



SOUTHERN GRAMPIANS SHIRE COUNCIL

ORDINARY MEETING

9 March 2016

**SOUTHERN GRAMPIANS SHIRE COUNCIL
ORDINARY COUNCIL MEETING
TO BE HELD IN COUNCIL CHAMBERS, HAMILTON
WEDNESDAY 9 MARCH 2016 AT 5.30PM**

AGENDA

1. **ACKNOWLEDGEMENT OF COUNTRY**
2. **PRAYER**
3. **APOLOGIES**
4. **CONFIRMATION OF MINUTES**

Recommendation:

That the Minutes of the Ordinary Council Meeting held on 10 February 2016, as circulated be confirmed.

5. **DECLARATION OF INTERESTS**
By Councillors or Officers in respect of any item on the Agenda.
6. **QUESTIONS ON NOTICE**
Nil
7. **PUBLIC DEPUTATIONS** Page 4
7.1 Petition – Lake Hamilton Usage Policy
8. **MANAGEMENT REPORTS**
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10.1 Nil
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12. **CONFIDENTIAL MATTERS (not for public distribution)**
12.1 Tender 1099/15 Supply and Delivery of One New Rubber Tracked Excavator with Attachments and Flail Mulcher
13. **CLOSURE**

There are no Questions on Notice.

7.1

Attachment 1

A petition relating to the draft Lake Hamilton Usage Policy has been received, which reads as follows:

The petition of certain citizens of the Southern Grampians Shire Council draws attention to the Lake usage draft laws. The petitioners therefore request that the Southern Grampians shire send the current draft back for review, and send out for residential approval. The uneven usage allowance should be reviewed and therefore should not be sent to the next stage.

Recommendation

That the petition be received and referred to the Director Shire Services for action.

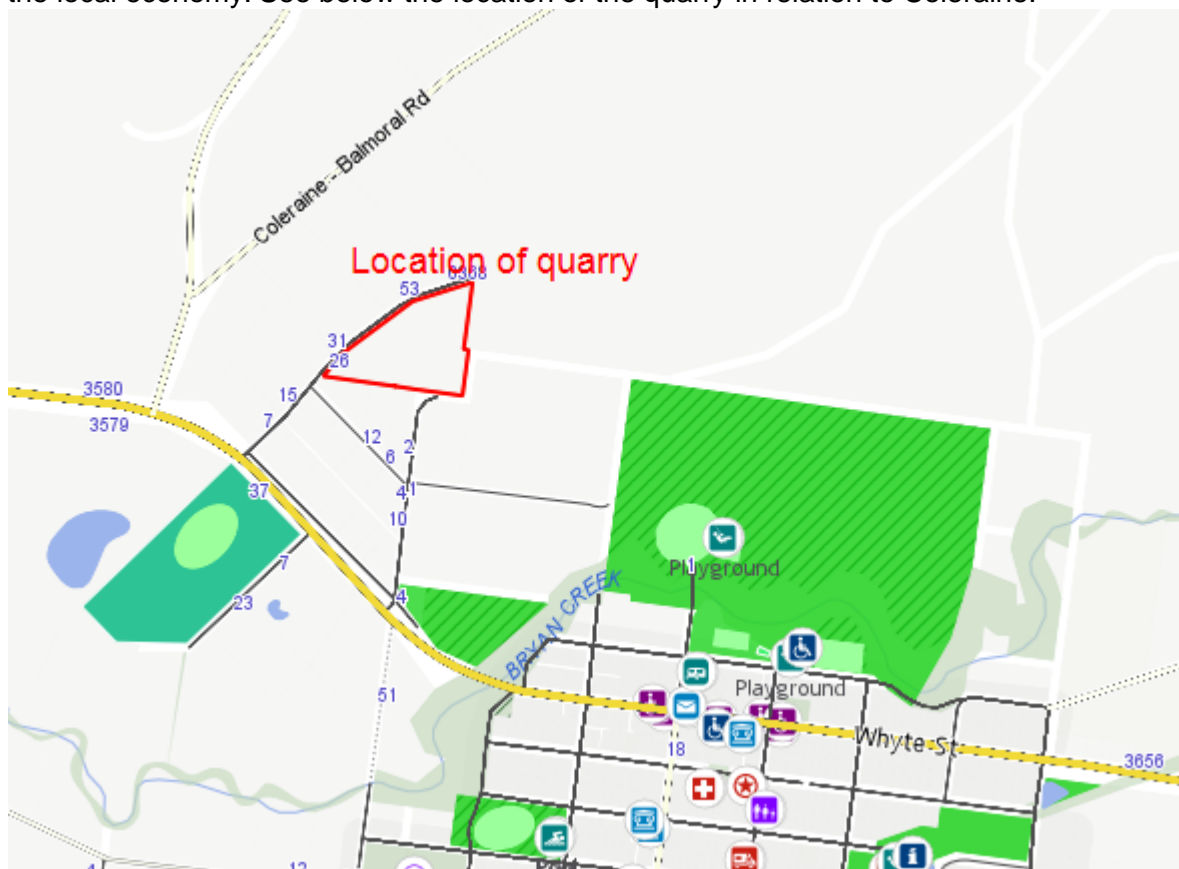
DIRECTOR SHIRE SERVICES**8.1 Coleraine Quarry****Summary**

Council has been approached by Rigby Bros in relation to the expansion of the area of the existing quarry at Quarry Road Coleraine. In order to do this, this report recommends that Council give public notice of its intention to deviate Cameron Street in two parts (north/south and north east) as detailed in the enclosed map. Its intention to discontinue the East West section of Cameron Street and sell this land by private treaty to the quarry owners.

A further report will be presented to Council following the expiration of the public notice period.

Background

The Rigby Bros Coleraine quarry is an established company which has been in operation since 1969. The quarry is a supplier to local companies and provides a valuable source of materials to the local economy. See below the location of the quarry in relation to Coleraine.

**Council Plan**

Within the Council Plan Objective 1 – Leadership and Good Governance the following Strategies are relevant to our recommendation:

Strategy 1.1.1.

Base decisions on the highest available level of professional advice and expertise

Strategy 1.1.5

Provide timely and accurate advice

8.1 Coleraine Quarry (cont'd)

Policy/Strategy/Legal/Statutory

Under S206 (1) and Schedule 10, Clause 2 of the Local Government Act 1989, Council has the power to deviate Cameron Road which is a government road running north/south, and reinstate it as shown on the map as "New Cameron Road Reserve" with the Ministers approval which has been sought.

Under Schedule 10, Clause 3 of the Local Government Act, Council has the power to discontinue the proposed east/west section of Cameron Street.

Under Section 223 of the Local Government Act 1989 Council will invite public submission on the proposed road deviations and proposed road discontinuance for a minimum of 28 days by a Notice published in the Hamilton Spectator.

Social/Economic/Environmental

This proposal has a social and economic impact on the local community. The Rigby Bros currently employ twelve local residents of Coleraine and with the expansion this number may increase.

The quarry is also a supplier of high quality construction grade rock to businesses and government agencies in the Southern Grampians Shire for uses including but not limited to road construction and repair, concrete aggregate, rock beaching, rock for erosion prevention and environmental works.

Any environmental issues associated with the expansion of the quarry will be addressed by the owners through the Planning Scheme amendment and permit process. Council is advised that this separate process will include a proposal to build a bund wall (height to be determined) within the 10 meter wide buffer zone around the eastern, southern and western boundaries of the proposed site expansion. The bund wall will be densely planted with a mixture of blue gum and other native species and dust from the stockpiles will be managed through the installation of a sprinkler system.

Financial/Risk Management

The costs associated with deviating, discontinuing and selling the land will predominately be incurred by the owners of the quarry. The land to be discontinued will need to be surveyed and a valuation will need to be sought to sell the land to the Rigby Bros. The roads to be deviated will not incur any costs as these will be deviated and the cost of reinstating the road to the east and above north/west will be borne by the quarry owners.

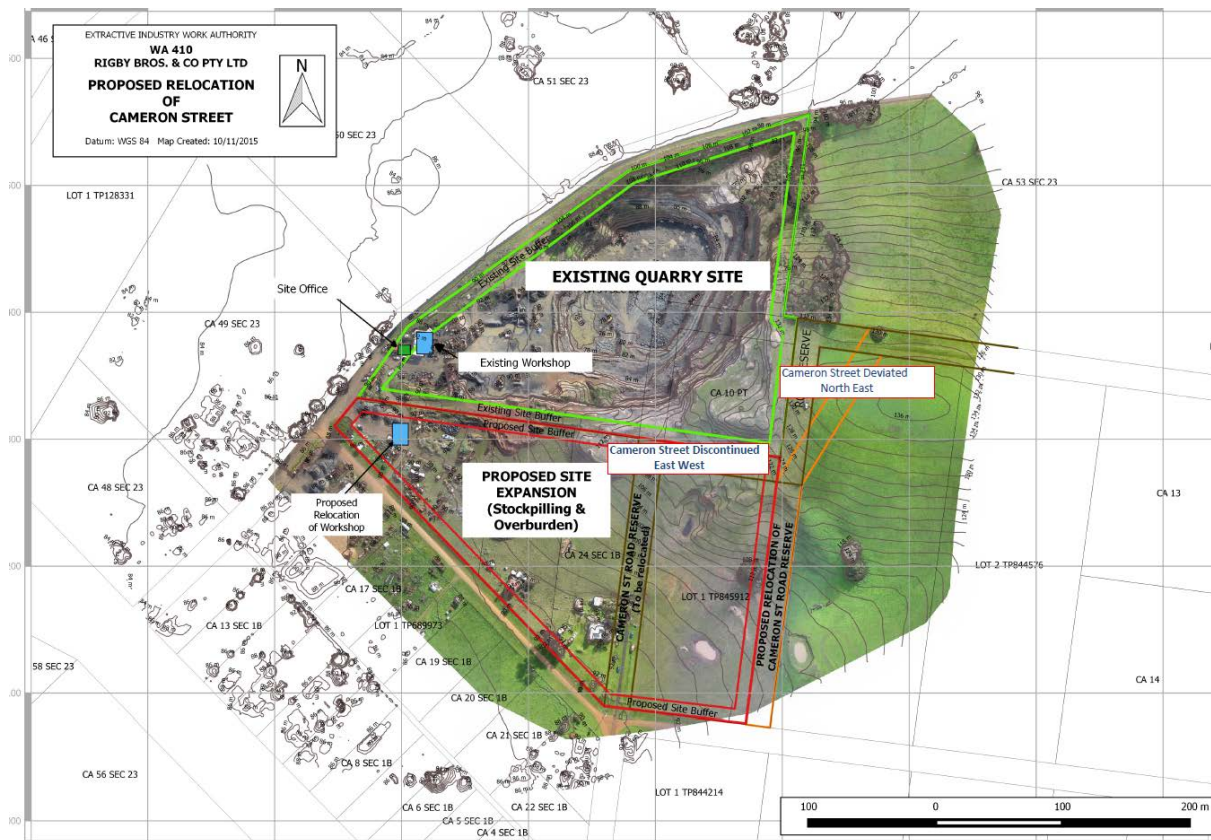
Discussion

The proposed extension of the quarry is to include land owned by Rigby Bros located to the south of the existing quarry boundary. In order to maximise the area of land available, the Rigby Bros propose to apply to deviate the north/south section of the road reserve known as Cameron Street from the western boundary of Lot 1 TP845912 to a new alignment along the eastern boundary of Lot 1 TP 845912.

Council is advised that Rigby Bros quarry has also negotiated with the owner of Lot 2 TP844576 to purchase a section of the north east corner of land to deviate Cameron Street to enable further stockpiling initially, but to later effectively enable the quarry to rehabilitation of the the face of the quarry. The proposal would still maintain a continuous road network with the costs associated with

8.1 Coleraine Quarry (cont'd)

constructing the road to be borne by the owners of the quarry. Please refer to the map below. The east/west section of Cameron Street which is vested in Council is proposal to be discontinued. The deviations and discontinuance of the road reserve will ensure that any land is prevented from being landlocked as the surrounding land belongs to the quarry owners.



The expansion area will not be quarried but be used as a storage area so the impact to the local community should be minimal.

As part of the road realignments and road discontinuance the Planning Department has also discussed the potential to rezone all the land owned by the quarry owners south of the existing quarry to "Industrial 1 Zoning" contiguous with the land on the northern side of Pitcher Street Coleraine which is currently zoned Industrial (see map below).

8.1 Coleraine Quarry (cont'd)



In order to facilitate the road deviation initial consultation has been entered into with the Department of Environment, Land, Water and Planning to seek the Ministers consent. Although this is not finalised the Department is prepared to submit this to the Minister for consideration.

The process to complete the road deviations and road discontinuance is as follows:

- Council will invite public submissions on the proposed road deviations and road discontinuance for a minimum of 28 days by a Notice published in the Hamilton Spectator in accordance with Section 223 of the Local Government Act;
- The affected land is to be professionally surveyed and plans produced for ministerial consent and for use in the Victorian Government Gazette. The owners of the quarry will be responsible for this action;
- Council will obtain a valuation on the section of Cameron Street to be discontinued and sold to the quarry owners;
- Following the public notice period a report will be presented to Council for approval to deviate Cameron Street in two parts and discontinue the road;
- Ministerial approval will be sought for the north/south road deviation of Cameron Street, Coleraine;
- The road deviations and road discontinuance will be published in the Victorian Government Gazette.
- The consolidation and rezoning of the land is to be applied for via a separate application to the planning department of Southern Grampians Shire Council.
- The transfer of Council land will need to be completed with the Titles office.

8.1 Coleraine Quarry (cont'd)**Community Engagement**

Public Notice of Council's proposal to deviate the road in two parts of Cameron Street (north/south and north/east) and discontinue the section East West of Cameron Street will be placed in the Hamilton Spectator and on the Council's website.

Communication of Decision

The owners of the quarry will be notified of Council's decision to give public notice of the road deviations and road discontinuance.

Officer Declaration of Interest

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – Bronwyn Herbert, Director Shire Services

In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Cate Dundon, Property Agreement Officer

In providing this advice as the Author, I have no disclosable interests in this report.

Recommendation

1. That Council give public notice of its intention to deviate Cameron Street in two parts (north/south and north/east) as detailed in the enclosed map.
2. That Council give public notice of its intention to discontinue the East West section of Cameron Street and sell this land by private treaty to the quarry owners.
3. A further report be presented to Council following the expiration of the public notice period.

8.2 Election Period Policy

Attachment 2 - Election Period Policy

Summary

Section 93B of the Local Government Act requires Council to prepare and adopt an Election Period Policy by 31 March 2016. Council has an Election Period Policy which was developed before the 2012 Local Government Elections. This Policy has been reviewed and it is recommended that Council adopt the amended Election Period Policy.

Background

Council is required to have an Election Period Policy to ensure that the procedures to be applied by Council during the election period (26 September 2016 to 22 October 2016) for the 2016 Local Government Elections are detailed and available for Councillors, Council staff and the community.

Council Plan

Outcome 1.1 Soundly Based Decisions.

Strategy 1.1.2 Develop and enact policies, plans and strategies to ensure consistency in decision making.

Policy/Strategy/Legal/Statutory

Section 93B of the Local Government Act requires Council to prepare and adopt an Election Period Policy by 31 March 2016.

Social/Economic/Environmental

The adoption of an Election Period Policy ensures that Council's decisions and communications in the lead up to the elections are seen as unbiased.

Financial/Risk Management

There are no financial implications involved in the adoption of an Election Period Policy.

The Election Period Policy ensures that Councillors, Council staff and the community are aware of the financial decision making restrictions imposed on Council during the election period.

Discussion

There are several restrictions placed on Council's during the election period in the Local Government Act 1989.

Section 93A states that:

A council, special committee or a person acting under a delegation given by the council must not make a major policy decision during the Election Period.

8.2 Election Period Policy (cont.)

The Act defines a major policy decision as:

- a) relating to the employment or remuneration of a Chief Executive Officer, other than a decision to appoint an acting Chief Executive Officer;
- b) to terminate the appointment of a Chief Executive Officer;
- c) To enter into a contract, the total value of which exceeds whichever is the greater of:
 - i. \$150,000 for contracts for the purchase of goods and services or \$200,000 for contracts for the carrying out of works; or
 - ii. 1% of the Council's revenue from rates and charges levied in the previous financial year.
- d) Exercising any power under section 193 of the Act in relation to Entrepreneurial Powers if the amount exceeds that described in (c) above.

Section 93B(3) states that an Election Period Policy must include:

- a) procedures intended to prevent the [Council](#) from making [inappropriate decisions](#) or using resources inappropriately during the [election period](#) before a general election;
- b) limits on public consultation and the scheduling of [Council](#) events;
- c) procedures to ensure that access to information held by [Council](#) is made equally available and accessible to candidates during the election.

Section 55D states that:

During the Election Period the CEO must not certify an electoral advertisement, handbill, pamphlet, or notice unless it is only about the election process.

Council must not print, publish or distribute, or cause, permit or authorise to be printed, published or distributed, any advertisement, handbill, pamphlet or note during the election period unless it has been certified by the CEO.

A Councillor or member of Council staff must not print, publish or distribute, or cause, permit or authorise to be printed, published or distributed an electoral advertisement, handbill, pamphlet or notice during the Election Period on behalf of, or in the name of, the Council or on behalf of, or in the name of, a Councillor using Council resources if the electoral advertisement, handbill, pamphlet or notice has not been certified by the Chief Executive Officer.

Council currently has an Election Period Policy which was developed in the lead up to the 2012 elections. The Policy details how the Councillors and Council staff need to deal with decision making and communications during the Election Period. The Policy has been reviewed to ensure it complies with the requirements of Local Government Act 1989 (detailed above) and is clear and easy to understand. There have been some formatting changes to remove repetitions and ensure all like clauses are grouped together. The Policy outlines the restrictions outlined in the legislation but goes into more detail to ensure that Councillors and Council staff understand the restrictions imposed during the election period including Council decision making, publications and communications, displaying electoral material, use of Council resources, functions and events and information that can be supplied to Councillors and candidates.

It is recommended that Council adopt the amended Election Period Policy.

8.2 Election Period Policy (cont.)**Community Engagement**

Not applicable.

Communication of Decision

Section 93B(4) states that a copy of Council's Election Period Policy must:

- a) be given to each [Councillor](#) as soon as practicable after it is adopted;
- b) be available for inspection by the public at the [Council](#) office and any district offices; and
- c) be [published](#) on the [Council](#)'s Internet website.

Once the Policy is adopted Council's Governance Coordinator will ensure that the above is completed.

Further to this all Council staff will be advised of the changes in the Policy and training provided to ensure that they understand the restrictions placed on the organisation during the election period.

Officer Declaration of Interest

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – Bronwyn Herbert, Director Shire Services.

In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Megan Kruger, Governance Coordinator.

In providing this advice as the Author, I have no disclosable interests in this report.

Recommendation

1. That the Election Period Policy be adopted.
2. That Council's Governance Coordinator ensure that a copy Election Period Policy be given to each Councillor, made available for inspection at Council's offices and published on Council's website.

8.3 Financial Statements to 29 February 2016 – 2015/16 Budget**Attachment 3 - Standard Statements****Summary**

The Financial Report for the period 1 July 2015 to 29 February 2016 (copies attached) have been prepared to provide information regarding Council's current financial position.

The report includes an Income Statement, balance sheet and statement of cash flows. A narrative has also been prepared to explain variances between 2015/16 Budget and actual performance.

Background

Financial management is a core function of Council. Council annually prepares a Budget which is developed in line with the Council Plan. Throughout the year interim financial reports are presented to Council, with the final financial report being audited by the Victorian Auditor General's Office and incorporated in Council's Annual Report which is forwarded to the Minister for Local Government.

Council Plan

The financial report provides interim information on the financial progress of the achievement of the Annual Budget.

Financial sustainability and compliance with our annual budget are specifically identified as strategies within the Council Plan.

Policy/Strategy/Legal/Statutory

Section 138 of the Local Government Act 1989 requires that at least every three months, the CEO must ensure that a statement comparing the budgeted and actual revenue and expenditure for the financial year is presented to the Council at a Council meeting which is open to the public. Financial reports are generally prepared following the month ends of September, December, January, February, March, April & May. The June report forms part of Council's Annual Report.

Social/Economic/Environmental

The Annual Budget provides the funding for the Council to undertake its social, economic and environmental initiatives outlined in the 2013/2017 Council Plan. This report provides interim financial information on their progress.

Financial/Risk Management

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

- 1) A Council must implement the principles of sound financial management.

8.3 Financial Statements to 29 February 2016 – 2015/16 Budget

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

Discussion

The financial report includes an Income Statement, Balance Sheet, Statement of Cash Flows, Statement of Capital Work and Statement of Human Resources. A detailed narrative has also been prepared to explain variances between 2015/16 Budget, the anticipated forecast and actual performance.

Income Statement (Operating Statement)

Council is continuing to forecast an operating surplus for the 2015/16 financial year. The surplus is less than budgeted however the impact of prepaid grant revenue in the 2014/15 year together with increased depreciation due to asset revaluations and increased expenditure in the employee benefits area has impacted the magnitude of the surplus.

Balance Sheet

The budgeted balance sheet is understated in net equity and Property, Plant & Equipment due to the late revaluation of infrastructure assets. This revaluation was done prior to the end of 2014/15, however after the 2015/16 budget had been prepared. All other balance sheet items are forecast to be close to their original estimates.

Statement of Cash flows

Cash balances are strong with \$16m of cash and investments held at the end of February. This means all commitments can be met with cash, as and when required. Opening cash was substantially more than anticipated due to early payment of grant funding and under expenditure of capital work. Even with the carry forward of capital works and some unexpected expenses, Council is still forecasting a strong end of year cash position.

Statement of Capital Works

Council budgeted \$13.4m of capital works. Additional Roads to Recovery funding of \$1.4m has also been received. \$1.4m of 2014/15 Capital works were incomplete and have been forecast for the current year. Several works project have now been deferred or are being reviewed (\$2.7m) resulting in a forecast program of \$13.5m for 2015/16.

Whilst only \$7.8m of Actual expenses has occurred (58% of the forecast amount), infrastructure works are traditionally carried out during the January to March quarter of the financial year resulting in higher than average levels of expenditure.

8.3 Financial Statements to 29 February 2016 – 2015/16 Budget*Statement of Human Resources*

The breakup between operating and capital salaries is variable for a large proportion of Council's workforce (Infrastructure Services in particular). Expenditure for operations was increased due to additional works, resignations, recruitment expenses and other associated oncosts. Capital Expenditure was increased mainly due to additional works funding. Overall the spend was at 64% of the forecast at the end of February.

Communication

The financial report forms part of the Council meeting minutes and is available to the public.

Officer Declaration of Interest

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – Bronwyn Herbert, Director Shire Services.

In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Belinda Johnson, Manager Finance.

In providing this advice as the Author, I have no disclosable interests in this report.

Recommendation

That the financial report for the period 1 July 2015 to 29 February 2016 be received.

8.4 Audit Committee Membership

Summary

Council's Audit Committee is established in accordance with section 139 of the Local Government Act 1989. Membership comprises two independent members and one Councillor.

Both independent member appointments have resigned. Expressions of Interest were called and four applications were received.

After reviewing the responses received it is recommended that Council appoint Brian Densem and Michael Murphy to the Committee for a term of two years and three years respectively, with Michael Murphy as the chairperson.

Background

At its meeting in February 2015, Council resolved to appoint Michael Gunn and Peter Dryden as the independent members of the Audit Committee with Mr Gunn as the chair of the committee.

It is unfortunate that both independent members have resigned in the last few months however, it is understandable that the personal situations have changed and it is no longer possible to participate on the Audit Committee.

However, this has ultimately provided an opportunity to recruit for two new members as part of the same process and to elevate the role of the Committee.

Council Plan

Outcome 1.1 - Soundly Based Decisions

Outcome 1.2 – Sound Working Relationships and Strong Advocacy

Outcome 1.3 – Financial Responsibility and Security

Policy/Strategy/Legal/Statutory

Section 139(1) of the Local Government Act 1989 ("the Act") states that Council must establish an audit committee.

Social/Economic/Environmental

The primary objective of the Audit Committee is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of internal controls and compliance and facilitating the organisation's governance development.

In achieving its primary objective, the Committee in turn ensures that Council achieves its social, economic and environmental objectives in a fair, transparent and open manner.

Financial/Risk Management

The Audit Committee Charter provides that the Committee has an overseeing role on the financial risk, organisational risk and compliance elements of Council's operations.

8.4 Audit Committee Membership (cont'd)

Discussion

Clause 3.1.3 of the Audit Committee charter states that "Appointment of independent members shall be made following public notice inviting expressions of interest. Where possible, the terms of independent members should be arranged to ensure an orderly rotation and continuity of membership".

Expressions of interest were invited and four applications were received. Interviews were held recently by a panel comprising the Mayor, Director Shire Services and Manager Finance. Two candidates have been selected for recommendation to Council. Both are highly credentialed.

Brian Densem is a qualified accountant and has a Bachelor of Business and is also a Fellow of the Institute of Internal Auditors. Brian currently works for Australian Unity Ltd as the General Manager, Group Audit. He is currently a member of Audit Committees including City of Port Phillip and Chair of the Moyne Shire Council Audit & Risk Committee.

Michael Murphy has over 26 years of experience in Local Government as Mayor, Councillor and Executive Officer with involvement at the local, regional and State level on various community, statutory and business entities. He is a qualified engineer and a long term member of the Institute of Company Directors.

The Audit Committee Charter specifies that the chairperson of the Audit Committee shall be appointed by the Committee on an annual basis, however, it is suggested that Council should make this appointment in this instance. The chairperson is required to be one of the independent members of the Committee.

It is recommended that Brian Densem and Michael Murphy be appointed as independent members of the Audit Committee for a term of two years and three years respectively.

Community Engagement

Appointment of two independent persons to the Audit Committee ensures an objective and external view of Council financial and organisational risk. Expressions of interest to fill the vacancy were invited by public notice placed in the Hamilton Spectator and advertising in other regional centres as well through local networks. Local community interest was specifically encouraged.

Communication of Decision

The applicants will be advised formally of Council's decision.

Officer Declaration of Interest

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – Director Shire Services

In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Director Shire Services

In providing this advice as the Author, I have no disclosable interests in this report.

8.4 Audit Committee Membership (cont'd)**Recommendation**

1. That Brian Demsen and Michael Murphy be appointed as independent members of the Audit Committee for a term of two years and three years respectively.
2. That Michael Murphy be appointed as the chairperson for a one year term.
3. That Michael Gunn and Peter Dryden be thanked for their contributions to the Audit Committee.

DIRECTOR SHIRE FUTURES

8.5 *Planning and Environment Act Delegations*

Attachment 4 – Planning Delegations

Attachment 5 - Terms of Reference

Summary

This report discusses the current levels of Planning Delegations to Council Officers compared to other Councils and recommends the establishment of a delegated Planning Committee and changes to the levels of delegations to staff. It is recommended that the updated s6 Instrument of Delegation from Council to Council staff be adopted.

Background

The *Planning and Environment Act 1987* establishes duties and functions as Planning and Responsible Authorities. The Act provides that certain authority, responsibility and functions can be delegated to Committees of Council or Council officers. In delegating authority to officers, limitations may be imposed on the use of power, matter or thing delegated.

The *Local Government Act 1989* sets out that a Council or Chief Executive Officer may, by instrument of delegation, delegate to a member of staff any power, duty or function of Council.

Southern Grampians Shire Council's Instrument of Delegation must be updated at least once every four years. This review is completed taking into account the advice provided by Maddocks law firm which prepares a recommended suite of delegations against each Act that local government has responsibility for administering. The Maddocks recommendations are reviewed by officers and if deemed necessary are modified before being presented to Council for adoption.

The Southern Grampians Shire Council has delegated virtually all planning authority to planning officers, with a threshold trigger of \$1million before an application is referred to the CEO via the Executive Management Team for approval. A review of practices undertaken by other Councils has been completed by Council officers. This review found that the level of delegation at Southern Grampians exceeds that of most other Councils which limit the delegation to officers based on value and importance and/or number of objections and whether a permit is recommended for refusal by officers.

Council Plan

Strategy 2.2.1 - Implement the Planning Scheme Policy and strategies to ensure the orderly and sustainable development of the Shire

Provide efficient and responsive regulatory services to support quality development

Policy/Strategy/Legal/Statutory

The *Planning and Environment Act 1987* provides that certain local government authority, responsibility and functions can be delegated to Committees of Council or Council officers.

The *Local Government Act* sets out that a Council or Chief Executive Officer may, by instrument of delegation, delegate to a member of staff any power, duty or function of Council.

8.5 Planning and Environment Act Delegations (cont'd)

Social / Economic / Environmental

Planning decisions have the potential to impact on the economic, environmental and social aspects of the region. A streamlined, transparent and efficient service will support the overall well-being of the region.

Financial / Risk Management

There will be increased administration of the Planning Committee which will be absorbed by existing resources. A more open, inclusive and transparent process will reduce the risk of poor planning decisions and therefore the financial risk to Council.

Discussion

Review

A desktop study was undertaken to identify the level of delegation in other Shires across Victoria. Information from 20 Shires was compiled and assessed. This analysis found that 11 of these Shires had Planning Committees involved in the planning process. These varied in level of authority (from none to all).

The standard triggers for delegation levels included number of objections, value of the proposal and/or whether the officer was recommending refusal. In most instances matters were delegated to the Planning Committee or Council if there were between 3 and 5 objections or if the value of the proposal exceeded \$3 million. In some instances where there was no Planning Committee these matters went directly to Council.

Most permits are for single dwellings or less. There have been 844 permits granted in the last five years. Four of those applications were valued at more than \$5million, with fifteen of those being valued at between \$1-5million.

On average there is less than one permit a year that receives objections and less than one per year that is recommended for refusal. There have been only two applications to VCAT challenging Council decisions in the last three years.

Revised Instrument of Delegation

Based on the findings of the study it is considered that the following levels of Planning Delegation be implemented through Council's s6 Instrument of Delegation from Council to Council staff.

8.5 Planning and Environment Act Delegations (cont'd)

Council Determination	<p>Applications must be referred to Council if more than 5 objections are received, or if the value of the development exceeds \$5 million or otherwise at the discretion of the Delegated Planning Committee.</p> <p>All recommendations to amend the Southern Grampians Shire Council Planning Scheme must be referred through Council unless the amendment is to correct a mistake or to clarify a provision</p>
Planning Committee (comprising 3 staff and 2 Councillors)	<p>Applications must be referred to the Planning Committee if there are between 3 and 5 objections received, or if the value of the application is between \$1-5 million, or of a lesser value whereby the responsible officer is recommending refusal.</p> <p>Power to apply to the Minister to amend the Southern Grampians Shire Council Planning Scheme to correct an error or to clarify a provision is delegated to the Planning Committee.</p>
Delegated Officer authority	<p>Decisions can be made by delegated officers where less than 3 objections are received, where the value of the development is less than \$1million and where the officer is recommending approval.</p> <p>Decisions can be made by delegated officers to correct a technical error in the permit.</p>
Delegated Planning Committee – Permit Amendment	<p>An application to amend a permit must be referred to the Planning Committee if the value of the original development exceeds \$1million or if 3 or more objections were received, or if the officer is recommending refusal.</p>

Role of the Planning Committee

It was found as part of this desktop study, the Planning Committee role is usually to consider planning permits above officer delegated thresholds and to support the broader planning function (enforcement, strategic etc.). An important consideration in determining the role of such a committee is the extent of administrative burden this committee places on the operations of staff within the Planning Department (preparation of agenda, copies of applications, minutes etc.).

There is a statutory trigger for Councils to strive to complete the assessing and processing of planning permits within 60 days. With Council meeting once a month this could potentially result in permits being delayed by almost one month or 30 days which would make it virtually impossible to meet those statutory timeframes. A Planning Committee has the potential to streamline this process by being able to be called at short notice.

8.5 *Planning and Environment Act Delegations (cont'd)*

The Planning Committee also has the potential to provide a conduit between Council and the regulatory staff within the planning department, thus providing Council with a clearer understanding of the types of development activity whilst not creating an unnecessary time delay.

The draft Terms of Reference for this proposed Committee is Attachment 2.

Risk

Council officers are currently responsible for assessing all planning permit applications. This has the potential to create a risk for the organisation and for the staff members concerned, with respect to community perception of probity and transparency in the decision making process. With limited staff and high workload staff members are under pressure to process matters as fast as possible, limiting the time they have to consider and discuss the issues.

There is also a need to ensure that planning regulations are administered independently and without political interference. There is a need for a mechanism that provides opportunity for Councillors to be engaged with the statutory planning functions, and for their involvement to be conducted in an open and impartial way.

Notwithstanding this, those Councillors (who are not members of the proposed Planning Committee) will have greater opportunity to be actively involved in making submissions to the Planning Committee on behalf of either an applicant or objector. Where a Councillor does choose to become an advocate for either an applicant or an objector, they would then be obliged under law to absolve themselves from the decision should it be referred to Council.

Instrument of Delegation

There has been a minor restructure within the Planning Department with the strategic planning role accepting extra responsibility as the Coordinator Planning. Due to this restructure the appropriate delegations for the role have been included in the s6 Instrument of Delegation (see Attachment 1).

The delegations of the Senior Planner have also been included in the instrument of delegation. These delegations have not been altered, they were previously contained in a separate document, they have just been included in this document so that all Planning Delegations are in the one location.

There are also several new clauses contained in the Instrument of Delegation in relation to the *Planning and Environment Act 1987*. These new clause have been delegated to the Director Shire Futures and the Manager of Planning and Environment. All new sections are highlighted in Attachment 1.

There is also one administrative change to the Instrument of Delegation. The name of the *Planning and Environment Regulations 2005* has been updated to the *Planning and Environment Regulations 2015*. There are no changes to the clauses and powers delegated under these regulations, just the name.

Conclusion

The proposed delegations to staff are now more consistent with industry standards. The establishment of a Planning Committee provides a structure that allows for independent assessment whilst at the same time recognising that there is an obligation to administer regulatory/statutory responsibilities in an efficient and impartial way.

8.5 Planning and Environment Act Delegations (cont'd)

The establishment of a Planning Committee provides Councillors (who are not members of that Committee) with the formal opportunity to advocate or represent applicants, or objectors, in any planning decision should they wish to, by making submissions to the Planning Committee.

Communication of Decision

This report will be communicated to the business community through Council's business database and on Council's website.

Officer Declaration of Interest

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible - Michael McCarthy, Director Shire Futures

In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Michael McCarthy, Director Shire Futures

In providing this advice as the Author, I have no disclosable interests in this report.

Recommendation

That Council:

1. Establish the Planning Committee as a Special Committee of Council under Section 86 of the Local Government Act.
2. Endorse the Terms of Reference for the Planning Committee (Attachment 4).
3. Adopt the revised s6 Instrument of Delegation from Council to Members of Staff (Attachment 5).

DIRECTOR SHIRE INFRASTRUCTURE

8.6 Proposed Park Name – Beersheba Park

Summary

It is recommended that Council advertise its intention to name the park on the southern end (east side) of Alexandra Parade, Hamilton, as Beersheba Park (see map below).

Background

Mr Tom Trimnell on behalf of the brave and dedicated men of the 4th Light Horse Regiment in particular and the men of the Australian Light Horse Regiments in general has submitted a proposal to name the park on the southern end (east side) of Alexandra Parade, Hamilton, as “Beersheba Park”.

At present there is a plaque which recognises two local men who participated in the CHARGE OF BEERSHEBA, and the 14 palm trees planted to honour the men from the Hamilton area who served in the 4th Lighthorse Brigade.

Mr Trimnell advised he feels a final step in honouring the brave men who enlisted in World War I as members of the Australian Light Horse Regiments needs to be seriously considered.

The park behind the Uniting Church has unofficially been recognised for sometime as the site to honour these local men, but to have memorials in an unnamed park seemed to be lacking in the ultimate tribute.

On 31 October 2017 it will be 100 years since the significant CHARGE OF BEERSHEBA which was not only a successful military event, but the final cavalry charge in Australian History.

The Charge saw most Light Horse Regiments involved, but the 4th Light Horse and the 12th Light Horse Regiments were the major units in the front line of that battle to rid the Beersheba area of Palestine, of the Turkish Forces.

The 4th Light Horse Regiment lost two of its members from the area in the Charge. Lance Corporal Walter Rodney Kinghorn of Byaduk was killed in action and Trooper Edgar Womersley of Dunkeld died of wounds two days after the charge while being transferred to a hospital at El Arish.

Copies of letters in support of the proposal have been received from:

- Dan Tehan, MP Member for Wannan
- John V Baker, President 4th Lighthorse Memorial Association
- Darren Krause, President Hamilton RSL
- Ian Black, President Hamilton History Centre

Council confirms the site is a road reserve with an existing park. A request has been received to officially name the park Beersheba Park given the existing monuments to the Lighthorse Regiments already on the site.

Council Plan

Strategy 1.2.3

Ensure that our actions contribute positively to sound relationships and engagement with our local communities.

8.6 Proposed Park Name – Beersheba Park (cont'd)**Policy/Strategy/Legal/Statutory**

Guidelines for Geographic Names 2010 Version 2 (Mandatory) stipulates the process for the naming of the park.

Social/Economic/Environmental

By naming this area after our local veterans we are recognising their contribution and fostering positive relationships within the community.

Financial/Risk Management

No requests for financial contribution at this time have been received.

Discussion

The Department of Environment, Land, Water & Planning has advised that its records shows that Alexandra Parade to be government road and that jurisdiction over the Alexandra Parade Reserve therefore resides with Council.

The proposal conforms to the principles outlined in Section 1 and 2 of the Guidelines for Geographic Names 2010.

Mr Trimnell has also confirmed that The 4th Light Horse Regiment Memorial Association have always used the spelling "Beersheba". This the reason for the proposed name.

Community Engagement

A public notice will be advertised in the Spectator on Saturday 12 March 2016. Submissions will be received by Tuesday 12 April 2016.

Communication of Decision

Mr Trimnell and other stakeholders will be advised of Council's decision. Public notice of the proposal will be given in the Hamilton Spectator.

Officer Declaration of Interest

Under Section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – Aten Kumar – Acting Director Shire Infrastructure

In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Francis Pekin – Engineering Support Officer

In providing this advice as the Author, I have no disclosable interests in this report.

8.6 Proposed Park Name – Beersheba Park (cont'd)

Recommendation

That Public notice be given of Council's intention to rename the park on the southern end (east side) of Alexandra Parade, Hamilton, as Beersheba Park and that submissions be invited on the proposal and to be received by Tuesday 12th April 2016.

Map:



DIRECTOR SHIRE INFRASTRUCTURE

8.7 Proposed Street Name Change – Renaming Southern Section of Young Street, Hamilton which runs north off Digby Road as “Green Street”

Summary

The southern section of Young Street which runs north off Digby Road is not accessible from Kenny Street, Hamilton. This has the potential to cause confusion and delays for emergency services.

As a result of this issue it is recommended that Council advertise its intention to rename the southern section of Young Street as Green Street, Hamilton.

Background

Historically, Young Street continued north to North Boundary Road, however as there is no access from Kenny Street to Digby Road this has the potential to cause confusion and delays for emergency services.

Council’s Road Register shows the section of Young Street which runs north from Digby Road to Jolly Street (approx. 200 metres) as a separate street section.

There is one property affected by the proposal which will require a property address change.

Council Plan

Strategy 1.2.3

Ensure that our actions contribute positively to sound relationships and engagement with our local communities.

Strategy 4.1.2

Managing infrastructure to maximise community safety.

Policy/Strategy/Legal/Statutory

Under the Local Government Act 1989 (Schedule 10, Clause 5) Council may approve, assign or change the name of any street or road within its Municipal District. In exercising this power it must act in accordance with the guidelines in force for the time being under the Geographical Place Names Act 1998.

Social/Economic/Environmental

Changing the street name will provide enhanced community safety by removing a potential cause for confusion and delays for emergency responders.

Financial/Risk Management

There is a potential risk of liability attached to Council if it does not take positive action to address this safety issue.

8.7 Proposed Street Name Change – Renaming Southern Section of Young Street, Hamilton which runs north off Digby Road as “Green Street” (cont’d)

Discussion

The proposed name of Green Street has been suggested by the Hamilton History Centre. They provide the following justification for the choice;

George Green - was sent to The Grange by La Trobe as a police constable to assist the Police Magistrate Acheson French. In 1842 Green left the police force to open an Inn. After initial problems in gaining a licence to open an Inn, it was finally granted to Green in April 1843. He built the Inn on a flat beside a ford across the Grange Creek off Digby Rd. Green only held the licence for a year before selling to William Russell.

The renaming proposal conforms to the principles outlined in Section 1.8 *Ensuring Public Safety* and 4.1 *Obstructed or Altered Roads* of the Guidelines for Geographic Names 2010. The proposed name change will overcome any confusion that currently exists between relevant authorities and will ensure there are no delays as a result of the road discontinuance that currently exists.

Community Engagement

Council wrote to the resident affected by the proposal and sought their comments. No response was received.

Public notice will be given in the Spectator on Saturday 12 March 2016. Submissions will be received until Tuesday 12 April 2016.

Communication of Decision

Public notice of the proposal will be given in the Hamilton Spectator. The property owner affected by this proposal will be advised by letter.

Officer Declaration of Interest

Under Section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – Aten Kumar – Acting Director Shire Infrastructure

In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Francis Pekin – Engineering Support Officer

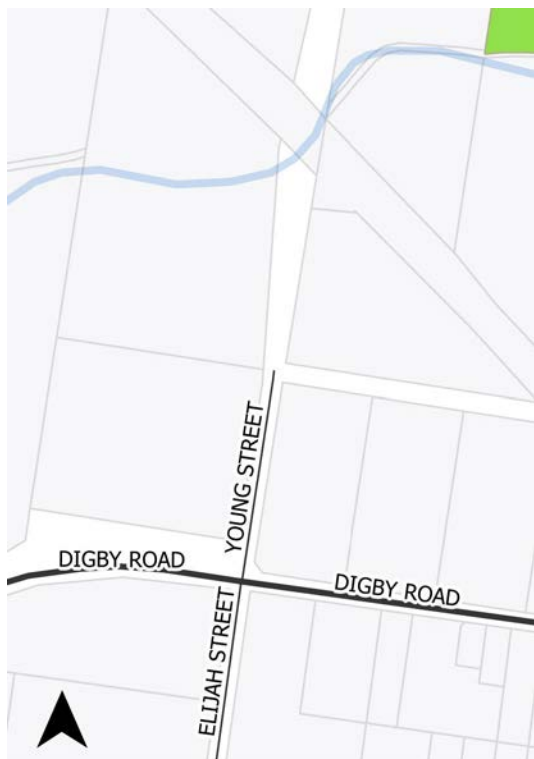
In providing this advice as the Author, I have no disclosable interests in this report.

Recommendation

1. That public notice be given of Council’s intention to rename the southern section of Young Street which runs north off Digby Road as Green Street, Hamilton.
2. That submissions be invited on the proposal until Tuesday 12 April 2016.

8.7 Proposed Street Name Change – Renaming Southern Section of Young Street, Hamilton which runs north off Digby Road as “Green Street” (cont’d)

Map



9.1 ASSEMBLY OF COUNCILLORS RECORD

9.2 TEMPORARY ROAD CLOSURES AND STREET PROCESSIONS

9.3 LIQUOR CONTROL ACT REFERRALS

9.4 TENDERS ACCEPTED BY THE CHIEF EXECUTIVE OFFICER UNDER DELEGATED
AUTHORITY

9.5 PLANNING REPORT

9.6 BUILDING SERVICES REPORT

9.1 ASSEMBLY OF COUNCILLORS RECORD

In accordance with the Local Government Act 1989 the following Assembly of Councillors records are attached:

- Advocacy Priorities Working Party – 2 February 2016
- Community Inclusion Advisory Committee – 3 February 2016
- Councillor Briefing Session – 24 February 2016
- Special Council Meeting – 24 February 2016
- Meeting with Southern Grampians Business Action Group – 17 February 2016

9.2 TEMPORARY ROAD CLOSURES AND STREET PROCESSIONS

There were no applications received during the past month for the temporary closure of roads and streets and/or the conduct of street processions.

9.3 LIQUOR CONTROL ACT REFERRALS

During the past month, there were no applications referred to Liquor Licensing Victoria for the grant, variation or transfer of licences, permits and/or extended hours permits for comment.

9.4 TENDERS ACCEPTED BY THE CHIEF EXECUTIVE OFFICER UNDER DELEGATED AUTHORITY

The following tenders were accepted by the Chief Executive Officer under delegated authority for the month of February 2016:

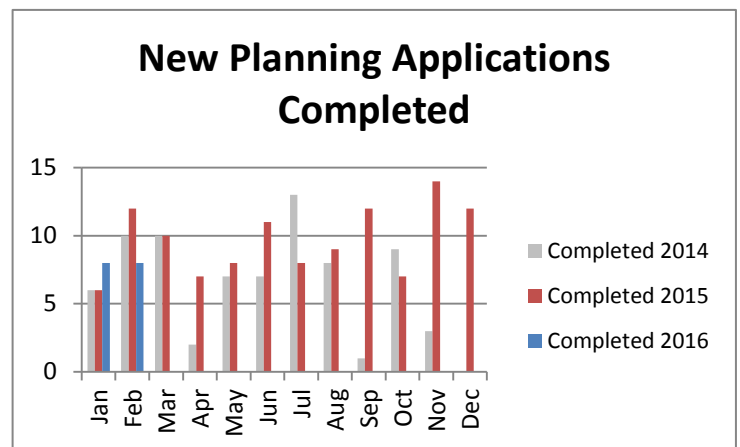
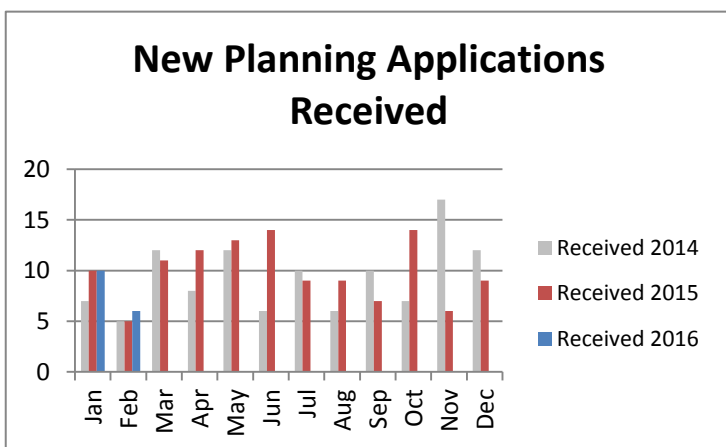
Contract No	Contract Title	Contractor	Value
1116-15	Sale of Bluestone Cobbles	Warrnambool City Council	\$60.50 per tonne
1114-15	Supply and Delivery of 2 multi tyred roller (12mth Lease)	Sherrin Rentals	\$86,400
1112-15	Caramut-Glenhompson Rd Embankment Reconstruction	James Milne Pty Ltd	\$296,805

9.5 Planning Report

Delegated Planning Permits

The following delegated decisions were made and planning permits issued for February, 2016.

Description	Location	Date of Decision	Decision within Statutory time?
Buildings and Works for the construction of two dwellings	14 Chaucer Street HAMILTON	18/02/16	No
Two lot subdivision	5-7 Goldsmith Street HAMILTON	18/02/16	No
Four lot subdivision	23 Dinwoodie Street HAMILTON	18/02/16	No
Four lot subdivision	40 Tatlock Street HAMILTON	09/02/16	No
Buildings and works for the construction of a junior learning centre, fire service upgrade and change of use of principals resident to class rooms	7901 Hamilton Highway TARRINGTON	10/02/16	No
Buildings and Works to construct a shed to house machinery	33 Ackerleys Road HAMILTON	10/02/16	No
Buildings and Works associated with the construction of a Mobile Telecommunications Facility and equipment shelter	214 Coleraine Road HAMILTON	12/02/16	No
Use and development of a single dwelling and associated infrastructure on farm zoned land less than 40 hectares	1096 Murndal Road TAHARA	10/02/16	no



9.6 Building Services Report

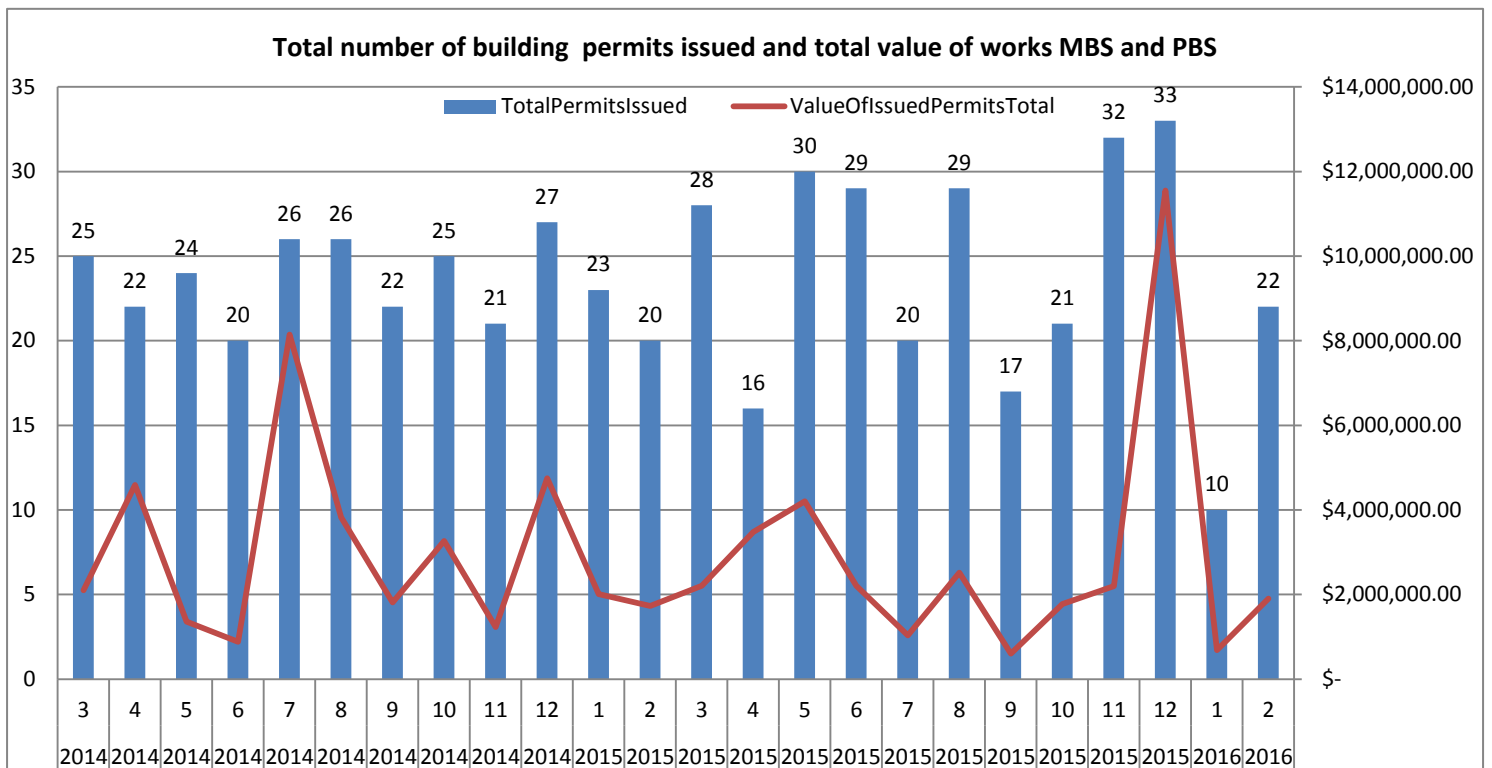
The below graphs provide trend data relating to Building Permits over the last 2 years (by value and number of permits) and the number of new dwelling permits.

The total value of 13 Permits issued by the Municipal Building Surveyor for February, 2016 was \$1,358,009.00

The total value of 9 Permits issued by Private Building Surveyors for February, 2016 was: \$542,997.00

Total value of Building works for February, 2016 = \$1,901,006.00

The Municipal Building Surveyor also issues building permits outside Southern Grampians Shire. Since June 2015, 13 permits have been issued with a total value of building works of \$2,378, 320. Eleven permits have been issued in Glenelg Shire and 2 permits have been issued in Ararat Rural City.



Recommendation

That items 9.1 to 9.6 as listed above be received.

There are no Notices of Motion.

Councillors Delegates Reports for February 2016.

12.1 *Tender 1099/15 Supply and Delivery of One New Rubber Tracked Excavator with Attachments and Flail Mulcher*

This concludes the business of the meeting.