The tender was advertised on Council's TenderSearch website, The Age, Shepparton News, Border Mail and the local newspapers.

The specification was approved by the Project Supervisor, Coordinator Design and Construction,

FILE NO: C013/19
4. A WELL RUN COUNCIL

ITEM NO: 7.1

C013/19 - COBRAM APEX RESERVE (cont'd)

Manager Construction and Assets and General Manager Infrastructure.

6. Regional Context

The works under contract will provide a high quality sporting and community space to the residents of Moira Shire and improve community connectivity with the Apex sporting precinct and showgrounds.

7. Council Plan Strategy

The Council Plan addresses the need for a well-run Council by implementing a transparent, engaging and accountable governance structure for current and future generations. The processes undertaken to award the contract meet the legislative and policy requirements relating to procurement and tendering.

8. Legislative / Policy Implications

The tender process was undertaken in accordance with the requirements of the section 186 of the Local Government Act and Council's adopted Procurement Policy.

9. Environmental Impact

Section 2.26 of the specification stipulates the contractor's environmental responsibilities and will form part of the contract.

10. Conflict of Interest Considerations

There was no conflict of interest declared for this tender evaluation process.

11. Conclusion

After consideration of the tender submissions and subsequent presentations, the evaluation panel recommends that Crow Constructions Pty Limited be appointed as the preferred tenderer for contract C013/19 – Cobram Apex Reserve.

It is also recommended that Council allocate a further \$300,000 to the project budget to provide for the budget shortfall, power upgrade and contingency for the project and that the CEO can vary the scope of the community area within the project should the community contribution not reach the \$200,000 amount committed to.

Attachments

- 1 C01319 – COBRAM APEX RESERVE - APPENDIX A - EVALUATION SUMMARY - *printed in separate document*