



Southern Grampians
SHIRE COUNCIL

Council Meeting Agenda

Ordinary Meeting
26 July 2017

To be held at 5:30pm
in the Council Chambers
at 5 Market Place, Hamilton

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1 Membership

Councillors

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

Officers

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

2 Acknowledgement of Country

3 Prayer

4 Apologies

5 Confirmation of Minutes

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 28 June 2017 be confirmed as a correct record of business transacted.

That the Minutes of the Special Meeting of Council held on 3 July 2017 be confirmed as a correct record of business transacted.

That the Minutes of the Special Meeting of Council held on 12 July 2017 be confirmed as a correct record of business transacted.

6 Declaration of Interest

7 Questions on Notice

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

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

Questions must:

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

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

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

One submission has been received for tonight's Agenda:

1. Dr Kevin Smith

“Will Southern Grampians Shire Council follow the leadership shown by Warrnambool City Council and publicly support marriage equality including advocating to State and Federal Governments on behalf of our LGBTIQ community members?”

In Australia marriage is defined as “the union of a man and a woman to the exclusion of all others, voluntarily entered into for life” in the Marriage Act 1961 (Cth).

Federal parliament has the power to change the marriage legislation in Australia to include same sex marriage. There is no legal impediment to this change in legislation occurring, debate around changing the definition of marriage in Australia centers around political and moral considerations.

Some Australian States have indicated a willingness to introduce same-sex marriage laws. However, as State laws are invalid to the extent that they are inconsistent with Commonwealth law, any State same-sex marriage law would not result in 'legal' marriages. This is the same at the Local Government level. Local Government Local Laws are invalid to the extent that they are inconsistent with any State or Federal laws. Local Laws are the only law that Local Government can make.

While Local Governments can show their support for marriage equality and advocate to the Federal government for legislative changes to the Marriage Act 1961 (Cth) they cannot directly alter the law themselves.

Council does not have a formally resolved position on Marriage Equality however SGS Councillors, like the community they have been elected to represent, have a variety of views on their personal support or otherwise of the recognition of the importance of Marriage Equality and are free to make comment on these matters. Councillors respect a diversity of views and whilst encouraging individual councillors to make their own support or otherwise for marriage equality it is not believed a motion to support marriage equality at local government level is in order.

SGSC supports community inclusion and a fairer respectful approach to community and social issues. As a major employer SGS is working towards an inclusive safer workplace including ensuring gender relationship choices are respected within employment and workplace practices. The recent visit of the Gender and Sexuality Commissioner Ro Allen highlighted the importance that social acceptance of gender diversity to reducing gender diversity related pressures and the associated increased risk of self-harm and stress and Council actively participated and encouraged these conversations. Southern Grampians Shire Council also actively supported the Pride and Equity AFL Football matches along with a significant lead-up period supporting promotion of Gay Pride and Equity.

Southern Grampians Shire Council has been working closely with Western District Health Service on both Gender Equity and Prevention of Violence Against Women which has led to a number of initiatives currently underway including policy statements covering diversity, safety and equity in the workplace. Finally the organisation has embarked on a Local Government Sector approach to Gender Equity in the workplace and commencing a program Leadership @ Southern Grampians to understand barriers and opportunities within our organisation for more diversity in our workplace. There is acknowledgement that gender diversity and promoting an inclusive caring workplace and community is councils responsibility.

8 Public Deputations

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

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

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

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

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

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

9 Records of Assemblies of Councillors

An Assembly of Councillors is defined in section 3 of the *Local Government Act 1989* to include Advisory Committees of Council if at least one Councillor is present or, a planned or scheduled meeting attended by at least half of the Councillors and one Council Officer that considers matters intended or likely to be the subject of a Council decision.

Written records of Assemblies of Councillors must be kept and include the names of all

Councillors and members of Council staff attending, the matters considered, any conflict of interest disclosures made by a Councillor attending, and whether a Councillor who has disclosed a conflict of interest leaves the assembly.

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.

An Assembly of Councillors record was kept for:

- Hamilton Livestock Exchange Advisory Committee – 13 June 2017
- Industry Visits – 28 June 2017
- Briefing Session – 28 June 2017
- Balmoral Community Engagement Meeting – 28 June 2017
- Municipal Fire Management Planning Committee Meeting – 29 June 2017
- Cavendish Community Engagement Meeting – 5 July 2017
- Briefing Session – 12 July
- Community Inclusion Advisory Committee – 19 July 2017

This agenda was prepared on 19 July 2017. Any Assemblies of Councillors between that date and the date of tonight's Meeting will appear in the agenda for the next Ordinary Meeting of Council.

RECOMMENDATION

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

ASSEMBLY OF COUNCILLORS



Southern Grampians
Shire Council

ASSEMBLY DETAILS	
Title:	Hamilton Livestock Exchange Advisory Committee
Date:	13 June 2017
Location:	M.J. Hynes Auditorium
Councillors in Attendance:	Cr Mary Ann Brown, Mayor Cr Katrina Rainsford
Council Staff in Attendance:	David Moloney, Director Shire Infrastructure Terri Horsten, Executive Assistant DSI

The Assembly commenced at

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Mortlake Project	Nil
2	Development Update	Nil
3	NLIS Project	Nil
4	Throughput Report	Nil

The Assembly concluded at 4.40pm

ASSEMBLY OF COUNCILLORS



Southern Grampians
Shire Council

ASSEMBLY DETAILS	
Title:	Industry Visits
Date:	28 June 2017
Location:	Balmoral – Various Locations
Councillors in Attendance:	Cr Mary-Ann Brown, Mayor Cr Chris Sharples, Deputy Mayor Cr Katrina Rainsford Cr Greg McAdam Cr Colin Dunkley Cr Cathy Armstrong
Council Staff in Attendance:	Mr Michael Tudball, CEO Ms Evelyn Arnold, Director Corporate and Community Services Mr David Moloney, Director Shire Infrastructure Mr Michael McCarthy, Director Shire Futures Mr Peter Johnson, Business Development Officer Ms Jane Coshutt, Community Engagement Officer Ms Melanie Russell, Community Engagement Officer

The Assembly commenced at 11:00am

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Glenelg River Herbs Visit	Nil
2	Balmoral Community Store Visit	Nil
3	Balmoral Café and Caravan Park Visit	Nil
4	Balmoral Post Office Visit	Nil
5	Balmoral Hotel Visit	Nil

The Assembly concluded at 1:00pm

ASSEMBLY OF COUNCILLORS



Southern Grampians
Shire Council

ASSEMBLY DETAILS	
Title:	Briefing Session
Date:	28 June 2017
Location:	Balmoral Mechanics Hall, Glendinning St, Balmoral
Councillors in Attendance:	Cr Mary-Ann Brown, Mayor Cr Chris Sharples, Deputy Mayor Cr Katrina Rainsford Cr Greg McAdam Cr Colin Dunkley Cr Cathy Armstrong
Council Staff in Attendance:	Mr Michael Tudball, CEO Ms Evelyn Arnold, Director Corporate and Community Services Mr David Moloney, Director Shire Infrastructure Mr Michael McCarthy, Director Shire Futures Ms Belinda Johnson, Manager Finance Mr Brett Holmes, Manager Community and Leisure Services

The Assembly commenced at 1:30pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Recreation Strategy and Audit	Nil
2	Related Party Disclosures	Nil
3	Road Renaming	Nil
4	Harman's Valley SLO	Nil
5	Briefing on Additional Reports	Nil

The Assembly concluded at 5:00pm



ASSEMBLY OF COUNCILLORS

ASSEMBLY DETAILS	
Title:	Balmoral Community Engagement Session
Date:	28 June 2017
Location:	Balmoral Town Hall
Councillors in Attendance:	Cr Mary-Ann Brown, Mayor Cr Chris Sharples, Deputy Mayor Cr Albert Calvano Cr Cathy Armstrong Cr Colin Dunkley Cr Katrina Rainsford Cr Greg McAdam,
Council Staff in Attendance:	Michael Tudball, CEO Michael McCarthy, Director Shire Futures Evelyn Arnold, Director Corporate and Community Services David Moloney, Director Shire Infrastructure Melanie Russell, Community Engagement Officer Megan Kruger, Governance Coordinator Jane Coshutt, Community Engagement Officer

The Assembly commenced at 7.30pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Hobbs Rd Reseal	Nil
2	Cameron's Road Bridge	Nil
3	Balmoral Community Centre update	Nil
4	Fence for Glendinning St playground	Nil
5	Bus Service	Nil
6	Seymour Park / Water trough	Nil

7	Mathers Creek Bridge	Nil
8	Change date of Australia Day	Nil
9	Flagpole	Nil
10	Septic System Cleaning	Nil
11	Balmoral Mechanics Hall Public Toilet Handover	Nil
12	Small Business Development Opportunities	Nil
13	Horticulture in Greater Hamilton	Nil

The Assembly concluded at 9.00pm

ASSEMBLY OF COUNCILLORS



Southern Grampians
Shire Council

ASSEMBLY DETAILS	
Title:	Municipal Fire Management Planning Committee
Date:	29 June 2017
Location:	Martin J Hynes Auditorium
Councillors in Attendance:	Cr Greg McAdam
Council Staff in Attendance:	David Moloney, Director Shire Infrastructure Chris Huggins, Emergency Management Coordinator Nola McFarlane, Flood Recovery Manager Nadine Rhook, Executive Assistant DCCS

The Assembly commenced at 12.30pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Welcome, Introductions, Apologies	Nil
2	Confirmation of Previous Minutes – 23 March 2017	Nil
3	Sub Committee Reports: <ul style="list-style-type: none"> • Municipal Fire Management Planning Committee • Municipal Flood Emergency Management Planning Committee • Municipal Relief and Recovery Committee • Community Resilience Committee • CERA Risk Assessment Sub Committee 	Nil
4	MEMP Updates (Legislative Changes)	Nil
5	Revision of parts of the MEMP	Nil
6	Multi-Agency Facility	Nil
7	Discussion on the meeting constitution	Nil

	and running format	
8	Changes to Legislation and Preparing for Change	Nil
9	Update MEMP Contract Directory	Nil
10	Desktop Exercise:/ DHS & H	Nil
11	MEMP	Nil
12	CERA	Nil
13	Risk Sub-Committee	Nil
14	Exercise	Nil
15	Agency Updates	Nil

The Assembly concluded at 2.23pm



ASSEMBLY OF COUNCILLORS

ASSEMBLY DETAILS	
Title:	Cavendish Community Engagement Session
Date:	5 July 2017
Location:	Bunyip Hotel - Cavendish
Councillors in Attendance:	Cr Mary-Ann Brown, Mayor Cr Albert Calvano Cr Cathy Armstrong Cr Colin Dunkley Cr Katrina Rainsford Cr Greg McAdam
Council Staff in Attendance:	Michael Tudball, CEO Evelyn Arnold, Director Corporate and Community Services David Moloney, Director Shire Infrastructure Melanie Russell, Community Engagement Officer

The Assembly commenced at 6.00pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Toilet Strategy / Public Hall / Kinder	Nil
2	Flood Recovery	Nil
3	Old Shop Frontage	Nil
4	Footpaths	Nil
5	Township Planning Zone Review	Nil
6	Cavendish Rec Reserve – Toilets	Nil
7	Cavendish Men's Shed	Nil
8	Cavendish Red Gum Festival	Nil
9	Solider Memorial Hall – maintenance	Nil

The Assembly concluded at 8.00pm

ASSEMBLY OF COUNCILLORS



Southern Grampians
Shire Council

ASSEMBLY DETAILS	
Title:	Briefing Session
Date:	12 July 2017
Location:	Martin J Hynes, 5 Market Place, Hamilton
Councillors in Attendance:	Cr Mary-Ann Brown – Mayor Cr Chris Sharples – Deputy Mayor Cr Katrina Rainsford Cr Greg McAdam Cr Colin Dunkley Cr Cathy Armstrong Cr Albert Calvano
Council Staff in Attendance:	Mr Michael Tudball, CEO Ms Evelyn Arnold, Director Corporate and Community Services Mr David Moloney, Director Shire Infrastructure Mr Michael McCarthy, Director Shire Futures Mr Brett Holmes, Manager Community and Leisure Services

The Assembly commenced at 2:00pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Victorian Gas Program	Nil
2	Swimming Pools	Nil
3	Lake Linlithgow	Nil
4	Great South Coast Membership	Nil
5	Petrol Station	Nil
6	Intermodal Hub	Nil
7	Asset Management Policy	Nil

The Assembly concluded at 5:30pm

ASSEMBLY OF COUNCILLORS



Southern Grampians
Shire Council

ASSEMBLY DETAILS	
Title:	Community Inclusion Advisory Committee
Date:	19 July 2017
Location:	Southern Grampians Adult Education – Thompson Street Hamilton
Councillors in Attendance:	Cr Cathy Armstrong
Council Staff in Attendance:	Evelyn Arnold, Carolyn Byrne, Jane Coshutt, Lachy Patterson, Nadine Rhook

The Assembly commenced at 2.00pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Information Session for New Membership of the Community Inclusion Advisory Committee	Nil

The Assembly concluded at 2.45pm

10 Management Reports

10.1 Great South Coast Group Membership

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

Executive Summary

This report recommends the contribution of \$25,000 to the Great South Coast Group of Councils.

Discussion

The primary function of the Great South Coast Group is to deliver the Regional Strategic Plan (RSP) and to build the region's social, economic and environmental capacity.

The Group is an independent, apolitical organisation that takes responsibility for identifying, developing and delivering projects of regional significance. These must align with the strategic objectives of the RSP.

The RSP has been embraced by both State and Federal Governments. Indeed, our advice has been that projects must be in step with its strategies in order to be considered for Government funding.

The Great South Coast Group also seeks to advocate on behalf of the entire region to State and Federal Governments.

Our success in these activities depends upon the participation and goodwill of each of the member Councils, as well as that of a range of other people and organisations across the region.

The Great South Coast Group's governance has been loosely modelled on the successful G21 Regional Alliance, with careful modifications to better meet the needs of our region and has been subject to an extensive review over the past twelve months ensuring it is positioned to meet the needs and objectives of its members.

Current members of the group include Moyne, Corangamite & Southern Grampians Shire Councils along with Warrnambool City Council. Glenelg and Colac Otway Shires have previously been members and it is the intent of the Board to continuing working to increase the membership to all Great South Coast Councils.

Whilst the Constitution and Terms of Reference continue to include external, independent Directors there is currently one independent to Council Director.

Financial and Resource Implications

Direct membership is set at \$25,000 per member Council and is included in the Draft 2017/18 Council Budget

Legislation, Council Plan and Policy Impacts

Council both currently and historically has recognised the value of Regional collaboration and partnerships such as the Great South Coast group to enhance our regional planning, advocacy and delivery of projects and initiatives across the region.

The membership of the Great South Coast Group is relevant to the following objectives of the Council Plan:

- Provide Governance & Leadership
- Effective Advocacy

Risk Management

Working together as a regional collective increases the opportunities to have a strong, single united voice on those issues and opportunities that we have in common. To not be part of a regional strategic advocacy body may impact negatively on our ability to put forward and deliver on our and regional priorities.

Environmental and Sustainability Considerations

Not applicable.

Community Consultation and Communication

The broader community has not been consulted directly on this discussion or recommendations except through a budget allocation in the proposed budget. Previous membership and entering into Board Membership has been relayed through formal Council resolutions.

This decision will be communicated to the Great South Coast Board at a Board Meeting by Council's representative Mayor, Cr Mary-Ann Brown.

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 contribute \$25,000 for membership and to support the work of the Great South Coast Group.

10.2 Amendment C36 to the Southern Grampians Planning Scheme – Harman’s Valley

Directorate: Michael McCarthy, Director Shire Futures
Author: Rhassel Mhasho, Manager Planning Regulatory Services
Attachments: 1. Map Showing Subject Land
2. Updated Schedule 6 to Clause 42.03

Executive Summary

The purpose of this report is for Council to consider applying a permanent Significant Landscape Overlay to the Harman’s Valley landscape to replace the interim planning provision which was applied by the Minister for Planning in 2016 through Amendment C50 to the Southern Grampians Planning Scheme.

The report recommends that Council seek authorisation from the Minister for Planning to prepare an amendment to the Planning Scheme and, upon receipt of authorisation, prepare and exhibit Amendment C36 to the Southern Grampians Planning Scheme – “Harman’s Valley” in accordance with the Section 8A of the Planning and Environment Act 1987.

Discussion

In 2016 the Minister for Planning prepared and approved Amendment C50 to the Southern Grampians Planning Scheme. The *Planning and Environment Act 1987* (the Act), the *Heritage Act 1995* and the *Victorian Civil and Administrative Tribunal Act 1998* provide for the intervention of the Minister for Planning in planning and heritage processes.

Amendment C50 provided interim planning protection of Harman’s Valley, which was identified as a landscape of State significance in the *South West Landscape Assessment Study 2013*. The interim Significant Landscape Overlay was considered necessary to address a lack of specific landscape protection for Harman’s Valley. The interim Overlay will lapse if not replaced by a permanent Overlay, to be introduced under a separate planning scheme amendment process, by 31 October 2018.

Site and surrounds

The site encompasses approximately 70 lots generally used for agricultural purposes in the Farming Zone. Attachment 1 shows the subject land and the surrounding land use context. The land is viewed from a designated tourist scenic lookout on Hamilton-Port Fairy Road, north of North Byaduk and extends from Mount Napier State Park in the east across to the municipal border with Glenelg Shire to the west.

The *South West Victoria Landscape Study 2013* was prepared by Planisphere, in conjunction with the Department of Planning and Community Development and the Councils of the South West. Harman’s Valley was identified in that Study as a landscape of State significance (Refer attachment 3 – Excerpt from South West Landscape Study 2013).

In 2016 the Minister for Planning used his powers under the *Planning and Environment Act 1987* to prepare and approve Amendment C50 to the Southern Grampians Planning

Scheme. The amendment was triggered by works undertaken within the area that demonstrated a threat of permanent and irreversible damage to a landscape of considerable geological interest and aesthetic values. These actions revealed a lack of controls in the planning scheme to adequately protect and manage the landscape's significant values.

Amendment C50 provided interim planning protection of Harman's Valley by applying an interim Significant Landscape Overlay Schedule 6 – 'Harman's Valley' and inserting Map Sheet 42SLO. The interim controls will lapse if not replaced by permanent controls as part of a separate planning scheme amendment process by 31 October 2018.

This report recommends that Council seek authorisation from the Minister for Planning to prepare a planning scheme Amendment C36 to the Southern Grampians Planning Scheme to apply a permanent Significant Landscape Overlay to Harman's Valley in accordance with the Section 8A of the Planning and Environment Act 1987.

Specifically, the Amendment C36 will apply a permanent Significant Landscape Overlay (SLO) by deleting the sunset clause in the SLO Schedule "Clause 7.0 Expiry *The requirements of this schedule cease to have effect after 31 October 2018*".

The exhibition of Amendment C36 will give landowners and the wider community the opportunity to be consulted and make submissions on the merits of permanent landscape controls, which was not the case when the Minister applied the interim control.

The Statement of Significance within the SLO reads:

Harman's Valley is a landscape of State significance as a unique collection of volcanic features. Harman's Valley is a long lava flow valley extending from the western side of Mount Napier to Condah Swamp, and is recognised as one of the most intact and significant collections of young volcanic features in Australia. The lava flow itself and multiple individual features along the valley are of geological significance. Lava blister mounds, known as tumuli, are the largest of their kind in Australia and internationally rare. The section of the lava flow within Southern Grampians Shire is the most publically visible section, most closely connected to the Mount Napier eruption point and contains a high concentration of tumuli. The views across Harman's Valley of Mount Napier (Tapoc), the tallest eruption point on the Western Volcanic Plains, are particularly prominent from the Port Fairy - Hamilton Road, north of Byaduk. Harman's Valley presents as a textured valley of stony rises weaving across the landscape. The lava flow volcanic landscape is culturally significant to Aboriginal traditional owners. Drystone walls have been constructed in parts of the landscape and contribute to the aesthetic and cultural significance of the place. Harman's Valley is an important educational resource and place of interpretation of volcanic processes.

Objectives of the SLO are to:

- *To protect the landscape significance of Harman's Valley.*
- *To minimise visual impact on the Harman's Valley volcanic landscape.*
- *To protect the setting of Harman's Valley. To protect features of scientific, aesthetic and cultural significance.*
- *To protect dry stone walls as contributory elements of the landscape.*
- *To ensure that development responds to the identified landscape character and significance of Harman's Valley. To minimise visual and other impacts on the broader volcanic landscape located generally to the south and west.*

- *To ensure ongoing visual and landscape connections with the broader volcanic landscape (to the south and west) and the Mount Napier (Tapoc) eruption point (to the east).*

Under the Significant Landscape Overlay a planning permit is required to construct a building, carry out works and demolish drystone walls. The construction of post and wire fencing and accessways do not require a planning permit.

There are currently five permanent Significant Landscape Overlay areas included in the Southern Grampians Shire Planning Scheme, applied since the introduction of the Victoria Planning Provisions. These include:

- Coleraine Landscape Area (Schedule 1)
- Mount Rouse Crater Reserve (Schedule 2)
- Wannon Falls reserve (Schedule 3)
- Nigretta Falls reserve (Schedule 4)
- Koroite Homestead (Original site), Buvelot Tree and Waterpool (Schedule 6)

The introduction of a permanent Significant Landscape Overlay on Harman's Valley is the first outcome of the *South West Landscape Study 2013* and is consistent with the strategic policy of the Planning Scheme which seeks to recognise and protect significant landscapes.

Financial and Resource Implications

The costs involved with preparing the amendment documents will be managed in the 2017/2018 budget.

Legislation, Council Plan and Policy Impacts

Generally, the Amendment aligns with a number of objectives and strategies identified to deliver each of the objectives in the Council Plan 2013-2017. In particular the following objectives, outcomes and strategies are relevant:

Objective 1 *Leadership and Good Governance:*

The above objective will be achieved by:-

- Basing decisions on the highest available level of professional advice and expertise.
- Developing and enacting policies, plans and strategies to ensure consistency in decision making.
- Implementing Planning Scheme Policy and strategies to ensure the orderly and sustainable development of the Shire.

Objective 5 *Managing Environmental Security* - this objective will be achieved by Ensuring land use planning reflects appropriate levels of environmental stewardship

The Planning Scheme is the legal instrument to regulate land use planning within the Shire. The content of the Planning Scheme must be clear and unambiguous. The proposed amendment will achieve the objectives of section 4 of the *Planning and Environment Act 1987* as it aims to conserve and enhance places of scientific, aesthetic, historical interest and special cultural value and will comply with the Ministerial Direction on the Form and Content of Planning Schemes.

The Planning Scheme amendment process is set out in the *Planning and Environment Act 1987*. The Act requires Council to seek Ministerial Authorisation to prepare and exhibit an amendment. It also sets out the requirements to exhibit the amendment. If submissions are received in objection to the amendment, the Council is required to resolve the submissions or request the Minister for Planning to appoint an independent Panel to consider the amendment and submissions made to it. Figure 1 below gives an outline of the Planning Scheme amendment process.

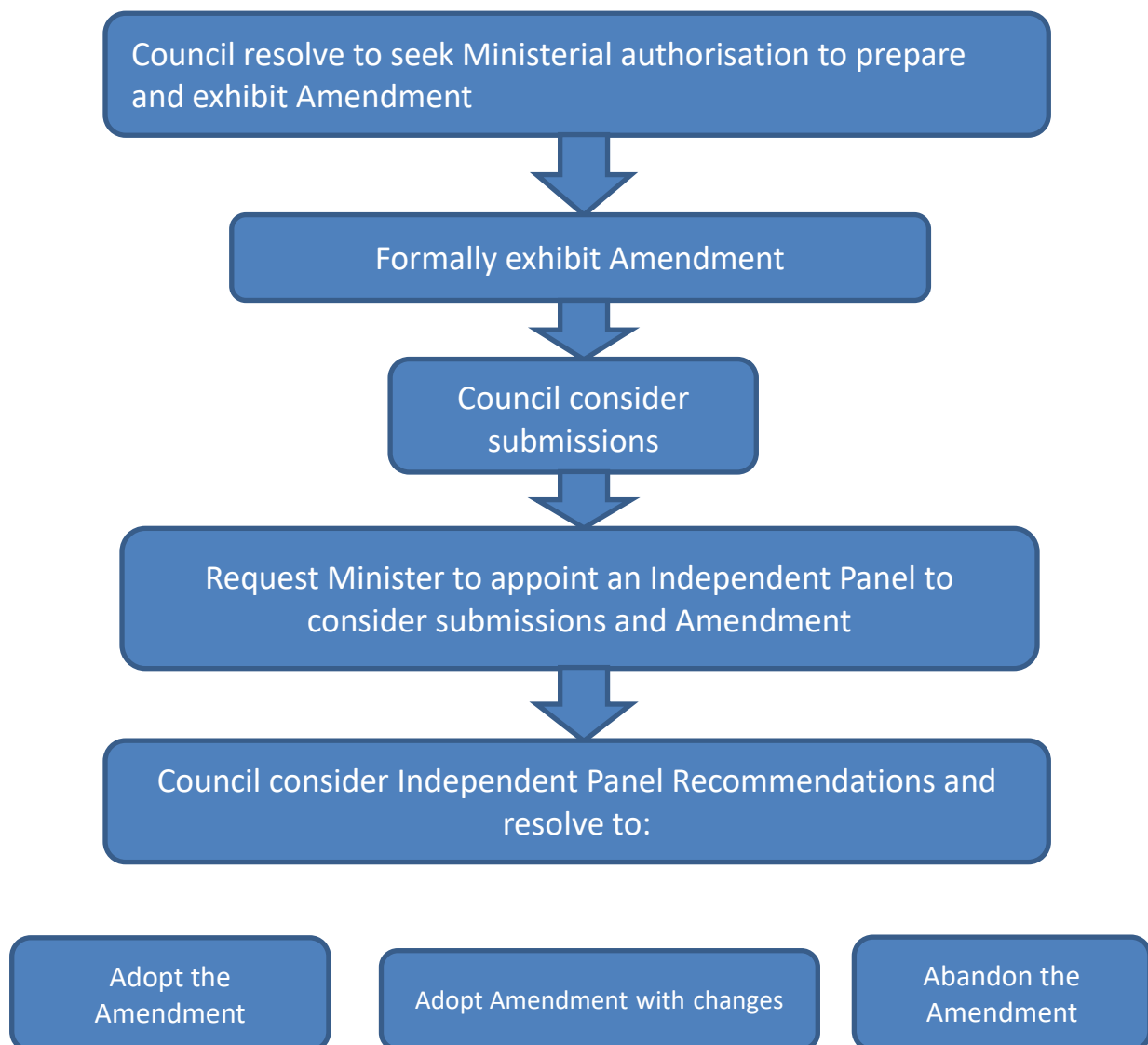


Figure 1 – Planning Scheme Amendment Process

State Planning Policy Framework

The outcomes of the Amendment must be consistent with the objectives and strategies of the State Planning Policy Framework (SPPF) in the Southern Grampians Planning Scheme. Key clauses from within the SPPF relevant this proposal include:

- Clause 12 'Environmental and Landscape Values', by protecting and conserving an area of geological and landscape value;

- Clause 12.04 'Significant environments and landscapes'; 12.04-4 'Landscapes' by protecting a landscape and significant open spaces that contribute to character, identity and sustainable environments.
- Clause 15.03-1 'Heritage conservation', by ensuring the conservation of a place of heritage (scientific, aesthetic and cultural) significance.
- Clause 15.03-2 'Aboriginal cultural heritage', by ensuring the protection and conservation of places of Aboriginal cultural heritage significance.

Local Planning Policy Framework:

The proposed Amendment will implement the strategic directions found in the existing Local Planning Policy Framework (LPPF) which include:

- Clause 21.01-3 'Key planning issues', by protecting the Shire's environmental and cultural assets;
- Clause 21.01-6 'Strategic Issues and Directions', by protecting volcanic features in the rural landscape;
- Clause 21.03 'Environmental and Landscape Values', by protecting geologically significant volcanic features identified in Clause 21.03-2 'Landscape' (Harman's Valley and tumuli);
- Clause 21.05-2 'Heritage', Objective 1: to protect and enhance places of Aboriginal, natural and cultural heritage significance;
- Clause 21.07-2 'Tourism', to protect and promote the natural and cultural assets of the Shire.

Risk Management

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

Environmental and Sustainability Considerations

Harman's Valley has been identified as a unique landscape of volcanic features. The application of a permanent Significant Landscape Overlay will provide an effective and transparent mechanism to recognise and manage the potential impact of future buildings and works within this identified landscape. The application of the Significant Landscape Overlay responds to the cultural value of Harman's Valley to the broader community, which expects significant landscape features to be identified and protected by the Planning Scheme, in accordance with the objectives of the Planning and Environment Act 1987.

Potential economic impacts are addressed by ensuring that agricultural practices that do not impact on the scientific, aesthetic and cultural significance of the place, including post and wire fencing, continue to not require a planning permit and operate business as usual. The identification and protection of this landscape also provides for future tourism exposure, which is a significant economic driver within the Shire and wider region. Permit triggers are balanced against the planning objectives to conserve places of unique value to the broader community and for future generations of Victorians.

Community Consultation and Communication

The statutory requirements for the period of notice and exhibition for a Planning Scheme amendment are dictated by Sections 18 and 19 of the *Planning and Environment Act 1987*. The Act requires that a Planning Scheme amendment must undergo a formal exhibition process. This process will allow the affected land owners and affected community the opportunity to make submissions on the merits and form of the permanent SLO

A variety of methods will be used to notify the community about the Amendment, including:

- Individual letters and notices to affected and surrounding owners, ratepayers and occupiers;
- Public notices published in the Government Gazette and The Hamilton Spectator; and
- Copies will be made available for inspection on the internet and at Southern Grampians Shire Council offices at Market Place and Brown Street, Hamilton.

Information provided to landowners about the Amendment will include:

- The public notice detailing the Amendment and instructions on how to make a submission
- The Significant landscape Overlay and Schedule 6
- The Map showing the extent of the Significant Landscape Overlay
- Excerpt of the South West Landscape Study 2013 pertaining to Harman's Valley.

Upon Council's decision, a letter will be sent to the Minister for Planning seeking authorisation to prepare the Amendment.

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

- a) Pursuant to Section 8A of the Planning and Environment Act 1987, request the Minister for Planning to authorise Council to prepare and exhibit a Planning Scheme Amendment C36 that seeks to include a permanent Significant Landscape Overlay for Harman's Valley by deleting the Expiry Clause 7.0 in Schedule 6 to the Significant Landscape Overlay and introducing a permanent SLO42 Map, as shown on attachment 1 and attachment 2.
- b) Upon receipt of authorisation, pursuant to Sections 12, 17, 18 and 19 of the Planning and Environment Act 1987, prepare and formally exhibit the Amendment.

10.3 TP 130/2016 – Lot 1, 5 West Boundary Road, Hamilton

Directorate: Michael McCarthy, Director Shire Futures
Author: Rhassel Mhasho Manager Planning & Regulatory Services
Attachments.: 3. Detailed application package
4. Traffic Impact Assessment Report
5. Planning Permit Application assessment.
6. Planning Permit

Executive Summary

This report discusses the planning permit TP/130/201 which was assessed by Officers and issued outside of delegation and is now presented to Council for approval.

The report recommends that Council, having considered the application and Council officer assessment, grant Planning Permit TP/130/2016 for the Buildings and works to construct a new service station, construct and display business identification signage, vary loading bay requirements, vary service station requirements and create access to a RDZ1 on Lot 1, 5 West Boundary Road, Hamilton subject to the conditions contained within Attachment 5 to this report.

Discussion

On 15 December 2016 Concept Planning Solutions lodged a planning permit application for buildings and works to construct a new service station, construct and display business identification signage, vary loading bay requirements, vary service station requirements and create access to a RDZ1 on Lot 1 (5) West Boundary Road Hamilton.

The detailed application package that was submitted with the application is contained in attachment 1. A detailed Traffic Impact Assessment Report prepared by ESR Traffic Planning Pty Ltd was also submitted (refer to attachment 2).

The site is located in the Industrial 1 Zone (IN1Z). Under Clause 33.01-1, a planning permit is not required to use the land for a "service station" provided the land is not within 30 metres of an education centre or residential zone. Clause 33.01-4 requires a planning permit for buildings and works.

The lot is also subject to the Design and Development Overlay DDO1 "Industrial areas fronting Key Entry Roads into Hamilton."

Under the Industrial Zone, an application for buildings and works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Planning and Environment Act 1987.

The application was referred to agencies for comments consistent with Section 55 of the Planning and Environment Act 1987 and was also referred to internal Council departments. A detailed assessment of the proposal was undertaken by Council Officers at the end of the comment period and the proposal was approved on 27 February 2017 subject to 51 conditions. Refer Attachment 3 – Planning Permit Application assessment.

On 3 March 2017, the applicant requested a review of the planning conditions particularly condition 12 which states "*Unless no permit is required by the Planning Scheme, any*

signs greater than 8 square metres, must not be erected or displayed without a further permit".

The Planning Permit application included advertising signs for the service station (referred to on the application form, the planning report and the submitted plans) and included an 8m high pole sign and various illuminated and non-illuminated business identification signs on the canopy and fascia of the proposed buildings.

The intention of the application was to have the signage package as part of the development permit for the service station. Council Officers noted the oversight and the permit was subsequently corrected on 24 March 2017 under section 71(1)(a) of the Planning and Environment Act 1987 by deleting condition 12.

Under Council's instrument of delegation, planning permits for developments valued between \$1million and \$5million are required to be determined by Planning Committee or the full Council. The proposal is valued at \$2,5million.

This report presents the Planning Permit application, full Officer assessment and planning permit, with conditions to Council with a recommendation that it grant the Planning Permit. Council Officers are satisfied that the previous assessment (Attachment 3) addresses all of the issues required to be considered by the planning authority and the proposal meets the requirements of the Southern Grampians Planning Scheme.

Having considered the proposal and officer assessment, it is recommended that the Council grant Planning Permit TP/130/2016 for development of the land for a service station and erection and display of business identification signage, vary loading bay requirements, vary service station requirements and create access to a RDZ1 for Lot 1, 5 West Boundary Road Hamilton, with the conditions to the Planning Permit issued on 27 February 2017 and corrected on 24 March 2017.

Legislation, Council Plan and Policy Impacts

Planning and Environment Act 1987

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, having considered the application, determine to grant Planning Permit TP/130/2016 for the buildings and works to construct a new service station, vary loading bay requirements, vary service station requirements and create access to a RDZ1 at 5 West Boundary Road Hamilton, subject to the conditions contained within Attachment 4 to this report.

10.4 Service and Asset Management Policy

Directorate: David Moloney, Director Shire Infrastructure
Author: David Moloney, Director Shire Infrastructure
Attachments: 7. Service and Asset Management Policy

Executive Summary

Council owns and manages over \$400M in assets. The Assessment Management Policy is the overarching document of a series of documents used to manage Council's assets. The current asset management policy was last updated in June 2013 adoption of the Services and Asset Management Policy will align Councils Policy with ISO 55000 Asset Management: 2014.

The main changes in this policy are to put service delivery at the centre of asset management by aligning investment in assets with service planning. This is philosophical change to the current policy which assesses assets independent of service requirements. The policy also aligns Council with the Service Planning and Asset Framework, (SPAF) which is a Federal Government reporting requirement.

This service and asset management policy will guide how Council will manage and plan for its assets. The main purpose of the policy is to link assets to current and future use through service planning, to ensure that the assets required to deliver services are properly controlled and are fit for purpose and investment in renewal of assets ahead of new or upgraded assets.

The expected outcomes of the policy are; better support for services, enhance the service potential of assets through improved management of existing assets, reducing the needs for new assets.

The Service and Asset Management Plan aligns with objective 3.1 of the Council Plan 2017-2021 - Plan and provide for sustainable assets and infrastructure and strategy 3.1.2 Review and adopt Asset Management Plans to align with future service level and prioritise sustainability.

It is recommended that Council:

1. Revoke the previous Asset Management Policy dated June 2013
2. Approve the Services and Asset Management Policy dated July 2017

Discussion

Council owns and manages over \$400M in assets. The Assessment Management Policy is the overarching document of a series of documents used to manage Council's assets. The current asset management policy was last updated in June 2013 and was the 3rd update of that policy dating back to 2003 and as such is due for review. Since the adoption of the current policy an update of ISO 55000 Asset Management was published in 2014.

The main changes in ISO 55000 were to align investment in assets with service planning and this is a philosophical change to the current policy which assesses assets independent of service requirements.

Council on a yearly basis undertakes a self-assessment of its asset management system which is reported to the Federal Government. The Federal Government has recently changed its assessment criteria from NAMAFA (National Asset Management Assessment Framework) to SPAF (Service Planning and Asset Framework) which aligns with ISO 55000.

This service and asset management policy will guide how Council will manage and plan for its assets. The main purposes of the policy are:

- Assets are linked to current and future use
- Ensure that the assets required to deliver services are properly controlled and are fit for purpose
- Accurate and reliable information about the asset and their use are available where and when needed
- Investment in renewal of assets ahead of new or upgraded assets
- Align Council policy with ISO 55000 and Federal Government change from NAMAFA to SPAF reporting

The objectives of the policy are:

- Define, record and control the components of services and assets
- All Asset Management activities are aimed at supporting service delivery
- Understand our service and asset bases and their interdependence on one another
- All AM decisions are based on service delivery and outcomes
- Use evidence based decision making, linking service planning, asset usage and condition to optimise asset investment

The expected outcomes of the policy are:

- Support service delivery by providing the right assets
- Enhance the service potential of assets through improved management of existing assets, reducing the needs for new assets
- Maximise value for money, through whole of life (WOL) assessments
- Improved leadership, governance and accountability of assets

Financial and Resource Implications

It is expected that through this policy there will be:

- Targeted investment in assets that support Council delivering services to the community
- Appropriate level of investment in assets that is commensurate to the service plan requirements
- Development of long term asset investment strategies
- Assist in ensuring Councils long term financial plan is sustainable

Legislation, Council Plan and Policy Impacts

Asset Management is a core function of Council and the Services and Assets Management Policy assists Council in its obligations under the Local Government Act 1989 in maintaining and planning for services and assets.

This policy aligns with the Southern Grampians Shire Council - Council Plan 2017-2021 and in particular:

3.1 Plan and provide for sustainable assets and infrastructure

3.1.2 Review and adopt Asset Management Plans to align with future service level and prioritise sustainability

5.4 Deliver efficient and customer focused services

5.4.2 Ongoing review of service delivery to maximise efficiency and improve outcomes

5.4.3 Be recognised as an organisation that provided excellent customer service

Risk Management

The Services and Asset Management Policy will assist Council in the management of risk associated with its assets by prioritising investment in assets in accordance with the service profile.

Environmental and Sustainability Considerations

This policy will assist with Council meetings by considering environmental and sustainability requirements through service planning and asset usage to deliver more efficient services maximising asset usage and reducing the need for new assets.

Community Consultation and Communication

Consultation over this Policy has been undertaken within Council's Senior Leadership Team and is not required under legislation to be advertised.

Disclosure of Interests

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

RECOMMENDATION

That Council:

1. Revoke the previous Asset Management Policy dated June 2013.
2. Approve the Services and Asset Management Policy dated July 2017.

10.5 Reprioritisation of 2017/18 Works Plan

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Belinda Johnson, Manager Finance
Attachments: 8. Reprioritisation of 2017/18 Works Plan

Executive Summary

In accordance with the Local Government Act 1989, Council adopted its Budget for 2017/18 on 12 July 2017. At this time, Council indicated that it would like to see some additional projects incorporated into the 2017/18 Works Plan and requested a report to be provided to the Ordinary Meeting of Council in July as to how this may be achieved.

Discussion

At the Special Meeting of Council held on 12 July 2017 to adopt the 2017-2018 Annual Budget the resolution included the following:

“That based upon the submissions Council wishes to prioritise the following projects into the 2017/18 works plan:

- a) Pedrina Park Facility Enhancement inc. Hockey, Soccer and Netball - \$100,000;
- b) Balmoral Community Centre Complex - \$100,000;
- c) Ansett Museum support and development planning - \$50,000; and
- d) An increase in the Emerging Priorities Fund - \$50,000 (Increase from \$100,000 to \$150,000)

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

This resolution was in response to budget submissions received as part of the community consultation process, a summary of which is attached.

In order to prioritise these projects into the works plan, whilst ensuring Council maintains a nil cash impact for the 2017/18 financial year, the following Capital Projects are recommended to be reprioritised to a later year:

- a) Rockbank Road Bridge - \$240,000; and
- b) Brown Street Forecourt renewal - \$60,000.

It should be noted that costs for these proposed projects are indicative only and full business cases and/or funding submissions have not yet been received, Council is merely providing a means to enable the funding of these projects without detriment to Council's financial position.

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 2017-2018 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 re-prioritise the Rockbank Road Bridge and the Gallery/Library Forecourt Renewal (budgeted at \$300,000 combined) to a later financial year to enable the inclusion of funding for Pedrina Park Facility Enhancement inc. Hockey, Soccer and Netball \$100,000, Balmoral Community Centre Complex \$100,000, Ansett Museum support and development planning \$50,000 and Emerging Priorities Fund increase \$50,000, subject to these projects meeting normal budgetary processes such as funding submissions and business cases.

11 Notices of Motion

11.1 Notice of Motion # 4/17

Cr Calvano

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 26 July 2017

MOTION

- 1: That Council Officers investigate the potential for a permanent, visible, safe for taxi drivers and users taxi rank in Gray St.
- 2: A report be presented to Council with preliminary concept design of a disabled Taxi Rank and a normal Taxi Rank with officer's recommendations.

Background

Due to changes, Hamilton Taxis no longer have the use of the area in front of Cheap as Chips as a shelter point and a taxi rank.

According to the users this taxi rank was an ideal area as it was sheltered, safe, well- lit at night, visible and generally a good drop-off point.

The taxi rank in Coles car park is convenient during the day, but not suitable for night time use. To have a taxi rank in the main street would be convenient for the elderly with heart conditions, emphysema, bad legs, walking difficulties with wheelie walkers etc. people with these complaints cannot manage to walk very far. It appears that at present there is no designated taxi space in Gray St.

Taxi staff have made me aware that there may be possible complications to have a taxi rank in Gray St, also compliance with driver safety when alighting from vehicles, makes this project a challenge for officers and councillors.

Having a shop in Lonsdale St, close to the hospital we often get asked by the elderly to phone a taxi and we have always found that the taxis are prompt and very efficient and a great asset to our community.

Having a taxi rank in Gray Street would be ideal for all taxi users including our tourists

Officers Comments

The Australian Standards for a disabled taxi rank require a significant area be set aside to enable sufficient access/egress to the taxi. With Gray St having a limited area from shop front to shop front in which Council currently provides footpaths, drainage, public parking and which are all at different heights. In order to fit a disabled taxi rank in Gray St there would need to be a compromise in the location of the rank. The compromise would most likely be in regards to footpath width and the loss of at least 2 car parks.

As part of the CBD redevelopment, Council will also be reviewing parking within Gray St and the CBD in regards to taxi ranks and loading zones as it is recognised there have been changes of use of various buildings and the need for these use zones should be reviewed in line with these changes. This will also assist to inform the feasibility, availability and appropriateness of taxi rank positions.

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 on tonight's agenda.

15 Close of Meeting

This concludes the business of the meeting.