

# MINUTES

FOR THE  
GREATER SHEPPARTON CITY COUNCIL

## SPECIAL COUNCIL MEETING

HELD ON  
TUESDAY 22 AUGUST, 2017  
AT 5.30PM

IN THE COUNCIL BOARDROOM

**COUNCILLORS:**

Cr Dinny Adem (Mayor)  
Cr Kim O’Keeffe (Deputy Mayor)  
Cr Seema Abdullah  
Cr Bruce Giovanetti  
Cr Chris Hazelman  
Cr Les Oroszvary  
Cr Dennis Patterson  
Cr Fern Summer  
Cr Shelley Sutton

***VISION***

*A THRIVING ECONOMY IN THE FOODBOWL OF VICTORIA WITH  
EXCELLENT LIFESTYLES, INNOVATIVE AGRICULTURE  
A DIVERSE COMMUNITY AND  
ABUNDANT OPPORTUNITIES*

**MINUTES  
FOR THE  
SPECIAL COUNCIL MEETING  
HELD ON  
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**CHAIR  
CR DINNY ADEM**

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## RISK LEVEL MATRIX LEGEND

**Note:** A number of reports in this agenda include a section on “risk management implications”. The following table shows the legend to the codes used in the reports.

Likelihood	Consequences				
	Negligible (5)	Minor (4)	Moderate (3)	Major (2)	Catastrophic (1)
<b>Almost Certain (A)</b> Event expected to occur several times per year (i.e. Weekly)	Low	Moderate	High	Extreme	Extreme
<b>Likely (B)</b> Will probably occur at some stage based on evidence of previous incidents (i.e. Monthly)	Low	Moderate	Moderate	High	Extreme
<b>Possible (C)</b> Not generally expected to occur but may under specific circumstances (i.e. Yearly)	Low	Low	Moderate	High	High
<b>Unlikely (D)</b> Conceivable but not likely to occur under normal operations (i.e. 5-10 year period)	Insignificant	Low	Moderate	Moderate	High
<b>Rare (E)</b> Only ever occurs under exceptional circumstances (i.e. +10 years)	Insignificant	Insignificant	Low	Moderate	High

**Extreme** CEO’s attention immediately required. Possibly avoid undertaking the activity OR implement new controls

**High** Director’s attention required. Consider suspending or ending activity OR implement additional controls

**Moderate** Manager’s attention required. Ensure that controls are in place and operating and management responsibility is agreed

**Low** Operational, manage through usual procedures and accountabilities

**Insignificant** Operational, add treatments where appropriate

**PRESENT: Councillors Dinny Adem, Seema Abdullah, Bruce Giovanetti, Chris Hazelman, Dennis Patterson, Fern Summer and Shelley Sutton.**

**OFFICERS: Peter Harriott – Chief Executive Officer  
Mike Freeman – Acting Director Infrastructure  
Johann Rajaratnam – Director Sustainable Development  
Chris Teitzel – Director Corporate Services  
Kaye Thomson – Director Community  
Maree Martin – Official Minute Taker  
Peta Bailey – Deputy Minute Taker**

## **1. ACKNOWLEDGEMENT**

“We the Greater Shepparton City Council, begin today’s meeting by acknowledging the traditional owners of the land which now comprises Greater Shepparton. We pay respect to their tribal elders, we celebrate their continuing culture, and we acknowledge the memory of their ancestors.”

## **2. PRIVACY POLICY**

This public meeting is being streamed live via our Facebook page and made available for public access on our website along with the official Minutes of this meeting.

All care is taken to maintain your privacy; however as a visitor in the public gallery, it is assumed that your consent is given in the event that your image is broadcast to the public. It is also assumed that your consent is given to the use and disclosure of any information that you share at the meeting (including personal or sensitive information) to any person who accesses those recordings or Minutes

## **3. APOLOGIES**

**Moved by Cr Hazelman  
Seconded by Cr Patterson**

That the apologies from Cr O’Keeffe and Cr Oroszvary be noted and a leave of absence be granted.

**CARRIED.**

## **4. DECLARATIONS OF CONFLICT OF INTEREST**

In accordance with sections 77A, 77B, 78 and 79 of the *Local Government Act 1989* Councillors are required to disclose a “conflict of interest” in a decision if they would receive, or could reasonably be perceived as receiving a direct or indirect financial or non-financial benefit or detriment (other than as a voter, resident or ratepayer) from the decision.

**Disclosure must occur immediately before the matter is considered or discussed.**

Cr O’Keeffe declared a conflict of interest in relation to Item 5.1 Contract 1796 Maude Street Mall Concept Options - Tender Award and will not be in attendance at the meeting.

## 5. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 5.1 Contract 1796 Maude Street Mall Concept Options - Tender Award

#### **Disclosures of conflicts of interest in relation to advice provided in this report**

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

#### **Council Officers involved in producing this report**

**Author: Manager Economic Development**

**Proof reader(s): Manager Economic Development**

**Approved by: Director Sustainable Development**

#### **Executive Summary**

At the March 2017 Ordinary Council Meeting the Council resolved to undertake a concept design process for a redevelopment of the Maude Street Mall area. This process would consist of conceptual design of the following three options:

- 1) reintroduction of two-way traffic from Fryers to High Street
- 2) development of additional car parking facilities with connecting one-way access from High and/or Fryers Streets exiting at Stewart Street
- 3) retention of the Mall as a pedestrianised public open space and introduction of urban design measures to increase amenity and usability of the precinct.

Following approaches to Council by stakeholder groups such as trader's representative groups and the Shepparton Chamber of Commerce and Industry, it was determined to also seek a concept and detailed design for a trial of one-way traffic and parking from Fryers Street to Stewart Street.

This project was taken to a public tender process and evaluated as per Council's procurement processes. This process has determined the preferred tenderer to be Spiire.

#### **Moved by Cr Summer Seconded by Cr Sutton**

That the Council accept the tender submitted by Spiire Australia Pty Ltd for Contract 1796 – Maude Street Mall Concept Options for the lump sum price of \$197,483 (inclusive of GST).

**CARRIED.**

#### **Background**

The proposed Maude Street Mall Redevelopment is the final stage of Project 1 under Shepparton's CBD Revitalisation Project. Project 1 includes works to revitalise:

- 1(a) Vaughan Street
- 1(b & c) Maude Street Bus Interchange and Maude Street between Ashenden and High Streets.
- 1(d) Maude Street Mall

The Maude Street Mall has been identified for redevelopment within the CBD Strategy 2008, Commercial Activity Centre Strategy 2016 and the Economic Development Tourism and Major Events Strategy 2017-2021.

## 5. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 5.1 Contract 1796 Maude Street Mall Concept Options - Tender Award (continued)

The tender is to develop concept designs and associated costings for three different options for redevelopment of the Maude Street Mall - each with a specific scope and format, along with concept design/detailed design with associated costing and technical specifications for a fourth option to trial the re-opening of the Maude Street Mall to traffic.

#### **Council nominated Concept layout options:**

- Concept option 1 – Full re-opening:  
Re-introduction of two-way traffic along Maude Street (from Fryers Street to High Street)
- Concept option 2 – Partial re-opening:  
Incorporates development of additional car parking facilities with connecting one-way access along Maude Street from High Street and from Fryers Street, exiting at Stewart Street
- Concept option 3 – Public space refurbishment:  
Retention of the Mall as a pedestrianised public open space and the introduction of urban design measures to increase amenity and usability of the precinct
- Concept & Detailed design option 4 – Partial re-opening, traffic and parking trial:  
Development of additional parking facilities with connecting one-way traffic entering from Fryers Street and exiting into Stewart Street. This option shall be designed and costed as a trial with minimal infrastructure changes

The evaluation panel have assessed the tender applications based on the agreed criteria and have determined Spiire to be the preferred tenderer for the specified works.

Spiire scored the highest qualitative result of the tenderers demonstrating the most thorough understanding of the project brief, the strategic value and context of the Maude Street Mall and the complexities associated with this project. Spiire submitted a costing which the panel determined to most effectively address the project brief.

#### **Council Plan/Key Strategic Activity**

Council Plan 3.2- Revise, adopt and commence the implementation of the CBD Strategy  
CBD Strategy

“Improve the function and appearance of the Mall as the principal open space of the CBD’s retail core and the heart of CBD activity.”

“Facilitate actions to ensure the retention and improvement of retail precincts of the Maude Street Mall, Fryers Street, Vaughan Street and Shepparton Plaza within the CBD business 1 zoned area.”

#### Commercial Activity Centre Strategy 2016

CBD Action 1.1 - “Implement a design process that identifies options for the creation of a shared pedestrian-vehicular space in the Maude Street Mall (potentially including only that area north of Stewart or Fraser Street). Ensure that best-practice examples of similar shared space areas nationally and internationally are considered. This process could involve a specific project brief to appropriately qualified consultants, or an alternative process such as a design competition.”

## 5. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 5.1 Contract 1796 Maude Street Mall Concept Options - Tender Award (continued)

#### Risk Management

This process has been undertaken in accordance with Council's procurement guidelines.

Risks	Likelihood	Consequence	Rating	Mitigation Action
Councillors reject recommended tenderer	Possible	Moderate	Moderate	<ul style="list-style-type: none"> <li>Clear rationale for selection</li> <li>Adherence to procurement guidelines</li> </ul>
Works are not undertaken in accordance with the contract brief	Rare	Major	Moderate	<ul style="list-style-type: none"> <li>ELT briefing to contractor</li> <li>Project Inception Meeting with contractor and key internal stakeholders</li> <li>Ongoing management and monitoring of contract</li> </ul>

#### Policy Considerations

CBD Action 1 of the Commercial Activity Centre Strategy recommends to:

*Consider options for the Maude Street Mall to include shared pedestrian-vehicle space.*

CBD Action 1.1 of the Commercial Activity Centre Strategy recommends to:

*"Implement a design process that identifies options for the creation of a shared pedestrian-vehicular space in the Maude Street Mall (potentially including only that area north of Stewart or Fraser Street). Ensure that best-practice examples of similar shared space areas nationally and internationally are considered. This process could involve a specific project brief to appropriately qualified consultants, or an alternative process such as a design competition"*

#### Financial Implications

The successful tenderer has outlined a total cost for this concept of \$197,483.

	Approved Budget Estimate for this proposal <sup>1</sup> \$	This Proposal GST Exclusive \$	Variance to Approved Budget Estimate \$	This Proposal GST Inclusive <sup>2</sup> \$
Revenue	0	0	0	0
Expense	250,000	179,530	70,470	197,483
Net Total	250,000	179,530	70,470	197,483

<sup>1</sup> Budgets are GST exclusive

<sup>2</sup> For Contract Award reports the GST inclusive expense shall match the amount reported in the recommendation.

Spiire's Schedule 1B pricing falls within the \$250,000 budget forecast for the project and achieves a saving of \$70,470 from this allocated budget.

## 5. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 5.1 Contract 1796 Maude Street Mall Concept Options - Tender Award (continued)

#### **Legal/Statutory Implications**

A formal contract will be drafted upon the awarding of the tender to the successful tenderer.

#### **Environmental/Sustainability Impacts**

Environmental and sustainability impacts have been addressed within the scope of works and tender evaluation process.

#### **Social Implications**

There are no social implications associated with this recommendation.

#### **Economic Impacts**

A key consideration of this project is the development of the CBD economy through the revitalisation of its core precinct. Considerations and requirements to factor the strategic and commercial significance of the Mall have been addressed within the scope of works and the evaluation process.

#### **Consultation**

Relevant internal departments have been consulted in the drafting of tender documentation and the evaluation panel consists of representatives from a number of Council departments including Economic Development, Planning and Projects.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	To inform key stakeholders and the broader community on the process	<ul style="list-style-type: none"> <li>• Process formally adopted at March 2017 Ordinary Council Meeting</li> <li>• Public advertisement of tender</li> <li>• Regular responses to media enquiries</li> </ul>
Consult	To incorporate community feedback into the process	Tender documentation was drafted taking into account extensive public consultation and stakeholder input
Involve	Involve key internal and external stakeholders in the design process	Consultation with key stakeholders within and external to Council included in the contract specifications.
Collaborate	To work with stakeholders to achieve the project's aim of an improved CBD economy	Continue to liaise with stakeholders and representative groups to ensure that positive outcomes are maximised
Empower	Enable the community to make informed feedback into the process	Release of final designs and costings for community consultation on completion of contract

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

## 5. SUSTAINABLE DEVELOPMENT DIRECTORATE

### **5.1 Contract 1796 Maude Street Mall Concept Options - Tender Award (continued)**

#### **Strategic Links**

##### **a) Greater Shepparton 2030 Strategy**

Reinforcement of the Shepparton CBD as the primary focus of higher order retail, business, entertainment and administrative functions.

#### **Conclusion**

This report recommends that Contract 1796 be awarded to Spiire. The project has been taken to a public tender process and assessed in accordance with Council's procurement guidelines. This process determined Spiire to be the best suited applicant to deliver the works specified in this report based on their provided cost as well as their understanding of and qualitative response to the tender brief.

#### **Attachments**

Nil

## 6. CONFIDENTIAL MANAGEMENT REPORTS

### 6.1 Designation of Confidentiality of Information – Report Attachments

**Moved by Cr Hazelman  
Seconded by Cr Patterson**

In accordance with section 77(2)(b) of the *Local Government Act 1989* (the Act) the Council designates as confidential all documents used to prepare the following agenda Item:

- Report 5.1: Contract 1796 Maude Street Mall Concept Options - Tender Award.

designated by the Chief Executive Officer in writing as confidential under section 77(2)(c) of the Act. This document relates to a contractual matter which is relevant grounds applying under sections 89(2) of the Act.

**CARRIED.**

**THE MEETING CLOSED AT 5.40PM**