



Southern Grampians
SHIRE COUNCIL

Council Meeting Minutes

Ordinary Meeting
12 June 2019

Held at 5.30pm in the Council
Chambers at 5 Market Place, Hamilton

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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 Andrew Goodsell – Director Planning and Development
Mr David Moloney – Director Shire Infrastructure
Ms Tania Quinn – Council Support Officer

2 Acknowledgement of Country

The Mayor, Cr Brown, read the acknowledgement of country –

“Our meeting is being held on the traditional lands of the Gunditjmarra, Tjap Wurrung and Bunganditj people.

I would like to pay my respects to their Elders, past and present, and the Elders from other communities who may be here today.”

3 Prayer

Cr Dunkley led the meeting in a prayer.

4 Apologies

Nil

5 Confirmation of Minutes

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 8 May 2019 be confirmed as a correct record of business transacted.

COUNCIL RESOLUTION

MOVED: Cr Sharples

SECONDED: Cr Dunkley

That the Minutes of the Ordinary Meeting of Council held on 8 May 2019 be confirmed as a correct record of business transacted.

CARRIED

6 Declaration of Interest

None declared.

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 were 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 by no later than 5pm on the Monday before the Ordinary Meeting of Council.

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 a copy either electronically or hard copy 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.

There were no Public Deputations listed on tonight's agenda.

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:

- Special Briefing Session – 1 May 2019
- Dunkeld Community Engagement Meeting – 1 May 2019
- Briefing Session – 8 May 2019
- Briefing Session – 22 May 2019
- Property Valuation Workshop – 29 May 2019

This agenda was prepared on 5 June 2019. 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.

COUNCIL RESOLUTION

MOVED: Cr Calvano
SECONDED: Cr Rainsford

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

CARRIED

ASSEMBLY OF COUNCILLORS



Southern Grampians
Shire Council

ASSEMBLY DETAILS	
Title:	Special Council Briefing Session
Date:	1 May 2019
Location:	MJ Hynes Auditorium
Councillors in Attendance:	Cr Mary-Ann Brown, Mayor Cr Cathy Armstrong Cr Colin Dunkley Cr Greg McAdam Cr Katrina Rainsford Cr Albert Calvano
Council Staff in Attendance:	Michael Tudball, Chief Executive Officer Evelyn Arnold, Director Community and Corporate Services David Moloney, Director Shire Infrastructure Andrew Goodsell, Director Planning and Development

The Assembly commenced at 2:00pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Swimming Pool Asset Management Plan	Nil
2	Art Gallery Discussion	Nil
3	Waste and Recycling Parliamentary Inquiry and SGSC Submission	Nil

The Assembly concluded at 5:30pm

ASSEMBLY OF COUNCILLORS



Southern Grampians
Shire Council

ASSEMBLY DETAILS	
Title:	Dunkeld Community Engagement Session
Date:	1 May 2019
Location:	Dunkeld Community Centre
Councillors in Attendance:	Cr Mary-Ann Brown, Mayor Cr Katrina Rainsford Cr Greg McAdam Cr Colin Dunkley Cr Cathy Armstrong Cr Albert Calvano
Council Staff in Attendance:	Michael Tudball, Chief Executive Officer Andrew Goodsell, Director Planning & Development Jane Coshutt, Community Engagement Coordinator Eda Williamson, L2P Program Coordinator

The Assembly commenced at 7.00pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Policing Update / Parker Street	Nil.
2	SES Recruitment	Nil.
3	Dunkeld Public Lands / Arboretum	Nil.
4	Town Bypass	Nil.
5	Swimming Pool Usage Update	Nil.
6	Public WiFi Update	Nil.
7	Flood Recovery Update	Nil.
8	Digital Innovation and Smart Agriculture Festival	Nil.
9	Greater Grants Update	Nil.

10	Southern Grampians Shire Events Forum	Nil.
11	Dunkeld Loop Walk Update	Nil.

The Assembly concluded at 8.30pm



Southern Grampians
Shire Council

ASSEMBLY OF COUNCILLORS

ASSEMBLY DETAILS	
Title:	Council Briefing Session
Date:	8 May 2019
Location:	MJ Hynes Auditorium
Councillors in Attendance:	Cr Mary-Ann Brown, Mayor Cr Chris Sharples, Deputy Mayor Cr Cathy Armstrong Cr Colin Dunkley Cr Greg McAdam Cr Katrina Rainsford Cr Albert Calvano
Council Staff in Attendance:	Michael Tudball, Chief Executive Officer Evelyn Arnold, Director Community and Corporate Services David Moloney, Director Shire Infrastructure Andrew Goodsell, Director Planning and Development Rhassel Mhasho, Manager Planning and Regulatory Services Rohit Srivastava, Manager Assets Brett Holmes, Manager Works

The Assembly commenced at 2:45pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	CEO Employment Charter	Nil
2	Roadside Management Plan	Nil
3	Tender Hamilton Transfer Station	Nil
4	Tender Belly Dumper	Nil
5	Tender Patrol Truck	Nil

The Assembly concluded at 5:00pm

ASSEMBLY OF COUNCILLORS



Southern Grampians
Shire Council

ASSEMBLY DETAILS	
Title:	Council Briefing Session
Date:	22 May 2019
Location:	MJ Hynes Auditorium
Councillors in Attendance:	Cr Mary-Ann Brown, Mayor Cr Chris Sharples, Deputy Mayor Cr Cathy Armstrong Cr Colin Dunkley Cr Greg McAdam Cr Katrina Rainsford Cr Albert Calvano
Council Staff in Attendance:	Michael Tudball, Chief Executive Officer Evelyn Arnold, Director Community and Corporate Services David Moloney, Director Shire Infrastructure Andrew Goodsell, Director Planning and Development Susannah Milne, Manager Community and Leisure Services Daryl Adamson, Strategic Major Project Officer Lachy Patterson, Manager Community Relations Rhassel Mhasho, Manager Planning and Regulatory Services Bruce Farquharson, Emergency Management Coordinator

The Assembly commenced at 10:00am

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Capital Works	Nil
2	Turnbull Street Court Options	Nil
3	Visitor Information Centre Review	Nil
4	Hamilton CBD Concept Designs	Nil
5	Events Planning	Nil
6	Hamilton Flood Study	Nil

7	Coleraine Flood Study – Final Report	Nil
8	Fire Management Plan	Nil

The Assembly concluded at 5:00pm

ASSEMBLY OF COUNCILLORS



Southern Grampians
Shire Council

ASSEMBLY DETAILS	
Title:	Workshop on Property Valuations
Date:	29 May 2019
Location:	Martin J Hynes Auditorium
Councillors in Attendance:	Cr Mary-Ann Brown Cr Chris Sharples Cr Greg McAdam Cr Cathy Armstrong Cr Albert Calvano Cr Katrina Rainsford
Council Staff in Attendance:	Michael Tudball – Chief Executive Officer Evelyn Arnold – Director Community & Corporate Services Andrew Goodsell – Director Planning & Development David Moloney – Director Shire Infrastructure

The Assembly commenced at 4.30pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Valuation & Rating Movements 2018 to 2019	Nil
2	Amended Draft Budget 2019/2020 – Amended Rate & Valuation Disclosures	Nil

The Assembly concluded at 5.30pm

10 Management Reports

10.1 Standard Statements for 2018/19 Financial Year as at 30 April 2019 and 31 May 2019

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Belinda Johnson, Manager Finance
Attachments: 1. Standard Statements 1 July 2018 – 30 April 2019
2. Standard Statements 1 July 2018 – 31 May 2019

Executive Summary

The Financial Reports for the period 1 July 2018 to 30 April 2019 and 1 July 2018 to 31 May 2019 (copies attached) have been prepared to provide information regarding Council's current financial position.

The reports include an Income Statement, Balance Sheet, Statement of Cash Flows, Statement of Capital Work and Statement of Human Resources. A narrative has also been prepared to explain variances between 2018/19 Budget, 2018/19 Forecast and actual performance.

Discussion

The financial report includes an Income Statement, Balance Sheet, Statement of Cash Flows, Statement of Capital Work and Statement of Human Resources. A detailed narrative has also been prepared to explain variances between 2018/19 Budget, 2018/19 Forecast and actual performance.

Income Statement (Operating Statement)

Council is anticipating an operating surplus for the 2018/19 financial year. Actual Income and Expenditure YTD at the end of May is a net surplus of \$10.016m compared to Council's budgeted result of a \$13.839m and the current forecast of a \$19.949m operating surplus.

Balance Sheet

Current assets are strong at this point of the year with high levels of cash however it should be noted that there are some very large commitments to be paid and corresponding grant revenues to be received during June. Liabilities are at expected levels for the time of year.

Statement of Cash flows

Cash balances are strong with \$20.578m of cash and investments held at the end of May. Council is still forecasting a strong end of year cash position of \$13.857m at year end to meet future years commitments.

Statement of Capital Works

Council budgeted \$32.946m of capital works. This is a large increase on previous years to the amount of Capital works budgeted for Flood Recovery projects, Major capital developments and the final year of Roads to Recovery program spending.

The current forecast (after taking into consideration incomplete works from the 2017/18 year) is now \$40.135m.

Whilst only \$23.242m of actual expenditure has occurred (58% of the Forecast amount), committed works and contract payments to be made during June, together with payment claims for works completed are expected to be significant.

Statement of Human Resources

The breakup between operating and capital salaries is variable for a large proportion of Council's workforce (Infrastructure Services in particular). Capital Expenditure is seasonal due the majority of works occurring during the construction season. Overall spend was at 90% of the budget which is appropriate for the end of May.

Legislation, Council Plan and Policy Impacts

Council Plan

The financial report provides interim information on the financial progress of the achievement of the Annual Budget. Financial sustainability and compliance with our annual budget are specifically identified as strategies within the Council Plan.

Legislation

Section 138 of the Local Government Act 1989 requires that at least every three months, the CEO must ensure that a statement comparing the budgeted and actual revenue and expenditure for the financial year is presented to the Council at a Council meeting which is open to the public.

Financial reports are generally prepared following the month ends of September, December, January, February, March, April & May. The June report forms part of Council's Annual Report.

Council is also required to implement the principles of sound financial management detailed in Section 136 of the Local Government Act 1989 which states:

- 1) A Council must implement the principles of sound financial management.
- 2) The principles of sound financial management are that a Council must-
 - (a) manage financial risks faced by the Council prudently, having regard to economic circumstances;
 - (b) pursue spending and rating policies that are consistent with a reasonable degree of stability in the level of the rates burden;
 - (c) ensure that decisions are made and actions are taken having regard to their financial effects on future generations;
 - (d) ensure full, accurate and timely disclosure of financial information relating to the Council.
- 3) The risks referred to in subsection (2)(a) include risks relating to-
 - (a) the level of Council debt;
 - (b) the commercial or entrepreneurial activities of the Council;
 - (c) the management and maintenance of assets;
 - (d) the management of current and future liabilities;

- (e) changes in the structure of the rates and charges base.

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 interim financial reports for the periods 1 July 2018 to 30 April 2019 and 1 July 2018 to 31 May 2019, be received.

COUNCIL RESOLUTION

MOVED: Cr Sharples
SECONDED: Cr McAdam

That the interim financial reports for the periods 1 July 2018 to 30 April 2019 and 1 July 2018 to 31 May 2019, be received.

CARRIED

10.2 Approval of SGSC Roadside Management Plan

Directorate: Andrew Goodsell, Director Planning and Development
Author: Sherie Bain, Biodiversity Officer
Attachments: 3. Roadside Management Plan

Executive Summary

The Roadside Management Plan is a Council owned plan prepared to implement Federal and State legislative requirements as well as Council's Local Laws and procedures that are involved with roadside maintenance and management. The plan assists and guides internal processes to ensure legal obligations are met as well as advise community on acceptable activity and permit requirements.

It is recommended that Council adopt the Southern Grampians Shire Council Roadside Management Plan and that it be signed on behalf of the Council.

Discussion

The Roadside Management Plan was first adopted by Council in 1999 and the latest revision was adopted in 2013.

Updates are necessary due to new 2018 Road Safety Exemptions agreement with the Department of Environment, Land, Water and Planning (DELWP). This exemption and guidelines provides the key aspects of works that can occur on roadsides where native vegetation is present.

Other key amendments:

- Updated organisational names (VicRoads to Regional Roads Victoria, Department of Economic Development, Jobs, Transport and Resources to Department of Jobs, Precincts and Regions)
- Included descriptions of pest plant classifications and requirements
- Include relevant references to the Environment Protection and Biodiversity Conservation Act 1999 and Flora and Fauna Guarantee Act 1988.
- Adjustments to align with the SGSC Municipal Fire Management Plan, Road Management Plan, Local Law No. 1 of 2015.
- Formatting to Councils new standard template

Financial and Resource Implications

The preparation and administration of this plan is completed by the Biodiversity Officer position.

No specific additional costs or savings to Council have been identified in this plan.

Currently Councils can apply for funding from the Victorian Government to undertake Roadside Pest Plant and Animal Control activities and this assists address our legislative requirements to control declared weeds.

Legislation, Council Plan and Policy Impacts

Local Government Act 1989

- Section 203 – Local Government is responsible for the care and management of roads

Environment Protection and Biodiversity Conservation Act 1999

- Protection of federally listed species and communities

Flora and Fauna Guarantee Act 1988

- Conservation of threatened species and communities in Victoria and guidance for the management of potentially threatening processes

Catchment and Land Protection Act 1994

- Part 8 – Noxious Weeds and Pest Animals

Planning and Environment Act 1989

- Assessments of all 'works' that change the natural or existing condition or topography of land including the removal, destruction or lopping of trees and the removal of vegetation or topsoil

Road Management Act 2004

- Management of roads and ancillary values including vegetation

Southern Grampians Shire Council Plan 2017-2021

This plan is part of Council's key priorities:

- **Support our community** with communication and leadership. 1.1.1, 1.4.3.
- **Develop our regional economy and businesses** through improved wildlife habitat on our roadsides and reduced pest plant and animal infestations.
- **Plan for our build environment and infrastructure** where the plan engages with asset management planning particularly with roadside works.
- **Promote our natural environment** through supporting improved biodiversity, balancing environmental protection while supporting growth 4.1.1, 4.1.2, 4.2.1, 4.2.3.

Southern Grampians Local Law No. 1 of 2015

- Compliance and association with many Local Laws

Risk Management

This plan is a risk management document to recognise and regulate activities within the road reserve which can impact on road safety and management.

This plan assists Council to mitigate risks of compliance with native vegetation legislation through consolidating processes necessary in one place.

Informing the community of permissible activities on roadsides also assists in addressing a wide variety of potential risks to people, animals or the environment.

Environmental and Sustainability Considerations

The adoption of the Roadside Management Plan assists to protect our native vegetation and habitat on roadsides throughout the Shire.

Community Consultation and Communication

The plan has been referred to relevant internal departments for comments and feedback as well as the Glenelg Hopkins CMA, CFA and DELWP and recommendations have been incorporated in the plan.

Preparation of a Roadside Management Flyer is underway to accompany the Plan and assist with community engagement and awareness. This will be distributed through the community and both the flyer and plan will be available on the Council website.

Disclosure of Interests

Nil.

RECOMMENDATION

That Council:

1. Adopt the Southern Grampians Shire Council Roadside Management Plan and that it be signed on behalf of the Council; and
2. Council Officers be delegated the ability to update appendices as required.

COUNCIL RESOLUTION

MOVED: Cr Dunkley
SECONDED: Cr Rainsford

That Council:

1. **Adopt the Southern Grampians Shire Council Roadside Management Plan and that it be signed on behalf of the Council; and**
2. **Council Officers be delegated the ability to update appendices as required.**

CARRIED

10.3 Approval of SGSC Municipal Fire Management Plan

Directorate: Andrew Goodsell, Director Planning and Development
Author: Bruce Farquharson, Emergency Management Officer
Attachments: 4. Municipal Fire Management Plan

Executive Summary

The Municipal Fire Management Plan is a Council owned plan prepared collaboratively with CFA, Department Environment, Lands, Water and Planning (DELWP) and other relevant agencies.

The Municipal Fire Management Planning Committee (MFMP) has updated and endorsed the plan. The Municipal Emergency Management Planning Committee (MEMPC) has endorsed the plan.

It is recommended that Council adopt the Southern Grampians Shire Council Municipal Fire Management Plan 2019 -2022 and that it be signed on behalf of the Council.

That the Chief Executive Officer be delegated the ability to update appendices as required

Discussion

The Municipal Fire Management Plan is a Council owned plan prepared collaboratively with CFA, DELWP and other relevant agencies.

This plan replaces the previous plan.

The plan is presented to Council for adoption as the owner of the plan.

Council is responsible for preparing a Municipal Fire Management Plan with relevant agencies.

The MFMP has updated the plan and endorsed it on March 4, 2019. This committee is a sub-committee of the MEMPC

The MEMPC endorsed the plan on March 4, 2019.

Built environment components will be developed during the life of this plan with the availability of risk assessment tools for this environment being developed.

Key changes

- 2019/22 plan with provision for early replacement that could result from legislative change.
- Language has been adapted to an improved understanding of risk management for the parties to the plan including agencies, Council and the community.
- References and alignment to state strategic documents have been updated
- Engagement has more aligned to the context of this plan, being a collaboration between emergency services and support agencies.
- Numerous minor amendments and updates have been made.
- Detailed treatments have been listed for residential areas through SGSC.
- Improved engagement with fire brigades has been described including a regular forum with fire brigades from across SGSC.

- Inclusion of an appendix with a summary of CFA roadside and reserve treatments has been included. It has existed outside the plan and is continually being refined.
- Addition of key action summary to improve governance in the MFMPC.

Legislation to be gazetted in 2020 and the associated new Ministerial guidelines will mean the next edition will contain significant changes. Council will no longer be the owner of the plan. The agency partners in the plan, including Council, will collectively own the plan which will be approved at regional level, not by Council. The Ministerial guidance accompanying the legislation will determine the contents of future plans. Following the December 2020 gazetting of the legislation, there will be a transition period to enable plan compliance.

Financial and Resource Implications

The preparation and administration of this plan is with the support of funding for the Emergency Management Officer position. An MFMP is an expected output from state funding for emergency management.

No specific additional costs or savings to Council have been identified in this plan.

Legislation, Council Plan and Policy Impacts

This plan is a required element of Victoria's emergency management arrangements. It incorporates the Municipal Fire Prevention Plan required by the Country Fire Authority Act 1958. It is a sub-plan of the Municipal Emergency Management Plan required by the Emergency Management Act 1986.

This plan is part of Council's key priorities to:

- **Support our community** with emergency management planning. 1.1.3, 1.4.3, 1.4.4.
- **Develop our regional economy and businesses** through the risk assessment component of developing the plan to address economic risks.
- **Plan for our build environment and infrastructure** where the plan engages with asset management planning particularly with roadside works to manage bushfire risks.
- **Promote our natural environment** through the Municipal Emergency Management Plan of which this is a sub-plan and the Municipal Fire Prevention Plan that is incorporated into this plan. Balancing environmental and fire safety issues is a routine part of application of this plan. 4.1.1, 4.1.2, 4.2.3

Risk Management

This plan is a risk management document to recognise and respond to fire risks in our community in collaboration with other agencies. It is consistent with statewide fire management planning arrangements. Its risk management register includes human settlement risks, economic risks, environmental risks and cultural risks. Included in this are particular vulnerabilities of people, critical infrastructure and agriculture.

This is a collaborative plan that references the programs of other agencies and so shares risks across agencies.

A lack of a current Municipal Fire Management Plan would expose Council to reputational damage, which could be significant in a post fire inquiry. It would reduce agency collaboration that leads to a more effective response to community needs.

The updated risk management description in the plan introduction is more appropriate to the context of a fire management plan and the range of possible risk responses that are possible.

Environmental and Sustainability Considerations

Bushfire fuel management practices are part of the Safer Together program where CFA work more closely than the past with DELWP, ensuring good environmental practices for any change in fuel management activities including on Council roadsides. Burning of native grasslands are important for their ongoing health.

Community Consultation and Communication

Preparation of this plan has been coordinated by SGSC with involvement of the members of the MF MPC: CFA, DELWP, Vicpol, Community representatives, Parks Victoria, Regional Roads Victoria.

Engagement with agencies is built into the plan preparation. The contents of the plan reflects ongoing engagement by SGSC and CFA with fire brigades. The MF MPC has two community representatives.

Further public consultation is not required.

The document will be publicly available on our web site. It will be distributed to emergency management agencies.

Disclosure of Interests

Nil.

RECOMMENDATION

That Council:

1. adopt the Southern Grampians Shire Council Municipal Fire Management Plan 2019 -2022 and that it be signed on behalf of the Council; and
2. the Chief Executive Officer be delegated the ability to update appendices as required.

COUNCIL RESOLUTION

MOVED: Cr McAdam
SECONDED: Cr Sharples

That Council:

1. **adopt the Southern Grampians Shire Council Municipal Fire Management Plan 2019 -2022 and that it be signed on behalf of the Council; and**
2. **the Chief Executive Officer be delegated the ability to update appendices as required.**

CARRIED

10.4 Hamilton Flood Investigation report adoption

Directorate: Andrew Goodsell, Director Planning and Development
Author: Bruce Farquharson, Emergency Management Officer
Attachments: 5. Hamilton Flood investigation, Cardno, August 2012

Executive Summary

The Hamilton Flood Investigation was conducted by Cardno in 2012.

The report has not been presented to or adopted by Council. Recommended amendments to the planning scheme have not been implemented to date.

It is recommended that Council adopt the Hamilton Flood Investigation report, August 2012 to commence the process to amend the planning scheme as per the report.

That, in relation to introducing the planning scheme amendment to the Southern Grampians Planning Scheme as recommended in the Hamilton Flood Investigation report, Council delegate to the chief Executive Officer to:

- a) Pursuant to Section 8A of the Planning and Environment Act 1987, request the Minister for Planning to authorise Council to prepare and exhibit a Planning Scheme Amendment; and
- b) Upon receipt of authorisation, pursuant to Sections 12, 17, 18 and 19 of the Planning and Environment Act 1987, prepare and exhibit the Amendment.

Discussion

The Hamilton Flood Investigation was jointly funded through the Australian Federal and State Government's 'Natural Disaster Resilience Grants Scheme' and the Southern Grampians Shire Council and was undertaken in order to update flood hazard data and mapping to:

- assist the Glenelg Hopkins Catchment Management Authority assess flood risk.
- assist Southern Grampians Shire Council to consider flood risk for development.
- provide greater surety to development.
- avoid unnecessary increases in flood related damage to private and public property.
- identify areas where flood mitigation may be required.
- assist relevant public authorities in their flood response planning.

The investigation was completed in 2012 for Glenelg Hopkins CMA by Cardno Pty. Ltd. and is publicly available on the GHCMA web site.

The report has not been presented to or adopted by Council. Recommended amendments to the planning scheme have not occurred to date.

The investigation has determined the 1% Annual Exceedance Probability (AEP) flood extent for the flood plains of the Grange Burn and other minor tributaries in and around Hamilton (study area shown below) through extensive flood investigations and a comprehensive analysis of available data.

Key Deliverables

- A report of the Hamilton Flood Investigation;
- Digital floodplain maps showing both floodplain and floodway areas;
- Economic damage assessment;
- Mitigation option assessment and risk assessment;
- Victoria Flood Data (VFD) compliant datasets;
- Draft Planning Scheme Amendment documentation; and
- Draft Municipal Flood Emergency Plan & Municipal Emergency Management Plan Appendices.

Report Recommendations

Following this study the following actions are recommended:

- Flood maps as generated by this project should be made available to emergency response agencies to assist with the response within Hamilton.
- Ensuring that flood information such as inundated properties, peak flood heights, timing of flood events, flood depths etc are captured post each event for future studies.
- Implement the flood overlays as suggested in this study for future planning control within the catchment. Incorporate the flood overlays into the Council's future development plans.
- Implement a stream flow monitoring upstream of Lake Hamilton at the old Robsons Road gauge location for the purpose of additional flood warning and for use in future flood studies.
- Possibly develop a temporary (or permanent) gauge location that could be used for periods where large rainfall events are expected at Tarrington-Strathkellar Road to give additional warning times.
- Develop a gauge within Hamilton, possible location includes at Portland Road. This would allow verification of the peak flows during large events within Hamilton excluding the influence of Lake Hamilton.
- Implementing a pluviography station within the Hamilton catchment would assist future flood investigations as this would aid the calibration of hydrologic models within the catchment. This gauge could be located within Hamilton or upstream within the catchment.
- Undertake Community awareness programs to highlight the information generated within this study to the community to improve flood awareness within the community.
- Consider undertaking a dam break assessment on Lake Hamilton as this was identified as being undersized compared to the original design specification based on the revised hydrology.
- Consider implementing detailed assessments of the mitigation options for development (if these are to be developed in the future via funding).

Recommendations from Study status

Recommendation	Status	Comments
Flood maps and data to emergency response agencies	Completed	In Floodzoom. Accessible by GHCMA and VicSES Limited publicly available data on GHCMA web site
Capturing flood information after flood events	Completed, ongoing	Action by GHCMA post 2016 flood event
Implement planning overlays flood	Planned for 2019/20 Budget est \$45,000, Grant \$30,000	Report data has weight in decisions about land use and development
Stream flow monitoring at Robsons Rd	Being implemented 2018/19 for dam safety \$1200 for 2 sensors	Gauge on LoRaWAN infrastructure will collect data for SGSC.
	Future option not currently planned	Upgraded monitored gauge providing for community information and warnings
Possible temporary or permanent gauge location at Tarrington - Strathkellar Rd	Planning occurring to implement 2018/19	Planning for unmonitored gauge board installation. SES supplying.
	Future option not currently planned	Monitored gauge providing for community information and warnings
A gauge within Hamilton for verification of peak flows	Planning occurring to implement 2018/19	Planning for unmonitored gauge board installation. SES supplying
	Future option not currently planned	Monitored gauge providing for community information and warnings
Implementing a pluviography (rain) station within the Hamilton catchment	Future option not currently planned	Monitored gauge providing for community information and warnings
Community flood awareness programs	Implemented. Ongoing.	Local flood guide produced by SES
Dam break assessment on Lake Hamilton	In progress 2018/19	Investigation of Lake Hamilton dam wall occurring
Consider implementing detailed assessments of the mitigation options	Partial implementation Mitigation options	Current work planned for integrity of existing levees

Financial and Resource Implications

This report is necessary to access relevant National Disaster Resilience Grants Scheme funding.

A \$30,000 grant for implementing a planning scheme update has been confirmed with Department of Environment, Land, Water and Planning.

Legislation, Council Plan and Policy Impacts

The application of the Planning and Environment Act 1987 relies on data from this investigation to apply flood overlays into the planning scheme.

The Emergency Management Act 1986 requires emergency management planning for which this investigation provides detailed data.

Council Plan - Support our Community:

- information from this investigation is intended to be used to support an empowered and resilient community 1.1.1 and 1.4.4
- a safe community is contributed to by the urban design and regulatory services components of this investigation. 1.4.1, 1.4.3 and 1.4.4

Plan for our built environment and infrastructure:

- information from this investigation supports safety and sustainability in planning and providing assets and infrastructure. 3.1 and 3.2

Promote our natural environment:

- Key component of flood emergency planning 4.1.2, 4.4.3 and 4.4.4
- Balancing land use planning with environmental stewardship 4.2.2
- Protection of the environment and community 4.2.3

Risk Management

Age of Report

The report was prepared in 2012. In a discussion with the Cardno report reviewer, advice received was that there was no significant concerns around using this report. Since the production of this report, a 2016 edition of the Australian Rainfall and Runoff guidelines has been adopted but they indicated that this should not cause legislative or technical impediments in introducing it into the planning scheme. The report includes adjustment for climate change.

Other risks

Planning scheme amendment not having been introduced impacts surety for development where developers may experience the impact of the flood investigation data later than if it had been adopted and was included and published in the planning scheme.

Absence of flood overlay information in the planning scheme leaves Council vulnerable to legal risk exposure. In practical terms, the risk is that Council issues planning permits devoid of flood data, which cannot be prosecuted in the building phase due to the late input of flood information. In essence the planning permit is flawed and cannot be implemented. This risk has been noted in other councils and has led to litigation.

Environmental and Sustainability Considerations

Implementing the planning scheme recommendations will contribute to improved sustainability of future development by avoiding unnecessary increases in flood related damage to private and public property.

Community Consultation and Communication

Engagement with community occurred with conduct of the flood investigation in 2012. Further engagement will occur during the implementation of the planning scheme amendment. This will give opportunity for the flood impacted residents to comment.

Disclosure of Interests

Nil.

RECOMMENDATION

That Council:

1. adopt the Hamilton Flood Investigation report to commence the process to amend the planning scheme as per the study; and
2. in relation to introducing the planning scheme amendment to the Southern Grampians Planning Scheme as recommended in the Hamilton Flood Investigation report, Council delegate to the Chief Executive Officer to:
 - a. Pursuant to Section 8A of the Planning and Environment Act 1987, request the Minister for Planning to authorise Council to prepare and exhibit a Planning Scheme Amendment; and
 - b. Upon receipt of authorisation, pursuant to Sections 12, 17, 18 and 19 of the Planning and Environment Act 1987, prepare and exhibit the Amendment.

COUNCIL RESOLUTION

MOVED: Cr Rainsford

SECONDED: Cr Dunkley

That Council:

1. **adopt the Hamilton Flood Investigation report to commence the process to amend the planning scheme as per the study; and**
2. **in relation to introducing the planning scheme amendment to the Southern Grampians Planning Scheme as recommended in the Hamilton Flood Investigation report, Council delegate to the Chief Executive Officer to:**
 - a. **Pursuant to Section 8A of the Planning and Environment Act 1987, request the Minister for Planning to authorise Council to prepare and exhibit a Planning Scheme Amendment; and**
 - b. **Upon receipt of authorisation, pursuant to Sections 12, 17, 18 and 19 of the Planning and Environment Act 1987, prepare and exhibit the Amendment.**

CARRIED

10.5 Coleraine Flood Investigation report adoption

Directorate: Andrew Goodsell, Director Planning and Development
Author: Bruce Farquharson, Emergency Management Officer
Attachments: 6. Coleraine Flood Investigation – final report

Executive Summary

A flood investigation was initiated from the 2016 flood event in Coleraine. The Coleraine Flood Investigation report was conducted by Venant Solutions.

It is recommended that Council adopt the Coleraine Flood Investigation report to commence the process to amend the planning scheme as per the findings of that report.

In relation to introducing the planning scheme amendment to the Southern Grampians Planning Scheme as recommended in the Coleraine Flood Investigation report, Council delegate to the CEO to:

- a) request the Minister for Planning to authorise Council to prepare and exhibit a Planning Scheme Amendment; and
- b) Upon receipt of authorisation, prepare and exhibit the Amendment.

Discussion

The Coleraine Flood Investigation was commissioned by SGSC in July 2017.

It was jointly funded – Department Environment, Lands, Water and Planning (DELWP) \$170k and SGSC \$30k.

The key objectives of the study were as follows:

1. To consult and engage key stakeholders throughout the project including the Coleraine community and the Project Reference Group through community consultation. Through this process local knowledge and information is captured and utilised to ensure a robust analysis.
2. To develop new hydrologic and hydraulic models that accurately represent the characteristics of the catchment including calibration to historic events and sensitivity analysis.
3. To provide updated flood risk mapping products suitable for inclusion in the Victorian Flood Database and prepare documentation with respect to a potential Amendment of the existing Planning Scheme.
4. To document and prepare emergency management tools such as updates to the Municipal Flood Emergency Plan and to provide an assessment on the feasibility of a Flood Warning System for the Coleraine community.
5. Undertake a flood damages assessment and investigate potential mitigation options to relieve or reduce flooding to the community.
6. Report and create media (including visual media) that documents the process and findings of this study.

In light of the outcomes of the investigation, it is recommended that:

- GHCMA, DELWP and Council adopt the supplied VFD GIS outputs of the investigation as well as formally declaring the flood levels as per the Water Act 1989.

- Council review and adopt the draft planning controls developed as part of this investigation to appropriately manage future development within Coleraine.
- Council to facilitate undertaking a detailed study investigating the mitigation option to construct a levee along the Bryan Creek walking track to reduce the flood risk to the community.
- Council to facilitate undertaking a detailed study investigating the mitigation option for modifications to the Young Street and Robertson Street drain.
- With regards to flood risk and emergency management:
 - In the near-term, VICSES in association with Council to engage with the community to improve flood awareness and response during a flood event. This includes sharing flood intelligence captured to the MFEP with the community along with the mapping products and the flood/no flood tools developed as part of this investigation. It is suggested that as a minimum, this will increase effective flood warning time and the opportunity for initiation of appropriate flood response actions by the community as well as additional door knocking and the start of strategic sandbagging by emergency services.
 - In the medium term, Council to facilitate permanently instrumenting the Douglas Road site and install staff gauges at the Glenelg Highway Bridge in town to increase flood awareness and community engagement. Together, and particularly if the instrumentation allows automated alerting of emergency services and the community to likely flooding, these measures are estimated to give additional confidence in expected flood severity along with an increase in the time available to implement appropriate flood response actions.
 - In the longer-term, Council to facilitate investment in additional and more sophisticated instrumentation to monitor rainfall and water levels coupled with measures or systems to automatically alert emergency services and individuals to the exceedance of trigger values. It is estimated that together these measures would achieve a further increase in effective flood warning time. However, implementation would require significant investment and long-term commitment from Council.

Financial and Resource Implications

This report is necessary to access relevant National Disaster Resilience Grants Scheme funding.

A \$30,000 grant for implementing a planning scheme update has been confirmed.

Legislation, Council Plan and Policy Impacts

The application of the Planning and Environment Act 1987 relies on data from this investigation to apply flood overlays into the planning scheme.

The Emergency Management Act 1986 requires emergency management planning for which this investigation provides detailed data.

Council Plan - Support our Community:

- information from this investigation is intended to be used to support an empowered and resilient community 1.1.1 and 1.4.4

- a safe community is contributed to by the urban design and regulatory services components of this investigation. 1.4.1, 1.4.3 and 1.4.4

Plan for our built environment and infrastructure:

- information from this investigation supports safety and sustainability in planning and providing assets and infrastructure. 3.1 and 3.2

Promote our natural environment:

- Key component of flood emergency planning 4.1.2, 4.4.3 and 4.4.4
- Balancing land use planning with environmental stewardship 4.2.2
- Protection of the environment and community 4.2.3

Risk Management

Introducing the planning scheme amendment provides surety for landowners where developers are informed of flood overlay implications as early as possible in the development approval process.

The introduction of flood overlay information in the planning scheme reduces Council's vulnerability to legal risk exposure. In practical terms, the risk is that if Council issues planning permits devoid of flood data, that can not be prosecuted in the building phase due to the late input of flood information. In essence the planning permit is flawed and cannot be implemented. This risk has been noted in other councils and has led to litigation.

Environmental and Sustainability Considerations

Implementing the planning scheme recommendations will contribute to improved sustainability of future development by avoiding unnecessary increases in flood related damage to private and public property.

Community Consultation and Communication

Engagement with community occurred with conduct of the flood investigation.

Further engagement will occur during the implementation of the planning scheme amendment.

Disclosure of Interests

Nil.

RECOMMENDATION

That Council:

1. adopt the Coleraine Flood Investigation report to commence the process to amend the planning scheme as recommended; and
2. in relation to introducing the planning scheme amendment to the Southern Grampians Planning Scheme as recommended in the Coleraine Flood Investigation report, Council delegate to the Chief Executive Officer:
 - b) Pursuant to Section 8A of the Planning and Environment Act 1987, request the Minister for Planning to authorise Council to prepare and exhibit a Planning Scheme Amendment; and
 - c) Upon receipt of authorisation, pursuant to Sections 12, 17, 18 and 19 of the Planning and Environment Act 1987, prepare and exhibit the Amendment.

COUNCIL RESOLUTION

MOVED: Cr McAdam
SECONDED: Cr Sharples

That Council:

1. **adopt the Coleraine Flood Investigation report to commence the process to amend the planning scheme as recommended; and**
2. **in relation to introducing the planning scheme amendment to the Southern Grampians Planning Scheme as recommended in the Coleraine Flood Investigation report, Council delegate to the Chief Executive Officer:**
 - a) **Pursuant to Section 8A of the Planning and Environment Act 1987, request the Minister for Planning to authorise Council to prepare and exhibit a Planning Scheme Amendment; and**
 - b) **Upon receipt of authorisation, pursuant to Sections 12, 17, 18 and 19 of the Planning and Environment Act 1987, prepare and exhibit the Amendment.**

CARRIED

10.6 Review of Wind Energy Facility noise compliance responsibilities

Directorate: Andrew Goodsell, Director Planning and Development
Author: Rhassel Mhasho – Manager Planning and Regulatory Services
Attachments: None

Executive Summary

This report requests Council to write a letter to the Minister for Planning and Minister for Environment to review the wind energy facility noise compliance and enforcement responsibilities. It is considered that the responsibility for noise compliance and monitoring would be more effective if undertaken by the Environment Protection Agency (EPA) as the specialised authority, as opposed to Council.

Discussion

The 2017 independent inquiry into the role of the EPA and the response from the Victorian Government included an amendment of the existing Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria. This amendment required a statutory environmental audit of noise be undertaken for approval and compliance.

While Council strongly applauds this response, it is also aware of the growing pressure from the Victorian Government extension of the Victorian Renewable Target to 50 per cent by 2030. This has raised large concerns for Local Government and the expectation to manage compliance and enforcement in highly technical areas, such as noise compliance.

It is considered that noise compliance/monitoring is a specialised science which requires technical expertise to review and understand noise monitoring reports. In lieu of having that expertise in house, Council relies on external consultants to advise accordingly, which burdens council with a heavy financial responsibility.

There is a significant distrust in the community that the noise assessments carried out by the wind farms will be independent and reliable. Even with the review by an EPA accredited Auditor.

In accordance with section 13(2) (a) of the Planning and Environment Act 1987, Council acknowledges that it is the responsible authority for the administration and enforcement of the Southern Grampians Planning Scheme, unless the planning scheme specifies another person as the responsible authority for that purpose.

In addition, Council acknowledges that section 97H of the Planning and Environment Act 1987 relevantly provides that in circumstances where a planning permit is granted by the Minister (which is the case for two (2) wind farms in the Shire), the responsible authority specified in the planning scheme becomes the responsible authority for the administration and enforcement of the Act and the relevant planning scheme in respect of the planning permit.

The Minister remains the responsible authority in respect of any matters which the permit specifies are to be done by, approved by or done to the satisfaction of the Minister. However, notwithstanding the requirement that something must occur “to the satisfaction of the Minister”, Council will remain the responsible authority for administering and enforcing the noise compliance requirement in circumstances where:

- A non-compliance is detected;
- The Minister is satisfied that the use is not being carried on in accordance the approved noise testing plan; and
- It is considered reasonable and appropriate by Council for Council to take any enforcement action.

As a result, Council is being heavily lobbied by the community to provide permanent noise monitoring and undertake noise compliance assessments. Regular legal threats about noise monitoring arise and the expectation from some residents is that Council should be undertaking independent noise monitoring or seeking professional consultants to provide this expertise. Neighbours of wind farms are genuinely concerned about the effect of the wind farm noise on their health and amenity.

As such, Council would like to seek assistance in the form of a review of the noise compliance process at a State level. Council feels monitoring of noise compliance would be more effective if supported by a State Government body such as the EPA. This would provide the community with comfort that their concerns are being monitored, would alleviate pressure on already under resourced Councils and provide the technical expertise that is required to manage this highly political matter.

Financial and Resource Implications

Nil.

Legislation, Council Plan and Policy Impacts

Planning and Environment Act 1987.

Risk Management

Nil.

Environmental and Sustainability Considerations

Nil.

Community Consultation and Communication

Consultation was undertaken with other councils.

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 write to the Minister for Planning and Minister for Environment:

1. Seeking a review of current wind energy facility noise compliance and enforcement responsibilities; and
2. Advocating that the responsibility for the monitoring of noise compliance to be undertaken by the Environment Protection Agency (EPA) as the specialised authority.

MOTION

MOVED: Cr Rainsford
SECONDED: Cr Calvano

That Council write to the Minister for Planning and Minister for Environment:

1. **Seeking a review of current wind energy facility noise compliance and enforcement responsibilities including any emerging community health impacts; and**
2. **Advocating that the responsibility for the monitoring of noise compliance to be undertaken by the Environment Protection Agency (EPA) as the specialised authority.**

THE MOTION WAS PUT AND LOST

MOTION

That Council write to the Minister for Planning and Minister for Environment:

1. Seeking a review of current wind energy facility noise compliance and enforcement responsibilities; and
2. Advocating that the responsibility for the monitoring of noise compliance to be undertaken by the Environment Protection Agency (EPA) as the specialised authority.

COUNCIL RESOLUTION

MOVED: Cr Sharples
SECONDED: Cr McAdam

That Council write to the Minister for Planning and Minister for Environment:

- 1. Seeking a review of current wind energy facility noise compliance and enforcement responsibilities including any emerging community health impacts; and**
- 2. Advocating that the responsibility for the monitoring of noise compliance to be undertaken by the Environment Protection Agency (EPA) as the specialised authority.**

CARRIED

MOTION

That a report be presented to the next available meeting of Council proposing to write to the Minister for Health and other relevant Ministers seeking a review of the emerging community health issues associated with Wind Energy Facilities.

COUNCIL RESOLUTION

MOVED: Cr Armstrong
SECONDED: Cr Rainsford

That a report be presented to the next available meeting of Council proposing to write to the Minister for Health and other relevant Ministers seeking a review of the emerging community health issues associated with Wind Energy Facilities.

CARRIED

10.7 Supply and Delivery of One (1) Truck with Bottom Dumper Trailer

Directorate: David Moloney, Director Shire Infrastructure
Author: Brett Holmes, Acting Manager Works
Attachments: None

Executive Summary

The Southern Grampians Shire Council's 2018/19 Plant replacement program ensures an effective and efficient service to renew ageing assets parallel to Council's Long Term Financial Plan.

Council's Works Department currently operate Truck and Tipper trailers within the fleet that are integral to our road construction & maintenance works programs throughout the Shire.

Specialist Plant is required to deliver this service and the Truck and Trailer due for replacement was purchased in May 2005 and has exceeded its expected lifecycle. It has been forecast to renew this item during the 2018/19 financial year.

Council staff have elected to update the type of truck and trailer to a bottom Dump operation which will allow for safer spreading of road making materials on our road network.

Five tenders were received and assessed in accordance with Council policy and it is recommended that Council accept the submission from Mount Gambier Isuzu Pty Ltd for the sum of \$349,496 (inc GST) plus on road costs.

Discussion

Council's Haulage fleet is required for the primary function of road construction, both capital and maintenance programs throughout the shire.

This fleet item, due for replacement, operates year round and, whilst it is generally based in the central sector, it can be called upon to operate across all parts of the shire to align with the works program. It has also been operated in numerous private works jobs during its operational lifetime.

The current Truck and Trailer are in fair to good condition for their age but is now in the high risk category for a major componentry failure, if it is continued to be used for any prolonged period.

Technological advances in the spreading of road making material via bottom dumping operations provides greater and safer efficiencies in road construction and maintenance.

Council engaged with the Municipal Association of Victoria (MAV) with contract access to Vendor Panel to assist with the purchase of the Truck with Bottom Dumper Trailer. Council seek to be advantaged by the use of MAV Vendor Panel Contract - MAV NPN1.15 Specialist Trucks and Bodies.

In consultation with the Works Department, Plant Management & Operations together with the guidance of Council's Procurement Officer, a Request for Quotation (RFQ) was posted (from the Panel Suppliers of the contract) through MAV Vendor Panel, for the Supply and Delivery of One (1) Truck with Bottom Dump trailer.

To assist with the evaluation and recommendation, all submissions were weighted in accordance to the RFQ.

Tendered Price 30%

Fit for Purpose 25%
 Product Backup and Support 35%
 Environmental 10%

Tenderer	Make and model	Tendered Price	Total Score
Mount Gambier Isuzu	Isuzu Giga CXY 240-460 & Spreadmaster	Base Price: \$328,966 With extras: \$349,496	9.30
Mount Gambier Isuzu	Iveco Stralis X-Way & Spreadmaster	Base Price: \$371,481 With extras: \$378,281	8.70
Mount Gambier Isuzu	Iveco ATI & Spreadmaster	Base Price: \$364,166 With extras: \$381,906	8.66
CMV Truck and Bus	UD Quon & Pumpa Manufacturing	Base Price: \$408,925 With extras: \$417,925	8.15
CMV Truck and Bus	Mack Granite & Pumpa Manufacturing	Base Price: \$430,925 With extras: \$437,036	8.30

Financial and Resource Implications

Council resolved and adopted the 2018/19 Plant Replacement Program, an annual budget resource of \$2.2M Inc. GST. Council has been able to gain savings within other capital items this financial year enabling the purchase of this new Truck and Bottom Dump trailer and is within Council's adopted budget.

Legislation, Council Plan and Policy Impacts

Council's June 2011 Asset Management Plan (appendix 6) and Lifecycle Management Plan (sub appendix 6.2 through to 6.3.7).

Procurement section 186 - Local Government Act 1986, linked to Council's Procurement Policy.

Risk Management

Council, as the employer, have a legal responsibility under the Occupational Health and Safety Act 2004, sub appendix P.35 Plant, to have access to safe Plant and Machinery. Section 21.1 of the Act states, an employer must, as so far as reasonably practical, provide and maintain for employees of the employer, a working environment that is safe and without risk to health.

Operating costs increase due to aging equipment, worn componentry and higher maintenance programs. Aging equipment returns increased (downtime) resulting in loss of productivity.

Environmental and Sustainability Considerations

Plant Management and Operations looks favourably upon manufacturers with designs that meet and exceed Australian Green House Emissions ratings.

Consultation and Communication

Request for Tender submissions will be notified by the Procurement Officer of the decision made by Council at its meeting held in June 2019.

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. Accept the submission from Mount Gambier Isuzu Pty Ltd for the sum of \$349,496 (inc GST) plus on road costs; and
2. Sign and seal the contract documents when prepared.

COUNCIL RESOLUTION

MOVED: Cr Sharples

SECONDED: Cr Dunkley

That Council:

1. **Accept the submission from Mount Gambier Isuzu Pty Ltd for the sum of \$349,496 (inc GST) plus on road costs; and**
2. **Sign and seal the contract documents when prepared.**

CARRIED

10.8 Supply and Delivery of One (1) Patrol Truck with Emulsion Spray unit

Directorate: David Moloney, Director Shire Infrastructure
Author: Brett Holmes, Acting Manager Works
Attachments: None

Executive Summary

The Southern Grampians Shire Council's 2018/19 Plant replacement program ensures an effective and efficient service delivery to renew Council's ageing assets parallel to Councils Long Term Financial Plan.

Council's Works Department currently operate Patrol Trucks with Emulsion Spray Units within its fleet and are integral to our road construction and maintenance works programs throughout the Shire.

Specialist Plant is required to deliver this service and the Patrol Truck with Emulsion Spray Unit due for replacement was commissioned in June 2008 and has exceeded industry lifecycle. It is forecast to renew this item during the 2018/19 financial year.

Council staff have elected to replace the vehicle with a similar configuration but with current features and technologies that will assist in the delivery of our road maintenance programs.

Two tenders were received and assessed in accordance with Council policy and it is recommended that Council accept the submission from Mount Gambier Isuzu Pty Ltd for the sum of \$190,308.75 (inc GST) plus on road costs.

Discussion

Council's Patrol Truck Fleet is required for the primary function of road maintenance works within the various maintenance programs throughout the shire.

This fleet item operates on a daily basis and whilst it is generally based in the central sector it can be called upon to operate across any parts of the shire to align with the works program. This fleet item was purchased in June 2008 with an expected industry life cycle of up to 10 years.

The current Isuzu Patrol Truck with Emulsion Spray Unit item is in a fair to good condition for its age but it is now in the high risk category for a major componentry failure if it is continued to be used for any prolonged period.

Technological advances in the Truck Cab Chassis and the Emulsion Spray Unit design and operations will provide greater efficiencies in our maintenance programs.

Council has engaged with the Municipal Association of Victoria (MAV) with contract access to Vendor Panel to assist with the purchase of the Patrol Truck with Emulsion Spray Unit. Council seek to be advantaged by the use of MAV Vendor Panel Contract - MAV NPN1.15 Specialist Trucks and Bodies.

In consultation with the Works Department, Plant Management & Operations together with the guidance of Council's Procurement Officer, posted an Request for Quotation (RFQ) from the Panel Suppliers of the contract, through MAV Vendor Panel, for the Supply and Delivery of One (1) Patrol Truck with Emulsion Spray Unit.

To assist with the evaluation and recommendation, all submissions were weighted in accordance to the RFQ.

Tendered Price 30%
 Fit for Purpose 25%
 Product Backup and Support 35%
 Environmental 10%

Council has received 2 submissions from 2 Suppliers.

Tenderer	Make and model	Tendered Price	Total Score
Mount Gambier Isuzu	Isuzu		9.10
	FSR 140-260 LWB	Base Price: \$168,236.75 With extras: \$190,308.75	
Whitehorse truck centre	Fuso		8.50
	Fighter 1124	Base Price: \$162,500.00 With extras: \$178,685.00	

Financial and Resource Implications

Council resolved and adopted the 2018/19 Plant Replacement Program with an annual budget resource of \$2.2M Inc GST. Council has been able to gain savings within this tender allowing for the Bottom Dumper to be purchased. The purchase of this new Patrol Truck with Emulsion Spray Unit is within Council’s adopted budget.

Legislation, Council Plan and Policy Impacts

Council’s June 2011 Asset Management Plan (appendix 6) and Lifecycle Management Plan (sub appendix 6.2 through to 6.3.7).

Procurement section 186 - Local Government Act (1989) linked to Council’s Procurement Policy.

Risk Management

Council as the employer have a legal responsibility under the Occupational Health and Safety Act 2004, sub appendix P.35 Plant, to have access to safe Plant and Machinery. Section 21.1 of the Act states, an employer must, as so far as reasonably practical, provide and maintain for employees of the employer a working environment that is safe and without risk to health.

Operating costs increase due to aging equipment, worn componentry and higher maintenance programs. Aging equipment returns increased (downtime) resulting in loss of productivity.

Environmental and Sustainability Considerations

Plant Management and Operations looks favourably upon manufacturers with designs that meet and exceed Australian Green House Emissions ratings.

Community Consultation and Communication

Request for Tender submissions will be notified by the Procurement Officer of the decision made by Council at its meeting held in June 2019.

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. accept the submission from Mount Gambier Isuzu Pty Ltd for the sum of \$190,308.75 (inc GST) plus on road costs; and
2. sign and seal the contract documents when prepared.

COUNCIL RESOLUTION

MOVED: Cr Rainsford
SECONDED: Cr McAdam

That Council:

1. **accept the submission from Mount Gambier Isuzu Pty Ltd for the sum of \$190,308.75 (inc GST) plus on road costs; and**
2. **sign and seal the contract documents when prepared.**

CARRIED

10.9 Review of 2018-2019 Capital Works Report

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

Executive Summary

The capital program forms a significant proportion of Council's budget. In 2018-2019, over \$20M was allocated to capital works projects across the Shire with this being forecast back to \$16M. This report indicates the progress to date on the capital works program. Assessments of the capital program delivery is to the 30 April 2019 and compares actual and forecast targets.

Southern Grampians Shire Council has 247 projects in the capital works program to be delivered this financial year. Currently there are 230 projects started with 182 projects being completed.

This report is for noting by the Council.

Discussion

The capital program forms a significant proportion of Council's budget. In 2018-2019, over \$20M has been allocated to capital works projects across the Shire. With contracts let and expenditure due to do across financial years on projects such as Cox Street, the Industrial Land project and King Street, the forecast budget has been revised to \$16M. The works included:

- Road and Bridge Upgrades
- Footpaths
- Playgrounds
- Building Maintenance
- Art Gallery/PAC Maintenance
- Library
- Culverts
- Kerb and Channel
- Recreation Centres and Facilities
- Cox St Upgrade
- Industrial Land Project
- Landfill
- Livestock Exchange Project Stage 1 and 2

The aim of the capital program is to provide targeted funding on projects to maintain or improve Council's infrastructure, assets and services. The review of the program is important to ensure the projects are delivered. This report looks at the progress of the 2018-2019 capital program.

After Council adopted the 2018-2019 budget, Council Officers forecast the capital program for the following criteria:

1. Forecast project start date
2. Forecast project finish date
3. Forecast expenditure

Each month staff update the progress of their projects and charts are developed to monitor the progress of the program.

Time

The 2018-2019 Budget listed 247 projects to be delivered across the range of areas listed above. These projects range from \$2,000 to \$2.5M. This report does not include flood recovery projects.

Figure 1 Project Start Dates, shows a comparison between the forecast start date for projects and the actual start dates for projects.

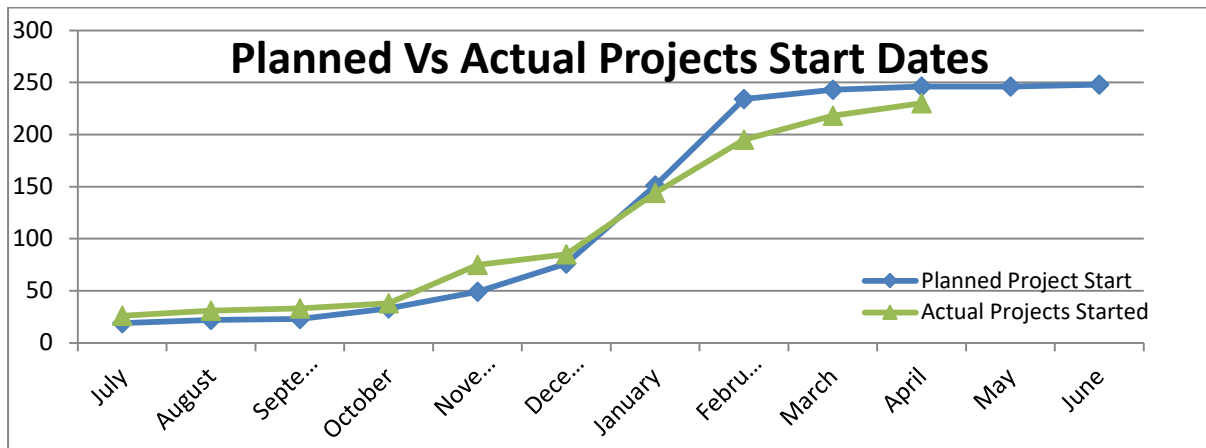


Figure 1 Project Start Dates

Figure 1 shows that Council is currently slightly under the target for projects to be started.

Figure 2 Project finish dates, show the forecast finish dates for projects against the actual finish dates. Figure 2 show the Council is currently on target compared to the forecast in relation to the completion of projects.

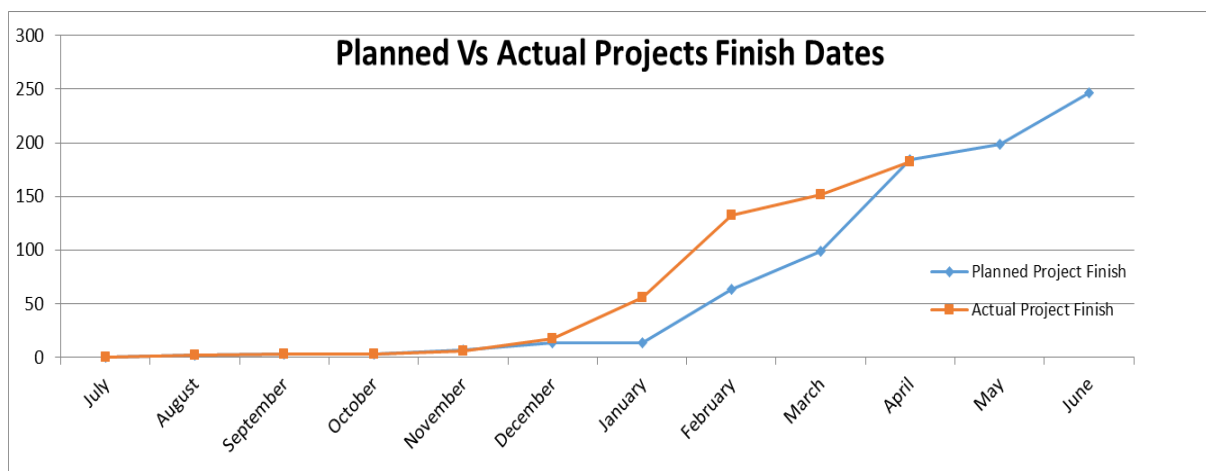


Figure 2 Project finish dates

Figure 3 Forecast Expenditure vs Actual Expenditure, shows the forecast expenditure vs the actual expenditure on projects. Figure 3 shows that expenditure is relatively low when compared to the forecast expenditure.

While the actual costs are down against forecast, commitments for expenditure where a purchase order has been issued but the product or service has not been delivered is not

included in this assessment. An example of this is that there is currently \$812,000 in committed expenditure for the purchase of some heavy fleet items where delivery has not taken place due to the long lead time with plant. This would increase the expenditure significantly once they are delivered.

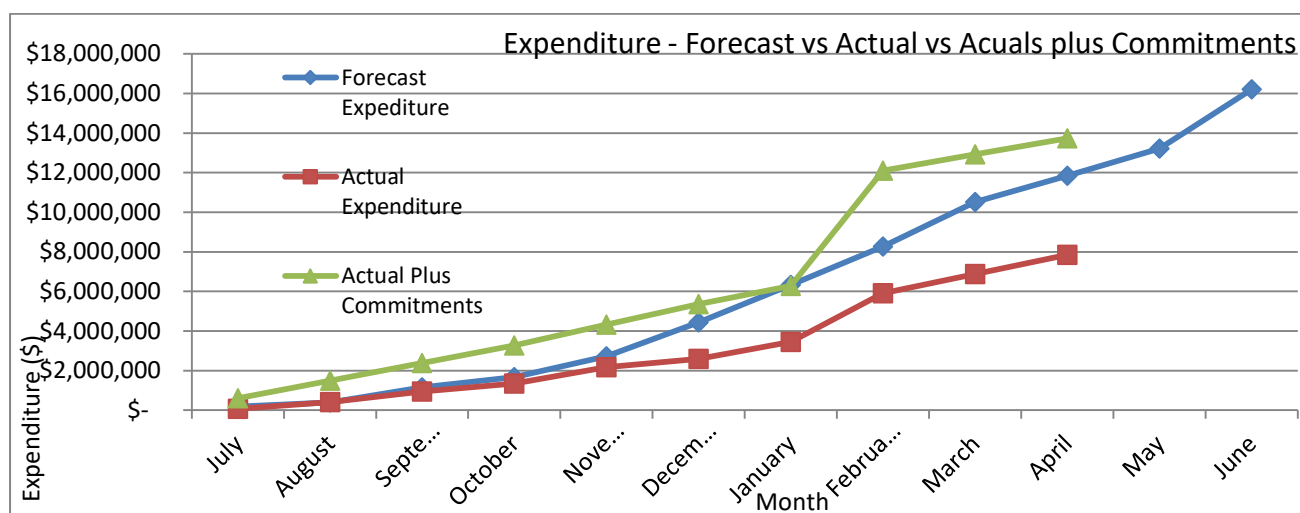


Figure 3 Forecast Expenditure vs Actual Expenditure

Project Status	Actual	Planned
Not Started	12	2
Started	230	246
Completed	182	184
Deferred	5	0

Figure 4 Project Status Summary

Figure 4 Project Status Summary, shows the program against the planned program delivery.

Overall, there has been significant progress made on getting an early delivery of the Capital Program over the first 8 months which is to be expected as the capital program reaches its peak construction period. While projects started are down against the plan there are a significant amount of projects that are completed above the plan.

There is over \$6M including the Botanic Gardens Projects, Cox Street Design and Industrial Land are under contracts let and the annual program works including the reseal and rehabilitation program are almost complete.

Table 5 Summary of Renewal Program, shows that expenditure in the renewal program has increased significantly over the last two months. The main program still to be delivered is the Bridge program. Most of the renewal programs are almost complete and those that are not complete (including the bridge program) have been either awarded, at tender stage or programmed in the works team’s schedule. Reseal program is currently significantly under budget but not all costs are in for the program and will continue to come in for the next two months.

	Budget	Annual Actual (April 2019)	Forecast (April 2019)	AA + Commitments	Annual Actuals - Forecast	Comments
Resheeting	\$ 712,743	\$ 417,357	\$ 201,648	\$ 556,427	\$ 215,709	Resheet program currently underway
Bridges	\$ 658,735	\$ 134,864	\$ 21,100	\$ 311,804	\$ 113,764	2 bridges contracted, 1 tender over budget bridge to be deferred
Rehabs	\$ 2,171,218	\$ 1,946,902	\$ 1,814,308	\$ 1,964,108	\$ 132,594	Rehabs complete with final costs coming in
Fleet	\$ 2,069,000	\$ 273,121	\$ 554,000	\$ 1,092,768	\$ (280,879)	Close to \$0.8M in commitments made to purchase fleet but not delivered and a further \$0.5M going to June meeting
Reseal	\$ 2,232,955	\$ 2,056,197	\$ 2,221,955	\$ 2,056,197	\$ (165,758)	Projects complete but not all costs are in
Kerb and Channel	\$ 99,360	\$ 118,810	\$ 99,360	\$ 121,361	\$ 19,450	Works Complete
Major Culverts	\$ 246,924	\$ 160,390	\$ 146,924	\$ 175,186	\$ 13,466	2 Projects to go with Culverts on site
Footpaths	\$ 149,240	\$ 56,024	\$ 96,682	\$ 56,024	\$ (40,658)	Works to start again once culverts complete
	\$ 8,340,175	\$ 5,163,666	\$ 5,155,977	\$ 6,333,875	\$ 7,689	

Table 5 Summary of Renewal Program

There are currently three deferred projects in this year's program. These are:

1. Concrete Footpath - Hensley Park Road (Council Decision)
2. Concrete Footpath – Kent Road (Council Decision)
3. Rural Road Rehabilitation – Gellerts Road (Change of priority for Chesswas St)

Another project that is on hold awaiting funding is the King Street Intersection upgrade. Council currently has two funding applications in for this project. The two funding applications are:

1. Blackspot funding
2. Fixing Country Roads 2019/2020

It is expected that Council will know the outcome of these funding applications before the end of the financial year.

Legislation, Council Plan and Policy Impacts

This report assists Council in meeting its obligations under the Local Government Act 1989.

This report also relates to the:

- Southern Grampians Shire Council – 2017-2021 Council Plan and;
- 2018-2019 Southern Grampians Shire Council Budget.

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 review of progress of the 2018-2019 Capital Program is received

COUNCIL RESOLUTION

MOVED: Cr Dunkley

SECONDED: Cr Sharples

That the review of progress of the 2018-2019 Capital Program is received

CARRIED

10.10 Tender 5-19 Hamilton Regional Livestock Exchange - Canteen Upgrade Works

Directorate: David Moloney, Director Shire Infrastructure
Author: Jason Newton, Project Manager Capital Works
Attachments: None

Executive Summary

Tender 5-19 is for upgrade works to the Hamilton Regional Livestock Exchange (HRLX) canteen is part of the HRLX masterplan and is the last of the projects for Stage 2 works. The works for the Livestock Exchange Canteen Upgrade were tendered from April to May with only one tender being completed and submitted from Ultrabuild construction group.

Post tender discussions were held with the tenderer to determine the contractors perceived risk and clarify understanding of the components.

Ultrabuild are the current Contractor undertaking the works on the Cattle yard roof at the livestock exchange and plan to run the works as part of the same site.

Tenders were publicly advertised on 16/04/19 for the Contract 5-19 Hamilton Regional Livestock Exchange Stage 3 Canteen Upgrade

Tender submissions were received and evaluated based on –

- Price
- Prior Experience
- Safety
- Environmental Sustainability Considerations

It is recommended that:

1. Tender 5-19 Hamilton Regional Livestock Exchange – Canteen Upgrade received from Ultrabuild for \$273,581.10 inclusive of GST be accepted.
2. The Contract documents be signed and sealed when prepared.

Discussion

The canteen upgrade has been planned as part of the Hamilton Regional Livestock Exchange (HRLX). Tenders were publicly advertised on 16/04/19 for the Contract 5-19 Hamilton Regional Livestock Exchange Stage 3 Canteen Upgrade.

At the closing of the tender period there was one tender received from Ultrabuild. Consultation was held with Ultrabuild and SGSC Officers Jason Newton and Krishna Chaulagain on 22 May 2019, in the Cox St Office, in regards to better defining the scope of works document to enable a more accurate price from the contractor and ensuring a better understanding of the requirements of the upgrade works.

Following these discussions, Ultrabuild submitted a revised price.

It should be noted the main items of the tender are defined within the specification include the following;

- The roof is to be replaced in its entirety to ensure all leaks and rusted sections are fixed
- Toilet/Shower area are to be refurbished with some new tiling, repainting and roof ventilation and reflooring
- The existing evaporative cooler is to be removed with the two new reverse cycle a/c replacing its use
- Asbestos removed from the building and replaster
- Electrical switch upgrade with LED lighting
- New windows in Canteen area
- Kitchen painting and ceiling works
- Other minor works

There are two options available to Council:

1. Award Tender 5-19 to Ultrabuild Pty Ltd for \$273,581 incl GST
2. Not award the Tender 5-19 to UltraBuild Pty Ltd.

Based on the assessment of tender documents it is recommended that Council, award Tender 5-19 to Ultrabuild Pty Ltd for \$273,581 incl GST.

Financial and Resource Implications

The works will be completed under the two separate Work Orders

- HRLX Canteen Refurbishment (WO2326) currently at \$175,000
- Building Capex budget (WO3140) currently at \$484,000

Legislation, Council Plan and Policy Impacts

This report is in keeping with the following Legislation and policies:

- Local Government Act (1989)
- SGSC Procurement Policy (August 2018)

Risk Management

Due to the current condition of the Canteen building the works present more of a risk if they are not to proceed with further issues and costs being incurred as the roof leaks increase and the building ages.

The works will impact on the service delivery provided by the canteen during the construction phase but as this is a quieter time of year for the Livestock exchange the disruption should be minimal.

Construction works Hazards will be managed in accordance with the conditions of contract and the site will be run to all Worksafe Victoria regulations.

Environmental and Sustainability Considerations

The works identified will be undertaken subject to any building permit requirements and will comply with all relevant government legislation and best practice guidelines relating to lighting, insulation, heating and cooling.

Community Consultation and Communication

Public notice was given of the tender in accordance with section 186 of the Local Government Act 1989 and the tender process complied with Council's Procurement Policy.

Tenderers will be notified by the Procurements Officer of the decision made by Council at its meeting on 12 June 2019.

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.

The evaluation panel affirm that no direct or indirect interests need to be declared in relation to any matters in this Report:

- David Moloney , Director Shire Infrastructure
- Krishna Chaulagain , Projects Engineer
- Rohit Srivastava , Manager Assets

RECOMMENDATION

It is recommended that:

1. the tender received from Ultrabuild for \$273,581.10 inclusive of GST be accepted.
2. the Contract documents be signed and sealed when prepared.

COUNCIL RESOLUTION

MOVED: Cr McAdam
SECONDED: Cr Rainsford

It is recommended that:

1. the tender received from Ultrabuild for \$273,581.10 inclusive of GST be accepted.
2. the Contract documents be signed and sealed when prepared.

CARRIED

11 Notices of Motion

There were no Notices of Motion listed on tonight's agenda.

12 Delegated Reports

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

12.1 D FORCE PROJECT COMMITTEE

Cr Rainsford reported on her attendance at the D Force Project Committee Meeting held on the 7 May 2019.

12.2 MAV RURAL AND REGIONAL FORUM

Cr Sharples reported on his attendance at the MAV Rural and Regional Forum held on the 6 June 2019.

13 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.

13.1 Chief Executive Officer Employment and Remuneration Committee Charter

Author: Cr Mary-Ann Brown, Mayor
Attachments: 7. CEO Employment and Remuneration Committee Charter

Executive Summary

At the Council Meeting held on Wednesday 13 March 2019, Council resolved to form a Chief Executive Officer (CEO) Employment and Remuneration Committee of Council, with terms of reference to be developed and endorsed by Council.

It is recommended that Council endorse the CEO Employment and Remuneration Committee Charter.

Discussion

At the Council Meeting held on Wednesday December 12, 2018 Council resolved to reappoint the current CEO, Mr Michael Tudball which was subsequently completed at 13 March, 2019 Council meeting, with Council resolving to authorise the Mayor to execute the CEO Employment Contract on behalf of Council.

It was further recommended that Council establish a Delegated Committee entitled CEO Employment and Remuneration Committee to deal with contractual, performance and remuneration matters and be constituted to include Mayor, Deputy Mayor (where applicable) and two (2) Councillors.

The attached CEO Employment and Remuneration Committee Charter details the Committee's purpose and responsibilities.

Legislation, Council Plan and Policy Impacts

Section 97A of the Local Government Act 1989 stipulates the statutory requirement for the performance review of the CEO.

This decision is aligned with the Council Plan key priority 5 Provide Governance and Leadership, objective 5.1 Provide transparent and responsible governance.

Community Consultation and Communication

None undertaken.

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 endorse the Chief Executive Officer Employment and Remuneration Committee Charter.

MOTION

MOVED: Cr Brown
SECONDED: Cr Dunkley

That Council endorse the Chief Executive Officer Employment and Remuneration Committee Charter.

AMENDMENT

MOVED: Cr Calvano
SECONDED: Cr Rainsford

That Council endorse the Chief Executive Officer Employment and Remuneration Committee Charter subject to the following amendment to point 3.1 of the Charter under 3. Composition - The Committee will be constituted by all elected Councillors.

THE AMENDMENT WAS PUT AND LOST

A division was called

DIVISION	
FOR	AGAINST
Cr Calvano	Cr Brown
Cr Rainsford	Cr Armstrong
Cr McAdam	Cr Dunkley
	Cr Sharples

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr Dunkley

That Council endorse the Chief Executive Officer Employment and Remuneration Committee Charter.

CARRIED

13.2 CEO Performance Review

Author: Cr Mary-Ann Brown, Mayor
Attachments: 8. Confidential Annual Performance Appraisal Report

Executive Summary

This report recommends the endorsement of the Chief Executive Officer's (CEO) Performance Review for the past 12 months, being 2018/2019, which has been undertaken by all Councillors and supported by consultant, Mr Philip Shanahan.

Discussion

A requirement of the employment contract between Council and the Chief Executive Officer is that an Annual Performance Review be undertaken by all Councillors.

The following process was undertaken by the consultant:

- a) The consultant met with the CEO and discussed performance issues
- b) Sourced quantitative information and data from Council's Annual Report and other sources as appropriate.
- c) Facilitated a Councillors' workshop where Councillors reached consensus views about aspects of the CEO's performance.

This appraisal process has two objectives:

1. To ensure that the key outcomes and competencies that Council wants from its CEO are the measured key indicators of performance.
2. The process is heavily developmental in its nature and seeks to assist the CEO to improve his skills and competencies by receiving authentic and considered feedback about his performance.

The CEO's 2018/2019 Performance Plan is detailed in the attached Performance Appraisal Report, together with an Appraisal Assessment for each Strategic Performance Objective (SPO). The SPOs are as follows:

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 Appraisal summarises that the performance of the Council's CEO during 2018/2019 has been a very strong one. The consultant's analysis suggests that the SPO's set by Council for the CEO have been met, or, are in hand to be met by 30 June 2019. Councillors have expressed strong confidence in the CEO and that confidence is supported by the findings of the Performance Appraisal and the recent re-appointment of the Chief Executive Officer for a five year term.

Financial and Resource Implications

The CEO Performance Review is a requirement of the CEO Contract and good governance and is budgeted to occur annually.

Legislation, Council Plan and Policy Impacts

It is a requirement under Section 97A of the Local Government Act 1989 for Council to review the performance of its Chief Executive Officer at least once a year.

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 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

That Council:

1. Endorse the Performance Appraisal Report for its Chief Executive Officer, for 2018/2019;
2. Treat the attached detailed Appraisal Report as confidential.

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr McAdam

That Council:

- 1. Endorse the Performance Appraisal Report for its Chief Executive Officer, for 2018/2019;**
- 2. Treat the attached detailed Appraisal Report as confidential.**

CARRIED

14 Confidential Matters

There were no Confidential Matters listed on tonight's agenda.

15 Close of Meeting

This concludes the business of the meeting.

Meeting closed at 6:50 pm.

Confirmed by resolution 10 July 2019.

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Chairman