



Southern Grampians
SHIRE COUNCIL

Council Meeting Agenda

Council Meeting
13 October 2021

To be held virtually via Zoom
at 5:30pm.

TABLE OF CONTENTS

1. Membership	3
2. Welcome and Acknowledgement of Country	3
3. Prayer	3
4. Apologies	3
5. Confirmation of Minutes	3
6. Declaration of Interest	3
7. Questions on Notice.....	4
8. Public Deputations	5
9. Informal Meetings of Councillors	6
10. Management Reports	18
10.1 Council Plan 2021-2025.....	18
10.2 SG 2041 – Community Vision Framework	22
10.3 Adoption of the Southern Grampians Shire Council Community Public Health and Wellbeing Plan 2021-2025	28
10.4 Project Brief – Assessment of a Redevelopment Option for a New Hamilton Gallery 33	
10.5 Governance Rules	35
10.6 Making Local Law – Governance No. 1 of 2021	37
10.7 Review of s11A Instrument of Appointment and Authorisation	40
10.8 Tender 29-21 2021/2022 Long Term Dry Plant Hire.....	42
10.9 Christmas Holiday Closure.....	43
10.10 S65 Community Asset Committee – Minutes.....	44
10.11 Audit and Risk Committee - Minutes.....	46
11. Notices of Motion.....	47
12. Delegated Reports	48
13. Mayors and Councillors Reports.....	49
14. Confidential Matters.....	50
15. Close of Meeting	51

1. Membership

Councillors

Cr Bruach Colliton, Mayor
Cr David Robertson, Deputy Mayor
Cr Mary-Ann Brown
Cr Albert Calvano
Cr Helen Henry
Cr Greg McAdam
Cr Katrina Rainsford

Officers

Mr Tony Doyle, Interim Chief Executive Officer
Ms Evelyn Arnold, Director Community and Corporate Services
Ms Marg Scanlon, Director Infrastructure
Mr Andrew Goodsell, Director Planning and Development

2. Welcome and Acknowledgement of Country

Please note: All Council meetings will be audio recorded, and may be livestreamed to Council's social media platform, with the exception of matters identified as confidential items in the Agenda.

By participating in open Council meetings, individuals consent to the use and disclosure of the information they share at the meeting (including any personal and/or sensitive information).

Other than an official Council recording, no video or audio recording of proceedings of Council Meetings will be allowed without the permission of Council.

3. Prayer

Cr Rainsford will lead the meeting in a prayer.

4. Apologies

5. Confirmation of Minutes

RECOMMENDATION

That the Minutes of the Council Meeting held on 8 September 2021 be confirmed as a correct record of business transacted.

6. Declaration of Interest

7. Questions on Notice

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

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

Questions must:

1. Not pre-empt debate on any matter listed on the agenda of the Council Meeting at which the question is asked
2. Not refer to matters designated as confidential under the *Local Government Act 2020*.
3. Be clear and unambiguous and not contain argument on the subject.
4. Not be derogatory, defamatory or embarrassing to any Councillor, member of staff, ratepayer or member of the public, nor relate to a matter beyond the power of Council.

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

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

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

8. Public Deputations

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

Anyone wishing to make a deputation to Council must complete the Request to Make a Deputation form and forward it to the Chief Executive Officer at 111 Brown Street, Hamilton by no later than 5pm on the Monday before the 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 a copy either electronically or hard copy of the submission to the Chief Executive Officer prior to the 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 Council Meetings policy in relation to meeting procedures and public participation at meetings.

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

9. Informal Meetings of Councillors

The Southern Grampians Shire Council Governance Rules require that records of Informal Meetings of Councillors that meet the following criteria:

If there is a meeting of Councillors that:

- a) took place for the purpose of discussing the business of Council or briefing Councillors;
- b) is attended by at least one member of Council staff; and
- c) is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting;

be tabled at the next convenient Council meeting and recorded in the minutes of that Council meeting.

An Informal Meeting of Councillors record was kept for:

- Audit and Risk Committee Meeting – 17 May 2021
- Audit and Risk Committee Meeting – 2 September 2021
- Sustainability Strategy and Waste Management – 3 September 2021
- Briefing Session – 8 September 2021
- Sustainability Strategy and Waste Management – 10 September 2021
- Briefing Session – 22 September 2021

This agenda was prepared on 6 October 2021. Any Informal Meeting 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 Informal Meeting of Councillors be noted and incorporated in the Minutes of this Meeting.

Southern Grampians Shire Council

INFORMAL MEETING OF COUNCILLORS

ASSEMBLY DETAILS	
Title:	Audit & Risk Committee Meeting
Date:	17 May 2021
Location:	Martin J Hynes Auditorium
Councillors in Attendance:	Cr David Robertson, Deputy Mayor Cr Mary-Ann Brown
Council Staff in Attendance:	Mr Michael Tudball, CEO Ms Evelyn Arnold, Director Community & Corporate Services Ms Belinda Johnson, Manager Finance Ms Victoria Holt, Manager Organisational Development Ms Karly Saunders, Governance Coordinator Ms Kara Winderlich, Risk Management Coordinator Ms Marg Scanlon, Director Infrastructure Ms Elise Holmes, Acting Human Resources Coordinator Mr Russell Bennett, Manager Business Systems Ms Sherie Bain, Regulatory Services Coordinator Mr Tim McLoughlin, Acting Health & Safety Coordinator Ms Leanne Morey, Acting Financial Services Coordinator Mr Nadine Rhook, EA to Director Community & Corporate Services Mr Mike Shanahan, Health & Safety Coordinator – late inclusion

The Assembly commenced at 1:30pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Welcome	Nil
2	Apologies	Nil
3	Conflict of Interest	Nil

4	Confirmation of Previous Minutes	Nil
5	Summary Table of Outstanding Matters	Nil
6	Progress Report of Current Actions – McLaren Hunt	Nil
7	Revaluation of Assets	Nil
8	Review Interim Management Letter	Nil
9	Internal Audit – Progress Overall	Nil
10	Progress Report of Internal Audit Actions (Interplan) – Customer Service & Complaints, Contract Management, Risk Management & Waste Management, Asset Management & Road Maintenance, Building Maintenance. Depot Management	Nil
11	Internal Audit – Purchasing Cards	Nil
12	Internal Audit – Data Security Protection (VPDSS)	Nil
13	Victorian Ombudsman – Investigation into Credit Car Misuse at Warrnambool City Council	Nil
14	VAGO – Reducing Bushfire Risk Report	Nil
15	VAGO – Sexual Harassment in Local Government	Nil
16	Standard Statements	Nil
17	Implementation of Local Government Act	Nil
18	Compliance Framework	Nil
19	OHS Report	Nil
20	Councillor Expenses Quarterly Report	Cr Robertson & Cr Brown declared an indirect conflict at the ARC Meeting at Item 10.5
21	Review Draft Budget & Associated Documents	Nil
22	Review of Council's Procurement Policy & Guidelines	Nil

23	Strategic Risk Register Update	Nil
24	VAGO, Ombudsman & IBAC Reports	Nil
25	Brown Street Building Flood Update – January 2021	Nil
26	Next Meeting	Nil

The Assembly concluded at 3:54pm

Southern Grampians Shire Council

INFORMAL MEETING OF COUNCILLORS

ASSEMBLY DETAILS	
Title:	Audit & Risk Committee Meeting
Date:	2 September 2021
Location:	Teams Meeting
Councillors in Attendance:	Cr David Robertson, Deputy Mayor Cr Mary-Ann Brown
Council Staff in Attendance:	Mr Tony Doyle, Interim CEO Ms Evelyn Arnold, Director Community & Corporate Services Ms Belinda Johnson, Manager Finance Ms Victoria Holt, Manager Organisational Development Mr Mike Shanahan, Health & Safety Coordinator Ms Nadine Rhook, EA to Director Community & Corporate Services

The Assembly commenced at 1:30pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Welcome	Nil
2	Apologies	Nil
3	Conflict of Interest	Nil
4	Confirmation of Previous Minutes	Nil
5	Summary Table of Outstanding Matters	Nil
6	Progress Report of Current Actions – McLaren Hunt	Nil
7	Review Draft Annual Financial Statement, Performance Statement and Government & Management Checklist	Nil

8	Review Draft Management Letter & Closing Report	Nil
9	Auditor General Annual Plan 2021-22 – Fraud Control over Local Government Grants	Nil
10	Internal Audit – Progress Overall	Nil
11	Progress Report of Internal Audit Actions (Interplan) – Customer Service & Complaints, Contract Management, Risk Management & Waste Management, Asset Management & Road Maintenance, Building Maintenance. Depot Management, Purchasing Cards & Data Security Protection (VPDSS)	Nil
12	Excess Leave Update	Nil
13	Implementation of Local Government Act	Nil
14	Compliance Framework	Nil
15	OHS Report	Nil
16	Councillor Expenses Quarterly Report	Cr Robertson & Cr Brown declared an indirect conflict at the ARC Meeting at Item 10.5
17	VAGO, Ombudsman & IBAC Reports	Nil
18	Brown Street Building Flood Update – January 2021	Nil
19	Next Meeting	Nil

The Assembly concluded at 3:30pm

Southern Grampians Shire Council
 Informal Meeting of Councillors

ASSEMBLY DETAILS	
Title:	Sustainability Strategy and Waste Management
Date:	Friday 3 September 2021
Location:	Microsoft Teams
Councillors in Attendance:	Cr Mary-Ann Brown Cr Helen Henry
Council Staff in Attendance:	Marg Scanlon, Director Infrastructure Kylie McIntyre, Acting Team Leader, Aerodrome, Waste and Sustainability
External Presenters:	Nil

The Informal Meeting commenced at 11:00am.

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Greenhouse gas emissions reductions – where are our opportunities – biodiversity offsets, EVs, community projects. How to engage the community better.	Nil
2	Barwon SW Climate Alliance. What other Alliances are doing.	Nil
3	Climate change adaptation opportunities – shading, utilising IWM principles, improve housing standards.	Nil

The Informal Meeting concluded at 12:00pm.

Southern Grampians Shire Council
Informal Meeting of Councillors

ASSEMBLY DETAILS	
Title:	Briefing Session
Date:	8 September 2021
Location:	Virtual via Zoom
Councillors in Attendance:	Cr Bruach Colliton, Mayor Cr David Robertson, Deputy Mayor Cr Mary-Ann Brown Cr Albert Calvano Cr Helen Henry Cr Greg McAdam Cr Katrina Rainsford
Council Staff in Attendance:	Tony Doyle, Chief Executive Officer Evelyn Arnold, Director Community and Corporate Services Marg Scanlon, Director Infrastructure Andrew Goodsell, Director Planning and Development Belinda Johnson, Manager Finance Lachy Patterson, Manager Community Relations Tendai Mhasho, Property Officer
External Presenters:	Nick Kelly, McArthur

The Informal Meeting commenced at 11:00am.

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	CEO Recruitment	Nil
2	Councillor Only Meeting	Nil
3	Matters Raised by Council <ul style="list-style-type: none"> • Dunkeld Loop • Promotion of Helicopter Flights over the Shire • HRLX Board 	Nil

4	Walkers Building Short Term Activation	Nil
5	Council Meeting Items <ul style="list-style-type: none">• Delegated Committees	Nil
6	Draft 2020-2021 Financial and Performance Statements	Nil
7	Confidential Item	Nil
8	Community Engagement and Civic Event Calendar Discussion	Nil
9	Sale of Penshurst Maternal and Child Health	Nil

The Informal Meeting concluded at 5:05pm.

Southern Grampians Shire Council
 Informal Meeting of Councillors

ASSEMBLY DETAILS	
Title:	Sustainability Strategy and Waste Management
Date:	Friday 10 September 2021
Location:	Microsoft Teams
Councillors in Attendance:	Cr Mary-Ann Brown Cr Helen Henry
Council Staff in Attendance:	Marg Scanlon, Director Infrastructure Kylie McIntyre, Acting Team Leader Aerodrome, Waste and Sustainability
External Presenters:	Nil

The Informal Meeting commenced at 11:00am.

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Greening Hamilton (community group) and the street tree plan that the group developed. Where the Greening Hamilton project got to pre-pandemic and how it could be revitalised. Heat mapping, involvement of schools for plantings.	Nil
2	Electricity contracts – small vs. large market contracts. Options for purchasing renewable electricity.	Nil
3	Sustainability Strategy development – what are our opportunities? Look at case studies from other Councils. Invite Mark Wootton to speak to Councillors.	Nil

The Informal Meeting concluded at 12:00pm.

Southern Grampians Shire Council

Informal Meeting of Councillors

ASSEMBLY DETAILS	
Title:	Briefing Session
Date:	22 September 2021
Location:	Virtual via Zoom
Councillors in Attendance:	Cr Bruach Colliton, Mayor Cr David Robertson, Deputy Mayor Cr Mary-Ann Brown Cr Albert Calvano Cr Helen Henry Cr Greg McAdam Cr Katrina Rainsford
Council Staff in Attendance:	Tony Doyle, Chief Executive Officer Evelyn Arnold, Director Community and Corporate Services Marg Scanlon, Director Infrastructure Andrew Goodsell, Director Planning and Development Karly Saunders, Governance Coordinator Victoria Holt, Manager Organisational Development Lachy Patterson, Manager Community Relations Susannah Milne, Manager Community and Leisure Services Daryl Adamson, Manager Shire Strategy and Regulation

The Informal Meeting commenced at 11:30am.

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Councillor and CEO Meeting	Nil
2	Matters Raised by Councillors	Nil
3	S11A Instrument of Authorisation	Nil

4	Governance Rules and Local Law – Outcomes from Exhibition	Nil
5	Council plan – discuss submissions from exhibition process	Nil
6	CVF2041 – discuss submissions from exhibition process	Nil
7	Health and Wellbeing Plan – discuss submissions	Nil
8	Young People Discussion – Outcomes and Recommendations	Nil
9	Development Contributions	Nil
10	Walker Building – Lonsdale Street	Cr Henry

The Informal Meeting concluded at 5:00pm.

10. Management Reports

10.1 Council Plan 2021-2025

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Karly Saunders, Governance Coordinator
Attachments: 1. Council Plan 2021-2025

Executive Summary

Section 90 of the *Local Government Act 2020* (the Act) requires Councils to prepare and approve a Council Plan by 31 October in the year following a general election, noting it has effect from 1 July.

The Council Plan for 2021-2025 was prepared following an extensive community engagement process.

In addition to the community engagement process, at its meeting on 11 August 2021, Council resolved that public notice of the draft Council Plan be given and submissions invited for a period of 28 days.

Four submissions were received in relation to the draft Council Plan and were distributed to Councillors for discussion and consideration.

This report recommends the adoption of the Council Plan 2021-2025.

Discussion

The Council Plan is the key document that drives the strategic direction of Council. The Council Plan seeks to outline where Council and the community will be by 2025 and how the Council will achieve those outcomes. The Council Plan must include the strategic objectives of the Council, strategies for achieving these objectives, and indicators for monitoring the achievement of the objectives.

The draft Plan was developed through thorough consultation and discussion with Councillors, the community and Council's Senior Leadership Team.

This Plan identifies Council's five fundamental priority areas for the next four years. These priorities have formed the Themes of the Council Plan:

1. Support our Community
2. Grow our Regional Economy
3. Maintain and Renew our Infrastructure
4. Protect our Natural Environment
5. Provide Strong Governance and Leadership

Under each theme, Councillors, Council staff and the community have identified objectives and strategies to guide Councillors and Council staff over the next four years and developed performance measures to help monitor how well Council is achieving these objectives.

Council also has a range of specific Strategies and Plans that provide more detail about key local issues, how these issues will be addressed and the initiatives or services Council will provide. These Strategies and Plans are intrinsically linked to the Council Plan and are detailed under the relevant Themes in the Plan.

Each year Council will measure performance against the indicators set out in the Plan and report on the progress in the Annual Report.

Delivery of the Council Plan is supported by Council's other key strategic documents, in particular the Council Budget, Community Vision Framework and the Annual Plan which highlight the initiatives to be implemented by the organisation.

The Council Plan will be further supported by the development of an Annual Plan. The Annual Plan is developed each year to assist in the delivery of the Council Plan objectives, and to demonstrate to the community what key projects will be delivered each year. The Annual Plan identifies actions under each strategy in the Council Plan and contains 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.

Four submissions were received in relation to the draft Plan and an overview is provided below:

1. A submission was received relating to an idea to celebrate the names of famous people that the Southern Grampians Shire townships have produced, and this could be used as a tourism initiative. This submission doesn't require a change to the content of the Council Plan and can be considered for inclusion as part of the Annual Plan being developed which will document specific actions against each of the strategies and measure implementation of the actions.
2. A submission was received that detailed seven key points including:
 - Letters be sent to 'repeat offending' landowners who do not clean up their properties. Suggests Council be proactive and send out a 'reminder to clean up' in late Winter.
 - Offer two weekends in late Spring for property owners to dispose of green waste at no cost.
 - Speed restriction of 40km/hr be introduced within the Wannan Falls Reserve
 - Restoration work at Falls Reserve (refurbishment of the boomerangs, paint and present an attractive entrance to the reserve)
 - Eliminate Hedge Wattle within the Falls Reserve and ensure that fallen limbs or removed timber are taken from the site, not left at the reserve.
 - Installation of a gas or electronic BBQ at the camping ground to eliminate need for campers to light a BBQ or cook meals during Summer.
 - Establish more walking tracks, especially with the walking track on the rail reserve from Nigretta Road through to Falls Reserve.

This submission doesn't require a change to the content of the Council Plan and can be considered for inclusion as part of the Annual Plan being developed which will document specific actions against each of the strategies and measure implementation of the actions.

3. A submission was received regarding the concept of balance between protecting the environment and Council's support for growth and that emphasis should be on ensuring environmental protection.

The Council has commissioned RMCG to prepare an Environmental Asset Management Strategy which will consider and address the issues raised in the submission. A detailed response will be provided to the submitter.

4. A submission was received which included recommendations for rewording within the Council Plan, these changes were made.

It also recommended that the photographs used within the Council Plan should be reflective of the whole of the Southern Grampians Shire population and as such, photographs have been reviewed and refreshed.

The submission also made comment regarding the inclusion of a number of measurable strategic indicators, this will be addressed in the Annual Plan being developed, which will detail specific actions and specific measures.

The CEO will write to each submitter thanking them for their participation and advising of the outcomes of their recommendations and suggestions.

Financial and Resource Implications

There have been several costs in relation to the development of the Council Plan including:

- Community Engagement costs;
- Expert external advice;
- Graphic Design of the document.

The total costs for the development of the Council Plan are expected to be approximately \$6,000. This figure does not include staff costs.

Legislation, Council Plan and Policy Impacts

Section 90 of the Act sets out that Councils must prepare and approve a Council Plan by 31 October in the year following a general election.

A Council Plan must include:

- The strategic objectives of Council;
- Strategies for achieving these objectives for at least the next 4 years;
- Strategic indicators for monitoring the achievement of the objectives; and
- Initiatives and priorities for services, infrastructure and amenity.

A Council must develop or review its Council Plan in accordance with its deliberative engagement practices.

Risk Management

There are no risk management issues in relation to Council giving public notice of the preparation of the draft Council Plan and inviting submissions.

Environmental and Sustainability Considerations

The Council Plan outlines objectives and strategies in relation to a wide range of categories. Achievement of these objectives will have an impact on many aspects of community life, including social, economic and environmental aspects.

Community Consultation and Communication

Significant community engagement was undertaken during the development phase of the Council Plan. This engagement included 10 engagement sessions across 10 towns with over 150 attendees, as well as 3 engagement sessions with staff with over 150 attendees. More than 1,400 ideas were shared at these engagement sessions with common themes being identified:

- Digital connectivity
- Education pathways
- Footpaths
- Increased promotion of the region and its assets
- Inclusive and connected community
- Housing
- Road maintenance
- Support for community events and family activities
- Transport connectivity
- Volunteer support
- Walking and cycling trails
- Waste management
- Youth focus

All these common themes appear as objectives or strategies in the draft Council Plan.

The public notice inviting submissions from the community for a period of 28 days was published in the Hamilton Spectator. Copies of the draft Council Plan were available on Council's website and Council offices.

Submissions were circulated to Councillors for discussion and consideration.

Disclosure of Interests

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

RECOMMENDATION

That Council:

1. Adopt the 2021-2025 Council Plan; and
2. Authorise the CEO to write to submitters and thank them for their participation and advise of the outcome.

10.2 SG 2041 – Community Vision Framework

Directorate:	Andrew Goodsell, Director Planning and Development
Author:	Andrew Goodsell, Director Planning and Development
Attachments:	2. Attachment A – SG 2041 Community Vision Framework – Summary 3. Attachment B – SG 2041 Community Vision Framework (full version) 4. Attachment C – Submission 1 5. Attachment D – Submission 2

Executive Summary

Since mid-2019 Council has been heavily invested in the preparation of a 20 year strategic framework for the Shire, titled SG2041 – Community Vision Framework (hereafter referred to as SG2041). The work has been jointly delivered by Council and its consultant KJA.

The purpose of SG2041 is to provide high level strategic guidance on recommended Council priorities, as set out in the strategic directions table (see E2) in both the short summary and complete document.

Council resolved at its Ordinary Meeting on 11 August 2021 to formally exhibit SG2041. Two submissions were received from the general public (no agency or other submissions).

The most notable feedback was provided in **submission 1** which identified the need to more clearly reference the importance of the alternative heavy vehicle route being delivered in Hamilton. This suggestion is supported as it will facilitate safer and more efficient movements by all modes around the Hamilton CBD.

Other feedback from submission 1 is already addressed in SG2041, such as recognition of the importance of investing in cultural arts. The matter of where (Lake, CBD or other), how and in what form (type of building) this occurs is a matter being worked through by Council at time of writing.

Submission 2 questions the vision statement contained in SG2041. It describes the stated aspiration for population and economic growth as ‘wishful thinking.’ Other feedback concerned the Shire becoming a cultural island and the document having a free market ideology. Whilst the exhibition process enables all forms of feedback to occur, the following is observed:

- The vision statement is identical to that found in the Council Plan. The vision was based on a combination of feedback obtained including the 488 people directly engaged within on SG2041 as well as the 75 stakeholder interviews. An even larger number made submissions on the Council Plan. No critique occurs of the vision as set out in the Council Plan. Therefore, no change is required.
- Council’s investing in recent years in the Hamilton Livestock Exchange upgrades and the plans for new investment in cultural arts, for instance, are based on a clear understanding of regional needs and the position of the Shire within that region. The key worker housing project (in preparation) likewise recognises the regional challenges of attracting essential and key workers to the district when regional, state and national challenges exist in housing delivery. The volcanic trails project similarly is built on an appreciation of our landscapes which connect us with our neighbours.

- Population growth is a key driver of economic growth. This was clearly articulated in the Economic Development Strategy. The lack of population growth within the Shire for the past 20 years has likely been a contributor to the limited funding for asset renewal by a range of government agencies, leading to many of the challenges faced today.
- SG2041 specifically has an entire section dedicated to regional issues – from climate change to renewable energy, leveraging off and managing volcanic landscapes and better transport infrastructure.

No changes to SG2041 are recommended in response to submission 2.

Separately, Council officers have reviewed SG2041 and confirmed no other modifications are warranted.

As a high level strategic vision and framework, SG2041 identifies the relevant key themes of relevance to its community. It recognises the needs to be a driver of change as well as partner and advocate and be clear on what role it should deliver. The strategies identified to deliver the specific actions will be ultimately how those actions occur on ground, typically via the annual work plan. Subject to the modification to include alternative heavy vehicle routes in the priority initiatives section of SG2041, the Framework is commended to Council for final adoption.

Discussion

There are three relevant components to a review of the formal SG2041 engagement process, namely:

- A critical review of submissions received during the formal exhibition process.
- Identification of any issues or matters of note by Council.
- SG2041 as a 'live' strategic framework

A critical review of submissions received during the formal exhibition process

Submission 1

Feedback	Response
An excellent initiative by Council, to lift our eyes beyond the here and now. The breadth of coverage is first class.	Noted. No change required.
I'm only sorry I hadn't realised this process was going on in May 2021, my fault, otherwise I would have been an active participant.	There was significant engagement through SG2041. SG2041 is a living document and further updates can include those who made direct submissions. No change required.
The most important thing the Shire can do in the near future is to establish a diversion route to get most heavy trucks out of the CBD's roads. These trucks are mainly passing through and don't stop to purchase anything other than fuel or take-away food.	Change supported. Diversionary route for freight in Hamilton should be more clearly referenced in E2 Strategic Directions. SMEC are doing the detailed planning now. Will complete in April 2022 and form the basis for community and stakeholder engagement.
Related to above, if CBD shop owners feel that it would also have tourists bypassing the CBD rather than stopping for	See previous comment. Signage is a good suggestion and we will add this to our advocacy program with Department of

accommodation, meals/shopping, this could be overcome via information boards on the main routes into Hamilton.	Transport. No change required to SG2041.
Next in my local attraction developments would be progressing with construction of a new art gallery lakeside. However, this cannot be a building in isolation. It would need public meeting rooms, limited hours cafe, children's playground, possibly some council offices including the Visitor Information Centre, and toilet amenities.	A new art gallery for Hamilton is referenced in E2 Strategic Directions of SG2041. The question of final location, scale and cost is still being assessed. Notwithstanding, there is significant merit in the suggested uses and these amongst other use options are presently being reviewed. No change required.
Beyond those thoughts I write again that I am delighted with this planning by the Shire.	Noted. No change required.

Submission 2

Feedback	Response
SG2041 is well constructed with useful data, provides some reflection. But it is not really a vision but more 'living in the past.' The long drawn out art gallery project is a prime example – the lah-de-dah versus the average citizen.	The vision set out in SG2041 was generated from community engagement (milestone 2) and mirrors Council Plan 2021-25. SG2041 references many required actions including finalising a new gallery preferred option – which is entirely reasonable. Adaptation to and mitigation of climate change, addressing indigenous needs, a youth strategy, key worker housing – these are all critical issues and no change to SG2041 is warranted on this point.
Trust in government has diminished as witnessed by vaccine roll out.	Possibly true. But it is outside the scope of SG2041. The fact so many engaged and had a vision for the future suggests some underlying trust that we can all work together. No change required.
Describing the Shire as a growing community is wishful thinking.	To seek 'growth' is entirely reasonable for a vision statement. That is the goal, not what has historically always occurred. The vision remains valid. That growth does however need to be sustainable. No change required.
We have become fortress Australia nationally. The Shire seems to be creating its own barriers. The approach of presenting a cultural island is out of step and date.	SG2041 does not comment on Federal Government policies. Nor does it suggest the Shire should be a cultural island. In fact, SG2041 with its generally wider focus on the region seeks to understand and work within a framework not dissimilar to what is typically argued by Rural Councils Victoria, Great South Group of Council's etc by emphasising common problems and solutions. Much of the background reading supporting SG2041 is derived from these shared concerns and interests. No change required.

The forces that opposed the Hamilton Structure Plan a decade ago are visible in the vision with its market ideology.	It is unclear what 'these forces' is in reference to. However, in projects such as key worker housing where it is likely to be recommended that Council take a proactive role in some form of housing delivery for key and essential workers, due to market failures, it can be reasonably argued that SG2041 recognises that free market economics will not meet all community needs. No change required.
A more balanced and realistic formula can be produced from the information if critically approached.	SG2041 is built on a discussion paper, 488 people directly engaged, 75 one on one surveys and 2 years of analysis. The vast weight of feedback during the engagement process gives statistical weight to the issues identified and a confidence rating of 95%. No suggestions are provided in the submission to reframe issues and therefore no change is required.

Identification of any issues or matters of note by Council

No issues were identified by Council to require modification of SG2041.

SG2041 is a framework, mapping the priority strategies and issues to face over the next two decades. It does not presuppose to know all the answers – whether it be the form of further investment in the Botanical Gardens, further planning for recreational opportunities around Lake Hamilton or the exact approach to key worker housing. These and other issues will be worked through via the identified strategies within SG2041.

In turn, it is the Council Plan and annual work plans where specific initiatives are fully detailed, resourced and delivered, aligned to the SG2041's framework of issues.

SG2041 as a 'live' strategic framework

Throughout the preparation process for SG2041 the question has been regularly asked about the uncertainty of the future and the need for flexibility in approach.

Confidence can be provided that SG2041 is a 'live' document by the manner in which s88 of the *Local Government Act 2020* states the community vision is to be established and maintained as set out below in point 4:

Community Vision

- (1) A [Council](#) must maintain a [Community Vision](#) that is developed with its [municipal community](#) in accordance with its [deliberative engagement practices](#).
- (2) The scope of the [Community Vision](#) is a period of at least the next 10 financial years.
- (3) A [Community Vision](#) must describe the [municipal community's](#) aspirations for the future of the municipality.
- (4) A [Council](#) must develop or review the [Community Vision](#) in accordance with its [deliberative engagement practices](#) and adopt the [Community Vision](#) by 31 October in the year following a general [election](#).

(5) The [Community Vision](#) adopted under subsection (4) has effect from 1 July in the year following a general [election](#).

The legal obligation is to review SG2041 within effectively 6-7 months of each new Council being sworn in – being every 4 years.

Financial and Resource Implications

There are no financial or resource implications attached to adopting SG2041. Funding of any strategies or initiatives as set out in SG2041 will be examined via the normal budgetary process.

Legislation, Council Plan and Policy Impacts

The *Local Government Act 2020* explicitly states that Council needs to provide and maintain a community vision statement that extends beyond 10 years. SG2041 provides Council the opportunity to drive that conversation and provide community leadership. See Sections 88 and 89 of the Act.

Risk Management

There are no risk management issues identified.

Environmental and Sustainability Considerations

SG2041 will likely facilitate more holistic responses by Council on a range of issues. The need for priority to be given to natural resource management is significant and currently not present in existing advocacy including *Towards 2030*.

More comprehensive policy positions on water management (groundwater and surface water) are closely connected to environmental flows, integrated water management and value-added agriculture. Likewise, policy positions on sustainable energy and climate change have economic as well as environmental foundations to address.

The advocacy and partnership opportunities identified to work closely with agencies such as GHCMA, ParksVic and others will also ensure environmental assets are better managed into the future.

Community Consultation and Communication

SG2041 was advertised for public comment from 12 August to 10 September 2021. Refer to discussion section earlier for assessment of submissions received.

Disclosure of Interests

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

RECOMMENDATION

That Council

1. Receive the submissions in relation to the formal exhibition of SG2041-community vision framework.
2. Endorse and adopt SG2041 as amended under S88(4) of the *Local Government Act 2020*.
3. Place SG2041 on Council's website.
4. Thank and acknowledge submitters with respect to the formal exhibition process.

10.3 Adoption of the Southern Grampians Shire Council Community Public Health and Wellbeing Plan 2021-2025

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Susannah Milne, Manager Community and Leisure Services
Attachments: 6. Submissions received from public exhibition process
7. Amended Southern Grampians Shire Council Community Public Health and Wellbeing Plan 2021 -2025

Executive Summary

The purpose of this report is for Council to consider the submissions made with respect to the draft Southern Grampians Shire Council Community Public Health and Wellbeing Plan 2021-2025 (PHWP) and to adopt the Plan with some minor amendments in response to the submissions received.

Local Government is required under the *Public Health and Wellbeing Act 2008* (the Act) to prepare a four year Municipal Public Health and Wellbeing Plan within 12 months of a Council election.

The PHWP is a high-level strategic plan that has been developed from extensive engagement with the community, consideration health status data of Southern Grampians residents, with consideration of the State Governments Public Health and Wellbeing Plan 2019-2023. The PHWP has been developed simultaneously to the Council Plan 2021-2025 and therefore is consistent with the Council Plan as required under the Act.

The draft PHWP was exhibited allowing the community and partners to read and respond to the plan. Four (4) submissions were received within the exhibition period which in general supported the focus areas and identified priority outcomes to improve the overall health and wellbeing of our community over the next four years. Some minor amendments have been made to the plan in response to the submissions received.

It is recommended to Council that the amended PHWP be adopted, and that staff work with key partners, community organisations and businesses to develop annual action plans over the four years that will result in creating healthy environments, services and supports that improve the health and wellbeing of our community.

Discussion

Within 12 months of a Council election Local Governments must prepare a number of strategic four (4) year documents that will direct the Council's focus and priorities. The Public Health and Wellbeing Plan (PHWP) is one of these plans and has been developed with consideration of the draft Council Plan 2021-2025 and Community Vision Framework 2041.

Like the Council Plan the PHWP is a strategic plan that will see the development of a yearly action plan that will contain actions planned by Council, community, stakeholders and key partners that will focus on improving the health and wellbeing of our residents by focusing on the key outcome areas. The yearly action plan and evaluation will be reported to the State Government, Council and community. The PWHP is not just an internal focused plan but a whole of community plan and responsibility, as such the Southern Grampians plan is titled as a Community Public Health and Wellbeing Plan.

The Act prescribes how a PHWP must be prepared and what information it must contain, which includes:

1. An examination of data about health status and health determinants in the municipal district.
2. Identify goals and strategies based on available evidence for creating a local community in which people can achieve maximum health and wellbeing.
3. Specify measures to prevent family violence and respond to needs of victims of family violence in the local community.
4. Provide for the involvement of people in the local community in the development, implementation and evaluation of the public health and wellbeing plan.
5. Specify how the Council will work in partnership with the Department and other agencies undertaking public health initiatives, projects and programs to accomplish the goals and strategies identified in the public health and wellbeing plan.
6. Be consistent with the Council Plan prepared under section 90 of the *Local Government Act 2020*.

In accordance with these requirements an examination of health data and status of the residents of the Southern Grampians community has been conducted as well as a review into previous plans. The review has revealed that the Shire has made gains in some areas of health and wellbeing particularly around early years, mental health and wellbeing, sedentary behaviours and smoking rates. Despite these gains our community is not doing well compared to similar sized Councils and in some areas of monitoring have slipped back with respect to at risk behaviours such as drinking and gambling. This combined with lower than recommended dietary intake of vegetables, social isolation and other barriers such as affordability, access to health services, housing and education, highlights the challenges that Southern Grampians residents and partners face when taking action to improve health and wellbeing.

In preparing this plan consideration was given to the recently conducted extensive consultation process undertaken with organisations, industry, service providers and key partners with respect to the Community Vision Framework Process. Council's engagement process around the Council Plan and the PHWP was more deliberative in understanding what were the issues and priorities of individual community members and their collective community. This has been a deliberate change from the preparation of the previous PHWP which was led by Stakeholder and partner feedback and priorities, it should be noted that the outcome priorities and focus is not dissimilar in this Plan and the previous plan.

Council supported the exhibition of the draft PWHP, which whilst not subjected to a statutory exhibition process, demonstrated that the Council is committed to open and transparent governance. As a result of the three-week public exhibition process, four submissions were received.

Of the four submissions, two were very supportive of the 'community' approach the plan is following, acknowledging that health and wellbeing is a whole of community and collaborative approach where many have responsibility and authority to make positive change. One submission noted the impact that family violence has on individuals, families and the wider community and the need to focus efforts in reducing family violence as a priority to improve health and wellbeing outcomes.

One submission identified some minor wording changes to priority outcome areas that would strengthen the actions and priorities of the plan for the community and key partners. The submitter also noted the need to ensure actions to address outcomes were resultant from

further engagement and involvement from community members to be effective and relevant. This submitter also noted along with another submitter that there was not a list of key partners or contributors contained within the plan and suggested that this be incorporated. This recommendation is not supported within the overall strategic plan, but this recommendation be incorporated within the yearly action plan allowing for not only existing partners to be recognised but allowing for new and emerging partners to be identified throughout the lifecycle of the plan. The plan does reference the approach of partnerships as integral to the success of the Plan's implementation and evaluation.

One submitter suggested that the plan should focus less on individual behaviour change but more on creating healthy and supportive environments that enable change. This is not supported as the focus and priority areas that focus both on healthy and liveable communities which aims to lead to a combination approach of both individual and environmental action to improve health and wellbeing.

Whilst the health data focuses on an individual's health and their ability to make positive changes is reflective of the need to have healthy and supportive environments to make change. It is the focus of this PHWP to create 'healthy and liveable communities', that has target outcomes to help our community make positive changes by understanding the power and choice they have and by providing supportive environments to assist.

Two submitters suggested that the plan should document vulnerable and diverse groups, in response to this the Plan is a whole of community plan which takes the approach to closing health and wellbeing gaps through ensuring actions are considerate of the Human Rights Charter, life course, health equity and place based. The yearly action plan will be reflective of identifying actions relevant to vulnerable and diverse groups.

The final submission reflected on the impact of policy and funding changes at a federal level that impacts health and wellbeing of the community as well as noting the challenges in health and wellbeing for the Southern Grampians community associated with our aging population.

In noting these submissions some minor changes have been made to the PHWP to strengthen outcome priorities in the following areas:

- Acknowledging local partnership opportunities in improving mental health.
- Changing the focus of advocating for policy change around access and eating nutritious food to seeking funding to resource and action local efforts.
- Acknowledging that the Shire and community have a role to build resilience in order to respond to and recover from events that cause disruption such as events and emergencies.
- Ensuring that accessibility (physical and financial) is considered when focusing on efforts to increase physical participation regardless of age and capability.
- Strengthen the priority to attract and advocate for locally based services to improve health and wellbeing.

Amendments have also been made to the implementation, monitoring, reporting and evaluation section of the plan to clarify the process and collaboration around developing the annual action plan and reporting process in response to a query raised within the submission process.

An acknowledgement and response letter will be provided to all submitters as a part of the due process.

It is recommended that Council adopt the PHWP with amendments, and in accordance with the legislative requirements, send a copy of the plan to the Secretary of the Department of Health.

Financial and Resource Implications

There have been costs associated with the development of the PHWP to meet costs associated with engagement, data analysis, copy write and graphic design. These costs are within allocated budget.

In adopting this plan, action planning will arise similar to that of the Council Plan process new initiatives will be subjected to a Council budget process and may also be eligible for State and Federal Funding opportunities. Many Shire actions and initiatives can be delivered from existing resources as it will focus and direct priorities around health and wellbeing responsibilities around existing service provisions.

Legislation, Council Plan and Policy Impacts

This plan has been developed in accordance with Sections 26 and 27 of the *Public Health and Wellbeing Act 2008*.

Consideration to the draft Council Plan 21-25 that has been prepared under Section 90 of the *Local Government Act 2020*.

Community engagement has been conducted in accordance with Council's Community Engagement Policy adopted 10 February 2021.

Risk Management

Adopting the PHWP Council will be endorsing a plan and priorities that the community have identified as where resources and efforts are needed to improve their health and wellbeing.

Implementing the plan will be a whole of community responsibility where many organisations and service partners will work across priority areas to improve health and wellbeing. The plan introduces the opportunities for collaboration and coordination which will be a key role of Council to lead.

Council and the community need to understand that health and wellbeing is complex and influenced by social determinates of health, environment as well as service provision and that impact of change takes time and continuous efforts by a number of partners.

Environmental and Sustainability Considerations

The PHWP acknowledges that sustainable practices create a healthy environment and contributes to health and wellbeing and is identified as an Outcome under Focus Area 2 – Liveable Communities.

Community Consultation and Communication

Community engagement for the preparation of the PHWP has been conducted in conjunction with the draft Council Plan 21-25 and in accordance with Council's adopted Community Engagement Policy.

A summary below details the engagement process conducted:

- 10 physical engagement sessions with townships (644 ideas)
- 4 school sessions
- 4 physical engagement sessions with staff across 3 sites (287 ideas)
- 2 virtual engagement sessions held online (Session One: 1,200 views; and Session Two: 804 views)
- Stakeholder consultations
- Electronic and hard copy postcard feedback (over 300 responses)
- Physical Staff Engagement – 139 participants
- Physical Community Engagement - 154 participants

Information received from the Southern Grampians Vision Framework 2041 was also used to inform the development of this plan.

The draft PHWP was publicly exhibited for a period of 3 weeks, to which 4 submissions were received which have been considered and minor amendments made to the Plan.

It is recommended that the amended Plan be adopted and that submitters will be advised in writing that the plan has been amended in response to their submissions.

The adopted plan will be distributed to key partners, placed upon Council's website and a media release completed advising that it has been adopted. A copy of the plan will be sent to the Secretary of the Department of Health.

Once the plan is adopted staff will coordinate the annual action plan development with internal and external Stakeholders.

Disclosure of Interests

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

RECOMMENDATION

That Council:

1. Adopt the amended draft Southern Grampians Shire Council Community Public Health and Wellbeing Plan 2021-2025.
2. Acknowledge received submissions in writing.
3. A copy of the adopted Plan be provided to the Secretary of the Department of Health.
4. That the Plan be made available to the community and key partners on Council's website.

10.4 Project Brief – Assessment of a Redevelopment Option for a New Hamilton Gallery

Directorate: Andrew Goodsell, Director Planning and Development
Author: Amy Knight, Manager Cultural Arts
Attachments: 8. Project Brief - Assessment of a redevelopment option for a NHG

Executive Summary

As part of the New Hamilton Gallery (NHG) project, Council is seeking to engage a lead architect to deliver a redevelopment option for a New Hamilton Gallery, located on the existing gallery site in Hamilton (Option 3).

This report presents the project brief for consideration by Council with the aim to commence the procurement process for an architect to undertake the project.

Discussion

In July 2021 Council received the body of work relating to a CBD option for a New Hamilton Gallery (Option 2) including detailed designs and preliminary business case. As part of this review, it was noted that appropriate investigation into the current site had not been undertaken. Council advised that in order to progress the project it must consider all options and appropriate consideration for a redevelopment option (Option 3) should be undertaken prior to progressing the project to community consultation.

As the current gallery is part of a precinct, this body of work includes consideration of other Council services as defined in the brief parameters, namely the performing arts centre, library, cinema and customer service functions of Council.

This investigation recognises the history of the project and the requirement that this body of work will be required to complement and enable comparison with the earlier studies undertaken in 2019 for a standalone iconic building at Lake Hamilton proposal (Option 1) and in 2021 for the above-mentioned CBD proposal (Option 2).

It further acknowledges two previously endorsed documents focused on urban renewal, namely, the Brown Street Arts and Cultural Precinct Concept Plan (2011) and the Hamilton CBD Activation Masterplan (adopted mid 2020).

Through the brief parameters it will investigate the option of a new cultural facility / precinct, specifically addressing the Hamilton Gallery's restraints in its current location. These parameters surrounding the exploration of the area have previously been workshopped and approved by Council. It will also provide a detailed cost plan from a licenced quantity surveyor.

The overall aim of this assessment is to provide Council with comparative data and documentation regarding the NHG project for the purpose of informed decision making and discussion. This work will be in the form of concept designs and relevant cost estimates. This work will significantly contribute to the planning and direction of the project.

An upper limit budget for the project is \$40,000 exc GST. A further \$10,000 exc GST will be required for appropriate community engagement and communications, however this is a separate scope of works.

Legislation, Council Plan and Policy Impacts

This project is not inconsistent with the Council Plan 2017-21 and furthers the objectives as set out in Council Plan 2021-25 (draft) and SG2041 (draft).

Disclosure of Interests

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

RECOMMENDATION

That:

1. The project brief for Option 3 be endorsed by Council with the aim to commence the procurement process for a suitably qualified architect to undertake the project.
2. A further report be provided to Council on findings from the Option 3 to then enable a determination on further community engagement on this project.

10.5 Governance Rules

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Karly Saunders, Governance Coordinator
Attachments: 9. Governance Rules 2021

Executive Summary

Section 60 of the *Local Government Act 2020* (the Act) requires Councils to develop, adopt and keep in force Governance Rules.

Council adopted Governance Rules on 12 August 2020 and the Rules have subsequently been reviewed and are attached for Council adoption.

Discussion

Governance Rules include the following -

- Conduct of Council meetings
- Conduct of meeting of Delegated Committees
- Form an availability of meeting records
- Election of the Mayor and Deputy Mayor
- The appointment of an acting Mayor
- Election Period Policy
- Procedures for the disclosure of a conflict of interest by a Councillor and a member of Council staff

Must provide for a Council to –

- Consider and make decisions fairly and on merit; and
- Institute decision-making processes to ensure any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered.

The purpose of the review was to remove the elements relating to the Local Law Procedures No.10 of 2013 and adopt a new Local Law which will only include enforceable elements, such as the use of the Common Seal and infringements.

The review also captures amendments to the conduct of Council Meetings to remove elements which remain unused or outdated.

When amending the Governance Rules, Council had to ensure a process of community engagement was followed, as such, the amended Governance Rules were placed on public exhibition for a 14-day period between 14-27 August 2021, inviting submissions from the community.

No submissions were received during this time.

Legislation, Council Plan and Policy Impacts

It is a legislative requirement for Councils to keep in force Governance Rules.

Risk Management

The adoption of the Governance Rules reduces risk as Council will meet its legislative responsibilities. The Governance Rules provide comprehensive guidance on the way in which Council Meetings and Council auspiced meetings are to be conducted. It provides a stronger Governance framework for decision-making processes.

Environmental and Sustainability Considerations

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

Community Consultation and Communication

The Act states that Governance Rules must be developed or amended using a process of community engagement.

The Governance Rules were exhibited from 14-27 August 2021 and feedback from the community was encouraged during this time. No feedback was received.

Once adopted, the Governance Rules will be 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 general or material interests need to be declared in relation to any matters in this Report.

RECOMMENDATION

That Council adopt the Governance Rules under Section 60 of the *Local Government Act 2020*.

10.6 Making Local Law – Governance No. 1 of 2021

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Karly Saunders, Governance Coordinator
Attachments: 10. Local Law – Governance No.1 of 2021;
11. Certificate from Maddocks Lawyer

Executive Summary

As a result of Council's Governance Rules being reviewed, it was proposed to revoke 'Local Law Meeting Procedures No.10 of 2013' under Section 84 of the *Local Government Act 2020* (the Act) and adopt a new Local Law under Section 73 of the Act titled 'Local Law Governance No 1 of 2021'.

Council, at its meeting on 11 August 2021, resolved to exhibit the proposed Local Law for a period of 14 days and seek public feedback.

One submission was received this time and indicated support for the Local Law.

This report recommends that Council make the new Local Law – Governance No.1 of 2021.

Discussion

Governance Rules include the following -

- Conduct of Council meetings
- Conduct of meeting of Delegated Committees
- Form and availability of meeting records
- Election of the Mayor and Deputy Mayor
- The appointment of an acting Mayor
- Election Period Policy
- Procedures for the disclosure of a conflict of interest by a Councillor and a member of Council staff

The Governance Rules render the Local Law Meeting Procedures No.10 of 2013 redundant as the Rules govern the conduct of Council Meetings. The sections in the existing Local Law relating to enforceable elements, such as the Common Seal and Infringements, were proposed to be included in the Local Law Governance No.1 of 2021.

Section 73 of the Act states that Council must make a local law in accordance with its community engagement policy.

The Council must publish a notice stating:

- The objectives of the proposed local law
- The intended effect of the proposed local law
- That a copy of the proposed local law is available for inspection at the Council's office and on the Council internet site
- The community engagement process that applies in respect of the making of the local law.

The public notice must be published on the Council's internet site and in any other manner prescribed by the regulations.

The Council must ensure that a copy of the proposed local law is available for inspection at the Council's office and on the Council's internet site.

As previously outlined, a process of community engagement must be followed when proposing a local law, as such, Council published a public notice and exhibited the proposed local law, in accordance with the requirements of the Act, for a 14-day period. Council welcomed submissions from the community, of which there was one and this was circulated to Councillors for consideration.

The submission expressed support for the Local Law and was broad in nature.

After proposing a Local Law, Council can then make the local law, once it has obtained a certificate from a qualified lawyer, this certificate is attached for tabling.

After the Local Law is made, Council will publish a notice stating:

- a) The title of the local law;
- b) The objectives of the local law
- c) The effect of the local law
- d) That a copy of the local law is available for inspection at the Council office and the Council's internet site.

The notice will also be published in the Government Gazette and the Council's internet site.

Legislation, Council Plan and Policy Impacts

Section 74 of the *Local Government Act 2020* outlines the process for making a local law.

Risk Management

Updating the Local Law ensures the content is current and relevant when read in conjunction with the revised Governance Rules and allows authorised officers to continue enforcing the Local Law should the need arise.

Environmental and Sustainability Considerations

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

Community Consultation and Communication

Section 73 of the Act states that Council must propose a local law in accordance with its community engagement policy. In-line with Council's Community Engagement Policy, Council published a public notice and exhibited the proposed local law for a 14-day period from Saturday 14 August – Friday 27 August 2021 during time which one submission was received.

Section 74 of the Act states the process for Council to make a Local law and includes further public notice once the local law is made.

Disclosure of Interests

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

RECOMMENDATION

That Council:

1. In accordance with Section 74 of the *Local Government Act 2020* make the Local law Governance No.1 of 2021;
2. Note the certificate from the lawyer that the local law is consistent with the local law requirements set out in the Act;
3. Note there will be a further notice published stating that the local law is made as per section 74(4) of the Act; and
4. Note that Local Law Meeting Procedure No.10 of 2013 is hereby revoked.

10.7 Review of s11A Instrument of Appointment and Authorisation

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Karly Saunders, Governance Coordinator
Attachments: 12. s11A Instrument of Appointment and Authorisation

Executive Summary

Council appoints many powers to its staff through instruments of delegation and authorisation.

The s11A Instrument of Appointment and Authorisation appoints Council staff to be authorised under the *Planning and Environment Act 1987* and allows them to fully discharge their duties and responsibilities under that Act.

The s11A Instrument of Appointment and Authorisation has been updated to reflect recent staffing changes and is attached for Council consideration.

Discussion

The Act, and a variety of other legislation, makes express provision for the appointment of delegates to act on behalf of Councils and delegation of powers is essential to enable day to day decisions to be made and for the effective operation of the organisation.

The Instruments of Delegation and Appointment and Authorisation are prepared for Council by Maddocks Lawyers.

S11A Instrument of Appointment and Authorisation

The s11A Instrument of Appointment and Authorisation:

- Appoints the officers to be authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
- Authorises the officers generally to institute proceedings for offences against the *Planning and Environment Act 1987* and the regulations made under that Act.

The previous Authorisation needs to be revoked due to some of the staff listed in the Instrument no longer working for Council.

As with the delegations under the *Planning and Environment Act 1987* these appointments and authorisations must be made by Council and are not delegated by the CEO.

It is recommended that Council adopts the s11A Instrument of Appointment and Authorisation.

Financial and Resource Implications

Council subscribes to the Delegations and Authorisations service provided by Maddocks Lawyers, the cost of which is provided for in Council's budget.

There are no other financial implications in reviewing the Instruments of Delegation.

Legislation, Council Plan and Policy Impacts

Objective 5.1 – Provide transparent and responsible governance.

Risk Management

The use of the Maddocks service alleviates the potential risk of staff not being appropriately authorised in the exercise of various powers and functions. The updates are done regularly and capture any legislative changes. The service is available to all Victorian Councils which enables consistency

Environmental and Sustainability Considerations

Many of the activities undertaken by staff on behalf of Council have social, economic or environmental effects, including many of the powers included in the instruments of delegation. The Instruments of Delegation ensure that the decisions are made by the most appropriate person or persons with the organisation.

Community Consultation and Communication

There is no requirement for community consultation in relation to the review of the Instrument.

Affected staff will be provided with confirmation of the amendments to the Instrument.

Disclosure of Interests

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

RECOMMENDATION

In the exercise of the powers conferred by the legislation referred to in the attached instrument, Council resolves that -

1. That Council, adopt the attached s11A Instrument of Appointment and Authorisation for the members of Council staff set out in the instrument.
2. The s11A Instrument of Appointment and Authorisation comes into force immediately the common seal of Council is affixed to the instrument and remains in force until Council determines to vary or revoke it and on coming into force all previous s11A instruments are revoked.

10.8 Tender 29-21 2021/2022 Long Term Dry Plant Hire

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

10.9 Christmas Holiday Closure

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Karly Saunders, Governance Coordinator
Attachments: None

Executive Summary

Council can elect to close workplaces during the period between Christmas and New Year. It is recommended that Council workplaces close for the Christmas/New Year break from the close of business at 5:00pm on Friday 24 December 2021 and reopen 8:15am on Tuesday 4 January 2022.

Discussion

Council's Enterprise Bargaining Agreement states that if Council decides to close workplaces over the period between Christmas and New Year at least one month's notice must be provided to staff. Staff can then elect to take leave over this time or work on the non-public holiday days with permission from their manager. Having the Christmas/New Year break from 5:00pm on Friday 24 December until Tuesday 4 January means that staff who elect to take this time off are required to take three days of time-in-lieu, rostered days off or annual leave. The other three days of closure are public holidays.

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

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

The operation of the above services will be subject to the COVID-19 restrictions at that time.

Legislation, Council Plan and Policy Impacts

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

Disclosure of Interests

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

RECOMMENDATION

That Council notes the Christmas Holiday Closure of Council's Offices from 5:00pm on Friday 24 December 2021 and reopening on Tuesday 4 January 2022 at 8:15am.

10.10 S65 Community Asset Committee – Minutes

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Karly Saunders, Governance Coordinator
Attachments: 13. Nareen Hall Minutes, November 2020,
14. Coleraine Sporting Grounds Committee Minutes, August 2021,
15. Coleraine Mechanics Hall Committee Minutes, September 2021

Executive Summary

A number of Committees that were formerly a Section 86 Committee under the *Local Government Act 1986* have transitioned to a Section 65 Committee under the *Local Government Act 2020* (the Act) in September 2020.

In accordance with Council's Governance Rules and section 47(4)(b) of the Act, approved minutes of the Committee are to be reported to Council Meetings to ensure governance requirements and appropriate standards of probity are being met.

Discussion

The following minutes of the Community Asset Committee meetings are attached to this report:

- Coleraine Sporting Grounds Committee August 2021
- Nareen Hall Committee November 2020
- Coleraine Mechanics Hall Committee September 2021

The minutes have been confirmed at each preceding meeting and forwarded through to Council's Governance Coordinator for reporting to the next available Council Meeting.

Financial and Resource Implications

Not applicable.

Legislation, Council Plan and Policy Impacts

Community Asset Committees are established under Section 65 of the Act and operate under a s47 Delegation issued by the Chief Executive Officer and are bound by Council's Governance Rules and the Committee Terms of Reference.

Risk Management

Regular reporting of the Committee Meeting Minutes ensure governance requirements and appropriate standards of probity are being met.

Environmental and Sustainability Considerations

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

Community Engagement and Communication

Not applicable.

Disclosure of Interests

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

RECOMMENDATION

That Council note the Minutes from the following Community Asset Committees;

1. Coleraine Sporting Grounds Committee;
2. Nareen Hall Committee; and
3. Coleraine Mechanics Hall Committee.

10.11 Audit and Risk Committee - Minutes

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Evelyn Arnold, Director Community and Corporate Services
Attachments: 16. Minutes – 2 September 2021

Executive Summary

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

Discussion

The Audit and Risk Committee, 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 2020* (Section 53).

Disclosure of Interests

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

RECOMMENDATION

That the Minutes for the Audit and Risk Committee meeting held on 2 September 2021 be noted.

11. Notices of Motion

11.1 Notice of Motion #4/21

Cr Rainsford

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 13 October 2021

MOTION

Southern Grampians Shire Council develop Terms of Reference for a Hamilton Gallery Project Reference Group with a report to be presented to the November 2021 Council Meeting with the purpose of the committee providing input on ongoing and future planning for the upgraded or new Hamilton Art Gallery (NHG) as follows:

1. Provide stakeholder feedback to the Council appointed architect on option 3 for the NHG being the Brown Street Hamilton Council offices site;
2. Be available for community engagement on all 3 options developed for the gallery (being Lake Hamilton, Hamilton CBD and Brown St site), once resolved by Council to do so; and
3. Have input with respect to the design competition for a new gallery (or upgraded existing gallery) as per any Council resolution on the ultimately preferred option

12. Delegated Reports

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

13. Mayors and Councillors Reports

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 are no Confidential Matters listed on tonight's agenda.

15. Close of Meeting

This concludes the business of the meeting.