



**Southern Grampians**  
SHIRE COUNCIL

# Council Meeting Agenda

Ordinary Meeting  
12 September 2018

To be held at 5.30pm in the  
Dunkeld Community Centre  
At 14 Sterling St, Dunkeld

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## 1 Membership

### **Councillors**

Cr Mary-Ann Brown – Mayor  
Cr Chris Sharples – Deputy Mayor  
Cr Cathy Armstrong  
Cr Albert Calvano  
Cr Colin Dunkley  
Cr Greg McAdam  
Cr Katrina Rainsford

### **Officers**

Mr Michael Tudball – Chief Executive Officer  
Ms Evelyn Arnold – Director Community and Corporate Services  
Mr Warren Groves - Acting Director Shire Futures  
Mr David Moloney – Director Shire Infrastructure  
Ms Megan Kruger – Governance Coordinator

## 2 Acknowledgement of Country

## 3 Prayer

## 4 Apologies

## 5 Confirmation of Minutes

<b>RECOMMENDATION</b>
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That the Minutes of the Ordinary Meeting of Council held on 8 August 2018 be confirmed as a correct record of business transacted.

## 6 Declaration of Interest

## 7 Questions on Notice

Questions from the public must be submitted prior to the commencement of Council Meetings.

All questions must be submitted through completion of the Public Question Time form, and be forwarded to the Chief Executive Officer at 111 Brown Street, Hamilton. All questions must be received by no later than 5pm on the Monday before the Ordinary Meeting of Council.

Questions must:

1. Not pre-empt debate on any matter listed on the agenda of the Ordinary Meeting at which the question is asked
2. Not refer to matters designated as confidential under the Local Government Act 1989.
3. Be clear and unambiguous and not contain argument on the subject.
4. Not be derogatory, defamatory or embarrassing to any Councillor, member of staff, ratepayer or member of the public, nor relate to a matter beyond the power of Council.

If the member of the public is in attendance at the Council Meeting the Mayor will read the question aloud and provide a response. If a question cannot be answered at the meeting, a written response will be prepared and forwarded to the person raising the question.

Residents do not need to attend the meeting for a question to be answered. If they do not attend the meeting a written response will be provided.

There are no Questions on Notice listed on tonight's agenda.

## 8 Public Deputations

Requests to make a Public Deputation to Council must be submitted prior to the commencement of the Council Meeting.

Anyone wishing to make a deputation to Council must complete the Request to Make a Deputation form and forward it to the Chief Executive Officer at 111 Brown Street, Hamilton no later than **2 days before the Ordinary Council Meeting**.

Speaking time is limited to 3 minutes per person. Organisations may be represented at the deputation to Council by not more than 4 representatives. The names of the representatives to attend must be advised in writing to the Chief Executive Officer and 1 of the representatives to attend must be nominated as the principal spokesperson for the deputation.

Deputations wishing to make a written submission to the Council must provide 15 copies of the submission to the Chief Executive Officer prior to the Ordinary Council Meeting. One copy will be made available to the local media representative, if requested.

All members of the public addressing the Council must extend due courtesy and respect to the Council and the processes under which it operates. If a member of the public fails to do this the Chairperson can remove them from the Chambers. All members of the public must also comply with Council's Public Participation at Council Meetings policy in relation to meeting procedures and public participation at meetings.

### 8.1 Mr Rex Beveridge, Mr Peter Schroder, Hon Roger Hallam

Recognition of Malcolm Fraser – See attachment 1 and attachment 2

<b>RECOMMENDATION</b>
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That Council receives the Deputation and Officers will provide a further report back to Council.

## 9 Records of Assemblies of Councillors

Written records of Assemblies of Councillors must be kept and include the names all Councillors and members of Council staff attending the meeting, the matters considered, any conflicts of interest declared and when the person/s with a conflict left and returned to the meeting.

Pursuant to section 80A (2) of the Act, these records must be, as soon as practicable, reported at an ordinary meeting of the Council and incorporated in the minutes of that meeting.

Section 3 of the Local Government Act 1989 defines as Assembly of Councillors as:

1. A meeting of an advisory committee of the Council, if at least one Councillor is present; or
2. A planned or scheduled meeting of at least half of the Councillors and one member of Council staff;

which considers matters that are intended or likely to be:

- a) The subject of a decision of the Council; or
- b) Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

As there are some meetings which may or may not be classed as an Assembly of Councillors depending on who is present and the topics that are discussed Southern Grampians Shire Council records these meetings as an Assembly of Councillors to ensure that transparency in relation to these meetings is publicised.

An Assembly of Councillors record was kept for:

- Council Briefing Session – 8 August 2018
- Audit and Risk Committee – 21 August 2018
- Industry Visits – 22 August 2018
- Council Briefing Session – 22 August 2018

This agenda was prepared on 5 September 2018. Any Assemblies of Councillors between that date and the date of tonight's Meeting will appear in the agenda for the next Ordinary Meeting of Council.

### RECOMMENDATION

That the record of the Assembly of Councillors be noted and incorporated in the Minutes of this Meeting.

# ASSEMBLY OF COUNCILLORS



Southern Grampians  
Shire Council

ASSEMBLY DETAILS	
<b>Title:</b>	Briefing Session
<b>Date:</b>	8 August 2018
<b>Location:</b>	Martin J Hynes
<b>Councillors in Attendance:</b>	Cr Mary-Ann Brown, Mayor Cr Chris Sharples, Deputy Mayor Cr Albert Calvano Cr Colin Dunkley Cr Greg McAdam Cr Katrina Rainsford
<b>Council Staff in Attendance:</b>	Michael Tudball, Chief Executive Officer Evelyn Arnold, Director Community and Corporate Services David Moloney, Director Shire Infrastructure Susannah Milne, Manager Community and Leisure Services

The Assembly commenced at 12:30pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Stavelly Briefing	Nil
2	Flood Study Briefing	Nil
3	Fire Recovery Update	Nil
4	Cox Street and Industrial Land Development Program Update	Nil

The Assembly concluded at 5:00pm

## ASSEMBLY OF COUNCILLORS



Southern Grampians  
Shire Council

ASSEMBLY DETAILS	
<b>Title:</b>	Audit & Risk Committee Meeting
<b>Date:</b>	21 August 2018
<b>Location:</b>	Martin J Hynes
<b>Councillors in Attendance:</b>	Cr Colin Dunkley
<b>Council Staff in Attendance:</b>	Michael Tudball – CEO Evelyn Arnold – Director Community & Corporate Services Belinda Johnson – Manager Finance Jason Cay – Finance Coordinator Nadine Rhook – EA Director Community & Corporate Services

The Assembly commenced at 2.00pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Welcome	Nil
2	Apologies	Nil
3	Conflict of Interest	Nil
4	Confirmation of Minutes	Nil
5	Matters Arising from Previous Minutes	Nil
6	Flood Recovery	Nil
7	Progress Report of Current Actions (Interplan)	Nil
8	Financial Report – Standard Statements	Nil
9	Financial Report – Separation of Flood Works	Nil
10	Internal Audit Progress	Nil



<b>11</b>	Reports Released by Other Government Agencies	Nil
<b>12</b>	Review Draft Annual Financial Statements, Performance Statement and Government & Management Checklist	Nil
<b>13</b>	Review Draft Management Letter and Closing Report	Nil
<b>14</b>	Internal Audit Committee Charter	Nil
<b>15</b>	General Business	Nil
<b>16</b>	Committee in Camera	Nil
<b>17</b>	Next Meeting	Nil

The Assembly concluded at 3.12pm

# ASSEMBLY OF COUNCILLORS



Southern Grampians  
Shire Council

ASSEMBLY DETAILS	
<b>Title:</b>	Industry Visits
<b>Date:</b>	22 August 2018
<b>Location:</b>	Various
<b>Councillors in Attendance:</b>	Cr Colin Dunkley Cr Katrina Rainsford Cr Chris Sharples, Deputy Mayor – Arrived at 11:00am
<b>Council Staff in Attendance:</b>	Michael Tudball, Chief Executive Officer Warren Groves, Acting Director Shire Futures Peter Johnson, Business Development Officer

The Assembly commenced at 1:00pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
<b>1</b>	Mary-Knoll Centre	Nil
<b>2</b>	Winda-Mara Corporation	Nil
<b>3</b>	Chris's Kebabs	Nil

The Assembly concluded at 5:00pm

## ASSEMBLY OF COUNCILLORS



Southern Grampians  
Shire Council

ASSEMBLY DETAILS	
<b>Title:</b>	Briefing Session
<b>Date:</b>	22 August 2018
<b>Location:</b>	Martin J Hynes
<b>Councillors in Attendance:</b>	Cr Chris Sharples, Deputy Mayor Cr Albert Calvano Cr Colin Dunkley Cr Greg McAdam Cr Katrina Rainsford
<b>Council Staff in Attendance:</b>	Michael Tudball, Chief Executive Officer Evelyn Arnold, Director Community and Corporate Services David Moloney, Director Shire Infrastructure Warren Groves, Acting Director Shire Futures Kylie McIntyre, Sustainability Officer Melanie Starr, Manager Recreation Nola McFarlane, Manager Flood Recovery Aten Kumar, Manager Assets Rhassel Mhasho, Manager Planning and Regulatory Service

The Assembly commenced at 12:00pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Urban Street Tree Management Plan	Nil
2	E-Waste Landfill Ban	Nil
3	South West Sports Games	Nil
4	Botanic Gardens – Aviary and Toilet Update on Tenders	Nil

<b>5</b>	Flood Recovery Update	Nil
<b>6</b>	Flood Recovery C18/18 Major Culverts and Bridges	Nil
<b>7</b>	Tender 35-18 Dunkeld Walking Tracks and Access Roads	Nil
<b>8</b>	Mount Rouse Steps	Nil
<b>9</b>	Sect 96A Application – Subdivision of Land 170 Rippon Road	Nil
<b>10</b>	Lease Dundas Quarry	Nil

The Assembly concluded at 5:00pm

## 10 Management Reports

### 10.1 Christmas Holiday Closure

**Directorate:** Michael Tudball, Chief Executive Office  
**Author:** Michael Tudball, Chief Executive Officer  
**Attachments:** None

#### Executive Summary

Council can elect to close workplaces during the period between Christmas and New Year. Traditionally offices have been closed from Christmas Eve until 2 January, depending on what day Christmas falls on. This year Christmas Eve is a Monday so it is recommended that Council workplaces close for the Christmas/New Year break from 5pm on Friday 21 December 2018 and reopen 8:15am on Wednesday 2 January 2019.

#### Discussion

Council's Enterprise Bargaining Agreement states that if Council decides to close workplaces over the period between Christmas and New Year at least one months' notice must be provided to staff. Staff can then elect to take leave over this time, or work on the non-public holiday days with permission from their manager. Having the Christmas/New Year break from 5.00pm on Friday 21 December until Wednesday 2 January means that staff who elect to take this time off are required to take four days of time-in-lieu, rostered days off or annual leave. The other three days of closure are public holidays.

Some services will continue to operate during the Christmas/New Year period including:

- Council's after hours service;
- HILAC;
- Lifeguards;
- Transfer Stations;
- Art Gallery;
- Hamilton and Grampians Visitor Information Centre;
- Library; and
- Livestock Exchange.

#### Legislation, Council Plan and Policy Impacts

The recommendations in this Report are in accordance with Council's Enterprise Bargaining Agreement.

#### Disclosure of Interests

All Council Officers involved in the development and advice provided in this Report affirm that no direct or indirect interests need to be declared in relation to any matters in this Report.

#### RECOMMENDATION

That Council notes the Christmas Holiday Closure of Council's Offices from 5pm on Friday 21 December 2018 and reopening on Wednesday 2 January 2019 at 8:15am.

## 10.2 Final 2017-2018 Financial & Performance Statements

**Directorate:** Evelyn Arnold, Director Community and Corporate Services  
**Author:** Belinda Johnson, Manager Finance  
**Attachments:** 3. Annual Financial Report 2017/2018  
4. Performance Statement 2017/2018  
5. Governance and Management Checklist 2017/2018

### Executive Summary

The Local Government Act 1989 (LGA) requires that Council must pass resolutions giving approval in principle to the annual financial and performance statements and the Local Government Performance Reporting Framework Governance and Management Checklist, and authorise two Councillors to certify the statements in their final form after any changes recommended or agreed to by the Auditor General have been made.

Given we now have the final accounts and Victorian Auditor General sign-off, Council is in a position to approve the final Financial and Performance Statements for 2017/18.

It is recommended that the Cr Brown and Cr Dunkley as the councillor members of the Audit & Risk Committee, be authorised to certify the statements.

### Discussion

The financial statements form part of Council's Annual Report. The Financial Statements, Performance Statement and Governance & Management Checklist are each prepared in accordance with the requirements of the LGA and the applicable accounting standards.

They are audited by McLaren Hunt on behalf of the Auditor General Victoria and presented to Council's Risk and Audit Committee. When finalised they are formerly certified by the Auditor General. The statements are also signed by the Chief Executive Officer and the Principal Accounting Officer.

The Statements have been audited by McLaren Hunt, presented to the Audit & Risk Committee on 21 August 2018 and the Victorian Auditor General's Office (VAGO) has given clearance for the Statements to be signed in their final form on 30 August 2018.

Given that we have been able to achieve all of the final sign-offs prior to Council considering this report, Council is now able to formally approve the 2017/18 Financial and Performance Statements at this meeting allowing the delegated signatories to sign-off following Council adoption.

### Financial and Resource Implications

There are no financial implications in this process. The statements outline financial performance for the year but costs in their production are part of normal operating expenditure.

### Legislation, Council Plan and Policy Impacts

Council Plan – Provide Governance & Leadership – 5.1.2 Ensure responsible, effective and efficient use of Council resources.

Sections 131 and 132 of the LGA and the Local Government (Planning and Reporting) Regulations 2014 outline the process required to be followed in the certification of the annual statements.

### **Risk Management**

The draft statements have been presented to Council's Audit and Risk Committee on Tuesday 21 August 2018.

### **Environmental and Sustainability Considerations**

N/A

### **Community Consultation and Communication**

There is no requirement for community engagement however the documents form part of Council's Annual Report which is a publicly available document. When prepared, the availability of the Annual Report is advertised.

### **Disclosure of Interests**

All Council Officers involved in the development and advice provided in this Report affirm that no direct or indirect interests need to be declared in relation to any matters in this Report.

<b>RECOMMENDATION</b>
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That Council:

1. Approve the 2017/2018 Financial Statements, Performance Statement and Governance & Management Checklist.
2. Appoint Cr Brown and Cr Dunkley to certify the statements in their final form.

## 10.3 Audit and Risk Committee - Minutes

**Directorate:** Evelyn Arnold, Director Community and Corporate Services  
**Author:** Evelyn Arnold – Director Community & Corporate Services  
**Attachments:** 6. Minutes – 21 August 2018

### Executive Summary

The Minutes from the February meeting as endorsed by the Audit and Risk Committee (ARC) are presented to Council for adoption.

### Discussion

The Audit and Risk Committee (ARC), as an Advisory Committee of Council, fulfils both a statutory and consultative function. It provides feedback, advice and direction to Council. The intention is not to focus on financial risk which is adequately addressed by the external auditors, but rather to review internal processes in line with the culture of continuous improvement.

### Legislation, Council Plan and Policy Impacts

The Local Government Act 1989 section 139.

### Disclosure of Interests

All Council Officers involved in the development and advice provided in this Report affirm that no direct or indirect interests need to be declared in relation to any matters in this Report.

### RECOMMENDATION

That the Minutes for the Audit and Risk Committee meeting held on 21 August 2018 be noted.



## 10.4 Council support for the Hamilton Regional Business Association

**Directorate:** Warren Groves, Acting Director Shire Futures  
**Author:** Hugh Koch, Manager Economic Development and Tourism  
**Attachments:** None

### Executive Summary

This report discusses the Hamilton Regional Business Association's (HRBA's) new strategic direction with consideration of financial support from Southern Grampians Shire Council. It is recommended that a three year Memorandum of Understanding is established between the two organisations with clearly defined roles, functions and key performance indicators to support HRBA's activities. It is further recommended that an annual allocation of \$15,000 is made to support the identified activities of HRBA.

### Discussion

The Hamilton Regional Business Association (HRBA) briefed Council in late 2017 with an update on their past successes and presented a new 4 year strategic plan for the organization. It highlighted a new direction for the organization that focused on an expanded role, financial sustainability, improving their lobbying and advocacy and support for new and existing businesses in the Hamilton region.

The Economic Development and Tourism Unit has been working in partnership with HRBA over the last 10 years to improve the sustainability of the organization with agreements to deliver "Buy local" campaigns through 12 Days of Christmas and Easter. The success of this arrangement has encouraged HRBA to increase its capacity and further grow its role. To assist this growth and realise its vision, HRBA wish to seek a financial contribution from Southern Grampians Shire with a formal Memorandum of Understanding over three years. A formal agreement would define the roles and responsibilities of each organisation and provide funding to support a higher level of administration and coordination for HRBA that would assist in achieving its objectives.

The HRBA was established in 2004. HRBA is a not for profit organisation managed by a committee of volunteers from the Southern Grampians Shire Business Community. HRBA aspires to be the voice for local businesses representing a majority of businesses and organisations in the region. It currently has approx. 90 members.

HRBA has undertaken the development of a strategic plan following the executive elections in 2017. The plan has enumerated the strategic themes which they see as fulfilling their mission and have developed some objectives and actions to achieve that.

The strategic themes they have identified are;

- Increase the presence of HRBA in the Southern Grampians Shire making it the first point of contact, being the voice of local business.
- Lobby on the key issues affecting business in the Southern Grampians Shire
- Provide Training and Mentoring to HRBA Members and Member Organizations
- Provide regular networking opportunities to HRBA members within and outside of the Southern Grampians Shire
- Create financial sustainability for the HRBA organization
- Develop and implement initiatives to expand, retain and add value to HRBA's members
- Have a strong group of subcommittees that focus on the key elements, issues and areas concerning business in the Southern Grampians Shire
- Support New and Existing Business in the Southern Grampians Shire

To achieve these objectives there is a need for administrative support to service the organisation. All executive members act in a voluntary capacity and history within both HRBA and other business associations indicate that the management of fatigue is a defining factor in the success or failure of the association.

Their strategic plan is centred on the executive providing the strategic input as well as a personal commitment of time but the day to day administrative tasks need to be handled through a paid position.

Their current membership is solid but in terms of overall numbers it is difficult to service the current members, much less be in a position to make a concentrated effort to grow the organisation.

Online research and interviews with other Councils were conducted to establish a benchmark of support.

Council	Business Association	Level of Support
Horsham Rural City	Business Horsham	\$15,000 annually for admin
Swan Hill Rural City	Swan Hill Inc	Established with a contribution from council but evolved with a special use charge in 2002.
Glenelg Shire	Committee for Portland	Executive Membership annual contribution
Warrnambool	Several	Project based
Wattle Range Council SA	Millicent, Penola and others	Project based
Mount Gambier SA	Mount Gambier Chamber of Commerce	Initially provided start up funding in 1990's but project based support now
Naracoorte Lucindale Council SA	Naracoorte Business Assoc.	Annual contribution recently replaced with project based
Ararat Rural Council	Ararat Regional Business Association	Initially provided start up funding in 2003 but project based support now
Hepburn Council	Numerous	In kind strategic support and projects
Ballarat City Council	Commerce Ballarat	Initial supported with funding from Council but evolved with an Economic Development Levy now in place.

Table: indicates level how other Council's supported their business associations

Whilst several Councils directly fund associations, most offer support in some form. The Council's noted that the most important functions of their associations were:

- a "collective voice",
- constructive advice and third party endorsement of council's activities,
- mentoring group for new businesses,
- business & industry advocacy for new investments
- key drivers of industry and business events.

It was also noted that Business Associations can have peaks and troughs depending on personalities, strategic alignment and the issue at hand.

Overall each Council had different funding approaches to support their business associations. Each council identified a need to support an association's clarity around their roles and functions to help establish the value they provide, so that they may better build the local business communities. Building the local association's administrative capacity helps them grow their member base and make them more effective throughout the shire in which they operate.

Under the new strategic plan HRBA will plan to deliver the above functions to the local community. There is enthusiasm from the committee for the task and with appropriate support they will make a very valuable contribution to the economy of the Southern Grampians Shire.

### **Financial and Resource Implications**

There has been an allocation made in the 2018/2019 budget to support this initiative so no new allocation is required.

Within the MOU there will be a clause outlining procedures for either party to withdraw so there is no legal obligation beyond the current 12 month period. However it is proposed to continue the funding over a three year period which will have an implication for the following two financial year's budget

### **Legislation, Council Plan and Policy Impacts**

#### **Economic Development Strategy**

##### **Core principle 4**

##### **Facilitate the business community**

Council's role should be one of facilitation and capacity building in the business community. Council should be an important resource to support all local businesses and prospective investors. This requires ongoing and regular interaction with enterprises and, where relevant, **governance structures that leverage from the business sector's skills**. It also means redirecting Council's current efforts to include facilitation as a core principle.

- 7.3 Working with HRBA to collaborate in a broader range of existing and new programs; and
- 7.4 Support HRBA to expand its capacity to meet different objectives, including: an ideas generation group or local think tank and industry sector sub-groups.

#### **Rationale**

- 7.3 Additionally, some tactical promotional efforts should be handed over to a more **fully resourced HRBA** to allow Council to take on a more strategic facilitation role.
- 7.4 HRBA has a role to play in the formation and running of this forum as well as in efforts to tailor support to different industry sectors.

## **Retail Strategy 2011-2021**

### 9.1 Objective

Council will support existing traders and their organisations to improve retail industry performance and the viability of activity centres.

7.1 Consider **the provision of funds** towards the development of traders' organisations in Hamilton and the neighbourhood activity Centres

7.3 Consider the provision of funds to traders' organisations to help provide trader training (including hospitality, customer service, window displays and internet trading)

Improved provision and take-up of trader training opportunities

7.4 Provide funds towards promotional activities in individual centres, targeting those key markets identified in business planning

## **Risk Management**

The risk to HRBA is that without sufficient funding to resource their organisation, volunteer fatigue will set in and they will cease to be an active association. Our Economic Strategy identified a strong Business Association as a strength and should be encouraged and assisted.

In assisting HRBA with funding Council's reputation will be protected through a Memorandum of Understanding which will clearly define the roles and responsibilities and have key performance indicators to ensure public benefit is met. These will need to be negotiated between Council and HRBA but would an indicative set of terms would be similar to the following;

## **Roles and Responsibilities**

Hamilton Regional Business Association's (HRBA) Responsibility and Autonomy

- HRBA will commit to supporting Council in their advocacy efforts. The exact nature of the support will be determined between the partners in accordance with circumstances of each case. It is anticipated this will involve participating in presentations, forums and other public meetings to advance the objectives.
- HRBA will commit to providing Council with a single point for seeking input from the business community.
- Report to Council annually.

Council and HRBA joint responsibilities

- To jointly undertake various business promotions. Whilst the promotions will be determined from time it will include at least two retail promotions per year. HRBA will be responsible for the delivery of these promotions with Council supporting with project funding.
- To undertake four joint training/development workshops per year.
- To jointly develop a program to assist in the attraction and retention of young professionals.
- To jointly develop a program to welcome and mentor new business start-ups.

Southern Grampians Shire Council responsibilities

- Southern Grampians will provide funding to HRBA to support the growth of the organisation. The amount of support to be negotiated on a three year basis.
- Southern Grampians Shire will liaise with HRBA in the development of ongoing actions to promote the growth and development of the business community. This will include quarterly meetings between the Manager Economic Development and Tourism and the Business Development Officer with the nominated representatives from HRBA.

**Success Measures**

The indicative measures of success could include:

- Increase in memberships
- Increase in memberships outside of Hamilton
- Attendees at workshops
- Delivery of at least 2 Retail promotions
- Delivery of at least 4 training/development opportunities
- Establishment and successful management of sub committees to support the objectives of the association
- Number of networking opportunities

With the safeguards to be built into the MoU both parties can terminate the agreement if it proves unsatisfactory. This will limit Council's liability to a single year payment at any time.

**Environmental and Sustainability Considerations**

The adoption of the recommendations in this report does not have any environmental or sustainability impact.

**Community Consultation and Communication**

HRBA presented to a Council briefing session on 13 December 2017. This detailed their new strategic plan and direction, presented what their main targets of action will be and what outcomes they are hoping to achieve. The timeline for the implementation of their strategy is to deliver the outcomes over the next three years.

The next steps for Council and HRBA are to establish a Memorandum of Understanding incorporating the features previously mentioned. The signing of the memorandum would be a public event with appropriate media involved and would be the final step in the process.

**Disclosure of Interests**

All Council Officers involved in the development and advice provided in this Report affirm that no direct or indirect interests need to be declared in relation to any matters in this Report.

**RECOMMENDATION**

It is recommended that:

1. Southern Grampians Shire Council establish a three year Memorandum of Understanding with the Hamilton Regional Business Association with clearly defined roles, functions and key performance indicators to support HRBA's activities.
2. An annual allocation of \$15,000 is made to support the identified activities of HRBA.

## 10.5 Amendment C37 and Planning Permit TP/32/2018 – Resolution to Prepare and Exhibit Rezoning and subdivision of land into 9 lots at Rippon Road, Fyfe Street and Hamilton Highway, Hamilton

**Directorate:** Warren Groves, Acting Director Shire Futures  
**Author:** Rhassel Mhasho, Manager Planning and Regulatory Services  
**Attachments:** 7. Rezoning map  
8. Proposed plan of subdivision  
9. Hamilton Structure Plan

### Executive Summary

The purpose of this report is to seek authorisation from the Minister for Planning for Council to prepare and exhibit Amendment C37 and combined Planning Permit TP/32/2018 at Lot 9 Corner Rippon Road and Fyfe Street, and Lot 1 Corner Fyfe Street and Hamilton Hwy for the rezoning of land from Special Use Zone Schedule 2 'Private Golf Club' to General Residential Zone and the subdivision of land into 9 lots for conventional residential development.

### Discussion

Council has received an application under Section 96A of the *Planning and Environment Act 1987* requesting a combined Planning Scheme Amendment to rezone land from Special Use Zone Schedule 2 'Private Golf Course' (SUZ2) to General Residential Zone (GRZ1); and a Planning Permit for subdivision of a Portion of Lot 9 Corner Rippon Road and Fyfe Street, into six (6) lots and a Portion of Lot 1 Corner Fyfe Street and Hamilton Hwy into three (3) lots (9 lots in total).

This application has been made at the request of Pierrepoint Planning on behalf of the Hamilton Golf Club. The applicant advises that the land is surplus to the needs of the golf club and the rezoning will facilitate the subdivision to enable conventional residential development on the surplus land.

The Special Use Zone Schedule 2 'Private Golf Club' is specifically intended to provide for private golf club use and development, and currently prohibits residential use of the land. The rezoning is required to enable the re-use of the surplus land and is broadly consistent with the Southern Grampians Planning Scheme and Hamilton Structure Plan.

The applicant advises that the land is free from constraints on residential development and has provided a supporting application report for the amendment and subdivision proposal against the relevant requirements of the planning scheme, including addressing the following matters, in Clause 56 (Subdivision) Assessment. The following matters will be addressed prior to Council's consideration on whether or not to adopt the amendment at a future stage: Traffic, Infrastructure, Flooding, Native vegetation assessment, Bushfire risk and Cultural heritage.

Relevant policy considerations include:

#### State Planning Policy Framework

The proposed amendment supports/ implement the State Planning Policy framework namely:

- clause 11.07- 1 'Regional planning strategies and principles' seeks to develop regions and settlements which have a strong identity, are prosperous and are environmentally sustainable.
- Clause 16.01 'Residential Development' seeks to promote a housing market which meets community needs.

- Clause 16.01- 2 'Location of Residential Development' seeks to locate new housing in or close to activity centres and in urban renewal precincts and sites that offer good access to jobs, services and transport
- Clause 16.01-4 'Housing Diversity' seeks to provide a range of housing types to meet increasingly diverse needs.

#### Local Planning Policy Framework

The proposed amendment supports/implement the Local Planning Policy Framework namely

- Clause 21.01-3 Key planning issues affecting the Shire includes supporting the regional role of Hamilton
- Clause 21.02 Settlement provides local content to support Clause 11 (Settlement) of the State Planning Policy Framework.
- Clause 21.02-2 Urban Growth is to the effect that Planning for urban growth in the Shire must take account of various opportunities and constraints, and seek to provide effective and efficient development outcomes. Key issues identified include co-ordinating infrastructure provision and providing for a variety of lifestyles. The objective for urban growth is to effectively plan for future urban growth. Strategies include providing for a range of housing types and choices in serviced residential locations as infill development; and using structure plans and zoning to provide clear urban growth boundaries
- clause 21.10 Local Areas This clause focuses on local area implementation of the objectives and strategies set out in the Southern Grampians Planning Scheme.
- Clause 21.10-1 Hamilton seeks to provide an increased range and density of residential development within the town centre to service the needs of other sectors of the population, such as the growing number of older people, as well as the needs of students.

The amendment and combined permit application are considered to broadly meet the objectives of the relevant policy provisions of the Southern Grampians Planning Scheme, with detailed design issues to be assessed and considered following receipt of public submissions and referral agency advice.

#### **Financial and Resource Implications**

The costs involved with preparing the amendment documents will be borne by the applicant.

#### **Legislation, Council Plan and Policy Impacts**

##### **Council Plan**

The Amendment aligns with a number of strategies identified to deliver each of the objectives in the Council Plan 2017-2021.

##### **Planning and Environment Act 1987**

The process of a combined Amendment and planning permit application is set out in the Planning and Environment Act 1987 under Section 96(A).

To avoid the necessity for a two-stage process where a proposal requires a rezoning and a planning permit, Division 5 in Part 4 of the Act makes the provision for a combined amendment and permit process. This process allows the planning authority to simultaneously prepare and

give notice if there is a proposed amendment to the planning scheme and give notice of an application for a planning permit.

### **Risk Management**

There are no risks to Council in preparing and exhibiting this Planning Scheme amendment.

### **Environmental and Sustainability Considerations**

The amendment will provide the ability for the land within an established residential neighbourhood of Hamilton, located directly opposite the northern boundary of land, to be subdivided for residential development.

No adverse environmental effects are anticipated as a result of the amendment. Future dwellings will be connected to reticulated sewer.

### **Community Consultation and Communication**

Public exhibition will include:

- Letters of notice to neighbouring residents and landowners
- Notice in the Victoria Government Gazette
- Notice in the Hamilton Spectator
- Copies of documentation available at the council reception desk and website.

Referral advice will also be obtained from relevant agencies.

### **Disclosure of Interests**

All Council Officers involved in the development and advice provided in this Report affirm that no direct or indirect interests need to be declared in relation to any matters in this Report.

## **RECOMMENDATION**

That Council:

1. Supports the preparation and exhibition of Amendment C37 to the Southern Grampians Planning Scheme to rezone Lot 1 ( TP 131200X) Corner Fyfe Street and Hamilton Highway and Lot 9 (PS 098061) Corner Rippon Road, and Fyfe Street, Hamilton Highway from Special Use Zone Schedule 2 'Private Golf Club' to General Residential Zone.
2. Considers the application for Planning Permit TP/32/2018 for the subdivision of land at Portion of Lot 9 Corner Rippon Road and Fyfe Street, into six (6) lots and a Portion Lot 1 Corner Fyfe Street and Hamilton Hwy into three (3) lots (9 lots in total) concurrently with the preparation of the Amendment, in accordance with the provisions of Section 96A of the Planning and Environment Act 1987.
3. Requests the Minister for Planning to authorise the preparation and exhibition of Amendment C37 and Planning Permit TP/32/2018.



## 10.6 Ewaste to landfill ban

<b>Directorate:</b>	<b>David Moloney, Director Shire Infrastructure</b>
<b>Author:</b>	<b>Kylie McIntyre – Sustainability Coordinator</b>
<b>Attachments:</b>	<b>10. SV application form</b>
	<b>11. Transfer station assessment</b>
	<b>12. FAQs on funding program</b>
	<b>13. Ewaste collection network</b>

### Executive Summary

The Victorian Government will ban the practice of putting e-waste (end-of-life electric and electronic items) into landfill on 1 July 2019 and will mandate correct storage of e-waste according to the relevant Australian Standard. At present none of Council's transfer stations comply with the standard. The state government is providing non-competitive grants of up to \$100,000 for Councils to upgrade selected transfer stations in order to create a network across Victoria.

The Hamilton transfer station is the only one in Southern Grampians Shire to be selected for upgrade. The implication of this for residents is that the outer township transfer stations will no longer be able to accept e-waste from July 1, 2019, so residents of those parts of the Shire will have to bring their e-waste items to Hamilton.

It is recommended that Council applies to Sustainability Victoria for the non-competitive grant of \$100,000 under the E-waste Infrastructure Grant program to upgrade the Hamilton Transfer Station to comply with AS/NZS 5377:2013 by 1 July 2019.

### Discussion

E-waste is electrical or electronic equipment with a power cord or battery and its parts that have been discarded by the owner as waste without the intention of re-use. It includes computers, printers, televisions, mobile phones, household appliances, electric tools and battery operated toys. Council currently collects e-waste at the eight transfer stations and the materials are transported to WDEA Works in Hamilton for dismantling. In 2017-18 there were approximately 30 tonnes of e-waste collected through the transfer stations which cost Council \$0.20 per kg, or around \$6000 p.a. which includes the cost of collection from the outer towns' transfer stations and transport to Hamilton. To date the main types of e-waste recovered have been televisions, computers and computer peripherals. The Southern Grampians community in general has embraced the opportunity to dispose of e-waste in a responsible manner and many residents are in the habit of taking their e-waste to a transfer station. The Shire is not free of illegal dumping incidents involving e-waste however, which do occur from time to time particularly in bushland areas.

The Victorian Government is banning e-waste from landfill as of 1 July 2019 because:

1. The quantity of e-waste being generated by the community is growing three times faster than general municipal waste in Australia;
2. It contains valuable materials that can be recovered when the items reach the end of their working life; and
3. E-waste contains many chemicals that can be hazardous to both health and the environment if placed into landfill.

As a result of the ban, additional e-waste is expected to flow into the existing resource recovery network as the community and business look for new disposal options. The current council owned network of transfer stations and resource recovery centres is the Victorian

Government's preferred e-waste disposal route for most domestic e-wastes, as these sites are accessible, well located and are already used for the recycling and recovery of other materials. A network of key e-waste drop-off sites that would allow at least 95% of the population to access a site within a 30 minute drive was developed.

All the existing e-waste drop-off sites in Victoria, both public and private, were assessed to determine their compliance to the required Australian Standard AS/NZS 5377:2013 Collection, storage, transport and treatment of end-of-life electrical and electronic equipment. The important features of compliant e-waste storage are impermeable surfaces, weatherproof coverings and that measures are taken to prevent potentially hazardous material entering stormwater drainage. The area must be appropriately signed and controlled to prevent breakages, theft and vandalism.

It was found that almost all sites in Victoria including all of the Southern Grampians sites were not compliant with the key requirements of AS5377 for at least one category of e-waste.

The need for upgrades to e-waste storage infrastructure was thus recognised, so the Victorian Government is providing non-competitive grants through Sustainability Victoria of up to \$100,000 to upgrade the sites they have deemed essential to the collection network. For Southern Grampians Shire this is the Hamilton Transfer Station. The funds would allow Council to construct a new shed (eg. 20m x 9 m x 3.3 m with a concrete floor) at the Hamilton landfill site.

See Attachment 1: Victorian e-waste infrastructure network assessment report for the full assessment report.

The funding for upgrades also presents an opportunity to provide 'better practise' collection and storage options for TVs and computers and other wastes, such as gas bottles and mattresses, that have some similar storage requirements and are currently poorly stored across the network.

The Victorian Government will conduct a community education campaign leading up to and following the ban commencement date to inform the public. Councils are also expected to undertake relevant local education for their residents using the campaign materials developed by Sustainability Victoria. These range from electronic documents that impose little cost on Councils to more expensive print and media options.

See [www.engage.vic.gov.au/waste/e-waste](http://www.engage.vic.gov.au/waste/e-waste) for detailed background information on the ban, legislative changes, the funding program and FAQs.

Council has a number of factors to consider in relation to the costs, risks and relationships affected by the forthcoming e-waste ban from landfill.

If Council continues to receive e-waste but does not upgrade the selected site (Hamilton) it will continue to operate all non-compliant sites and runs the risk of penalties from the EPA, reputational damage, possible environmental damage and health impacts.

Most residents are already accustomed to taking their e-waste items to a transfer station. If Council elects to refuse e-waste at all sites because they are all non-compliant, residents will be exposed to the state-wide education campaign and may feel disadvantaged, leading to reputational damage to Council and likely environmental damage due to increased illegal dumping. This could also impact on Council's relationship with WDEA, which provides meaningful employment to disabled members of the community through the processing of e-waste.

If the \$100,000 funding is accepted and the Hamilton Transfer Station is upgraded to meet AS/NZS 5377:2013 requirements, it will be the only compliant site in the Shire and residents from across the Shire will have to deliver their e-waste to the Hamilton site if they are to comply with the new law. This may result in customer dissatisfaction for affected residents.

If Council decides to upgrade all sites so that the same service is provided across the Shire, there will be an additional cost incurred, estimated at \$70,000 - \$350,000 (\$10,000 - \$50,000 per site for seven sites, depending on the size and quality of infrastructure provided).

These issues are summarised below:

Table 1 – Summary of issues

Option	Achieves AS/NZS 5377 compliance	CapEx impact	OpEx impact	Health and safety risk	Environmental risk	Service interruption risk	Org outcome risk	Reputation risk	Compliance /legal risk
1. Do nothing	No	\$0	\$0	High	High	Low	Med	High	High
2. Refuse e-waste at all transfer stations	Yes	\$0	\$0	Med	High	High	Med	High	Med
3. Receive grant and construct new storage in Hamilton, all residents use Hamilton site	Yes	\$0 (upgrade funded by \$100,000 grant)	\$0	Low	Low	Low - Possible Minor disruption during construction	Low	Med – outer township residents disadvantaged	Low
4. Receive grant and construct in Hamilton as above <u>and</u> upgrade other sites across Shire	Yes	Upgrade infrastructure at small sites \$70,000 - \$350,000	\$0	Low	Low	Low - Possible Minor disruption during construction	Low	Low	Low

There are risks/costs and benefits/savings associated with all the options. Ideally Council would select Option 4, which minimises all risks and provides a high level of service across the Shire. However the option that provides Council and the community with the most significant benefits at the lowest cost is **Option 3: Receive grant and construct new storage in Hamilton with all residents to use the Hamilton site.**

### Financial and Resource Implications

- There will be some staff time involved in taking up Options 3, in applying for the grant and planning/executing the construction of the new building. However this will be minimised with assistance from the BSWWRRG who have committed to assist the affected Councils with these tasks.
- Additional costs such as the building permit, signage, building code requirements are eligible expenditure under the grant guidelines.
- The funding from SV is guaranteed for the selected sites.
- There has been no money allocated in the Council budget for upgrading the outer township sites.
- The resource implication of Option 3 is expected to increase slightly but by how much is unknown, because the amount of additional e-waste (kitchen and household appliances, toys etc) to be recovered by the change in legislation is not known. If WDEA no longer needs to travel out to the other transfer stations, Council may be able to negotiate a lower per kg fee, as their operating costs will be reduced. However it must be noted that the additional items that will be collected are not currently covered by any sort of product stewardship scheme the way televisions and

computers are. The full implications of this change are not known but it underlines the importance of local and state governments to continue to advocate for further product stewardship.

- Council will also need to consider whether an e-waste charge is implemented in the 19/20 financial year for items that are not covered by the National TV and computer recycling scheme, in order to operate a full-cost recovery service.

### **Legislation, Council Plan and Policy Impacts**

The relevant legislation is the amendment to the Victorian Waste Management Policy (Siting, Design and Management of Landfills) No. S264 to include e-waste as a material banned from landfill.

There is also to be a new waste management policy that specifies how e-waste should be managed. This will refer to the Australian and New Zealand standard Collection, storage, transport and treatment of end-of-life electrical and electronic equipment (AS/NZS 5377: 2013).

### **Risk Management**

The risks of all the options are summarised in Table 1. The recommended option (3) has the least risks of the no-cost options. It reduces environmental, compliance, reputational, health and safety and organisation outcome risks. There is the possibility of some service disruption when the new construction is being built. There is a medium reputational risk to Council through reducing the service level to residents of the other towns, as they will no longer be able to take e-waste to their local transfer station.

Option 4 removes this risk but will cost Council money which has not been allocated in the 2018-19 budget.

### **Environmental and Sustainability Considerations**

Environmental protection is one of the main reasons for the change in legislation, as it provides for safe storage of e-waste items that may contain environmental pollutants such as mercury and asbestos. Recovery and recycling of materials is an important aim of the change which provides sustainability benefits.

When e-waste is no longer accepted at the outer township transfer stations there is the possibility that the items will be disposed of illegally (put into the landfill or illegally dumped). This situation will need to be monitored to ensure that there are not unintended adverse environmental consequences and Council may need to consider upgrading the other transfer stations to compliance standard in the future.

### **Community Consultation and Communication**

- Council has not undertaken any community consultation on this matter.
- Council will need to intensively communicate any changes in e-waste management to the community to ensure residents understand the changes, particularly in those towns where e-waste will no longer be accepted. The change in legislation takes place on 1 July 2019, giving Council approximately eleven months to convey the information and the communication will be aided by the materials that Sustainability Victoria will provide.

**Disclosure of Interests**

All Council Officers involved in the development and advice provided in this Report affirm that no direct or indirect interests need to be declared in relation to any matters in this Report.

<b>RECOMMENDATION</b>
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That Council applies to Sustainability Victoria for the non-competitive grant of \$100,000 under the E-waste Infrastructure Grant program to upgrade the Hamilton Transfer Station to comply with AS/NZS 5377:2013 by 1 July 2019.

## 10.7 18-18 Repairs to various flood damaged major drainage structures – design and construct

Southern Grampians Shire Council does not make any Council Reports in relation to Tenders public before the Council Meeting. This is to ensure the integrity of the procurement process and limit the potential for any parties to try and influence Council's decision making process based on the recommendations from Council staff. The Report has been distributed to Councillors. The Report will be available to the public in the Council Meeting Minutes.

## 10.8 35-18 Dunkeld Walking Tracks and Access Roads

Southern Grampians Shire Council does not make any Council Reports in relation to Tenders public before the Council Meeting. This is to ensure the integrity of the procurement process and limit the potential for any parties to try and influence Council's decision making process based on the recommendations from Council staff. The Report has been distributed to Councillors. The Report will be available to the public in the Council Meeting Minutes.

## 10.9 Dunkeld to Mount Sturgeon Path

**Directorate:** David Moloney, Director Shire Infrastructure  
**Author:** David Moloney, Director Shire Infrastructure  
**Attachments:** None

### Executive Summary

The purpose of this report is for Council to consider options for the land acquisition to allow for the construction of the Dunkeld to Mount Sturgeon Shared Use Path. As part of the selected alignment there was approximately 4000m<sup>2</sup> of freehold land that needed to be acquired. Council has been undertaking negotiations with the affected property owner since January 2018 but Council has not been able to negotiate via a private treaty agreement the acquisition of the land.

It is recommended that Council:

1. Undertake compulsory acquisition of the freehold land required to enable the Dunkeld – Mt Sturgeon Walk to be constructed under Section 187 of the Local Government Act 1989 and the Land Acquisition and Compensation Act 1986; and
2. Delegate to the CEO the power to undertake and comply with the requirements of the Land Acquisition and Compensation Act 1986.

### Discussion

The Dunkeld to Mount Sturgeon Shared Use Path is an important project, for which budget has been provided in the 2018-2019 budget. The path is proposed to provide an accessible linkage between the township of Dunkeld and the Grampians Peaks Trail near Mount Sturgeon.

The project aims to enhance the visitor experience to the region creating long term economic benefits to the region through encouraging longer stays. The path is also strongly supported by a significant portion of the Dunkeld community.

In 2014, Council engaged a Consultant to draw up plans for the project. The plans relevant to this section of path include a distance of approximately 2960 metres from the Dunkeld Visitor Information Centre to the Mount Sturgeon car park. Following allocation of budget, in 2016/17 a project manager was engaged to implement plans. Pre-construction consultation was held with relevant regulating bodies. At this stage it was identified an issue existed with the path design.

In consultation with VicRoads, the relevant Road Management Authority for approximately 50% of the path length, VicRoads advised of a requirement for the following minimum separation distances for the path from the edge of the roadway. These distances did not appear to have been taken into account in the initial design.

The minimum path separation distances provided by VicRoads are as follows;

- For a 60km/h Road – require 3 metres minimum separation distance.
- For an 80km/h Road – require 6 metres minimum separation distance.
- For a 100km/h Road – require 9 metres minimum separation distance.

Within the 80 km/h posted section exists 180 metres of proposed path, whilst in the 100km/h section exists 265 metres of proposed path.



The issue was further exacerbated, when it was identified in surveys that the existing property fences were not placed on the correct title boundary alignment, such that were a path to be built adjacent to the existing fences, it would encroach upon private property. A Title Survey was conducted and the relevant title boundaries have now been pegged.

At Councils October 2017 Ordinary Meeting Council resolved that the red route was to be the preferred route for the Dunkeld to Mt Sturgeon walking track (see Diagram 1).

Diagram 1 – General Route Options



This option required Council to purchase just under 4000m<sup>2</sup> of freehold land (see Diagram 2).

Council has been negotiating for 8 months and has not managed to progress the purchase of the land via private treaty. In January 2018 Council Officers started negotiations with the affect landholder. Council has made an offer to the landholder but this offer has not been accepted. Based on the current negotiations it is believed that Council Officers will not be able to negotiate the purchase in a reasonable timeframe.

Therefore it is recommended that the process of acquiring the land by compulsory acquisition be commenced. The cost of the compulsory acquisition is not known at this stage. Valuations will be undertaken as part of the process.

Diagram 2 – Option 2 area of land acquisition required (highlighted green area)



(Note 1: Area A=300m<sup>2</sup>, Area B=3,385 m<sup>2</sup>, Area C=456m<sup>2</sup>. Area C is shown for information purposes, should VicRoads require the clear zone on private land in a 100 km/h zone, which is not the case in this instance).

### Financial and Resource Implications

The current budget for the 2018-2019 Financial Year is \$320,000, funded by Council. There will be legal, valuer and surveying costs arising out of adoption of the recommendation. These will be offset by lessening risks associated with the time delay to the project. The proposal seeks to lessen project and financial risks while continuing to further progress the project.

### Legislation, Council Plan and Policy Impacts

Section 187 of the Local Government Act 1989 deals with acquisition:

A Council may purchase or compulsorily acquire any land which is or may be required by the Council for or in connection with, or as incidental to, the performance of its functions or the exercise of its powers.

The Land Acquisition and Compensation act 1986 applies for the purpose of acquiring land and must be complied with as well.

This project links directly to the Southern Grampians Shire Council Plan 2017-2021:

- 1.2.2 Support and encourage participation in quality arts and cultural, education, leisure, recreation and sporting opportunities;
- 1.2.4 Provide, promote and support appropriate and accessible service, facilities and activities for young people;
- 3.1.1 Progress provision of locally and regionally significant project,

### 3.2.3 Provide infrastructure that supports an active community;

This project is also in keeping with the:

- Dunkeld Structure Plan 2013;
- Southern Grampians Planning Scheme;
- Grampians Tourism Strategic Plan; and;
- Grampians Peaks Trails Master Plan.

### **Risk Management**

The benefits/risks of this proposal represent a cost effective option through:

1. Reduction of hazards posed by nearby traffic on a high speed major road impacting upon path users.
2. Reduction of risk of maintenance works upon a fence immediately adjacent to the trafficable path of vehicles on a VicRoads managed road.
3. Reduction of sight distance hazards, which exist in the current design within the vicinity of the Cemetery Road and Grampians Road intersection.
4. Reducing cost risks associated with relocation of services in a road reserve constrained by steep embankments.
5. Reducing the risk of slips and falls associated with the material eroding from the nearby embankments.
6. Reduction in risk posed to road users and native fauna through the presence of a fence immediately adjacent to the roadway.
7. Acquisition of property will provide a long term benefit and opportunity to correct the steep eroding batters at the location of the Cemetery Road and Grampians Road Intersection, to a more appropriate grade.
8. Providing clarity on management and maintenance responsibility of the path.
9. Provide a welcoming and visually acceptable entrance to the township.
10. Provide excellent views to Mount Abrupt and Mount Sturgeon for path users.

### **Environmental and Sustainability Considerations**

This proposal limits the extent of native trees required to be removed as per the original design.

### **Community Consultation and Communication**

The relevant requirements outlined for acquisition will be required to be followed, in accordance with the relevant provisions of the Local Government Act 1986 and the Land Acquisition and Compensation Act 1986.

The Dunkeld community is in general supporting of the overall project. Being directly connected to the internationally significant Grampians Peaks Trail, this project will have significant benefits for the wider Grampians Tourism region.

### **Disclosure of Interests**

All Council Officers involved in the development and advice provided in this report affirm that no direct or indirect interests need to be declared in relation to any matters in this Report.

**RECOMMENDATION**

That Council:

1. Undertake compulsory acquisition of the freehold land required to enable the Dunkeld – Mt Sturgeon Walk to be constructed, in accordance with Section 187 of the Local Government Act 1989 and the Land Acquisition and Compensation Act 1986; and
2. Delegate to the CEO the power to undertake and comply with the requirements of the Land Acquisition and Compensation Act 1986.

## 10.10 Lakes Edge Land Sale

This report will be tabled at the Ordinary Meeting.



## 11 Notices of Motion

### 11.1 Notice of Motion #4/18

Cr Rainsford

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 12 September 2018

#### MOTION

Southern Grampians Shire Council supports Moyne Shire Council's call to State Government to immediately make changes to the Victoria Regulatory and Planning Framework in order to manage the future planning and development of Wind Farm Transmission Lines.

#### Background

Power Transmission Lines associated with Wind Farms are currently being constructed across Regional Victoria in an unregulated manner, often duplicated along the one road side, causing an undue impact on local communities.

The current installations across western Victoria are 40 metre in height, galvanized steel and appearing down road reserves and across rural properties. The loop hole in the current Victorian Regulatory and Planning Framework is not limited to power transmission lines associated with wind energy.

The purpose of this motion is in response to Moyne Shire Council's recent Regional MAV forum communication of concerns on unregulated Power Transfer Lines currently associated but not limited to Wind Farm developments and their campaign urging State Government action.

This motion will support Southern Grampians Shire Councils advocacy through the Great South Coast council group, Rural Councils Victoria and the Municipal Association of Victoria on this urgent matter.

#### Officers Comments

Council has received correspondence from the Moyne Shire Council in relation to wind farm transmission lines, seeking support for their submission to the State Government for better coordination of transmission line (TxL) design and routes. The correspondence was accompanied by photographs of transmission lines which are indicative of the size, scale and potential impacts of the transmission line towers.

TxLs are significant pieces of infrastructure which generally fall outside of the regulatory control of Council and the State Government, and have the potential for undue impact on communities.

Under the Victorian Planning Provisions, TxLs may be characterised as Minor Utility Installations and therefore not require a planning permit for use and development. In the recent case of Stockyard Hill, the removal of native vegetation associated with the transmission lines required a planning permit but the use and development of the line did not.

The Moyne Shire experience has articulated local concerns about visual and other impacts which might have been mitigated by further consideration of design and route selection, as well as the option of line sharing opportunities.

## 11.2 Notice of Motion #5/18

Cr Rainsford

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 12 September 2018

### MOTION

Southern Grampians Shire Council supports the concept of establishing suitable off leash dog exercise park(s) in the Southern Grampians Shire and initiates community consultation and evaluates cost and priority list for future budget business case considerations.

#### **Background**

Community members have raised the issue of providing off leash dog parks in our Shire for locals and visitors to enjoy exercising their dogs.

The media have reported that Southern Grampians Shire Council is working on responding to the call for off leash dog parks.

The purpose of this motion is to provide council support, direction and a plan for provision of such off leash dog parks

#### **Officers Comments**

Extensive consultation and engagement has been conducted through the Recreation and Leisure Strategy, this provided for the forum to comment on all forms of recreation including dog exercise parks.

The draft Strategy is currently being prepared and once considered by Council will be exhibited for further community feedback and comment. The completion and subsequent adoption of this important strategic document, will allow Council to be properly informed and able to consider the priorities for investment in the recreation options for the Southern Grampians community.

It is anticipated that the activity relating to off leash dog parks will be investigated and options presented as part of these outworkings.

## 11.3 Notice of Motion #6/18

Cr Rainsford

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 12 September 2018

### MOTION

That Southern Grampians Shire Councillors are informed in advance if both the Mayor and Deputy Mayor are planning to be overseas and councillors decide if an Acting Mayor should be appointed for the relevant period.

#### Background

The Local Government Act in section 73(3) that “if there is a vacancy in the office of Mayor or the Mayor is absent, incapable of acting or refusing to act, the Council must appoint one of the Councillors to be the acting Mayor”.

This would be a decision which needs to be made a formal public Council Meeting.

The interpretation of absent is the question, but being out of the country could qualify as absent.

Councillors have the option of taking leave during their term serving as an elected Shire Councillor with a restriction to the number of consecutive Ordinary Meetings they can miss being limited to three.

The issue here is not the taking of leave or the location of leave. The issue is for the Council group to be informed, consulted and make the decision as to the appointment or otherwise of an Acting Mayor. In doing this consideration is given to the broad duties of a Mayor and the expectation of the community to have an elected councillor available to represent the Shire Council on matters relevant to their community.

I have been informed the issue could be addressed in the new Governance Rules that will be required as part of the new Local Government Act, whenever this may be.

#### Officers Comments

Southern Grampians Shire Council has never appointed a Councillor to be an Acting Mayor that can be recalled. There have been a small number of occasions where the Mayor, prior to the election of a Deputy Mayor, was unable to attend a Council Meeting and another Councillor was appointed as the Chair of the Meeting, but they were not the ‘Acting Mayor’. No Acting Mayor has been appointed for other times the Mayor has taken on leave, Councillors simply attend events on behalf of the Council, the same as they would when the Mayor cannot attend normally.

The Act provides, in section 73(3), that “if there is a vacancy in the office of Mayor or the Mayor is absent, incapable of acting or refusing to act, the Council must appoint one of the Councillors to be the acting Mayor.” While I have been unable to find a definition of ‘absent’ and whether that is simply being on leave, or a higher level threshold such as taking a formal leave of absence, I believe this refers to a formal leave of absence in accordance with section 66B of



the Act. Otherwise Council's would need to regularly appoint Acting Mayor's when a Mayor is away from the Shire for a day or two or over a weekend.

This type of section where "the Council must" is interpreted as a decision which needs to be made at a Council Meeting which clearly would need to be considered and decided by the Council prior to such an absence.

There is nothing specific in Council's Meeting Procedure Local Law about when an Acting Mayor should be appointed. This could be addressed in the new Governance Rules that will be required if the current proposed Local Government Act is enacted by the State Government.

## 11.4 Notice of Motion #7/18

Cr Rainsford

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 12 September 2018

### MOTION

That Southern Grampians Shire Council will allow Glenelg Regional Hockey Association (GRHA) to pursue establishment of a Hockey Clubroom at the location of GRHA's choice if the Glenelg Regional Hockey Association apply successfully for building and planning permits for such a project.

#### Background

SGSC supported an application for a Pedrina Park Hockey Clubroom in the 2017/18 budget and have carried over the \$100,000 funds in the 2018/2019 SGSC budget to match the Glenelg Regional Hockey Association's commitment of \$100,000 to a Hockey Clubroom. The budget item is a Pedrina Park Hockey Clubroom. Not a shelter shed. Not a pavilion more suitable for soccer than hockey and situated closer and alongside soccer but behind the Hockey Goal posts.

Whilst the pursuing of a Pedrina Park Multipurpose Change Room to add to the existing Netball, Football and Cricket facilities may be a worthwhile and readily funded project considering the special State Government grants targeting female friendly change rooms, it is not a Hockey Clubroom project.

The option of Glenelg Regional Hockey Association pursuing an affordable and ideally sited Clubroom has not been considered in the designs, the funding applications, the business cases or Pedrina Park Masterplan discussions.

With a minimum of \$100,000 of GRHA funds already in hand to commence a Hockey Clubroom facility, with increased income from catering and social activities in a field side Hockey Clubroom, the GRHA could have a more secure future and build their membership, prepare for the synthetic field renewal, develop a second grass or synthetic field and contribute to the health and wellbeing of the Southern Grampians Shire community.

A Pedrina Park Hockey Clubroom does not preclude pursuing a Pedrina Park Multiuse Change room incorporating new public toilets. These are two differing projects with differing purposes and outcomes.

#### Officers Comments

Whilst Council can resolve to allow the GRHA to 'pursue' establishment of a Hockey Clubroom, Council is unable to resolve that such a clubroom can be constructed on any location of GRHA's choosing without further information being provided. Council would need to consider many factors in making such a decision including the following:

- Pedrina Park is Crown Land of which Council is the Committee of Management. Before any construction can commence approvals and permissions may need to be sought from the Department of Environment, Land, Water and Planning as to the site and nature of any construction.

- Building and Planning Permits, if required, will need to be sought and approved. This process cannot be circumvented by a Council resolution.
- There may be other permits required or information that needs to be sought, for example in relation to the flora and fauna at the site, before construction clubrooms on a specific location could be approved by Council.

Further to this, as with all Council managed recreation reserves, all structures constructed will ultimately revert back to Council for maintenance and renewal. As such any future structures will be evaluated on the basis of their consistency with adopted strategic plans, master plans and future asset management plans as well as any planning and building regulatory requirements. This is to ensure that long term financial planning and strategic considerations of the future requirements of the Southern Grampians community have been considered before a new asset is constructed.

The wording of the Motion in relation to the ability GRHA to “..apply successfully for building and planning permits..” may be misleading and appear to be pre-determining the outcome of any building and planning permits. It is strongly recommended that the Motion be amended to simply ‘apply’ to allow the application and assessment process to progress against Council policies and relevant legislative or other appropriate requirements.

The common law rules of natural justice or procedural fairness require Councillors to approach their administrative decision making with an open mind to ensure that they act fairly and impartially, in good faith, listening to both sides of any argument that is put to them for consideration.

## 11.5 Notice of Motion #8/18

Cr Rainsford

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 12 September 2018

### MOTION

That Southern Grampians Shire Council appoints two councillors to the working group for Hamilton Gallery Feasibility Study and Masterplan for a new Hamilton Gallery.  
And that Cr Greg McAdam and Cr Katrina Rainsford are appointed to represent council on this working group.

#### Officers Comments

On 25<sup>th</sup> July Council was briefed on the new Hamilton Art Gallery project. This briefing detailed the governance (Project Control Group membership), key deliverables and project timelines which Council endorsed. The PCG membership currently consists of the Consultants (2), Council Officers (3) and a representative from the Hamilton Art Gallery Trust (1). On the 9<sup>th</sup> August, the Project Control Group (PCG) met to finalise the revised timelines, confirm membership and complete potential site inspections. The outcomes of which Council was briefed on the 12<sup>th</sup> September. The consultants are working to a project scope and budget that was adopted by Council, of which attendance at the PCG forms part. As such the formation of an additional working group would be beyond the consultant's scope and budget for this project.

If the intent is to add Councillors to the already established Project Control Group this could be accommodated by Council resolving as such and two additional people being included on the PCG.

## 12 Delegated Reports

Reports on external Committees and Representative Bodies for which Councillors have been appointed as a representative by Council.

## 13 Mayors and Councillors Reports

### 13.1 CEO Performance Review

**Author:** Cr Mary-Ann Brown, Mayor  
**Attachments:** 14. Annual Performance Review Report

#### Executive Summary

This report recommends the endorsement of the Chief Executive Officer (CEO) Performance Review for the period from March 2017 to March 2018, which has been undertaken by all Councillors, supported by a McArthur Consultant.

#### Discussion

A requirement of the employment contract between Council and the Chief Executive Officer is that an Annual Performance Review be undertaken by a Performance Review Panel (PRP).

As its meeting on 11 April 2018, Council resolved to appoint the Performance Review Panel consisting of the Mayor, Deputy Mayor and Cr Dunkley.

The following process subsequently took place:

- The CEO completed a self-assessment of the Strategic Performance Objectives (SPOs), the Key Performance Indicators (KPIs) and the Individual Development Plan (IDP) for the review period and forwarded this to the PRP and the Consultant.
- The CEO's completed self-assessment was circulated to all Councillors, together with a blank pro forma of the same document, to provide them with the opportunity to individually and independently rate the CEO's Performance. Councillors were also invited to provide input on suggested SPOs and the IDP for the CEO's forthcoming performance review period.
- The ratings and comments from councillors were anonymised and consolidated into a summary report
- The Consultant met with the PRP on 10 July 2018 to discuss the feedback from Councillors. The CEO was then invited into the Performance Review meeting, to discuss his self-assessment, together with the feedback from the PRP. In addition, SPOs for the forthcoming review period were discussed, taking into consideration feedback received from all Councillors
- The Consultant drafted a Performance Review Report, capturing the key outcomes of the meeting and the draft SPOs and IDP for the next review period, which was sent to the Mayor and CEO for review
- The report was finalised and became the official record of the review
- As part of the Review, a Remuneration Review Report was presented to the Mayor, providing confidential advice and recommendations to Council on comparative benchmarked remuneration packages

The Strategic Performance Objectives (SPOs) and Key Performance Indicators (KPIs) for the review period are as follows and are detailed in the attached Annual Performance Review Report.

SPOs:

1. Develop a Customer focused, responsive Delivery Organisation

2. Be known as an organisation that plans well and delivers on its plans
3. Be an efficient and effective service provider to community needs and expectations.
4. To put Greater Hamilton region and SGSC back on the map.
5. Be recognised as a strategic and visionary organisation. Development of a 20+-year vision for the Southern Grampians Shire 'SGSC 2041'

KPIs:

1. Functional Accountability
2. Corporate Management
3. External Relationships
4. Service Provision
5. Organisational Values
6. Financial & Asset Management
7. Personal Competencies

The overall average ratings provided by the Councillors were:

- Between 2.8 and 3.7 against the SPOs
- Between 3.1 and 3.8 against the KPIs

The CEO has achieved overall ratings against both KPIs and SPOs, indicating '*Minor shortcomings in performance but major requirements are usually met*' and '*Satisfactory – performance meets expected requirements*' from all Councillors.

The SPOs for the next review period, being 2018-2019 were set, as follows:

SPOs:

1. Be known as an organisation that plans well and delivers on time, budget and expectations
2. Be recognised as a strategic and visionary organisation. Development of a 20+-year vision for the Southern Grampians Shire 'SGSC 2041'
3. Further develop a Customer focused, responsive Delivery Organisation
4. Continued advocacy to increase profile of, and investment into SGSC and Greater Hamilton
5. Be an efficient and effective service provider to community needs and expectations.

The contract provides that the Position Description and Performance Criteria must be reviewed and, if necessary, amended by agreement within 2 months after each performance review is conducted.

The Review Committee has not made a recommendation to change the Position Description or Performance Criteria.

The employment contract also stipulates that the remuneration package must be reviewed annually within two months following the performance review. This component will be discussed under Confidential Matters, Item 14.1.

### **Financial and Resource Implications**

As per the proposal from McArthur, the cost of the facilitation of the CEO Performance Review is \$6,444 plus GST.

### **Legislation, Council Plan and Policy Impacts**

The Performance Review is a legal requirement of the contract conditions.

This matter relates to Objective 1 - Leadership and Good Governance, of the Council Plan.

### **Risk Management**

It is a contractual requirement to undertake at least an annual performance review of the Chief Executive Officer.

### **Environmental and Sustainability Considerations**

There are no Environmental and Sustainability Considerations in this matter.

### **Community Consultation and Communication**

This is an internal process and there is no need to communicate or consult on the decision.

### **Disclosure of Interests**

All involved in the development and advice provided in this Report affirm that no direct or indirect interests need to be declared in relation to any matters in this Report.

## **RECOMMENDATION**

It is recommended that Council:

1. Endorse the Chief Executive Officer (CEO) Performance Review Report for the period March 2017 to March 2018, as attached;
2. Endorse the Strategic Performance Objectives for 2018-2019;
3. Discuss the Remuneration Review under Confidential Matters, Item. 14.1



## 13.2 Mayors and Councillors Reports

Address from the Mayor and Councillors in relation to matters of civic leadership and community representation, including acknowledgement of community groups and individuals, information arising from internal Committees, advocacy on behalf of constituents and other topics of significance.

## 14 Confidential Matters

<b>RECOMMENDATION</b>
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That the following items be considered in Closed Council as it deals with matters specified in Section 89(2)(a) of the Local Government Act 1989.

### 14.1 CEO Performance Review – Remuneration

## 15 Close of Meeting

This concludes the business of the meeting.