



Southern Grampians
SHIRE COUNCIL

Council Meeting Minutes

Ordinary Meeting
14 August 2019

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

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1 Membership

Councillors

Cr Mary-Ann Brown – Mayor
Cr Chris Sharples – Deputy Mayor
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 Infrastructures
Ms Karly Saunders – Governance Coordinator

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 Sharples led the meeting in a prayer

4 Apologies

Cr Cathy Armstrong

5 Confirmation of Minutes

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 10 July 2019 be confirmed as a correct record of business transacted.

COUNCIL RESOLUTION

MOVED: Cr Sharples

SECONDED: Cr McAdam

That the Minutes of the Ordinary Meeting of Council held on 10 July 2019 be confirmed as a correct record of business transacted.

CARRIED

6 Declaration of Interest

Cr McAdam declared an indirect conflict of interest in item 10.9 – Reprioritisation of 2019/2020 Works Plan.

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 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 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:

- Hamilton Regional Livestock Exchange Committee Meeting – 8 July 2019
- Special Audit and Risk Committee Meeting – 9 July 2019
- Briefing Session – 10 July 2019
- Industry Visits – 24 July 2019
- Briefing Session – 24 July 2019

This agenda was prepared on 7 August 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 Rainsford
SECONDED: Cr Calvano

That the record of the Assembly of Councillors be noted and incorporated in the Minutes of this Meeting noting that at the Briefing held on 10 July 2019, Cr Armstrong arrived after the commencement of the meeting and Cr's Calvano and Rainsford left the meeting for a period of time.

CARRIED

ASSEMBLY OF COUNCILLORS



Southern Grampians
Shire Council

ASSEMBLY DETAILS	
Title:	Hamilton Livestock Exchange Advisory Committee Meeting
Date:	8 July 2019
Location:	Martin J. Hynes Auditorium
Councillors in Attendance:	Cr Greg McAdam
Council Staff in Attendance:	StJohn Lees, Manager Projects Rodney VanDeHoef, Team Leader Ventures Jonathan Chinomona, Project Engineer Chris Dahlenburg, Livestock Exchange Superintendent

The Assembly commenced at 4.00pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Canteen	Nil
2	Manager's Office	Nil
3	Cattle Yard Roof	Nil
4	Perimeter Fence	Nil
5	Security System	Nil
6	Throughput Numbers	Nil

The Assembly concluded at 5.00pm

ASSEMBLY OF COUNCILLORS



Southern Grampians
Shire Council

ASSEMBLY DETAILS	
Title:	Special Audit & Risk Committee Meeting
Date:	9 July 2019
Location:	Martin J Hynes Auditorium
Councillors in Attendance:	Mayor Mary-Ann Brown
Council Staff in Attendance:	Michael Tudball, Chief Executive Officer Evelyn Arnold, Director Community & Corporate Services Belinda Johnson, Manager Finance Jason Cay, Finance Coordinator Darren Barber, Manager Organisational Development Rohit Srivastava, Acting Director Shire Infrastructure Nadine Rhook, Executive Assistant to 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	Summary of Outstanding Matters	Nil
6	External Audit	Nil
7	Internal Audit	Nil
8	Implementation of Local Government Act	Nil

The Assembly concluded at 3.06pm

ASSEMBLY OF COUNCILLORS



Southern Grampians
Shire Council

ASSEMBLY DETAILS	
Title:	Council Briefing Session
Date:	10 July 2019
Location:	MJ Hynes Auditorium
Councillors in Attendance:	Cr Mary-Ann Brown, Mayor Cr Chris Sharples, Deputy Mayor Cr Cathy Armstrong Cr Albert Calvano Cr Greg McAdam Cr Katrina Rainsford
Council Staff in Attendance:	Michael Tudball, Chief Executive Officer Evelyn Arnold, Director Community and Corporate Services Rohit Srivastava, Acting Director Shire Infrastructure Hugh Koch, Acting Director Planning and Development Karly Saunders, Governance Coordinator Susannah Milne, Manager Community and Leisure Melanie Starr, Manager Recreation Lachy Patterson, Manager Community Relations

The Assembly commenced at 1:00pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Pedrina Park Facilities Design Specifications	Nil
2	Grampians Tourism	Nil
3	Coleraine Primary School Joint Agreement	Nil
4	Disability Action Plan and Community Inclusion Report	Nil
5	Listening Post Report	Nil

The Assembly concluded at 5:00pm

ASSEMBLY OF COUNCILLORS



Southern Grampians
Shire Council

ASSEMBLY DETAILS	
Title:	Industry Visits
Date:	24 July 2019
Location:	Various
Councillors in Attendance:	Cr Mary-Ann Brown, Mayor Cr Chris Sharples, Deputy Mayor Cr Cathy Armstrong Cr Colin Dunkley Cr Greg McAdam
Council Staff in Attendance:	Michael Tudball, Chief Executive Officer Andrew Goodsell, Director Planning and Development Hugh Koch, Manager Economic Development and Tourism Joanne O'Sullivan, Economic Development Officer

The Assembly commenced at 10:00am

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Hamilton Diesel Repairs and Spares	Nil
2	Hamilton Produce	Nil
3	Clipex	Nil

The Assembly concluded at 11:30am

ASSEMBLY OF COUNCILLORS



Southern Grampians
Shire Council

ASSEMBLY DETAILS	
Title:	Council Briefing Session
Date:	24 July 2019
Location:	MJ Hynes Auditorium
Councillors in Attendance:	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 – Phone conference 1:00pm – 2:30pm
Council Staff in Attendance:	Michael Tudball, Chief Executive Officer Evelyn Arnold, Director Community and Corporate Services StJohn Lees, Acting Director Shire Infrastructure Andrew Goodsell, Director Planning and Development Pauline Porter, Environmental Health Coordinator Hugh Koch, Manager Economic Development and Tourism Tendai Mhasho, Property Officer

The Assembly commenced at 11:30am

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Onshore Gas Position	Nil
2	Domestic Wastewater Management Plan	Nil
3	Art Gallery Business Case	Nil
4	Quarterly Annual Report	Nil
5	Budget Submission Report	Nil

6	Art Gallery Foundation Report	Nil
7	RV Friendly Towns	Nil
8	Tender for Cox Street Redevelopment	Nil
9	Mirranatwa Road Closure Report	Nil
10	Prioritised Projects from Budget <ul style="list-style-type: none">• Kurtzes Road• Tarrington Footpath	Nil
11	Comensura Report	Nil

The Assembly concluded at 5:00pm

10 Management Reports

10.1 Annual Plan Quarterly Report

Directorate: Michael Tudball, Chief Executive Officer
Author: Karly Saunders, Governance Coordinator
Attachments: 1. Action and Task Progress Report July 2018 – 30 June 2019

Executive Summary

The Action and Task Progress Report for the period 1 July 2018 to 30 June 2019 has been prepared to provide information regarding the performance of the organisation against the Annual Plan.

Discussion

The Annual Plan is developed each year to assist in the delivery of the Council Plan objectives and to demonstrate to the community the key projects to be delivered that year. The Annual Plan sets out the specific actions and includes a detailed list of Council's activities and initiatives for the upcoming financial year. These initiatives are projects that are undertaken over and above normal service delivery and are intended to attain important outcomes for Council and the community.

Reports on the progress of the Annual Plan are reported to Council quarterly. This allows Council to receive timely, relevant and measurable information about how the organisation is performing. This in turn allows Council an opportunity to raise concerns about performance in a timely manner. The Annual Plan reporting will also help formulate the Annual Report and support the reporting against the Council Plan each year.

This is the final report on the Annual Plan for the 2018/2019 financial year. There are 90 actions in the Annual Plan. Of these 90 actions:

- 59 of the 90 actions (65%) have been completed;
- 77 actions (86%) are on track - at least 90% of the target achieved;
- 6 actions (7%) require monitoring –between 70% and 90% of the target achieved;
- 7 actions (8%) are off track – less than 70% of target achieved; and
- 0 actions (0%) have no target set

	Complete	On Track	Require Monitoring	Off Track	Total Actions
30 September 2018	6% (4)	98% (59)	2% (1)	0% (0)	60
31 December 2018	10% (8)	88% (67)	11% (8)	1% (1)	76
31 March 2019	25% (22)	86% (76)	7% (6)	7% (6)	88
30 June 2019	65% (59)	86% (77)	7% (6)	8% (7)	90

Although not all Actions in the Annual Plan have been completed excellent progress has been made throughout the year.

The Actions that are not yet completed will be carried forward into the 2019/2020 Annual Plan for completion. Many of these Actions were unable to be completed due to changes in staffing levels, changes in funding levels and changes in work plan priorities throughout the year.

Details about the specific performance of the Annual Plan actions is detailed in the attached Action and Task Progress Report.

Legislation, Council Plan and Policy Impacts

Council is required to adopt a Council Plan in accordance with section 125 of the *Local Government Act 1989*. This Plan is supported by the development of an Annual Plan which details the actions that will be undertaken to achieve the strategic objectives in the Council Plan.

Reporting on the Annual Plan is to be presented to Council quarterly so that Council can regularly monitor the performance of the organisation.

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 Action and Task Progress Report for 1 July 2018 to 30 June 2019 be received.

COUNCIL RESOLUTION

MOVED: Cr Sharples
SECONDED: Cr Dunkley

That the Action and Task Progress Report for 1 July 2018 to 30 June 2019 be received.

CARRIED

10.2 Audit and Risk Committee - Minutes

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Evelyn Arnold, Director Community and Corporate Services
Attachments: 2. Audit and Risk Committee Meeting Minutes – 9 July 2019

Executive Summary

The Minutes from the July 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 Special Audit and Risk Committee meeting held on 9 July 2019 be noted.

COUNCIL RESOLUTION

MOVED: Cr McAdam
SECONDED: Cr Sharples

That the Minutes for the Special Audit and Risk Committee meeting held on 9 July 2019 be noted.

CARRIED

10.3 MAV Recruitment Neutral Vendor Managed Service - Comensura

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Evelyn Arnold, Director Community and Corporate Services
Attachments: Nil

Executive Summary

This report details the current total expenditure for the MAV Contract for Recruitment Neutral Vendor Managed Services (currently RS8017-2015NV), otherwise referred to as the Comensura Contract. Including a split between Flood Recovery Unit and other Business Units. It is recommended that, as the Flood office is now closed, the report be noted as the final total spend under this contract.

Discussion

In June 2017 Council resolved to accept the Comensura Contract. The contract is for the period of 3 years and covers the placement of temporary specialist contractors in both the Flood Recovery Unit and where applicable across the other business units. The total contract expenditure was capped at;

Flood Recovery Unit: \$3,600,000 over the next 3 years

Other Business Units: \$500,000 over the next 3 years

for expenditure up to \$4,100,000 exclusive of GST over the period 1 July 2017 to 30 June 2020.

The table below outlines total expenditure on this contract;

BUSINESS UNIT	2017/18	2018/19	Total
<i>Flood Recovery</i>	\$1,408,091.83	\$1,984,482.92	\$3,392,574.75
<i>Other</i>	\$48,731.37	\$2,298.58	\$51,029.95
<i>Total</i>	\$1,456,823.20	\$1,986,781.50	\$3,443,604.70

Therefore total expenditure since the beginning of the contract is \$3,443,604.70

Financial and Resource Implications

The monetary costs of this contract for the Flood Recovery Unit was covered under the funding model that covers all flood works. For the Other Business units the use of specialist contractors is covered in the normal operation budget allocations.

Legislation, Council Plan and Policy Impacts

Council Plan

The Council Plan identifies that '*The Southern Grampians Shire has a strong sense of community with people working together to achieve common goals and outcomes. This sense of community benefits the entire municipality and Council will continue to encourage and acknowledge the community interest in the development of the Shire.*'

The work of the Flood Recovery Unit is critical to building a sense of community and the engagement of specialist skills sets through Comensura allows Council to meet the demands of the community and the requirements of Flood Recovery in an engaged and direct manner to achieve reinstatement of flood impacted assets as quickly as possible.

Legislation

Section 186A of the *Local Government Act 1989*.

This section of the *Local Government Act 1989* requires Council to prepare, approve and comply with a Procurement policy encompassing the principles, processes and procedures applied to all purchases of goods, services and works by the Council.

Risk Management

A number of the strategies outlined in the SGHWP are to be delivered in partnership with a range of agencies. In some cases Council is the Lead Agency whilst with other strategies Council is an Advocate or a Partner.

Environmental and Sustainability Considerations

There are no environmental or sustainability considerations in relation to this item.

Community Consultation and Communication

No community consultation or communication was required in relation to this report.

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. Receive the report detailing expenditure for 1 July 2017 to 30 June 2018 and 1 July 2018 to 30 June 2019 under the MAV Contract for Recruitment Neutral Vendor Managed Services;
2. Endorse that, as the Flood Recovery project is now complete, this report is the final formal report required to be presented to Council.

COUNCIL RESOLUTION

MOVED: Cr Rainsford
SECONDED: Cr Dunkley

That Council:

1. **Receive the report detailing expenditure for 1 July 2017 to 30 June 2018 and 1 July 2018 to 30 June 2019 under the MAV Contract for Recruitment Neutral Vendor Managed Services;**
2. **Endorse that, as the Flood Recovery project is now complete, this report is the final formal report required to be presented to Council.**

CARRIED

10.4 Draft Domestic Wastewater Management Plan Consultation

Directorate: Andrew Goodsell, Director Planning and Development
Author: Pauline Porter - Environmental Health Coordinator
Attachments: 3. Southern Grampians Shire Domestic Wastewater Management Plan

Executive Summary

The draft Domestic Wastewater Management Plan (2019) has been prepared to enable Council to meet its management of onsite wastewater management systems obligations under the *Environmental Protection Act 1970*, State Environment Protection Policy (Waters of Victoria) and *Public Health and Wellbeing Act 2008*.

This report is for Council to endorse the draft Domestic Wastewater Management Plan (2019) for community engagement and consultation. Refer to Attachment 1.

Discussion

Southern Grampians Shire is responsible for the management of onsite wastewater management systems for properties that generate 5000 litres of wastewater or less per day through the implementation of public health and environmental protection legislation and policies.

State Environment Protection Policy (Waters of Victoria) requires Victorian municipal councils with domestic onsite domestic wastewater management systems to develop, implement and review a Domestic Wastewater Management Plan. The Plan must identify and prioritise cumulative risks and set out strategies to provide solutions to prevent discharge of wastewater beyond property boundaries to manage associated public health and environmental risks. Council has responsibilities under the *Public Health and Wellbeing Act 2008* to seek to protect, improve and promote public health within the local government area.

The initial 2006 Council adopted Domestic Wastewater Management Plan now requires updating to reflect legislative and policy changes, updated information, new innovation and build on the work previously undertaken.

The Domestic Wastewater Management Plan (2019) has been prepared to assist Council to meet its legislated responsibilities and strategic work to refine policy and schedule in the Southern Grampians Shire Planning Scheme.

Preparation of the Domestic Wastewater Management Plan (2019) involves four stages as follows:



The draft Domestic Wastewater Management Plan (2019) assesses onsite wastewater management systems risks in the municipality and identifies high risk townships. The Plan identifies properties where wastewater is discharging off-site and develops actions to prevent this discharge from occurring. The Plan provides direction to the authorities, community and investors to address wastewater issues in relation to existing allotments and subdivision of land in unsewered areas. Strategies are outlined to prevent and manage wastewater discharged beyond property boundaries.

The Plan includes a whole-of-Council work plan to prioritise actions, guide resource allocation to manage identified public health and environmental risks associated with onsite domestic wastewater management systems.

The major achievement of the Domestic Wastewater Management Plan is the development of on-site wastewater hazard mapping in GIS mapping format. The wastewater hazard mapping identifies the risk associated with on-site wastewater management on each property based on land capability and lot size.

The Plan acknowledges Council's domestic wastewater management achievements to date.

Financial and Resource Implications

Council's resourcing capabilities have been considered when allocating resource requirements associated with the Domestic Wastewater Management Plan.

The resourcing of actions outlined in the strategy will involve expenditure by Council over the next five years and will be budgeted accordingly.

Legislation, Council Plan and Policy Impacts

Environmental Protection Act 1970

Public Health and Wellbeing Act 2008

Local Government Act 1989

Planning and Environment Act 1987

Water Act 1989

State Environment Protection Policy (Waters of Victoria)

Risk Management

The Domestic Wastewater Management Plan will provide Council the framework to manage wastewater in a manner that protects public health, provides healthy environment, a prosperous economy and thriving community, now and in to the future.

Environmental and Sustainability Considerations

The Domestic Wastewater Management Plan will enable Council to protect, improve and promote the municipal natural environment through the management of current and emerging wastewater management issues facing the Municipality.

Community Consultation and Communication

This report is to seek Council resolution to endorse the draft Domestic Wastewater Management Plan and commence public and stakeholder consultation. Detailed Southern Grampians Shire Council Domestic Wastewater Management Plan Consultation Plan has been developed.

Consultation on the Domestic Wastewater Management Plan is an opportunity to engage the community and stakeholders about domestic wastewater management issues identified within the municipality and the proposed strategies to manage these issues.

Feedback from the community, key stakeholders, government agencies and Council staff will be sought and incorporated, as appropriate, into the final Plan.

It is proposed that the Domestic Wastewater Management Plan be publicly exhibited for a period 28 days. A variety of methods will be used to notify the community about the Plan and obtain feedback, including:

- Individual letters to identified key stakeholders;
- Staff attendance to Council Listening Posts scheduled during the feedback period
- Public notices published in The Hamilton Spectator;
- Digital copies of the Plan will available for download on Council website and hard copies will be available for inspection at Southern Grampians Shire Council offices and Hamilton Regional Library.

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. Endorses the draft Southern Grampians Shire Council Domestic Wastewater Management Plan (May 2019) at Attachment 1 to this report, for the purpose of community and stakeholder consultation for a period of 28 days.
2. Present community and stakeholder feedback to Council for final adoption of Southern Grampians Shire Council Domestic Wastewater Management Plan.

COUNCIL RESOLUTION

MOVED: Cr Calvano
SECONDED: Cr McAdam

That Council:

1. **Endorses the draft Southern Grampians Shire Council Domestic Wastewater Management Plan (May 2019) at Attachment 1 to this report, for the purpose of community and stakeholder consultation for a period of 28 days.**
2. **Present community and stakeholder feedback to Council for final adoption of Southern Grampians Shire Council Domestic Wastewater Management Plan.**

CARRIED

10.5 Municipal Emergency Management Planning Committee Minutes – 13 June 2019

Directorate: Andrew Goodsell, Director Planning and Development
Author: Andrew Goodsell, Director Planning and Development
Attachments: 4. MEMPC Minutes – 13 June 2019

Executive Summary

The Minutes from the Municipal Emergency Management Planning Committee are presented to Council for information.

Discussion

The purpose of the Municipal Emergency Planning Committee (MEMPC) is to plan for emergencies in the municipality through the formulation and maintaining of the Southern Grampians Municipal Emergency Management Plan.

Legislation, Council Plan and Policy Impacts

Section 21(3) and 21 (4) of the *Emergency Management Act 1986*.

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 of the Municipal Emergency Management Planning Committee meeting held on 13 June 2019 be noted.

COUNCIL RESOLUTION

MOVED: Cr McAdam
SECONDED: Cr Sharples

That the minutes of the Municipal Emergency Management Planning Committee meeting held on 13 June 2019 be noted.

CARRIED

10.6 New Hamilton Art Gallery Foundation

Directorate: Andrew Goodsell, Director Planning and Development
Author: Andrew Goodsell, Director Planning and Development
Attachments: None.

Executive Summary

Council is seeking to build a new art gallery in Hamilton. A core question is the manner in which a new gallery is to be funded, having regard to funding options at a Federal and State level as well as philanthropic interest. Given the original gallery was established via philanthropic interests and donations, philanthropic funding will be likely critical.

To this end, Council resolved in February 2017 to:

- establish a dedicated building fund (Gallery Foundation); and
- investigate the most appropriate structure for a Gallery Foundation and present a recommendation on the legal structure and composition of the Foundation.

To facilitate this resolution, legal advice has been obtained from Herbert Smith Freehills which provides a range of solutions for an appropriate organisational structure. Four options exist being:

1. internal funds within Council's Art Gallery Accounts;
2. separate entity promoting the arts, registered as a cultural organisation (ROCO);
3. transfer all operations of the Art Gallery including fund raising to a separate entity; or
4. separate fund raising entity established a public ancillary fund.

The recommendation is to brief counsel to establish a ROCO which would have capacity to assist funding the new gallery and the delivery of cultural arts activities and programmes. Whilst counsel establish the ROCO, taking up to six months, Council can in the interim collect donations and fund raise utilising its existing legal status as a deductible gift recipient (DGR).

Funding of a position to enable an officer or contractor to undertake fund raising and support the Foundation is also recommended at an upper limit cost of \$75,000 for the balance of 2019/20 financial year.

Discussion

To address the resolution from Council in 2017 Herbert Smith Freehills (HSF) were requested to provide legal advice on options for funding a new gallery in Hamilton. That advice was received in August 2017. Due to the duration of time between that advice and the subsequent further progress on the new Hamilton Gallery project, updated advice was sought and issued by HSF in June 2019.

Three key issues are covered in the legal advice, namely (a) the relevance of charity registration and the type of deductible gift recipient (DGR) status to provide ability to receive grants from philanthropic foundations; (b) the level of control and involvement by Council for the various stages from construction to operation of the new gallery; and (c) the desirability of specific skills and experience in the governance of the various stages of delivering the new gallery.

An existing trust operates in connection with the existing gallery, identified as the Hamilton Art Gallery Trust. Created in 1962 as a registered charity and endorsed by the ATO as a tax deductible public art gallery its role is limited to the acquisition of art on behalf of the Hamilton Art Gallery. Its trust deed cannot be amended. Given the resolution from Council in February 2017, the operations of the existing trust are not relevant to this report.

If the intent of the new foundation is to maximise scope for philanthropic donations, any scenario attached to the 'optimal' legal structure must achieve two outcomes, these being charitable status and DGR status. A brief summary of the four potential options and their merit is provided below.

Option 1: Use of existing structure with an internal fund

Council can collect philanthropic funding via the existing DGR status for the Hamilton Art Gallery, the main task being to create an account separate from the existing Hamilton Gallery account. It has the advantage of being relatively easy to establish and is optimal where Council wants to remain in control of the construction, as well as operations and programmes of a new gallery. It can fundraise, have its own letterhead and social media presence but would have the Council ABN on public documents and maintain the Council name.

Public ancillary funds (PAFs) and charitable trusts are able to make grants, provided the trusts have 'opted in' to the *Victorian Charities Act* to enable them to make grants to entities which would be charitable but for the connection with government.

Should the fund not secure the necessary target for funds, the funds can be repurposed for the existing gallery, provided this is declared on the fundraising materials prepared.

The major disadvantage is that it is unlikely major philanthropists would donate using this option, due to the direct association with Council. It would not be seen to be genuinely independent of Council. The level of community involvement in overseeing the securing of funds is also a deficiency. Therefore, whilst option 1 has short term merit, allowing some funds to be collected whilst further investing in one of options 2-4, it is unlikely option 1 is the best long term outcome.

Option 2: separate entity promoting the arts, registered as a cultural organisation (ROCO)

A new entity can be established to carry on activities which promote the arts in Hamilton and the surrounding regions during and after fundraising for the building. It will work with the Council's Art Gallery and will be possible to register such an entity on the register of cultural organisations (ROCO). A cultural organisation is an item 1 DGR and can receive grants from PAFs and charitable trusts.

In order to meet the requirements of ROCO, the new foundation could be a trust or a company limited by guarantee. An organisation would not qualify as a 'cultural organisation' if it merely raised money and provided this to the Art Gallery.

The various governance options for the cultural organisation, include:

- A trust for which the Council is trustee, in which case section 193 of the *Local Government Act 1989* will apply.
- A company limited by guarantee which is to be a subsidiary of the Council. Section 193 will also apply. The options for the board are:

- a majority of directors being independent of Council, and this being entrenched in the constitution. In this case, the cultural organisation will be eligible to be charitable and income tax exempt as a charity;
- majority of directors appointed by Council or the constitution silent as to the composition of the board. In this case, the cultural organisation will be a government entity, as controlled by Council. This will mean it is not charitable. And it may also not be tax exempt.
- A company limited by guarantee which has the directors and members being the same and possible the Council is a minority member and which the Council may appoint a minority of the directors. The directors would be drawn from the community and beyond for their skills and experience relevant to the varying stages of the organisations e.g. fundraising; contribution to design and management of the build; design of programs, events and exhibitions; operations of the Gallery. In this case it will be charitable and income tax exempt as a charity.

Under this option, the main decision for the Council relates to the level of control it wishes to retain over the cultural organisation. Where the Council retains a sufficient level of control over the organisation (particularly characterised by the ability to issue directions to the board), the organisation will not be charitable. A cultural organisation requires registration by the ACNC (if it is to be charitable and not controlled by Council) and the Commonwealth Department of the Arts. This last step can take at least 6 months to get the Minister's approval.

Option 2 is the preferred longer term option, with the recommendation to instruct counsel in August 2019 to establish. The main reasons for this support relate to:

- (a) the capacity to not only collect funding for a new gallery but to deliver funding for cultural arts within the new gallery;
- (b) the benefit of DGR and charitable status to maximise interest amongst philanthropic stakeholders;
- (c) direct community support and involvement, with select members appointed to a Board to oversee fund raising activities.

Council's interests can be protected, noting that it has the option of appointing its own directors, would likely own the land beneath the new gallery, own the existing collection and be a major financier of the new gallery building. These protections would be further detailed by counsel in establishing the ROCO.

Option 3: transfer all operations of the Art Gallery including fund raising to a separate entity

If the Council wished to transfer the operation of the Art Gallery to a new entity at the outset, then the new entity could be an item 1 DGR as a tax deductible Art Gallery. The comments above in relation to the governance options for the cultural organisation will apply to this entity in the same way.

The decision as to endorsement as an Art Gallery is done by the ATO and would take only 1-2 months. If a cultural organisation is set up initially, it could assume the operations of the Art Gallery at any stage, if this was desired by the Council.

This option however is premature and outside the scope of the Council 2017 resolution.

Option 4: separate fund raising entity established a public ancillary fund (PAF)

A separate foundation whose purposes and activities are to raise funds to support the Art Gallery including the refurbishment or construction and maintenance of the building housing the Art Gallery could be a public ancillary fund. This is a common form of fundraising foundation where the majority of funds is to be raised from individuals or corporates, however it is unlikely to be suitable in these circumstances where the Council is seeking support principally from philanthropic foundations.

PAFs cannot make grants to another PAF which means no philanthropic foundation which is a PAF could make grants to the Council's PAF. A further issue is that a PAF cannot take an active role in on-going operations and exhibitions.

Option 4 can therefore be discounted from consideration.

Summary

To have any likelihood of being delivered, the new Hamilton Art Gallery will require significant and ongoing philanthropic support. Option 1 provides an interim solution whilst option 2 (ROCO – a company limited by guarantee) is being implemented. These options can therefore work in parallel.

Whilst any fundraising option to build a gallery can be separately considered from how a gallery is ultimately operated, it is evident that any solution to funding support from a Foundation needs to address both construction (new gallery build) and operational costs (delivery of specified events and activities). The recommendation addresses this need.

Additional resourcing for a staff resource (contractor) to support the Foundation and fund raising efforts for the balance of 2019/20 is required (see Financial and Resource Implications below).

Financial and Resource Implications

- Costs will be attached to the preferred legal structure to establish the Foundation. These costs are estimated to be in the realm of \$12,000 excl GST. At present there is an accompanying \$12,000 within the 2019/20 budget for this task.
- There are financial commitments in relation to further facilitating fund raising on behalf of the Foundation, whether by new staff being appointed or a contractor appointed to the role. This cost is estimated at \$75,000 to provide a resource for 9 months (Oct 2019-June 2020). Without this resource there is little or no capacity to engage with all relevant interests to fund the new gallery. Funding will be finalised pending the resolution of Council.
- Without instructing Counsel to establish a Foundation entity, Council will be severely limited in its capacity to attract funding for a new gallery via philanthropic donation or grant, which in turn will impact capacity to access matching funding from other stakeholders.

Legislation, Council Plan and Policy Impacts

This report is in keeping with Council's obligations under the *Local Government Act (1989)*. It is also in accordance with the Council Plan and in particular, Strategy 3.2.2: Provide high

quality and inclusive cultural facilities, services and experiences. A Foundation being established is critical to the securing of appropriate funding for a new gallery in Hamilton.

Risk Management

The key benefits of establishing a Foundation are that it provides an appropriate legal mechanism for collection of funds from philanthropic interests towards a new gallery and the delivery of cultural arts in the Shire (beyond those otherwise delivered by Council). With Counsel support the risks attached to establishing a Foundation are limited.

It allows for community involvement and engagement and accountability as to how funds are collected and expended in delivering a key community asset.

Environmental and Sustainability Considerations

Not applicable.

Community Consultation and Communication

Not applicable. The task of establishing a Foundation is a legal process only.

Future discussions on membership of any Foundation will be the subject of further advice over the next 6 months.

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. Commission via existing funds in the 2019/20 budget appropriate legal counsel to establish a separate entity promoting the arts, registered as a cultural organisation (ROCO), noting this could take around 6 months to implement;
2. Whilst establishing a ROCO, create a dedicated account within its existing Art Gallery Finances specifically for the new gallery, to enable funding secured from philanthropists, if any, to be collected. Any funds collected would then be transferred at the time a ROCO is established into that ROCO.
3. Finance a contractor for the period October 2019-June 2020 to undertake fund raising, to facilitate philanthropic donations, in the amount of \$75,000 (salary and on-costs). This position will be reviewed in June 2020 having regard to the capacity of the ROCO to secure funds with or without dedicated Council staffing support.

COUNCIL RESOLUTION

MOVED: Cr Dunkley

SECONDED: Cr Rainsford

That Council:

1. **Reconfirm its commitment, as per the resolution of February 2017, to a dedicated building fund (Gallery Foundation), to deliver a new art gallery building in Hamilton;**
2. **Note the advice provided by staff in relation to the various legal structures to establish a Gallery Foundation; and**
3. **Obtain a further report on the details and steps involved in establishing a Gallery Foundation, as well as composition, responsibility, structure of a foundation and safeguards for Council's interests as owner of the current art collection at the next available Council meeting.**

CARRIED

10.7 Southern Grampians Shire Council Heritage Strategy

Directorate: Andrew Goodsell, Director Planning and Development
Author: Kerri-Anne Tatchell, Senior Planner
Attachments: 5. Southern Grampians Shire Council Heritage Strategy

Executive Summary

Victorian councils are encouraged to prepare Municipal Heritage Strategies to guide identification, protection, management and promotion of heritage assets. The Southern Grampians Shire Council Heritage Strategy (the Strategy) Attachment 1 is a high level planning document that will assist Council to meet its heritage obligations as set out in the *Planning and Environment Act 1987*, the *Heritage Act 2017* and the *Aboriginal Heritage Act 2006* and associated regulations and policies. The Strategy assists in meeting key objectives detailed in the Council Plan 2017-2021.

This is the first time Council has prepared a whole-of-council plan that sets out a list of actions to increase knowledge, foster partnerships and support improved heritage systems and work practices that aims to achieve six objectives:

1. Recognise the diverse cultural heritage of the Shire and ensure an inclusive approach to understanding the heritage values of its people, places, traditions and objects.
2. Identify, document, protect and manage the significant values places of cultural heritage value in the Shire.
3. Support and assist landowners and custodians in the management and maintenance of heritage places.
4. Promote and encourage an appreciation of the Shire's heritage through celebrations, awards, events, publications and interpretive material.
5. Ensure up-to-date information about places, groups and activities can be easily accessed on-line and in hardcopy.
6. Ensure Council strategies, documents and plans have regard for heritage matters.

It is recommended that Council adopts the Strategy that has been developed in accordance with Heritage Victoria's 'Municipal Heritage Strategies: A Guide for Council's Toolkit (2012).

Discussion

The Strategy has been prepared in four stages:

1. Preparation of draft and presentation to Council seeking approval to consult with residents and key stakeholders.

The Draft Southern Grampians Shire Council Heritage Strategy was prepared in June 2018 and Council endorsed the Strategy and the Consultation and Engagement Plan at its Ordinary Meeting 8 August 2018.

2. Engagement and consultation.
3. Review of feedback, refinement of the Strategy.

The Strategy was placed on exhibition throughout September 2018 and has been further refined following feedback from residents and key stakeholders.

The preparation of the Strategy has provided Council with the opportunity to consult with community and heritage advocates; reflect on achievements in the heritage space; examine current systems and practices and identify opportunities which can benefit community wellbeing and local economies.

4. Council adoption of the Strategy.

The completion and implementation of the Strategy will assist Council to more effectively protect and manage the Shire's heritage places and help identify opportunities which can benefit community wellbeing and local economies.

The action plan identifies key actions:

- Update, review and make available heritage materials.
- Partnering with neighbouring councils and the community.
- Engagement with Traditional Owners.
- Care of Council assets.
- Promotion of heritage tourism sites and activities.
- Support for heritage conservation.

The Strategy will be monitored to ensure that items in the Action Plan are implemented in accordance with the timeline.

Financial and Resource Implications

- Total expenditure was \$8,545.00 having budgeted \$10,000.00 across the 2017/18 and 2018/19 periods.
- There are no financial risks in relation to the recommendations made in this report.
- Actions arising out of the Strategy will be inserted into officer work plans over the coming four years.
- There are no financial implications imposed on Council in adopting this strategy that cannot be met within existing budget parameters or as external funding opportunities arise from time-to-time.

Legislation, Council Plan and Policy Impacts

Local Government Act 1989

Planning and Environment Act 1987

One of the objectives of planning in Victoria is, *'to conserve and enhance those buildings, areas and other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value'*. [Section 4(1)(d)]. Councils have a duty under section 12(1)(a) of the Act to implement this objective.

Heritage Act 2017

Aboriginal Heritage Act 2006

Aboriginal Heritage Amendment Act 2016

Aboriginal Heritage Regulations 2018

Southern Grampians Planning Scheme

Hamilton Conservation Study and Southern Grampians Shire Heritage Strategy

Southern Grampians Shire Council Planning Scheme Review

The preparation and implementation of a Heritage Strategy was identified as a key objective. Council Plan 2017-2021

The Strategy lends support to the objectives in the Council Plan and is linked to each of the five key priority areas. In particular objective 3.3 *'to develop and maintain attractive and vibrant Council owned and managed open spaces and streetscapes'* that has as its strategy at 3.3.4 *'maintain, promote and celebrate the heritage value of built infrastructure in all towns'*.

Risk Management

There are no risks associated with the adoption of this Strategy.

Environmental and Sustainability Considerations

The adoption of the Strategy and the accompanying work plan does not have a direct environmental or sustainability impact.

Indirectly, the actions arising from the Strategy over the coming years will support protection of the Shires considerable heritage resources.

Community Consultation and Communication

Consultation and Engagement was undertaken as follows:

- Individual letters to identified key stakeholders, heritage advocates and Traditional Owners.
- Public notice published in the Hamilton Spectator Saturday 18 August 2018.
- Online survey and feedback form available on Council's website and at Southern Grampians Shire Council offices.
- Digital copies of the strategy were available for download on Council website.
- Hard copies of the strategy were available for inspection at Southern Grampians Shire Council offices and Hamilton Regional Library.

Ten submissions were received:

- Six individually completed surveys of which four were anonymous.
- One from the National Trust of Australia
- One from the Ansett Museum.
- One from the Hamilton Base Hospital Medical Museum.
- One from the Hamilton History Centre Incorporated.

Summary

- The largest proportion of respondents represented organisations or friends groups. Two respondents owned or managed a heritage place.
- Feedback indicated that the built environment was important. This was followed by natural assets including gardens and street trees.
- Lowest ratings for 'Council's approach to heritage' relate to aspects of protection, promotion and support for heritage custodians. The strategy and action plan address this. The plan includes an action to form a Community Heritage Advisory Committee.
- Positive feedback was received on Council's involvement in local heritage interpretation.

- Respondents indicated that making available heritage material and information about planning controls would assist them and their organisation. The strategy and action plan contain initiatives to address this matter.
- Two respondents have utilised the SGS Heritage Advisory Service. The action plan provides that the Council website will be up-to-date with information about the service and the grants program.
- One respondent suggested a Living Heritage grant for Thomson Fountain should be included as an achievement and this has been included in the action plan.

Once adopted, the document will be placed on the public record and made available on Council's website.

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 adopt the Southern Grampians Shire Council Heritage Strategy.

COUNCIL RESOLUTION

MOVED: Cr McAdam
SECONDED: Cr Sharples

That Council adopt the Southern Grampians Shire Council Heritage Strategy.

CARRIED

10.8 Planning Scheme Review Report

Directorate: Andrew Goodsell, Director Planning and Development
Author: Roslyn Snaauw Coordinator Planning
Attachment: 6. Planning Scheme Review Report

Executive Summary

This report provides background, including the consultation and findings, of the formal review of the Southern Grampians Planning Scheme, as required under Section 12B of the *Planning and Environment Act 1987* (Act).

This review is policy neutral, essentially an audit of the performance of the planning system that will inform the continuous improvement of the planning system.

Discussion

Previous Planning Scheme reviews were undertaken in 2002, 2005 and 2010.

The purpose of the review is to enhance the effectiveness and efficiency of the planning system in achieving the objectives of planning in Victoria and of the planning framework established by the *Planning and Environment Act 1987*.

The draft Planning Scheme Review Report was prepared by The Planning Connection and was formally adopted by Council at the Ordinary Meeting 11 July 2018 and included recommendations as to what Council should be focussing on in its Planning Scheme. Consultation was undertaken throughout March of 2019 and the Planning Scheme Review Report (the Report) has now been updated following public consultation.

The Report identifies errors and anomalies in The Scheme and prioritises further strategic work that will need to be undertaken prior to any Planning Scheme amendment to introduce those actions and recommendations into the Planning Scheme.

The outcomes of the review are presented in the attached Report which:

- Identifies the major planning issues facing the municipality.
- Demonstrates how the planning scheme implements the Planning Policy Framework.
- Assesses the strategic performance of the scheme.
- Documents the strategic work that has been completed or carried out since the previous review of the scheme or MSS and any additional work required to strengthen the strategic direction of the planning scheme.
- Describes the monitoring and review process that has been carried out.
- Outlines the consultation process and its outcomes.
- Makes recommendations arising from the review.
- Streamlining the permit process.
- Outlines the operational improvements to current planning process recommendations.

It is now required, pursuant to Section 12B(5) of the *Planning and Environment Act 1987*, that Council consider the Planning Scheme Report and directs that the findings of the Report be submitted to the Minister for Planning.

Financial and Resource Implications

- The costs involved with the preparation of this Report pertain to the preparation of the draft Planning Scheme Review Report 2018 undertaken by The Planning Connection.
- Resource requirements associated with the Planning Scheme Review have been met within Council's 2017/2018 and 2018/2019 Annual Budget.
- There are no resource implications if this Report is adopted.
- Funding has been secured from Department of Environment Land Water and Planning to facilitate the Planning Scheme amendment that will introduce the Coleraine and Hamilton Flood Studies.
- Recommended further strategic projects will be undertaken as funds become available.

Legislation, Council Plan and Policy Impacts

Local Government Act 1989

- The methodology of the review is consistent with the Best Value principles for the review of planning services under section 158 of the Local Government Act 1989 by fulfilling the requirements of section 208A and 208E of the Local Government Act 1989.

Planning and Environment Act 1987 (Act)

- The review provides the opportunity to evaluate the planning scheme to ensure that it is consistent in form and content with any directions or guidelines issued by the Minister under section 7(5) of the Act.
- Section 12B and 12B(5) of the Act requires a planning authority to regularly review the provisions of the planning scheme and report the findings of the review to the Minister for Planning.
- The review is a self-assessment that aims to establish a framework to efficiently administer and enforce the planning scheme in accordance with section 14 of the Act.

Council Plan 2017-2021

The Planning Scheme Review aligns with the Council Plan 2017-2021 to:

1. Support our Community
2. Develop our Regional Economy and Business
3. Plan for our Built Environment Infrastructure
4. Promote our Natural Environment
5. Provide Governance and Leadership

Southern Grampians Planning Scheme.

The Planning Scheme Review Report details suggested reviews of policy within the recommendation of that Report.

Risk Management

There will be no risks to the community with regards to this Planning Scheme Review.

The future benefits to the community with regards to this Planning Scheme Review include:

- Reducing the complexity of processes and controls
- Removing unnecessary permit requirements
- Improving the performance of the planning scheme and strengthening its strategic objectives
- Helping comply with Best Value reporting requirements

Environmental and Sustainability Considerations

Nil

Community Consultation and Communication

Community and stakeholder consultation and internal consultation was undertaken as identified within the Engagement Plan. This plan identified key community stakeholders for consultation which included:

- Internal email correspondence with SGS staff
- Letter of introduction to key community stakeholders
 - Hamilton Regional Business Association (HRBA)
 - Township & Progress Association representatives
 - *Balmoral & District Development Association*
 - Branxholm Progress Association
 - *Byaduk & North Byaduk Progress Association*
 - Cavendish Townscape Association
 - *Coleraine and District Development Association*
 - Dunkeld Progress Association
 - *Glenthompson & District Community Association*
 - Penshurst Progress Association
 - Wider community
- External email correspondence with relevant agencies
 - Department of Environment, Land, Water & Planning
 - Glenelg-Hopkins Catchment Management Authority
 - Wannon Water
 - Vic Roads
 - Country Fire Authority
 - Environment Protection Authority
 - Southern Rural Water

- Department of Transport
 - Parks Victoria
 - Department of Human Services
 - Heritage Victoria
 - Aboriginal Affairs Victoria
 - Victorian Farmers Federation
 - Victorian Commission for Gambling and Liquor Regulation (VCGLR)
- Media release and public notice
 - Information brochure
 - Council website
 - Hard copy available at each Customer Service Centre and Hamilton Library.

A total of 14 submissions were received.

- Four submissions received from residents.
- Two submissions from Progress Associations – Dunkeld and Peshurst.
- Seven submissions from state referral authorities and agencies.
- One submission from a consulting firm.

Summary

Council officers reviewed submissions received and conclude that respondents were generally supportive of the Report and its findings.

Strong support for example was given to the need for structure planning in small towns and the production of a Rural Land Use Strategy for the Shire. Support was given for the recommendation that Council complete the sites of biodiversity significance mapping project with support from the Department of Environment, Land, Water and Planning and, based on this information, implement the Vegetation Protection Overlay or Environmental Significance Overlay to protect significant flora and fauna and to protect Shire and other agency assets. Many matters raised had already been addressed within the Report and no new matters for explicit inclusion are required.

The Planning Scheme Review Report will be provided on Council's website. An advert will be placed in the local newspaper to advise that the Review has been completed and is able to be viewed via Council's website. In addition, a letter will be sent to all people and agencies who made a submission to the Review, to advise them of the completion of the Review and directing them to the website. Individuals may also request a copy to be sent to them directly. The database of contributors to this review process will be retained and re-used during the state government lead translation of the Southern Grampians Planning Scheme Local Planning Policy Framework translation.

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 adopt the Southern Grampians Shire Council Planning Scheme Review 2019 and that it is submitted to the Minister for Planning in accordance with Section 12B (5) of the *Planning and Environment Act 1987*.

COUNCIL RESOLUTION

MOVED: Cr Dunkley

SECONDED: Cr Rainsford

That Council adopt the Southern Grampians Shire Council Planning Scheme Review 2019 and that it is submitted to the Minister for Planning in accordance with Section 12B (5) of the *Planning and Environment Act 1987*.

CARRIED

Cr McAdam left the Chambers at 6:01pm due to a conflict of interest in item 10.9

10.9 Reprioritisation of 2019/20 Works Plan

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

Executive Summary

In accordance with the Local Government Act 1989, Council adopted its Budget for 2019/20 on 20 June 2019. At this time, Council indicated that it would like to see some additional projects incorporated into the 2019/20 Works Plan and requested a report to be provided to the Ordinary Meeting of Council in August as to how this may be achieved.

Discussion

At the Special Meeting of Council held on 20 June 2019 to adopt the 2019-2020 Annual Budget the resolution included the following:

“That based upon the submissions Council wishes to prioritise the following projects into the 2019/20 works plan:

- a) Kurtzes Road upgrade
- b) Tarrington Road walkway

With officers providing a report of how this can be achieved provided to the August Ordinary Meeting of Council.”

This resolution was in response to budget submissions received as part of the community consultation process.

In order to prioritise these projects into the works plan, whilst ensuring Council maintains a nil cash impact for the 2019/20 financial year, the following approach is recommended;

Reprioritisation Request	Resourcing Options
Kurtzes Road Upgrade	1. Propose upgrade (increased LoS) as per Council's Asset Management Policy – Special charge scheme (Third party funding)
	2. Include Kurtzes Rd upgrade in the current year's sealing programme and remove Wedge Street and Hector Street
	3. Allocate extra budget of \$150,000 towards Kurtzes Rd upgrade
Tarrington Road Walkway	1. Propose Tarrington Rd Walkway (increased LoS) as per Council's Asset Management Policy – Special charge scheme (Third party funding)
	2. Include Tarrington Rd walkway in the current year's footpath programme and utilize footpath maintenance budget
	3. Allocate extra budget of \$50,000 towards Tarrington Rd walkway

Financial and Resource Implications

The financial impact is a neutral budgetary affect as the projects now prioritised for coming years offset the projects to be included in the 2019-2020 Works Plan.

Legislation, Council Plan and Policy Impacts

The *Local Government Act 1989*.

Risk Management

These projects are expected to be of benefit to the community. Any additional risk will be mitigated as they will be subject to normal budgetary processes such as funding submissions and business cases.

Environmental and Sustainability Considerations

Nil

Community Consultation and Communication

Council undertook extensive community consultation prior to the invitation for budget submissions from the community. This resulted in the opportunity to respond and support community projects identified through that 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

That Council support the submissions presented during the community consultation process for the 2019/20 budget in the following ways;

Reprioritisation Request	Resourcing Recommendation
Kurtzes Road upgrade	Option 1: Propose upgrade (increased LoS) as per Council's Asset Management Policy – Special charge scheme (Third party funding)
Tarrington Road Walkway	Option1: Propose Tarrington Rd Walkway (increased LoS) as per Council's Asset Management Policy – Special charge scheme (Third party funding)

Subject to these projects meeting normal budgetary processes such as funding submissions and business cases if applicable.

MOTION

MOVED: Cr Calvano
SECONDED: Cr Rainsford

That Council support the submissions presented during the community consultation process for the 2019/20 budget in the following ways;

Reprioritisation Request	Resourcing Recommendation
Kurtzes Road upgrade	Option 3: Allocate extra budget of \$150,000 towards Kurtzes Rd upgrade
Tarrington Road Walkway	Option 2: Include Tarrington Rd walkway in the current year's footpath programme and utilize footpath maintenance budget

THE MOTION WAS PUT AND LOST

A division was called

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

MOTION

That Council support the submission presented during the community consultation process for the 2019/20 budget in the following way;

Reprioritisation Request	Resourcing Recommendation
Tarrington Road Walkway	Option 2: Include Tarrington Rd walkway in the current year's footpath programme and utilize footpath maintenance budget

COUNCIL RESOLUTION

MOVED: Cr Rainsford
SECONDED: Cr Calvano

That Council support the submissions presented during the community consultation process for the 2019/20 budget in the following ways;

Reprioritisation Request	Resourcing Recommendation
Tarrington Road Walkway	Option 2: Include Tarrington Rd walkway in the current year's footpath programme and utilize footpath maintenance budget

CARRIED

MOTION

That Council support the submission presented during the community consultation process for the 2019/20 budget in the following way;

Reprioritisation Request	Resourcing Recommendation
Kurtzes Road upgrade	Option 1: Propose upgrade (increased LoS) as per Council's Asset Management Policy – Special charge scheme (Third party funding)

COUNCIL RESOLUTION

MOVED: Cr Sharples
SECONDED: Cr Dunkley

That Council support the submissions presented during the community consultation process for the 2019/20 budget in the following ways;

Reprioritisation Request	Resourcing Recommendation
Kurtzes Road upgrade	Option 1: Propose upgrade (increased LoS) as per Council's Asset Management Policy – Special charge scheme (Third party funding)

CARRIED

Cr McAdam returned to the Chambers at 6:21pm.

10.10 Street Tree Asset Management Plan

Directorate: David Moloney, Director Shire Infrastructure
Author: Kylie McIntyre – Sustainability Coordinator
Attachments: 7. Street Tree Asset Management Plan

Executive Summary

A Street Tree Asset Management Plan has been developed to provide a framework for Council to manage existing street trees and provide guidance for future plantings. The Plan is provided in response to issues raised by the community and is in the current Council Plan. The Street Tree Asset Management Plan does not cover the Botanic Gardens in Hamilton and Penshurst, the CBD Street Trees or rural roadside trees.

The Street Tree Asset Management Plan has undergone a community consultation process through public exhibition of the document, direct communication with Progress Associations and presence at Council “Pop-Up” events to ensure the plan meets the needs of the community. No changes were required.

It is recommended that Council endorses and accepts the Street Tree Asset Management Plan as tabled, incorporates the actions into the annual planning process and undertakes to review the Plan after 12 months then every four years in line with the Council term.

Discussion

Street trees and other urban trees are recognized as valuable assets to the townships of the Southern Grampians Shire. Trees are an essential part of the Shire’s townships, providing significant economic, aesthetic, social and ecological benefits such as:

- assisting in creating a unique identity and structure to urban precincts, thereby establishing or contributing to a distinct neighbourhood character
- providing a pleasant cooling, shading and softening effect on built urban infrastructure
- having a calming and therapeutic influence
- creating more desirable spaces for movement and recreation
- sequestering carbon and produce oxygen
- ameliorating the extremes of noise, wind, sunlight, temperature and air pollution
- providing habitat and food for native wildlife
- forming corridors for movement and refuges for native wildlife and
- reducing the impacts of rainfall and run-off, and reducing erosion.

While there are significant advantages to having street trees there are also disadvantages. These include:

- conflict with underground and above ground infrastructure
- damage to private and public property
- risk of personal injury
- allergies
- inappropriate species in non-ideal locations
- potential to become a weed.

The Street Tree Asset Management Plan was developed to provide a framework for Council to manage existing street trees and provide guidance for future plantings to enhance the

benefits of the street trees, while mitigating the disadvantages. It addresses issues associated with the Council's urban and street trees including selection of species, maintenance of trees, removal process and management of significant trees.

The need for a formalized street tree plan was identified during development of the Southern Grampians Shire Council Plan 2017-2021 which involved extensive community consultation, in which the management of street trees was identified as an important issue of concern to residents. As a consequence the 2017-2021 Council Plan, under Key Priority 3: Plan for our Built Environment and Infrastructure, includes Strategy 3.3.3: "Develop and implement an urban street tree plan to guide town maintenance plans".

The Draft Plan was developed in-house using existing staff time and was based on the Ballarat City Council Street Tree Plan 2009 with permission.

The Plan provides principles and actions to deal with the following aspects of street and urban park trees:

- Provides a framework for tree management
- Treat trees as assets and manage accordingly
- Risk management
- Inspections
- Forward planning for tree plantings
- Tree removal procedure
- Allocates responsibilities across Council to specific positions
- Utilises best practice (eg. tree protection, pruning)
- Involves community
- Protects significant trees
- Incorporate Community Plans/Structure plans/Urban Design Frameworks
- Includes a list of 110 suitable tree species

The Plan DOES NOT define the landscape character of each town, provide a tree planting program or determine what species should be planted where. These are all actions included in the plan and will require consideration from Council in future budgeting and work planning processes.

The Draft Plan was presented to Council on 22 August 2018 and was exhibited for community consultation and feedback. It was important to seek input from the community because street trees are of interest to many residents and cooperation from the community is a necessary factor for success of street tree plantings.

Financial and Resource Implications

There were minimal monetary costs associated with development of the Plan. It was developed in-house by existing staff and reviewed by a consultant arborist from UberArbor at a cost of \$1000.

It is intended that most actions within the Plan are carried out by existing staff using already existing plant and equipment, with the Plan providing an organised framework and allocating actions to specific staff.

However a small number of actions have monetary and resource costs associated with them. The actions that will require special consideration are:

- Regular inspection of trees and recording of information in Council's asset management system. This will be carried out by Council staff but will require reallocation of staff time and some minor equipment purchase.
- Characterisation of townships to determine agreed tree species which may require external horticultural expertise and should involve community input.

It is proposed that the Plan is reviewed 12 months after endorsement, then reviewed every four years to coincide with the appointment of the new Council.

Legislation, Council Plan and Policy Impacts

Relevant section of the *Local Government Act 1989*:

Development of the Draft Plan is consistent with Section 3C of the *Local Government Act*.

Objectives of a Council

- (1) The primary objective of a Council is to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions.

The Street Tree Asset Management Plan delivers on the 2017-2021 Council Plan, under Key Priority 3: Plan for our Built Environment and Infrastructure, includes Strategy 3.3.3: "Develop and implement an urban street tree plan to guide town maintenance plans".

The Street Tree Asset Management Plan assists in the delivery of the Council's Climate Change Adaptation Plan (2017-27).

Risk Management

The purpose of adopting the Plan is to help manage and minimise risks associated with urban trees. These encompass physical safety risks of trees causing harm to humans and property through falling branches as well as damage to buildings from encroachment by tree roots.

The risks to residents associated with climate change (eg. heat waves, heat stress) are mitigated by ensuring that Shire townships have healthy street trees that provide shade and an urban cooling effect during summer.

Overall risks to Council and residents should be reduced if the actions in the Plan are carried out.

Environmental and Sustainability Considerations

There are many overall benefits to the natural environment by adopting the Plan. The recommended tree species list contains a number of locally indigenous species that will provide habitat and have biodiversity benefits. The Plan will deliver a number of actions in Council's Climate Change Adaptation Plan (2017-27) by promoting increased tree planting and canopy coverage to provide a cooling effect under expected future heat wave conditions.

Community Consultation and Communication

The Draft Plan was circulated in the community for review, comment and feedback. It was sent individually to people who had previously shown an interest in or requested to view the Draft Plan. It was exhibited on the Council website with hard copies available in the mobile

library, the Hamilton library, at Market Place and at Brown St and a media release was done to notify the community. No responses were received at all so Council communicated directly with all Progress Associations, asking for feedback. The Dunkeld Progress Association provided a response which was mainly about specific matters in Dunkeld but contained a few general questions that the Plan addresses:

1. How is a tree registered as significant?
2. Who has responsibility for the trees once they are planted (the dead and struggling “corymbia ficifolias” along Parker St are in this state due to lack of proper care).
3. What happened to a former Dunkeld street tree planting plan? (said to favour exotics in the main part of town for shade and move eucalypts closer to the Grampians)

The Draft Plan was clarified to better explain the process for registering significant trees (Chapter 13). The other two questions are already covered within the Plan (Scope, page 4 and reference to Dunkeld Urban Design Framework, page 6).

In addition to the above consultation methods, the Plan was exhibited with a selection of specific questions at the Council “Pop-Up” visits. This gave rise to some specific localised queries about individual trees but no responses about the direction or content of the Plan were received.

Other clarifications were made following discussions with relevant staff, particularly in Chapter 3, relating to high and low risk tree inspection intervals.

The finalised Plan incorporates the above points.

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. Endorses the Street Tree Asset Management Plan
2. Incorporates the Actions arising from the Plan into the relevant annual work plans
3. Reviews the Plan 12 months after endorsement, then again every four years to coincide with the appointment of the new Council.

COUNCIL RESOLUTION

MOVED: Cr Rainsford
SECONDED: Cr Dunkley

That Council:

1. **Endorses the Street Tree Asset Management Plan**
2. **Incorporates the Actions arising from the Plan into the relevant annual work plans**
3. **Reviews the Plan 12 months after endorsement, then again every four years to coincide with the appointment of the new Council.**
4. **Include the Street Tree Asset Management Plan as part of future Listening Posts and community engagement activities across the Shire.**

CARRIED

11 Notices of Motion

11.1 Notice of Motion #6/19

Cr Calvano

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 14 August 2019

MOTION

That Southern Grampians Shire Council as a current member of the Rail Freight Alliance contribute \$1,000 towards the Save our Tracks Advocacy Campaign.

Background

At the June meeting of the Rail Freight Alliance it was resolved:

1. That the Rail Freight Alliance create an advocacy campaign to ensure the Murray Basin Rail Project is completed and the current Victoria Rail Network remain in Victorian State Government control.
2. The Rail Freight Alliance write to all Rail Freight Alliance members, non-member Councils and relevant stakeholders across Victoria, seeking a contribution of \$1,000 towards a fighting fund for the Rail Freight Alliance Advocacy Campaign

The campaign has been sparked on the back of Minister Allan's announcement that the Murray Basin Rail Project is out of funds and rumours that the future ownership of the Victorian Rail Freight Network is in doubt.

The Murray Basin Rail Project (MBRP) is a 5-stage project that was to be completed at the end of 2018. Funded by the part sale of Rural Finance Corporation and the Federal Government with a commitment to deliver a standardised network across a significant part of Victoria.

Currently, Stage 2 of the project is not complete, much of works are substandard and see many sections with trains unable to travel above 40 kph, for example, Maryborough to Ararat.

MBRP's intention is to standardise rail, minimise trucks using our roads, create jobs, utilise the Port of Portland along with Geelong and Port of Melbourne, reduce export costs, boost the transport industry, the agriculture sector and give the communities across Victoria a chance to return to passenger rail.

It has been suggested that as part of funding negotiations to complete the MBRP the Victorian Government standard gauge lines would be leased to the Australian Rail Track Corporation (ARTC). The Alliance believes that rail lines in Victoria should remain in the State's control as part of its entire freight network.

To date correspondence has gone out to:

- Victorian MPs for discussion;
- The Weekly Times - 10 July Have your say, and an article by Reid Mathers; and
- Win News.

The Southern Grampians council in the past and present recognises the importance of rail freight now and into the future, although not complete, the connection of Maryborough to Ararat, and in the future upgrading to 23 tonnes axle loading from Ararat to the port of Portland would economically benefit South West Victoria, as a current active member of the Rail Freight Alliance we should support this call of action to save our tracks.
Thank you councillors I leave this motion for your consideration.

Officers Comments

Council is an active and financial member of the Rail Freight Alliance and as such supports programs and initiatives associated with rail freight.

The \$1,000 request of all 79 Victorian Councils seems somewhat hopeful whilst argued that rail freight directly and indirectly impacts everyone it is reasonable for current members to support the additional campaign which is advised cannot be resourced from current membership fees.

COUNCIL RESOLUTION

MOVED: Cr Calvano
SECONDED: Cr McAdam

That Southern Grampians Shire Council as a current member of the Rail Freight Alliance contribute \$1,000 towards the Save our Tracks Advocacy Campaign.

CARRIED

11.2 Notice of Motion #7/19

Cr Rainsford

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 14 August 2019

MOTION

That Southern Grampians Shire Council reforms the Pedrina Park Hockey Club Room Working Group to urgently deliver the Pedrina Park Hockey Clubroom as a minor project excised from the Pedrina Park Masterplan process and incorporating the following principals:

Innovative design including maximising solar power production from the clubroom roof to balance the lightning power consumption of the Synthetic Hockey Field lights.

Respectful of the matching financial commitment of the Glenelg Regional Hockey Association which has committed \$100,000 of funds which have been matched by \$100,000 of Southern Grampians Shire Council funds in three consecutive budgets of 2017/18 , 2018/19 and 2020/2021 as a budget item titled Pedrina Park Hockey Clubroom.

Collaborative transparent teamwork with representatives from Glenelg Regional Hockey Association, Southern Grampians Shire Councillors and Southern Grampians Shire engineers on the working group.

Trusting the Hockey Association centred on the Pedrina Park Synthetic Hockey Field to include the new Pedrina Park Hockey Clubroom build within the existing security fence and to be included in the MOU agreement between Southern Grampians Shire and the Hockey Association.

Empowering the Hockey Players and supporters to design a facility to be completed by the end of the 2019/2020 financial year and not dependent on sourcing funds outside of the already committed GRHA and SGSC funds (totalling a minimum of \$200,000) the Pedrina Park Hockey Clubroom will serve the purpose of a sporting clubroom to provide shelter, protected viewing area, community social space, kitchen and refreshment service and toilet facilities.

These principals reflecting the vision and culture of Southern Grampians Shire Council to work as a well connected, dynamic Regional Centre, supporting a vibrant, healthy and inclusive community.

The Shire wide sporting club facilities developed with the support of Councils for community projects excepting Hockey is not inclusive and this needs to be addressed.

Background

SGSC supported an application for a Pedrina Park Hockey Clubroom by inclusion 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. And not a multipurpose changeroom which can still be

progressed through the Pedrina Park Masterplan process and be the base for seeking external project funding.

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. And the delays in providing adequate field side hockey clubrooms is discriminatory compared to the support of provision of field side facilities for other team sports across the Shire.

The option of Glenelg Regional Hockey Association pursuing an affordable and ideally sited Clubroom has not been considered in the previous 2017 RDV funding application designs, nor the current Pedrina Park Masterplan discussions and at no stage has there been a business case done to evaluate the affordability and ongoing asset management cost. 2019/2010 budget submissions were dominated by requests for basic hockey clubroom facilities.

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

The adoption of the Recreation and Leisure Strategy and the master plan for Pedrina Park, has allowed for tenders to be called for, for the detailed design phase of all the major identified priorities is currently out for public tender.

The Masterplan for Pedrina Park does not support the construction of a single use structure within the Pedrina Park complex. Identified within the plan are two multi-use Pavilions that will be designed and developed to maximise use by multiple sporting and community groups.

Once this tender is awarded, there will need to be significant consultation with all stakeholders to ensure that Council's investment results in a safe, activated, accessible, integrated and sustainable solution, for the benefit of and use by, the community of Southern Grampians.

COUNCIL RESOLUTION

MOVED: Cr Rainsford

That Southern Grampians Shire Council reforms the Pedrina Park Hockey Club Room Working Group to urgently deliver the Pedrina Park Hockey Clubroom as a minor project excised from the Pedrina Park Masterplan process and incorporating the following principals:

Innovative design including maximising solar power production from the clubroom roof to balance the lightning power consumption of the Synthetic Hockey Field lights.

Respectful of the matching financial commitment of the Glenelg Regional Hockey Association which has committed \$100,000 of funds which have been matched by \$100,000 of Southern Grampians Shire Council funds in three consecutive budgets of 2017/18 , 2018/19 and 2019/2020 as a budget item titled Pedrina Park Hockey Clubroom.

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Trusting the Hockey Association centred on the Pedrina Park Synthetic Hockey Field to include the new Pedrina Park Hockey Clubroom build within the existing security fence and to be included in the MOU agreement between Southern Grampians Shire and the Hockey Association.

Empowering the Hockey Players and supporters to design a facility to be completed by the end of the 2019/2020 financial year and not dependent on sourcing funds outside of the already committed GRHA and SGSC funds (totalling a minimum of \$200,000) the Pedrina Park Hockey Clubroom will serve the purpose of a sporting clubroom to provide shelter, protected viewing area, community social space, kitchen and refreshment service and toilet facilities.

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The Shire wide sporting club facilities developed with the support of Councils for community projects excepting Hockey is not inclusive and this needs to be addressed.

MOTION LAPSED for want of a SECONDER

12 Delegated Reports

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

12.1 HAMILTON REGIONAL LIVESTOCK EXCHANGE (HRLX) ADVISORY COMMITTEE

Cr McAdam reported on his attendance at a meeting between the HRLX Advisory Committee, Council staff and stock agents to discuss cattle sales during the upgrade of the cattle pens and construction of the new roof.

12.2 BARWON SOUTH WEST RECOVERY GROUP

Cr Rainsford provided a verbal update on reports received from the Barwon South West Recovery Group Meeting held recently.

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.

14 Confidential Matters

There were no confidential items listed on tonight's Agenda.

15 Close of Meeting

This concludes the business of the meeting.

Meeting closed at 6:51 pm.

Confirmed by resolution 11 September 2019.

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Chairman