

MELTON SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING HELD IN THE COUNCIL
CHAMBER, CIVIC CENTRE, MELTON ON 14 DECEMBER 2009 AT 7.00 PM

PRESENT

Cr Justin Mammarella (Mayor)
Cr K Majdlik (Deputy Mayor)
Cr R Cugliari
Cr S Ramsey
Cr B Turner

Mr Neville Smith (Chief Executive Officer)
Mr Kelvin Tori (General Manager Corporate Services)
Mr Luke Shannon (General Manager Planning and Development)
Mr Maurie Heaney (General Manager Community Services)
Mr Peter Bean (Administration Manager)
Mr Mark Hammett (Community Infrastructure Manager)
Ms Annette Raijar (Communications Co-ordinator)
Mr Daniel Anderson (Communications Officer)

1. OPENING PRAYER AND RECONCILIATION STATEMENT

Chief Executive, Neville Smith read the opening prayer and reconciliation statement.

2. APOLOGIES

Apologies were received from Cr G Stock and Cr B Borg

3. DECLARATION OF ANY PECUNIARY INTEREST, OTHER INTEREST OR CONFLICT OF INTEREST OF ANY COUNCILLOR

No pecuniary interests, other interests or conflict of interests were declared.

4. ADOPTION AND CONFIRMATION OF THE MINUTES OF PREVIOUS MEETINGS

Crs Ramsey/Cugliari. That the minutes of the Ordinary Meeting 23 November 2009, 2 December 2009 Statutory Meeting with a change to item 8 to substitute the seconder of the motion from Cr Mammarella to being Cr Borg and 3 December 2009 Special Meeting Minutes be confirmed as a true and correct record

CARRIED

5. PETITIONS AND JOINT LETTERS

No petitions were received.

6. RESUMPTION OF DEBATE OR OTHER BUSINESS CARRIED OVER FROM A PREVIOUS MEETING

Nil

7. PUBLIC QUESTION TIME

Alan Fairweather

Speed Signs in Kurunjang Drive.

David O'Connor

Likelihood of additional employment nodes being established within a green wedge zone and outside an urban growth boundary.

John Southall

Ownership of the Salvation Army House in Coburns Road Melton.

Maintenance of Car Parks in major shopping centres.

David O'Connor

Access to Council's web page by the public.

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13. **CONTRACT NO 10/005 – ANNUAL ASPHALT RESURFACING PROGRAM
2009/2010** **51**

To inform Council that the tender assessment for the Annual Asphalt Resurfacing Program 2009/2010 (refer to Appendix 1 situated in Confidential Reports) has been completed and a recommendation is presented to Council.

ITEM NO 1

Nichola Parish

MELTON PLANNING SCHEME AMENDMENT – C97**PURPOSE OF REPORT:**

To consider an amendment to the Melton Planning Scheme to rezone land at 60 Panorama Drive, Arnolds Creek from a Residential Zone to a Business 1 Zone.

RECOMMENDATION:

That Council:

- Seek authorisation from the Minister for Planning to prepare and exhibit Amendment C97 to the Melton Planning Scheme.
- Following receipt of authorisation exhibit the amendment in accordance with the requirements of the *Planning and Environment Act 1987*.

Procedural Motion

Crs Ramsey/Cugliari

That Council recommendations as printed in items 1 and 2 be moved in block.

CARRIED

Crs Ramsey/Cugliari

That the recommendation be adopted.

CARRIED**REPORT****1. Background****Executive Summary**

Council has received a request for an amendment to the Melton Planning Scheme to rezone the land at 60 Panorama Drive from Residential 1 Zone to Business 1 Zone. The site forms part of the large residential estate (approximately 1400 lots) called Arnolds Creek Estate in the west of Melton.

The site has frontage on to both Panorama Drive and Claret Ash Boulevard and could have access to both these roads. All land surrounding the site is currently zoned Residential 1. The Arnolds Creek Community Hub will be built adjacent to site on the western side of Panorama Drive.

The site was designated as potential retail in the original subdivision plan for the estate. The centre will provide local shopping facilities for the community. It is recommended that Council resolve to seek authorisation from the Minister to prepare and exhibit Melton Planning Scheme Amendment C97, in accordance with the requirements of the *Planning and Environment Act 1987*.

2. Council Plan Reference and Policy Reference

The relevant section of the Shire of Melton Council Plan 2009 – 2013 is as follows:

Environment

2. Protecting and enhancing our environment

2.4 Provide services and infrastructure that are environmentally sustainable.

Managing Growth

4. Ensuring our fast growth is well planned and managed, and Council's physical assets are well maintained.

4.4 Provide access to quality infrastructure and services.

3. Financial Considerations

There are no financial implications for Council associated with the planning scheme amendment. Any cost incurred (if, for example, a planning panel is required), will be met by the proponent.

4. Consultation/Public Submissions

Public notification of the application

The Planning Scheme Amendment will be subject to the public exhibition requirements of section 19(1) of the *Planning and Environment Act 1987*, including:

- i. A notice to surrounding landowners and occupiers, and relevant state government departments and agencies
- ii. A notice in the local paper generally circulating in the area
- iii. Notice in the Victorian Government Gazette
- iv. A notice on the Shire of Melton website.

The Amendment will be placed on public exhibition for a period of one month, and the community will be given an opportunity to make submissions regarding the amendment during that time.

5. Issues

Deepak Dhingra has made a submission to Council requesting an amendment to the Melton Planning Scheme to rezone land on the corner of Panorama Drive and Claret Ash Boulevard, being Lot: D PS: 537129B, from a Residential 1 Zone to a Business 1 Zone. This would allow the land to be developed as a small retail centre. The development would have a total retail floorspace of 1,250m² (refer to **Appendix 1** for Locality Plan).

The Site

The subject site is bound by Panorama Drive to the west and Claret Ash Boulevard to the north. The site has residential development to the south of the site and to the north. Arnold Creek Reserve runs along the eastern boundary. The Arnolds Creek Community Hub will be built to the west of the site. The hub will include a kindergarten, a maternal and child health service as well as recreation facilities and community rooms.

The subject site has an area of 2860m² and is currently vacant with no existing vegetation. It is not used for any formal purpose. The Subdivision Plan identifies the site as commercial (refer to **Appendix 2** for Subdivision Plan).

The closest existing supermarket is the Woodgrove Major Activity Centre which is 2.5km south east of the Arnolds Creek Local Activity Centre site. High Street Melton is located approximately 3.5km south-east of the proposed centre. The proposed rezoning would allow a small local retail centre to establish on the subject site and provide convenient local retail options.

The Amendment

The amendment involves rezoning the subject site from a Residential 1 Zone to a Business 1 Zone. The amendment will allow the site to be developed for the purposes of a small retail centre.

The existing residential zone prohibits the proposed retail uses (small supermarket and mixed shops). The Business 1 Zone will allow for these uses.

The amendment proposes that a maximum combined leasable floor area of 1,250m² to be applied in relation to the Business 1 Zone. Justification for the maximum floor space is accompanied by an economic assessment prepared on behalf of the applicant. The report identifies the other centres in Melton and their role in Melton's retail hierarchy.

The much larger Woodgrove Shopping Centre (located approximately 2.5km south east of the site) is classified as a Major Activity Centre under *Melbourne 2030*. The centre has a total retail floorspace of approximately 27,000m² and operates as the main retail destination for residents of Melton. High Street Melton acts as the main commercial and administrative centre of the town due to its greater mix of services and retail functions. High Street is approximately 3.5km south east of the proposed retail centre and is also defined as a Major Activity Centre. A new Neighbourhood Activity Centre is proposed in the currently exhibited Melton North Precinct Structure

Plan. The centre will incorporate up to 5,000m² of retail floorspace and will be located approximately 2.6km from the Arnolds Creek retail centre. The applicant's economic assessment indicates that the retail development proposed by this scheme amendment would not compromise the existing centres.

Melbourne 2030

The Arnolds Creek Activity Centre would be seen as a small Local Activity Centre (LAC) under Melbourne 2030, the State Government's planning blueprint for the development of metropolitan Melbourne until the year 2030. A LAC is seen as being a lower order activity centre, generally servicing a limited neighbourhood catchment, and featuring the following characteristics:

- Generally, a limited mix of uses meeting local convenience needs
- Accessible to a viable user population by walking/cycling
- Accessible by local bus services, and public transport links to one or more Principle or Major Activity Centres
- Their role as important community focal points, ideally close to schools, libraries, child care, health services, police stations and other facilities that benefit from good public transport.

In addition, Melbourne 2030 seeks to encourage a more diverse land use mix within activity centres, including appropriately designed medium/high density residential development.

The surrounding area has been designed and planned in anticipation that a Local Activity Centre will be located on the site. The character and density of housing and other surrounding land uses is appropriate to this development and use.

The development of a Local Activity Centre will help meet the practical needs of the local population and will reduce the need for them to travel longer distances to less convenient destinations. The site is accessible to pedestrians and cyclists and is also accessible by public transport.

Ministerial authorisation

Ministerial authorisation will be required before Council can prepare and exhibit the amendment in accordance with Section 8A(3) of the Planning and Environment Act 1987.

6. Options

Council can resolve to either:

- Support the amendment and seek authorisation from the Minister
- Not support the amendment.

7. Conclusion

The proposed amendment is consistent with State and Local planning policy, and provides for appropriate land use in accordance with the original Residential Subdivision Planning Permit (PA2004/122). It is recommended that Council prepare and exhibit Melton Planning Scheme Amendment C97 to rezone the land to Business Zone 1, in accordance with the requirements of the *Planning and Environment Act 1987*.

ITEM NO 2

P Bean / lp

AUTHORISATION OF AFFIXING THE COMMON SEAL OF COUNCIL

PURPOSE OF REPORT:

For Council to adopt the schedule of documents (**Appendix 1**) requiring the Common Seal of Council.

RECOMMENDATION:

That the Council Seal be affixed to the documentation as detailed in the Schedule for Authorising of Affixing of the Common Seal of Melton Shire Council dated 14 December 2009 and appended to this report. (**Appendix 1**)

Crs Ramsey/Cugliari. That the recommendation be adopted.

CARRIED

REPORT

1. Background

Use of the Council Seal is required where Council as a body corporate is required to acquit a document or agreement amongst others for the purpose of performing its functions and exercising its powers.

The Local Government Act 1989 prescribes that a Council must have a common seal, and that the common seal must –

- (a) Bear the name of the Council (which name may refer to the inhabitants of the municipal district) and any other word, letter, sign or device the Council determines should be included; and
- (b) Be kept at the Council office; and
- (c) Be used in accordance with the local laws of the Council.

Council's Meeting Procedure Local Law 2004 prescribes the use of Council's Common Seal and the authorised officers who have the authority to sign every document to which the common seal is affixed.

2. Corporate Planning Reference and Policy Reference

Council's community plan outlines in one of the five key principles contained in the plan areas relating to governance. This principle will be adhered to throughout this process.

3. Financial Considerations

Not applicable.

4. Consultation/Public Submissions

Not applicable.

5. Issues

The use of the common seal is one that cannot be delegated to an Officer by the Council to undertake and, as such, is the reason why a schedule is produced at each meeting for Council's consideration.

In order for staff to continue dealing with matters that require execution of the common seal in order to be completed it is necessary for the schedule to be adopted forthwith.

6. Options

Not Applicable.

7. Conclusion

This report presented to each Ordinary Meeting of Council will ensure efficient and timely dealing with legal and corporate documentation.

ITEM NO 3

Peter Bean

ANIMAL MANAGEMENT DE-SEXING OF CATS**PURPOSE OF REPORT:**

To consider a petition received and Notice of Motion number 232 adopted by Council at the ordinary meeting of Council held on 23 November 2009 relating to mandatory de-sexing of domestic cats and permanent cat curfews in the municipality.

RECOMMENDATION:

That Council:

1. Proceed in accordance with the 2008 Domestic Animal Management Plan with the statutory procedures required to prepare a draft local law to propose the introduction of mandatory de-sexing of newly registered cats with some exceptions (being veterinary advice and registered breeders).
2. Not proceed at this time with the introduction of a cat curfew in the Shire, however, give consideration to this matter as part of the annual review process of the Domestic Animal Management Plan.

Crs Turner/Ramsey. That the recommendation be adopted.

Cr Ramsey called for a division of the Council

For: Crs Mammarella, Cugliari, Majdlik, Turner and Ramsey

Against: Nil.

The Mayor declared the division carried by unanimous vote.

CARRIED

REPORT

1. Background

Council adopted at its meeting held on 23 November 2009 Notice of Motion No. 232 which was:

“that Council Officers prepare for Council consideration a report canvassing all issues relating to the mandatory de-sexing of cats and that the report include details of councils that have introduced such a requirement, how it is administered and enforced, and the impact achieved in those municipalities in controlling the cat population.”

Council also received a petition signed by six signatories requesting that Council introduce a permanent cat curfew from dusk to dawn, and, that Council introduce mandatory de-sexing of domestic cats (registered breeders excepted).

The Domestic (feral and nuisance) Animals Act 1994 (the Act) was introduced with the purpose of promoting animal welfare and encouraging the responsible ownership of dogs and cats in protecting the natural environment. Contained in Council’s Domestic Animal Management Plan, which was adopted by Council in November 2008, was the consideration of introducing mandatory de-sexing of domestic cats and the implementation of cat curfews in the municipality.

It was not deemed appropriate at the time of developing the plan to introduce these requirements as there was inconsistency in how councils were introducing and implementing these two specific matters however the issues were referred for ongoing consideration and review.

The Bureau of Animal Welfare provided Council with the following councils that have introduced the de-sexing order.

Council	Dog/Cat
Wodonga	Cat
Casey	Cat
Brimbank	Dog/Cat
Latrobe	Dog/Cat
Queenscliff	Cat
Greater Shepparton	Cat
Frankston	Dog/Cat
Kingston	Dog/Cat
Strathbogie	Dog/Cat
Pyrenees	Dog/Cat
Bayside	Cat

The key consideration when looking to implement this type of order is to ensure it targets the population of cats that Council needs to address. The order can allow the Shire to require at the time of registration, that any cat be de-sexed prior to Council accepting the application to register or renew registration, or, it could simply apply to the registration of all new cats with certain exceptions.

It should be recognised that there are different types of cat populations which include:

- responsibly owned cats (registered, micro chipped, identified etc.)
- irresponsibly owned cats (unregistered, not identifiable),
- semi owned cats (people feed these cats but state they don't own them),
- unowned cats (either wild – uses humans for food, shelter or true feral cats – that have no human intervention in their lives and form self sustained populations).

One of the key issues that Council need to consider with this is that if the responsibly owned cats are already de-sexed at a rate of 96% based on current registration levels, the introduction of a de-sexing order will have little effect on the number of cats that are currently entering Council's pound facility.

The Bureau of Animal Welfare undertook a bench marking study of all councils using data from the 2007/08 year by comparing the number of impoundments per 1,000 residents to establish a benchmark for each Council as well as defining averages with similar councils when placed into smaller groupings or categories.

For the Outer Metropolitan Category, the following data applied to 2007/08.

Council	Impoundments per 1,000 population
Brimbank	9.87
Hume	10.73
Melton	6.25
Wyndham	8.28

The total number of councils in this outer metropolitan category is 14. The average of those 14 councils for "average impoundments per 1,000 population" equalled 5.05 cats. Council's figure of 6.25 indicates a marginal overpopulation of approximately 20%, but is much less than the other three neighbouring municipalities.

Looking at this figure, it is considered that although marginally over the average for the category, this does not signify a gross overpopulation of cats in the municipality and should not be a key basis for introducing mandatory de-sexing.

The state average of impoundments per 1,000 population using 2007/08 data represented 6.01 and demonstrates that Council's figure is somewhat reflective of the state average of cat impoundments per 1,000 population.

The administration and enforcement of these orders introduced by councils does vary between each Council. Some are requiring all newly registered and existing cats to be de-sexed prior to re-registration or initial registration with the Council, whilst others are enforcing only new registrations for cats to be de-sexed.

This would not be a particular problem for Melton Shire as it currently has approximately 4,000 registered cats in the municipality of which only 150 are not de-sexed. Some of these cats that have not been de-sexed will belong to cat breeders, but the exact number is unknown at this time.

Council's generally provide exemptions related to veterinary advice and for breeding purposes. Veterinary advice is based on the health and well being of a cat and breeding purposes protects registered breeders and allows them the opportunity to register an animal without any requirement to have it de-sexed.

The enforcement is clearly established in the development of the Local Law, and discussions with these municipalities has led to no clear impact in controlling any cat population at this stage as they all felt that it was too early to be able to determine a positive outcome in controlling cat populations through mandatory desexing.

Cat Curfews

The petition presented to the last Ordinary Council Meeting also requested Council consideration of a cat curfew from dawn to dusk. This is something that many Councils have considered in the past but very few have gone forward in implementing.

During the past twelve months some Victorian councils have considered implementing 24 hour cat bans, similar to those of Mornington Peninsular and Cardinia Councils that have introduced Local Laws establishing a 24 hour ban. The owner of a cat would need to be able to demonstrate how they can contain their cat within the confines of their property and the most practical way of doing this would be to construct a permanent enclosure. The main motivation for this introduction of a permanent curfew is to protect wildlife as well as the pet cats but also to cut the population of strays.

Anecdotally around 80% of accidents involving cats occur at night. Cats allowed to roam can be killed or injured through car accidents and fights with other animals. This may lead to them contracting fatal diseases such as feline aids and other illnesses such as abscess, worms and ticks. It is also felt that if animals are allowed to roam, they are potentially able to get lost or join unknown cat colonies. Whilst it is felt cats are most active at night, particularly at dusk and dawn, it is believed that they take the opportunity of darkness to hunt and kill wildlife as it also coincides with the activity period of many species of native wildlife.

The main thing to consider when proposing to implement a dusk to dawn cat curfew is really about whether it will achieve its objective in containing cats to owner's properties and whether it will increase cat registration to ensure easier identification should a cat be trapped and impounded by the Council. The Act currently allows Council to impound unidentified and unregistered cats in public areas due to their registration status.

A curfew for cats is considered to be ineffective in the control of cat movements as the vast majority of cats that are caught and impounded by Council are currently not registered. To impose a curfew on cat owners who do have registered cats, would appear to be penalising them as it is currently deemed that they are taking responsibility that their cats are not wandering and causing a nuisance.

Also, if the motivation for providing the curfew is to control breeding, the 4,000 registered cats on Council's animal registration system, regardless of whether they were contained to the owner's property or not, would see virtually no impact on breeding as all but 150 of these registered cats are de-sexed.

2. Council Plan Reference and Policy Reference

The relevant section of the Shire of Melton Council Plan 2009-13 is as follows:

Environment – Enhance the quality of urban and natural environments.

Leadership – Practice good governance, social, economic and environmental responsibility.

3. Financial Considerations

There are no financial implications for Council associated with consideration of mandatory de-sexing and a cat curfew at this stage.

4. Consultation/Public Submissions

Council considered the development of mandatory de-sexing of cats as part of the development of the Domestic Animal Management Plan in 2008 and consultation was undertaken for the plan at that time. This process is a follow on from that and it is envisaged that there will be ongoing consultation during the review of Council's Local Laws.

Also there has been some public awareness of both support for and against mandatory de-sexing as well as consideration of cat curfews.

5. Issues

Whilst there are differing views as to the merits of implementing such a proposal it is considered that there would be no impact to the owners of cats currently registered with Council should a Local Law be introduced in support of mandatory de-sexing.

In considering a mandatory cat curfew from dusk to dawn, whilst it may provide Council some support in controlling a wandering cat population it is not considered beneficial to Council at this stage as very few registered cats are collected and impounded by Council staff.

In looking to introduce any change such as that being canvassed by members of the community, consideration must be made to the Human Rights Charter in that the Charter is a law that protects the rights of all people in Victoria and introduces standards of a framework to assist public authorities, such as Councils, to consider

the rights of all interested parties and to be better able to strike a balance between an individual's rights and those of competing public interests.

6. Options

There are no further options to consider at this stage.

7. Conclusion

In conclusion Council proceed in accordance with the 2008 Domestic Animal Management Plan with the statutory procedures required to prepare a draft local law to propose the introduction of mandatory de-sexing of newly registered cats with some exceptions (being veterinary advice and registered breeders). Also, it is recommended not to proceed at this time with the introduction of a cat curfew in the Shire, however, give consideration to this matter as part of the annual review process of the Domestic Animal Management Plan.

ITEM NO 4

C. Santoro

MUNICIPAL AUDIT COMMITTEE**PURPOSE OF REPORT:**

This report advises Council of the minutes of the Municipal Audit Committee meeting held on 9th December 2009 and recommends actions emanating from the minutes.

RECOMMENDATIONS:

That:

1. The unconfirmed minutes of the Municipal Audit Committee of 9th December 2009 be noted; and
2. Council endorse the recommended actions as detailed in the minutes of the Municipal Audit Committee Meeting held on 9th December 2009. (**Appendix 1**)

Crs Majdlik/Turner. That the recommendation be adopted.

CARRIED

REPORT**1. Background**

It is a requirement within the Terms of Reference of the Municipal Audit Committee to meet and report its decisions and recommendations to the Council for consideration.

Copy of the minutes of the meeting held on 9th December 2009 is attached as **Appendix 1**

2. Council Plan Reference and Policy Reference

Council Plan 2009 – 2013 commits to leading the organisation and the community through accountability, transparency and advocacy.

3. Financial Considerations

A provision has been provided in this year's budget for the remuneration on a fee per meeting basis for independent members of the Committee, with an optional additional amount paid to the Chairperson.

4. Consultation/Public Submissions

The Municipal Audit Committee consists of Councillor Stock, Councillor Borg and three independent external audit members Mr. Ken Higginbotham as Chairperson, Mr Adam Roberts and Mr Alan Hall.

5. Issues

Issues discussed and recommendations made by the Committee are noted in the minutes for action by both individuals and Council.

6. Options

The Audit Committee is an advisory committee of Council, and Council therefore has the discretion to accept, reject or amend its recommendations.

7. Conclusion

The decisions and recommendations reported in the minutes are now tabled to the Council for consideration.

ITEM NO 5

Mark Hammett / Coral Cramer

AWARDING OF CONTRACT FOR REFURBISHMENT AND BUILDING ADDITIONS TO THE MORTON HOMESTEAD FACILITY SITUATED IN TAYLORS HILL CONTRACT 10/007**PURPOSE OF REPORT:**

This report is to inform Council that the Tender process has been completed for the Refurbishment and Building Additions to the Morton Homestead Facility. A recommendation is therefore presented to Council for consideration.

RECOMMENDATION:

1. That contract for the Refurbishment and Building Additions to the Morton Homestead Facility (Contract 10/007) be awarded to QMS Property Developments for the total lump price of \$1,695,500.00 (GST Exclusive).
2. That 1% of the total contract sum be provided for a public art initiative on this site as per Council's Policy.

Crs Cugliari/Majdlik. That the recommendation be adopted.

CARRIED

REPORT**1. Background**

The Morton Homestead is an existing house and surrounds that is located on the corner of Hume Drive and Calder Park Drive in Taylors Hill. The house was formerly owned by the Morton family who had farmed the area in the early to mid 1900's.

Ultimately, the ownership of the property changed and as pressure increased for residential development, the Morton Homestead was acquired by developers. As part of the Council's arrangements with developers by way of "developer contributions" they were required to provide Council with land for recreational open space and development and part of that contribution was for the Morton Homestead to remain and further, to assist in the provision of its restoration.

The building and surrounds are known to be “locally significant” and from a planning perspective are included in Council’s Heritage overlay.

As part of the 2009/2010 budget process, there was an approved initiative to refurbish and provide additions to the house that is situated on the site that would ultimately accommodate for a range of services for the growing community – refer **Appendix 1** for the floor plan.

The design phase of the project is now finalised and the redevelopment when completed will accommodate community use, and Council services that will assist to meet the growing demand for service delivery in the Eastern Growth Corridor.

Tender Process

Council advertised for Expressions of Interest (EOI’s) from suitably qualified companies for the Refurbishment and Building Additions to the Morton Homestead in the Melbourne based newspaper The Age and on Tenderlink.com.au on 22 August 2009 and in local newspapers on 25 August 2009. The opportunity for companies to submit an EOI closed at 5.00PM on 11 September 2009.

A total of 11 EOI’s were received from the following companies;

- Cetalee Pty Ltd
- QMS Property Developments
- Burlack Constructions
- GJW Constructions
- Gazelle Constructions
- JCM Builders
- Andeco Group
- ME Bell Projects Pty Ltd
- The Nicol Group Pty Ltd
- Heritage Building Services
- Ausbuild Constructions

An Evaluation Panel was established to review the EOI’s submitted. The Evaluation Panel consisted of the following Council Officers and “independent” panel member;

- Coral Crameri, Council’s Acting Manager, Aged and Disability Services
- Leigh Ryall, Council’s Contracts and Capital Works Administrator
- Jamie Guppy, Council’s Capital Works Officer
- Rick Tanti project architect (Hede Architects) and independent panel member

Expressions of Interest were assessed based on the following criteria;

- Previous relevant demonstrated experience in successfully completing and operating projects of a similar type and scale
- Skills, qualifications and experience of staff
- References
- Organisational capacity to resource (including subcontractors) to sufficiently undertake the specified requirements

- Ability to meet Council's timeframes
- Quality Assurance
- Occupational Health and Safety management
- Risk Management
- Insurances
- Financial capacity

As a result of the evaluation of the EOI's there were five companies shortlisted and invited to Tender for the Refurbishment and Building Additions to the Morton Homestead Facility and Tender documents were distributed accordingly. The closing date for Tender submissions was Friday 20 November at 5.00PM.

The companies shortlisted to tender were;

- Andeco Group
- QMS Property Developments
- Cetalee Pty Ltd
- The Nicol Group Pty Ltd
- Gazelle Constructions

Tenders were opened at the Melton Civic Centre offices, 232 High Street, Melton.

The following four tender submissions were received:

CONTRACTOR	\$ AMOUNT
QMS Property Developments	\$1,695,500.00
Andeco Group	\$1,810,149.00
Nicol Building Services	\$1,926,875.00
Cetalee Pty Ltd.	\$3,069,896.00

*** All prices are exclusive of GST**

The Tender Evaluation Panel reconvened to finalise the evaluation process. The same criteria was utilised.

Interviews were conducted to seek clarification of pricing schedules, fixtures, rates and timeframes. The fourth company was not interviewed as the price submitted by them was not relative to the specified works.

After the interviews were complete the Evaluation Panel has determined that the best company to deliver the Refurbishment and Building Additions to the Morton Homestead Facility is QMS Property Developments for the total lump price of \$1,695,500.00 (GST Exclusive). The timeframe estimated to deliver this initiative is approximately 28 weeks.

2. Council Plan Reference and Policy Reference

Council Plan 2009 – 2013 commits to the following key objective;

Managing Growth**4. Ensuring our fast growth is well planned and managed, and Council's physical assets are well maintained.**

4.1 Proactively consult, plan, build, maintain and upgrade assets

3. Financial Considerations

Via Council's budget process for the current year, Council has committed at this stage up to \$1.2M which is inclusive of a \$300,000 developer contribution towards the refurbishment of the Homestead.

The overall new initiative submitted to complete the project is \$2.2M which would see Council provide the balance of funds in the 2010-2011 financial year. (I.e. \$1M.) This would see the total project complete, inclusive of contingency amounts and unforeseen circumstances.

4. Consultation/Public Submissions

Consultation sessions have occurred within Council and specifically Community Services, Engineering and Planning and Development.

There have also been a number of sessions and consultations with the developer and the architect to ensure that the facility meets the needs of the community.

5. Issues

Council officers were contacted by Gazelle Constructions to advise that they would like to withdraw from the tender process for the Refurbishment and Building Additions to the Morton Homestead Facility due to other work commitments.

6. Options

Not applicable.

7. Conclusion

The facility redevelopment for the Morton Homestead, will provide additional support to a range of Council services by way of providing community space, but in particular for Aged and Disability Services in areas such as Home and Community Care (HACC), Respite and Planned Activity Group (PAG) and in doing so will assist in providing services that will meet the needs of our growing community.

ITEM NO 6

Mark Hammett / Adam Boyle

**AWARDING OF THE CONTRACT FOR THE CONSTRUCTION OF THE
BURNSIDE HEIGHTS COMMUNITY PAVILION.(CONTRACT No 10/008)****PURPOSE OF REPORT:**

To inform Council that the tender assessment for the construction of the Burnside Heights Community Pavilion has been completed and a recommendation is presented for consideration.

RECOMMENDATION:

1. That Council award Contract for the Construction of the Burnside Heights Community Pavilion, Contract No 10/008, to Dura (Aust) Constructions Pty Ltd for the total lump sum price of \$2,369,237.00. (GST exclusive)
2. That 1% of the total contract sum be provided for a public art initiative on this site as per Council's Policy.
3. That a contingency budget equal to 10% of the contract price be provided.
4. That Council note that this project is funded over 2 years, and therefore any unspent allocation in the 2009/10 year will be carried forward into the 2010/11 year.

The Mayor left the chamber at 7.32 pm.

Cr Majdlik assumed the role of temporary Chairperson at that time.

The Mayor returned to the chamber at 7.35 pm and assumed his chair in the chamber.

Cr Majdlik stepped down and assumed her chair in the chamber.

Crs Majdlik/Cugliari. That the recommendation be adopted.

CARRIED

REPORT

1. Background

The Burnside Heights Recreation Reserve is strategically positioned in Council's Eastern Growth Corridor, bounded by the Kororoit Creek and Tenterfield Drive, Burnside Heights. The site is also adjacent to the proposed Kororoit Primary School / Community Hub scheduled to be completed and opened by the first school term 2011.

Council has master planned this site to be a district scale reserve that features both sporting zones (two active ovals) and passive areas featuring regional based outdoor youth areas including BMX and skate amenities. A community pavilion was highlighted as a need at this reserve to accommodate sporting clubs and community access.

Council has previously committed to the forming of the two sports ovals and associated lighting; Officers are presently implementing a warm season grass program on the ovals to support their establishment and sustainability.

Council has committed in the 2009/10 budget, to commencement of the associated leisure pavilion to support usage of the ovals and provide needed community meeting space to support the development of this growing community. The balance of funding to complete the project will be provided in the 2010/11 budget.

Council engaged Freeform Architectural Services to undertake the formal design and documentation of the Burnside Heights Community Pavilion. Refer **Appendix 1** for floor and site plans of community pavilion.

The design focuses on creating inclusive flexible multiuse spaces that can cater for a variety of activities whilst still being used on a day to day basis for social and recreational activity. There are also significant opportunities for programs for young people in the multipurpose spaces that support the future outdoor programs and activities.

The engagement of the active open space and subsequent future support to fund the passive zones, will see the Burnside Heights Recreation Reserve become a significant and well patronised community hub; supported by the complimentary community services at the Kororoit Primary School / Children's Hub, being developed under the PPP partnership with DEECD.

Tender Process

Council advertised for Expressions of Interest (EOI's) from suitably qualified companies for the construction of the Burnside Heights Community Pavilion in the Melbourne based newspaper The Age and on Tenderlink.com.au on 22 August 2009 and in local newspapers on 25 August 2009. The opportunity for companies to submit an EOI closed at 5.00PM on 11 September 2009.

A total of 17 EOI's were received from the following companies;

- Cetalee Pty Ltd
- QMS Property Developments
- GJW Constructions
- Gazelle Constructions
- JCM Builders
- Andeco Construction Group
- The Nicol Group Pty Ltd
- Ausbuild Constructions
- Contract Control Services Pty Ltd
- ADCO Constructions Pty Ltd
- Mascon Pty Ltd
- ME Bell Projects Pty Ltd
- Dura (Aust) Constructions Pty Ltd
- Corplex Pty Ltd
- HMC Construction
- Varcon Constructions (Aust) Pty Ltd
- HTI Commercial Pty Ltd

An Evaluation Panel was established to review the EOI's and that panel consisted of the following Council Officers and "independent" member;

- Glenn Mulcahy, Council's Co-ordinator, Leisure Services
- Leigh Ryall, Council's Contracts and Capital Works Administrator
- Jamie Guppy, Council's Capital Works Officer
- Scott Jennings, project architect (Freeform Architects) and independent panel member

Expressions of Interest were weighed based on the following criteria;

- Previous relevant demonstrated experience in successfully completing and operating projects of a similar type and scale
- Skills, qualifications and experience of staff
- References
- Organisational capacity to resource (including subcontractors) to sufficiently undertake the specified requirements
- Ability to meet Council's timeframes
- Quality Assurance
- Occupational Health and Safety management
- Risk Management
- Insurances
- Financial capacity

As the result of the evaluation of the EOI's there were five companies short-listed and invited to Tender for the construction of the Burnside Heights Community Pavilion. Tender documents were distributed accordingly. The closing date for tender submissions was 5.00pm Friday 4 December 2009.

The five companies short-listed and invited to Tender were;

- Dura (Aust) Constructions Pty Ltd
- The Nicol Group Pty Ltd
- Ausbuild Constructions
- QMS Property Developments
- Contract Control Services Pty Ltd

Tenders were opened at the Melton Civic Centre Offices, 232 High Street, Melton.

The following five submissions were received.

CONTRACTOR	AMOUNT
Dura (Aust) Constructions Pty Ltd	\$2,292,237.00
The Nicol Group Pty Ltd	\$2,414,030.83
Ausbuild Constructions	\$2,415,000.00
QMS Property Developments	\$2,494,478.00
Contract Control Services Pty Ltd	\$2,849,211.00

*** All prices Tendered are exclusive of GST**

The Tender Evaluation Panel reconvened to finalise the evaluation process. The same criteria was utilised.

Interviews were conducted with all short-listed companies to seek clarification of pricing schedules, fixtures, rates and timeframes.

In this process it was identified that Dura (Aust) Constructions Pty Ltd tendered price, had omitted some "Provisional Sums" and needed to be increased by \$77,000.00 making their amended tender price \$2,369,237.00.

After the interviews were complete the Evaluation Panel has determined that the "best value" tender to deliver the Construction of the Burnside Community Pavilion is Dura (Aust) Constructions for their amended tender price of \$2,369,237.00 (GST exclusive).

2. Council Plan Reference and Policy Reference

The construction of the Burnside Heights Community pavilion is supported by the 2009 – 2013 Council Plan through the following objectives:

Community Health and Wellbeing

1. Improving health and wellbeing for our diverse community

- 1.2 *Provide opportunities for people to come together, socialise and be involved in their community*

Managing Growth

4. Ensuring our fast growth is well planned and managed, and infrastructure is well maintained

4.1 *Proactively consult, plan, build, maintain and upgrade assets*

4.4 *Provide access to quality infrastructure and services.*

3. Financial Considerations

The New Initiative submitted to Council originally as part of the 2009 / 2010 budget process was \$2.2M to be committed over a two year time frame.

Council has committed \$1.1M this financial year towards the construction of the facility, inclusive of a \$675,000 developer contribution, with the balance of funding required to complete the project to be allocated in the 2010/11 budget.

The amount to be allocated in the 2010/11 budget will increase from the initial estimate of \$1.1M due to the following factors;

a)	Amount by which tender price exceeds initial estimate :	\$169,237
b)	Amount to be provided for public as per Council policy:	\$ 23,692
c)	Amount of contingency budget required (up to 10%.):	<u>\$236,924</u>
	Total Potential additional requirement from 2010/11 budget:	<u>\$429,853</u>

Accordingly, there will be a requirement for Council to provide the balance of funds to construct the facility in the 2010 / 2011 financial year.

4. Consultation/Public Submissions

During the development of the Reserve Master Plan, extensive consultation was undertaken with our community to ensure the reserve was planned to meet future need. Outcomes and further information from these consultation sessions is detailed in the Community Engagement Report prepared for Council in 2008. In summary this consultation included the following:

- Site assessments and face-to-face interviews with on-site and near site stakeholders identified in the brief and others as they arose.
- School Workshops x 2
- Physical disability group workshop
- Young Women's Workshop
- Meeting with Burnside Residents Group
- Workshops with young people for event production mentoring and event development
- Technical workshop with skaters and BMX riders

Whilst individuals and clubs have approached Council officers to become the primary cricket and football tenants of the reserve, in early 2010 officers as will formally invite

Expressions of Interest from recreational clubs to be considered permanent tenants of the reserve, to establish operations from the reserve for the summer of 2011.

5. Issues

The price initially submitted by Dura (Aust) Constructions was \$2,292,237.00 (exclusive of GST) however after interviews had taken place, the panel identified that Dura (Aust) Constructions had omitted from their submission Provisional Sums of \$77,000.00. As a result the revised tender submission for Dura (Aust) Constructions Pty Ltd is \$2,369,237.00.

6. Options

Not applicable.

7. Conclusion

The commencement of the Burnside Heights Community Pavilion is a significant progression in meeting the demands of a growing community's recreational needs.

Commitment by Council to construct this facility delivers on two main Council Plan objectives in 'managing growth' and 'community health and wellbeing'.

Dura (Aust) Constructions Pty Ltd have demonstrated experience in delivering similar projects and have been assessed as the best value tender to deliver this initiative.

ITEM NO 7

Glenn Mulcahy

ARTIFICIAL TURF FEE AND CHARGES MODEL**PURPOSE OF REPORT:**

To seek Council endorsement of a Fee Schedule for use of Council's artificial turf sports fields.

RECOMMENDATION:

That Council:

1. Adopt the Fees and Charges Schedule contained at **Appendix 1** from the first of 1 January 2010 to 30 June 2010.
2. Promote awareness of the facilities, by providing all Shire of Melton recreation clubs with the opportunity to use up to five hours free access to an artificial turf sports field in 2010.

Crs Majdlik/Ramsey. That the recommendation be adopted.

CARRIED

REPORT**1. Background**

The ongoing drought has resulted in Stage 3A water restrictions being enforced, which severely limit the availability of water to sustain our natural turf sporting surfaces. Council is able to irrigate just eight sports fields within the municipality, with an additional four sports fields having access to recycled water.

In response to the challenges facing the sustainability and longevity of our sports ground surfaces, December 2009 will see Council open five artificial turf sports fields at three reserves. The sports fields are located at Springside Recreation Reserve (two soccer pitches), Brookside Recreation Reserve (soccer field, cricket field, running track) and Kurunjang Recreation Reserve (two soccer pitches, cricket field). These locations were selected based on limited irrigation access, poor ground conditions, growing community demand for use in these locations and it ensured there was an equitable distribution of new surfaces across the municipality.

The synthetic turf surfaces provide a year round multipurpose surface for use by a range of groups including residents, sporting clubs, sporting associations, commercial providers, schools and other users. The availability of the synthetic surfaces will allow a range of sporting clubs, the opportunity to reduce the traffic on their natural turf grounds, through the use of these facilities as an alternate training venue, in addition to match play for sports such as soccer and junior cricket.

Many Council's have opted to construct synthetic playing surfaces as a result of climate change and drought conditions. In most cases these surfaces are managed by Local Government and Council Offices. This provides Council's the ability to ensure equitable access by all potential user groups as well as providing the capacity to fund the replacement of synthetic surfaces when required.

In 2008, Smart Connection Company was engaged to inform Council of best practise on the operations of synthetic surfaces, which include advice on programming, management systems and financial modelling. This work and officer research on industry best practise has assisted officers in proposing the fee schedule at **Appendix 1**.

2. Council Plan Reference and Policy Reference

The construction of synthetic surfaces is supported by the 2009 – 2013 Council Plan through the following objectives:

Community Health and Wellbeing

1. Improving health and wellbeing for our diverse community

- 1.1 *Ensure everyone has access to quality Council services*
- 1.2 *Provide opportunities for people to come together, socialise and be involved in their community*
- 1.3 *Improve physical, social and mental health and wellbeing for a safe, active and healthy community.*

Managing Growth

4. Ensuring our fast growth is well planned and managed, and infrastructure is well maintained.

- 4.1 *Proactively consult, plan, build, maintain and upgrade assets*
- 4.4 *Provide access to quality infrastructure and services.*

3. Financial Considerations

The Fee Schedule outlined in **Appendix 1** has been developed to promote physical participation by the Melton Shire community and encourage not-for-profit recreation clubs within the Shire, to make use of alternative venues (other than natural turf recreation competition venues) in an effort to provide the wider community with sustainable sports fields.

The setting of fees for the synthetic facilities is based on the following principles:

- All user groups will pay to use the facility, with Shire of Melton based clubs, organisations and schools, paying a reduced fee compared to those from outside the municipality.
- A seasonal agreement will be provided for permanent tenant clubs. This fee will be in line with fees payed by other clubs using grass fields.
- Fees will be set at a level that encourages participation in improved health and wellbeing, not being a barrier in limited community access.
- Fees will be consistent with market trends for similar facilities, but set at the lower end of the market, consistent with Melton's socio-economic positioning.
- As demand for use of synthetic fields increases (particularly aligned with population growth), fees and charges will be reviewed and may increase by more than CPI to assist with the future surface replacement cost. An annual review of all fees and charges is undertaken as part of the budget process.

An industry benchmarking exercise has been undertaken with hire fees for use of synthetic soccer facilities, ranging from \$50 - \$120 per hour at other municipalities.

The fees and charges recommended in this report have been set to recoup 50% of the capital replacement cost for the future replacement of a synthetic surface. Other Council's are targeting to recoup 100% of the surface replacement cost and have higher hourly rates in proposed and existing fee structures.

Smart Connection Company advise that a synthetic surface may require replacing sometime between 10 and 15 years dependent on usage and maintenance levels employed.

Opportunities to hire the facility to commercial operators and organisations located outside the municipality will also be explored where time slots are available. This will ensure maximum return on investment and ensure capacity to maintain low fees for our local community to access.

4. Consultation/Public Submissions

Industry standards have been reviewed and various local Councils have had fees and charges bench marked against the proposed fee schedule. Permanent club users have had ongoing conversations with Council officers in regard to accessing the synthetic fields. These clubs are aware of fees for use and Council's adopted fees charges for sporting reserves.

5. Issues

The introduction of synthetic surfaces is relatively new in the Australian market place, with significant research and work being undertaken by sporting associations, and all levels of government to understand how the surfaces perform over time and acceptance by broader sporting codes than just soccer.

Council establishes its fees and charges to access community facilities during its Annual Budget process. A casual fee rate, specifically for artificial synthetic surfaces was not provided in the 2009/10 budget, as officers were in the process of the tendering for construction of the surfaces and awaiting the industry wide benchmarking and research that was being undertaken into synthetic surface management. This allowed Council to be provided with realistic and accurate assessment and consideration of fees following the establishment of the 2009/10 budget.

The fees proposed at **Appendix 1**, provide fee for operations from 1 January 2010 to 30 June 2010. Consequently, fees proposed will be reviewed and considered by Council in the development of its 2010/11 budget.

Permanent tenant clubs will not be disadvantaged financially by being a user of a synthetic field and will receive the same opportunities that exist by similar clubs that access natural turf facilities.

In the event that a Shire of Melton sporting club's 'home' turf ground, is deemed unfit for use (i.e. due to drought impacts), no casual hire fees will apply to that club for use of a synthetic field.

Given the ability for commercial groups to access the facility on a casual basis, where no long standing relationship exists with Council and its officers, it is viewed as a responsible initiative to retain a security bond. This approach is consistent in the management of all Council assets, as it acts as insurance or a safe guard to protect Council's investment. A commercial group is one that is operated for the primary purpose of returning a commercial benefit through monetary gain or profit, generated through a fee for service.

Bonds will not be held for local not for profit community groups. A not-for-profit organisation is characterised as a formally incorporated group or, association that is accessible and accountable to members of the community. A community group provides the community and / or its members with opportunities to engage in local community, cultural, leisure, and / or educational activities.

6. Options

1. Council has the option to endorse the Officers recommendations as presented in the report.
2. Council also has the option not to implement the fees schedule as attached in **Appendix 1** with a view to review the fees as part of the 2010 – 2011 budget process.

7. Conclusion

Adoption of the proposed fees and charges will encourage community access and improve the health and well being of the Shire of Melton community. The

introduction of the synthetic fields to the community is a significant progression in meeting the demands of a growing community's recreational needs.

ITEM NO 8

Maurie Heaney / Mark Hammett / Tony Ball

**AWARDING OF THE CONTRACT FOR THE CONSTRUCTION OF THE
ARNOLDS CREEK COMMUNITY FACILITY.(CONTRACT 10/009)****PURPOSE OF REPORT:**

This report is to inform Council that the Tender process has been completed for the Construction of the Arnolds Creek Community Facility. A recommendation is therefore presented to Council for consideration.

RECOMMENDATIONS:

1. That the contract for the Construction of the Arnolds Creek Community Facility (Contract No 10/009) be awarded to ADCO Constructions Pty Ltd for the total lump sum price of \$3,836,777.00(GST exclusive)
2. That Council provide an additional allocation of \$280,000.00 being a provisional sum for the construction of hard courts and lighting.
3. That 1% of the total contract sum be provided for a public art initiative on this site as per Council's Policy.

Crs Ramsey/Majdlik. That the recommendation be adopted.

CARRIED

REPORT**1. Background**

The Arnolds Creek Community Facility is to be constructed in the Arnolds Creek Estate to the West of the Melton Township. It is proposed that the facility will have a number of functions and services that will be available to the community. A major focus of this building is the additional two kindergarten rooms, Maternal and Child Health consulting suites, community space and kitchen amenities for our growing and merging communities. Part of the Arnolds Creek initiative is to include the provision of recreational space by the way of six hard courts and lighting.

The Arnolds Creek Community Facility will provide much needed community space with opportunities for people to participate in community life. The building of this

facility will directly benefit families in the Melton Township – refer **Appendix 1** for facility plan.

The developer, Melrose Land Sales Pty Ltd, has liaised with Council officers in the design of this initiative. The timeframe for construction and delivery of this facility is estimated to be 10 – 12 months from the commencement date of construction. The intention is to have the facility available by first term 2011 to align with Council's Central Enrolment process for kindergarten services. Council's Children's Services Department will be advertising for kindergarten enrolments in March 2010.

Tender Process

Council advertised for Expressions of Interest (EOI's) from suitably qualified companies for the construction of the Arnolds Creek Community Facility in the Melbourne based newspaper The Age and on Tenderlink.com.au on 22 August 2009 and in local newspapers on 25 August 2009. Expressions of Interest (Eoi) closed at 5.00PM on 11 September 2009.

A total of 18 EOI's were received from the following companies;

- Contract Control Services Pty Ltd
- ADCO Constructions Pty Ltd
- Ausbuild Constructions Pty Ltd
- Fimma Constructions Pty Ltd
- Mascon Pty Ltd
- The Nicol Group Pty Ltd
- ME Bell Projects Pty Ltd
- Dura (Aust) Constructions Pty Ltd
- Walton Construction Pty Ltd
- Burlack Construction Pty Ltd
- Andeco Group
- Cetalee Pty Ltd
- QMS Property Developments Pty Ltd
- Gazelle Constructions Pty Ltd
- Corplex Pty Ltd
- HMC Construction
- JCM Builders Pty Ltd
- Varcon Constructions (Aust) Pty Ltd

An Evaluation Panel was established to review the Eoi's submitted. The Evaluation Panel consisted of the following Council Officers and "independent" member;

- Vicki Mathews, Council's Manager, Children's Services
- Mark Hammett, Council's Manager, Community Infrastructure
- Leigh Ryall, Council's Contracts and Capital Works Administrator
- Mark Jordan, project architect (Louis Chiodo Architects) and independent member

Expressions of Interest were assessed based on the following criteria;

- Previous relevant demonstrated experience in successfully completing and operating projects of a similar type and scale
- Skills, qualifications and experience of staff
- References
- Organisational capacity to resource (including subcontractors) to sufficiently undertake the specified requirements
- Ability to meet Council's timeframes
- Quality Assurance
- Occupational Health and Safety management
- Risk Management
- Insurances
- Financial capacity

As the result of the evaluation of the EoI's there were five companies short-listed and invited to Tender for the construction of the Arnolds Creek Community Facility. Tender documents were distributed accordingly. The closing date for Tender submissions was Wednesday 18 November 2009 at 9.00am.

The companies short-listed and invited to Tender were;

- Dura (Aust) Constructions Pty Ltd
- The Nicol Group Pty Ltd
- ADCO Constructions
- QMS Property Development Pty Ltd
- Walton Construction Pty Ltd

Tenders were opened at the Melton Civic Centre offices, 232 High Street, Melton.

The following four tender submissions were received as Walton Construction Pty Ltd advised Council officers they would like to withdraw from the tender.

CONTRACTOR	AMOUNT
ADCO Constructions Pty Ltd Exclusive of Provisional Sum	\$3,836,777.00
Dura (Aust) Constructions Pty Ltd Exclusive of Provisional Sum	\$3,991,891.00
QMS Property Development Pty Ltd Exclusive of Provisional Sum	\$4,084,000.00
The Nicol Group Pty Ltd Exclusive of Provisional Sum	\$4,580,500.00

*** All prices Tendered are exclusive of GST**

The Tender Evaluation Panel reconvened to finalise the evaluation process. The same criteria was utilised.

Interviews were conducted with the four shortlisted companies to seek clarification of pricing schedules, fixtures, rates and timeframes.

After the interviews were complete the Evaluation Panel has determined that the best company to deliver the Construction of the Arnolds Creek Community Facility is ADCO Constructions Pty Ltd for a price of \$3,836,777.00 (GST exclusive).

2. Council Plan Reference and Policy Reference

Council Plan 2009 – 2013 commits to the following key objective;

Managing Growth

4. Ensuring our fast growth is well planned and managed, and infrastructure is well maintained

4.1 Proactively consult, plan, build, maintain and upgrade assets

3. Financial Considerations

Council has committed \$3M towards the construction of the facility via the 2009/2010 budget process.

The developer, Melrose Land Sales Pty Ltd, is to contribute via a developer contribution \$1.5M towards the building of this facility.

The Department of Planning and Community Development (DPCD) have announced \$500K Capital Grant being a contribution towards the community component within the facility.

4. Consultation/Public Submissions

Consultation has occurred with Council officers, Department of Education and Early Childhood Development and the Department of Planning and Community Development.

The developer, Melrose Land Sales Pty Ltd, have also been part of the consultation process in the design of this facility.

5. Issues

Council officers were contacted by Walton Construction Pty Ltd to advise that they would like to withdraw from the tender process for the Arnolds Creek Community Facility due to other commitments.

During the Tendering phase of this project an Addendum was issued to all short-listed companies asking that costs associated with civil works for the construction of hard courts and lighting be provided as a provisional sum. This reflects a figure of \$280,000.00.

6. Options

Not applicable.

7. Conclusion

Commitment by Council to construct this facility delivers on two main Council Plan objectives in 'managing growth' and 'community health and wellbeing'.

ADCO Construction Company has demonstrated experience in delivering similar like projects. The Evaluation Panel has recommended that ADCO Constructions Pty Ltd be awarded the contract.

ITEM NO 9

Mark Hammett / Adam Boyle

AWARDING OF THE CONTRACT FOR THE DIGGERS REST RECREATION RESERVE LIGHTING UPGRADE.(CONTRACT 10/013)**PURPOSE OF REPORT:**

To inform Council that a tender process has been completed for the Diggers Rest Recreation Reserve Lighting Upgrade, with a recommendation prepared for Council consideration.

RECOMMENDATION:

That Council:

1. Award the contract for the Diggers Rest Recreation Reserve Lighting Upgrade (Contract 10/013) to Bewired Electrical Pty Ltd for the total lump sum price of \$211,000.00 (GST exclusive); and
2. Provide the additional funding required to deliver the sports ground lighting project.

Crs Cugliari/Majdlík. That the recommendation be adopted.

CARRIED

REPORT**1. Background**

Council provides a range of recreational reserves to support the sporting needs of our local community. Where possible and applicable, Council aspires to provide a minimum of training lighting level standards at its reserve to maximise community access to participate.

The 2009/10 budget process saw a new initiative approved to fund the provision of sports ground lighting at the secondary oval at the Diggers Rest Recreation Reserve. This ground is supplied with recycled water, creating greater ability to provide and maintain quality surface, hence providing greater flexibility and options for Council to program access to the space to the broader community, particularly during this prolonged drought period.

Council advertised for suitably qualified companies to Tender for the provision of the Diggers Rest Recreation Reserve Lighting Upgrade, Contract 10/013 in the Melbourne based newspaper, The Age and on www.tenderlink.com.au on Saturday 17 October 2009 and in local papers on Tuesday 20 October 2009. The closing date for tender submissions was Friday 6 November 2009 at 5.00pm.

Tenders were opened at the Melton Civic Centre, 232 High Street, Melton.

The following four tender submissions were received.

CONTRACTOR	AMOUNT
Prompt Industries Pty Ltd	\$150,197.90
Bewired Electrical Pty Ltd	\$211,000.00
Laser Electrical	\$221,387.42
Fordham Electrics	\$246,000.00

• **All prices tendered are exclusive of GST**

A Tender evaluation panel was established and consisted of the following Council Officers and independent panel member;

- Glenn Mulcahy, Leisure Services Co-ordinator
- Leigh Ryall, Capital Works and Contracts Administrator
- Jamie Guppy, Capital Works Officer
- Martin Butcher (Consultant, Lighting Design Pty Ltd) independent panel member

Tenders were assessed based on the following weighted criteria;

- Technical analysis
- Commercial analysis
- Compliance to requirements
- Tender price

Council should note that the tender process identified that the incoming mains power is currently inadequate to accommodate the additional power the lighting will require. Consequently, given the nature of the submissions and complexity of the upgrade of the incoming power supply, the panel determined that all Tenderers needed to clarify their electrical designs and costs and were notified accordingly.

Prompt Industries Pty Ltd, Bewired Pty Ltd and Fordham Pty Ltd were all satisfied that their respective electrical designs would meet the requirements specified in the scope of works and that there would be no change to their price. Council's independent electrical consultant confirmed the designs provided by Bewired Pty Ltd and Fordham Pty Ltd were suitable. However, he advised that the electrical design

put forward by Prompt Industries Pty Ltd did not meet the requirements specified in the scope of works, hence making the tender ineligible.

In response to the revised power requirements of the site, Laser Electrical determined that the costs associated with their electrical design needed to be adjusted, bringing their final tendered price up to \$221,387.42

2. Council Plan Reference and Policy Reference

The provision of sports ground lighting is supported by the 2009 – 2013 Council Plan through the following objectives:

Community Health and Wellbeing

- 1. Improving health and wellbeing for our diverse community**
- 1.2 Provide opportunities for people to come together, socialise and be involved in their community

Managing Growth

- 4. Ensuring our fast growth is well planned and managed, and infrastructure is well maintained**
- 4.1 Proactively consult, plan, build, maintain and upgrade assets
- 4.4 Provide access to quality infrastructure and services.

3. Financial Considerations

An allocation of \$125,000 has been provided within the 2009/10 budget. An amount of \$86,000 would be in deficit based on the awarding of a contract of \$211,000.00.

It is considered that the additional expenditure required to complete the lighting project is warranted given the improvement will provide for sporting groups to access Diggers Rest oval to cater for additional training needs.

4. Consultation/Public Submissions

Nil.

5. Issues

Nil.

6. Options

Council has the options to:

1. Proceed with the project, through providing funding of the budgeted shortfall (\$86,000) to accommodate the required mains upgrade;

2. Not proceed with the project given budget shortfall; or
3. Reconsider project in the 2010/11 budget process.

7. Conclusion

The provision of sports ground lighting at the Diggers Rest Recreation Reserve is a proactive initiative in supporting the leisure needs of the Diggers Rest community. Given access to recycled water at the site, the initiative provides broader opportunity to the Shire of Melton community to support recreational opportunities.

ITEM NO 10

Mark Hammett

AWARDING OF THE CONTRACT PROVISION OF HIGH PROFILE CLEANING SERVICES. (CONTRACT NO 10/014)**PURPOSE OF REPORT:**

This report is to inform Council that the Tender process has been completed for the Provision of High Profile Cleaning Services. A recommendation is presented for Council's consideration.

RECOMMENDATION:

1. That Council award Provision of High Profile Cleaning Services (Contract No. 10/014) to GJK Cleaning Services, trading as GJK Facility Services for the fixed lump sum price of \$224,983.18 (GST exclusive) for a 1 year 10 month term with a further two year extension to be exercised entirely at Council's discretion.
2. That the Schedule of Rates submitted in the contract submission for the Provision of High Profile Cleaning Services be accepted for the term of the contract.

Crs Majdlik/Turner. That the recommendation be adopted.

CARRIED

REPORT**1. Background**

The Caroline Springs Town Centre Library/Civic and Sports Stadium facilities present as iconic buildings within the Caroline Springs Town Centre precinct and as such the cleaning services provided at those sites need to meet the standards required by our community and be relative to those buildings of iconic status.

The contract for the company currently providing cleaning services at the Caroline Springs Town Centre Library/Civic and Sports Stadium has expired and this service has since been reviewed. As an outcome of that review the cleaning specification for these high profile assets has been enhanced and Tendered accordingly.

The contract specification nominated in the Tender documentation allows for a two-year extension which is to be exercised entirely at Council's discretion.

Tender Process

Council advertised for suitably qualified companies to Tender for Provision of High Profile Cleaning Services - Contract 10/014 in the Melbourne based newspaper, The Age and on the Tenderlink website on Saturday 31 October 2009 and in local papers on Tuesday 3 November 2009.

Tenders were opened at the Melton Civic Centre.

The following 10 tender submissions were received:

CONTRACTOR	Contract Term
All-Nyte Cleaning	\$205,035.09
Elynwood Services Group Pty Ltd	\$206,762.47
GJK Facility Services	\$224,983.18
Quayclean Australia	\$248,792.32
Advance Enviro-Clean Pty LTd	\$248,416.14
Centre Point Cleaning Pty Ltd	\$252,763.37
National Property Services Pty Ltd	\$262,620.16
ACS Property Services Pty Ltd	\$275,285.49
Wayne's Cleaning Systems Pty Ltd	\$303,419.44
Elite Property Care Pty Ltd	\$387,398.37

*** All prices are Exclusive of GST**

A Tender evaluation panel was established and consisted of the following Council Officers;

- Mark Hammett, Manager Community Infrastructure
- Darren Gray, Building Operations Co-ordinator
- Michael Scholtes, Library Services Coordinator
- Tim Griffiths, Facility Maintenance Officer

Tenders were assessed based on the following weighted criteria;

- Suitability of proposed methodology to manage the contract
- Viability and effectiveness of the proposed strategies for the services
- OH&S and Quality Systems
- Experience in similar or equivalent facilities and suitable referee reports
- Resources and equipment
- Detailed evaluation of financial capacity
- Evaluation of resource allocation against acceptable industry benchmarks
- Breakdown of pricing and cost detail

The assessment process determined that while All-Nyte Cleaning Services Pty Ltd and Elynwood Services Group Pty Ltd submitted lower tender prices compared to the

other submissions, these two companies achieved an overall lower assessment score. The recommended submission has demonstrated best value for money in accordance with Council's Procurement Policy.

On completion of this assessment process the assessment panel was satisfied that GJK Cleaning Services, trading as GJK Facility Services, being the next lowest Tender submitted and having met all assessment criteria should on this occasion be recommended to provide the required service.

2. Council Plan Reference and Policy Reference

Council Plan 2009-2013 commits to the following key objective:

Managing Growth

4. *Ensuring our fast growth is well planned and managed, and council's physical assets are well maintained.*

4.1 Proactively consult, plan, build, maintain and upgrade assets

3. Financial Considerations

Council's 2009/10 recurrent budget has a committed allocation for the provision of cleaning services.

4. Consultation/Public Submissions

With the view to determine customer requirements, consultation has been undertaken with key facility users and operators. Feedback received has been incorporated into the cleaning standards and frequencies included in the contract specification.

5. Issues

Not applicable.

6. Options

Not applicable.

7. Conclusion

GJK Cleaning Services, trading as GJK Facility Services have a proven track record in the delivery of cleaning services in and around high profile and high use assets and as such represent the best option for the provision of cleaning services within the Caroline Springs Library/Civic and Sports Stadium. They have met all of the evaluation criteria and as such are the recommended contractor.

Procedural Motion

Crs Majdlik/Cugliari. That Officers' Reports items 11 to 13 inclusive be deferred for consideration after agenda item 14 "Urgent Business".

CARRIED

9. REPORTS OF COMMITTEES**Motion**

Crs Majdlik/Cugliari. That the recommendations contained within the minutes of the Policy Review Committee be adopted by Council.

CARRIED

Policy Review Committee Minutes (Appended after Officers Reports)

10. REPORTS FROM DELEGATES APPOINTED BY COUNCIL TO OTHER BODIES

Reports were received from Crs Turner, Majdlik, Ramsey, Cugliari and Mammarella.

11. NOTICES OF MOTION

Nil

12. COUNCILLORS' QUESTIONS WITHOUT NOTICE

Cr Majdlik requested an update on the project for the construction of Westwood Drive including the construction of the bridge over Kororoit Creek Burnside.

The General Manager Planning and Development responded that negotiations were proceeding with the Dennis Group to acquire 4000m² of land integral to the project proceeding.

13. MOTIONS WITHOUT NOTICE

Nil.

14. URGENT BUSINESS

Nil

15. CONFIDENTIAL BUSINESS**Procedural Motion:**

Crs Majdlik/Cugliari That pursuant to Section 89(2) of the Local Government Act the meeting be closed to the public to consider Officer Reports Nos 11 to 13 inclusive, as they relate to Commercial in Confidence Matters.

CARRIED

ITEM NO 11

Luke Shannon

**PROPERTY DEVELOPMENT ADVISORY COMMITTEE (PDAC) MEETING
No 6**

This report is brought into existence for the purpose of submission for consideration at a closed meeting of council in accordance with section 89 (2) of the Local Government Act 1989.

PURPOSE OF REPORT:

To consider the minutes of the Property Development Advisory Committee from 2 December 2009 (meeting number 6).

ITEM NO 12

C. Santoro

MUNICIPAL AUDIT COMMITTEE – “IN-CAMERA” MINUTES

This report is brought into existence for the purpose of submission for consideration at a closed meeting of council in accordance with section 89 (2) of the Local Government Act 1989.

PURPOSE OF REPORT:

This report advises Council of the “in-camera” minutes of the Municipal Audit Committee meeting held on 9th December 2009 and recommends actions emanating from the minutes.

ITEM NO 13

Greg Wood

**CONTRACT NO 10/005 – ANNUAL ASPHALT RESURFACING PROGRAM
2009/2010**

PURPOSE OF REPORT:

To inform Council that the tender assessment for the Annual Asphalt Resurfacing Program 2009/2010 (refer to Appendix 1 situated in Confidential Reports) has been completed and a recommendation is presented to Council.

Procedural Motion:

Crs Majdlik/Cugliari That the meeting be opened to the public.

CARRIED

16. CLOSE OF BUSINESS

The meeting closed at 8.08pm

Confirmed.
Dated this day of 2009.

..... CHAIRPERSON