



## **SOUTHERN GRAMPIANS SHIRE COUNCIL**

### **MINUTES**

#### **OF**

**The Ordinary Meeting of the Southern Grampians Shire Council  
held in the Council Chambers, 3 Market Place, Hamilton,  
on Wednesday 13 April 2016, at 5.30pm**

#### Order of Business

1. Acknowledgement of Country
2. Prayer
3. Apologies
4. Confirmation of Minutes
5. Declaration of Interests
6. Questions on Notice
7. Public Deputations
8. Councillor Reports
9. Management Reports
10. Items for Information
11. Notices of Motion
12. Delegates' Reports
13. Confidential Matters
14. Closure

**SOUTHERN GRAMPIANS SHIRE COUNCIL  
MINUTES  
WEDNESDAY 13 APRIL 2016**

**1. ACKNOWLEDGEMENT OF COUNTRY**

**2. PRAYER**

**3. APOLOGIES**

**4. CONFIRMATION OF MINUTES**

**Recommendation:**

That the Minutes of the Ordinary Council Meeting held on 9 March 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**

7.1 Nil

**8. COUNCILLOR REPORTS**

8.1 CEO Review Process

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**9. MANAGEMENT REPORTS**

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**10. ITEMS FOR INFORMATION**

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10.2 Temporary Road Closures & Street Processions

10.3 Liquor Control Act Referrals

10.4 Tenders

10.5 Planning Report

10.6 Building Services Report

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**12. DELEGATES' REPORTS**

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**13. CONFIDENTIAL MATTERS (not for public distribution)**

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13.1 Hamilton Regional Livestock Exchange Development Stage 2 Tender Evaluation Report

13.2 Tender No. 03 / 16 Design and Construction Contracts for Bridge Design and Maintenance Works – Tender Evaluation Report

13.3 Tender No. 1104 / 15 - Provision of Road Stabilisation Services - Over Expenditure on Contracted Amount

**14. CLOSURE**

**Present:**

Councillors: P Dark, A Calvano, P Battista, D Dawson, B Colliton, C Armstrong

Officers: M Tudball - Chief Executive Officer,  
B Herbert – Director Shire Services,  
M McCarthy - Director Shire Futures,  
A Kumar – Acting Director Shire Infrastructure,  
M Kruger – Governance Coordinator

**1. ACKNOWLEDGEMENT OF COUNTRY**

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

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

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

**2. PRAYER**

Cr Battista led the meeting in a prayer.

**3. APOLOGIES:** Cr Rainsford

**4. CONFIRMATION OF MINUTES**

That the Minutes of the Ordinary Council Meeting held on 9 March 2016, as circulated be confirmed.

**Cr Dawson/Cr Battista**

**That the Minutes of the Ordinary Council Meeting held on 9 March 2016, as circulated be confirmed.**

**CARRIED**

**5. DECLARATION OF INTERESTS**

By Councillors or Officers in respect of any item on the Agenda.

Cr Colliton declared an indirect interest in item 9.5 - Planning Permit Application – TP/010/2016 – Flint Architects (Vic) Pty Ltd – 213 Gray St, Hamilton

There are no Questions on Notice.

There are no Public Deputations.

**MAYOR****8.1 CEO Review Process****Purpose of Report**

This report follows on from the recruitment process for a Chief Executive Officer (CEO) and a further report detailing the method and timing of a review process for the CEO.

As part of the recruitment and the contract of employment Council has a requirement to both set and then review Key Performance Indicators (KPI's) for the CEO.

This report seeks to establish the CEO Review Panel as detailed in the Contract of Employment consisting of the Mayor and 2 Councillors to finalise and then assess the KPI's and review process for the CEO Performance.

**Process**

As part of the CEO Recruitment Process Council endorsed a process to develop KPI's and to periodically review against those KPI's.

Council engaged McArthur Recruitment to assist in this process following on from the CEO Recruitment and McArthurs have had an initial meeting with the Mayor and CEO to draft out a program that will be further developed including a full Councillor Workshop, input into the KPI development and ultimate sign-off on a set of KPI's, measures against and review periods.

Broadly McArthurs will work with Council to develop a set of KPI's through a workshop with Councillors in the next 2-3 months and then work with the appointed panel to finalise and then discuss with the CEO with a view to finalising along with input from the agreed '100 day report' by the CEO to Council. This will form the KPI's and Council will then agree a timeline with the CEO to one formal review prior to Council Elections in October 2016.

**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 – Cr Peter Dark, Mayor

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

Author – Cr Peter Dark, Mayor

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

**8.1 *CEO Review Process***

**Recommendations**

That Council appoint the Mayor, Cr \_\_\_\_\_ and Cr \_\_\_\_\_ to assist in the development of Key Performance Indicators and the Performance Review process for the Chief Executive Officer.

**Cr Calvano/Cr Colliton**

**That Council appoint the Mayor, Cr Battista and Cr Colliton to assist in the development of Key Performance Indicators and the Performance Review process for the Chief Executive Officer.**

**CARRIED**

**DIRECTOR SHIRE SERVICES****9.1 Mullagh Wills – 150 Year Commemoration of Historical Aboriginal Cricket Tour 1866****Summary**

To enable Council to formally recognise the 150-year commemoration of the 1866 Aboriginal cricket tour originating from Western Victoria culminating in the Boxing Day match at the Melbourne Cricket Ground (MCG) December 1866.

**Background**

On Sunday March 13 2016, the launch to celebrate of the 150<sup>th</sup> Anniversary of one of the most remarkable achievements in Australia's sporting and cultural history, took place at Harrow in Western Victoria.

The launch of the Mullagh Wills Foundation "Journey to the G" celebrates the achievements the 1866 Aboriginal Cricket Team which travelled from Western Victoria to the MCG in Melbourne to play against the Melbourne Cricket Club on Boxing Day 1866.

The March 13 launch was part of the annual Johnny Mullagh Championship weekend in Harrow, Western Victoria, and is the result of over two years planning and research in conjunction with the Melbourne Cricket Club.

The Mullagh Wills Foundation was established to recognise the tremendous achievements of the Aboriginal Cricket Team in the 1860s and named in honour of Johnny Mullagh, the star of the team, and Tom Wills the original coach of the team. Both Mullagh and Wills played in the team against the MCC on Boxing Day in 1866.

In 1868 the Aboriginal Cricket Team became the first Australian cricket team to play in England – the first Australian Test team of cricketers.

**Council Plan**

The Council Plan Objective No. 4 Help Communities Feel Dynamic and Resilient has outcome 4.3 An Inclusive and Diverse community.

Strategy 4.3.3 specifically states:

Continue to encourage the inclusion of members of all cultures including indigenous communities in the social and economic life of the Shire.

**Policy /Strategy/ Legal/ Statutory**

Council has a Community Inclusion Plan and Advisory Committee. While there is no Reconciliation policy as such, Council acknowledges the importance of the indigenous history by the reading of Welcome to Country at each Council meeting. This commemoration also links closely with the sporting and recreational policies of Council.

**Social / Economic / Environmental**

social implications of these commemorations are important. Given the significant sporting achievements in the lead up to the first aboriginal cricket team to tour England in 1868, and the origins of the team formation in Western Victoria, our region has cause to lead the commemoration and formal recognition of these events. As important, the message and promotion of reconciliation should be a lasting legacy of the commemorations.



**9.1 Mullagh Wills – 150 Year Commemoration of Historical Aboriginal Cricket Tour 1866 (cont'd)****Financial / Risk Management**

The commemorations and the formal passing of motions recognising the historical event have no financial and risk implications on Council. The Southern Grampians Shire comprises a number of towns through which the aboriginal team travelled in their way to the MCG match in December 1866, with Council now in a position to formally recognise these sporting achievements.

**Discussion**

The Foundation seeks to celebrate the involvement of communities and recognise the incredible achievements of the Aboriginal Cricket Team 150 years ago, as well as helping to bring communities together.

The Foundation motto is 'reconciliation through sport'. This unique story from our history, particularly the involvement of Tom Wills as the original coach of the team, is a powerful example of recognition and reconciliation.

A highlight from the launch was the writing of the first message in the commemorative 'Message Book' which has been presented to the West Wimmera Shire Council.

Each municipality along the route, commencing with West Wimmera, has been invited to pass a formal motion of reconciliation and support of the Aboriginal Cricket Team and their achievements at a Council Meeting during 2016. The Message Book will be in each of the municipalities for up to three weeks and during this time schools, local sporting and community groups will be invited to include a message of reconciliation and support in the Message Book.

The delivery of the Message Book from Council to Council will be completed by the respective Mayors and Aboriginal community leaders at the following Councils between March and December 2016 before being presented to the Melbourne Cricket Club on Boxing Day at the MCG.

- West Wimmera Shire Council
- Southern Grampians Shire Council
- Ararat Rural City
- Corangamite Shire Council
- Pyrenees Shire Council
- Golden Plains Shire Council
- City of Ballarat
- Moorabool Shire Council
- Melton City Council
- Brimbank City Council
- City of Melbourne

The idea for these celebrations and the Foundation came about after Australia Day Ambassadors, Tony Cavanagh and Ian Coutts, participated in Australia Day activities in Harrow in 2012 and 2013. Both were inspired by the Harrow Discovery Centre, featuring the Johnny Mullagh Cricket Museum, and along with the story, wanted to ensure it became better known as an important part of Australia's history.

The Message Book is a great opportunity for all communities along the journey route to be involved and ensure this story is not only remembered but encourages everyone, in particular sporting organisations, to promote the message of reconciliation.

The launch of 'Journey to the G' on March 13 involved local Aboriginal community leaders and descendants of the 1866 Aboriginal Cricket Team, together with descendants of the pastoralists

**9.1 Mullagh Wills – 150 Year Commemoration of Historical Aboriginal Cricket Tour 1866 (cont'd)**

who taught the Aboriginals to play cricket. Guests from the Melbourne Cricket Club, Cricket Victoria, Councils and Federal and State Governments joined the Mullagh Wills Foundation Committee, the

Harrow First XI 1868 Committee, local community representatives and participants in the Johnny Mullagh Cricket match.

Council recognition and formal motion is a meaningful way that the Southern Grampians Shire Council can formally recognise the achievements of the aboriginal cricket tour of 1866 and subsequent tour of England in 1868. This commemoration also provides Council a means to celebrate our early sporting historical achievements and reinforces the powerful message of reconciliation through sport.

In conclusion, this report aims to recognise the launch of the Mullagh Wills Foundation "Journey to the G" in celebration of the 1866 Aboriginal Cricket Team which travelled from Western Victoria to Melbourne to play against the Melbourne Cricket Club at the MCG on Boxing Day 1866 and subsequent tour of England in 1868 and to provide Council the opportunity to reinforce the powerful message of reconciliation through sport;

**Community Engagement**

Council will need to encourage and invite local sporting and community groups to include a message of reconciliation and support in the Message Book. The Message Book will be in each of the municipalities for up to three weeks enabling these sporting and community bodies to make their contribution in the Message Book commemorating the 1866 journey to Melbourne via regional Victoria.

**Communication of Decision**

This decision will be broadly communicated through all possible media channels. Local sporting and recreational groups and clubs will be contacted directly to advise them of the opportunity to sign the Message Book.

**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 (using draft report provided by Mark Crouch)

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

**9.1 Mullagh Wills – 150 Year Commemoration of Historical Aboriginal Cricket Tour 1866 (cont'd)****Recommendation**

That Council;

1. Formally recognise the sporting achievements of Johnny Mullagh, Tom Wills and the aboriginal cricketers touring party of 1866, in their travels through regional Victoria culminating in the Boxing Day 1866 match between the aboriginal team and the Melbourne Cricket Club at the Melbourne Cricket Ground;
2. Recognise the powerful message of reconciliation through sport that this significant sporting event provided in early colonial times, and the current day inspiration that the commemoration provides;
3. Encourages and promotes the opportunity for local sporting and community groups to leave their message of goodwill and reconciliation in the Message Book that will travel regional Victoria and be presented at the Boxing Day Test Match in December 2016;
4. Hand over the Mullagh Wills Message Book to the Ararat Rural City Council for their formal commemoration as part of the 'Journey to the G'.

**MOTION**

**Cr Battista/Cr Dawson**

That Council;

1. **Formally recognise the sporting achievements of Johnny Mullagh, Tom Wills and the aboriginal cricketers touring party of 1866, in their travels through regional Victoria culminating in the Boxing Day 1866 match between the aboriginal team and the Melbourne Cricket Club at the Melbourne Cricket Ground;**
2. **Recognise the powerful message of reconciliation through sport that this significant sporting event provided in early colonial times, and the current day inspiration that the commemoration provides;**
3. **Encourages and promotes the opportunity for local sporting and community groups to leave their message of goodwill and reconciliation in the Message Book that will travel regional Victoria and be presented at the Boxing Day Test Match in December 2016;**
4. **Hand over the Mullagh Wills Message Book to the Ararat Rural City Council for their formal commemoration as part of the 'Journey to the G'.**

**9.1 Mullagh Wills – 150 Year Commemoration of Historical Aboriginal Cricket Tour 1866 (cont'd)****AMENDMENT****Cr Calvano/Cr Armstrong****That Council;**

- 1. Formally recognise the sporting achievements of Johnny Mullagh, Tom Wills and the aboriginal cricketers touring party of 1866, in their travels through regional Victoria culminating in the Boxing Day 1866 match between the aboriginal team and the Melbourne Cricket Club at the Melbourne Cricket Ground;**
- 2. Recognise the powerful message of reconciliation through sport that this significant sporting event provided in early colonial times, and the current day inspiration that the commemoration provides;**
- 3. Encourages and promotes the opportunity for local sporting and community groups to leave their message of goodwill and reconciliation in the Message Book that will travel regional Victoria and be presented at the Boxing Day Test Match in December 2016;**
- 4. Hand over the Mullagh Wills Message Book to the Ararat Rural City Council for their formal commemoration as part of the 'Journey to the G'.**
- 5. That the Mullagh Wills Message Book be signed with a message of goodwill through the Mayor and signed by all the Councillors of the Southern Grampians Shire.**

**CARRIED****The AMENDMENT became the MOTION****The MOTION was put and CARRIED**

**9.2 Governance and Decision Making Discussion Paper****Attachment 1 - Governance and Decision Making Discussion Paper****Summary**

A Governance and Decision Making Discussion Paper has been drafted to assist Southern Grampians Shire Council to improve its transparency and communication. The Paper provides an overview of local government, taking into account the recent amendments made by the Local Government Amendment (Improved Governance) Act 2015, good governance and decision making processes.

This report recommends the adoption of the recommendations in the Discussion Paper to improve Council's transparency and decision making.

**Background**

During his time at the Southern Grampians Shire Council the Interim Chief Executive Officer identified two key issues in relation to governance and decision making at the Southern Grampians Shire Council:

1. The lack of understanding of the roles and responsibilities of elected councillors and the administration; and
2. The importance of transparency in improving Council's image in the eyes of the public and improving the level of trust between Council and the community.

A Governance and Decision Making Discussion Paper (the Discussion Paper) was developed to explore these issues and make recommendations as to how Southern Grampians Shire Council can improve its communication and transparency, particularly in relation to its key decision making processes.

The Discussion Paper was written in two parts. Part 1 provides detailed background information as to the roles, responsibilities and relationships in local government. Importantly it details the recent changes to the Local Government Act 1989 in relation to the roles of the mayor and councillors. Part 2 looks at the current governance and decision making performance and processes at Southern Grampians Shire Council and makes recommendations as to how to improve the transparency and efficiency of these processes; how to improve communication between the administration and Council; and how to improve communication between the Council and the community to achieve governance excellence.

**Council Plan**

Outcome 1.1 - Soundly Based Decisions

Strategy 1.1.1 - Based decisions on the highest available level of professional advice and expertise.

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

**Policy/Strategy/Legal/Statutory**

Information from the Southern Grampians Shire Council's Councillor Code of Conduct, the Local Government Act 1989 and the Local Government Amendment (Improved Governance) Act 2015 were included into the Discussion Paper.

**9.2 Governance and Decision Making Discussion Paper (cont'd)****Social/Economic/Environmental**

The Discussion Paper was written to assess Council's performance in relation to governance and decision making and identify ways to improve the transparency and communication of its decision making and governance processes. One of the main aims of the recommendations in the Discussion Paper is to improve the relationship between Council and the community by ensuring as much information as possible is made available for the community.

**Financial/Risk Management**

The Discussion Paper seeks to improve governance and decision making at Southern Grampians Shire Council. This will in turn see a reduction of risks in relation to governance and decision making. There may be some financial benefits through increased efficiencies in relation to some of the processes mentioned in the Discussion Paper.

**Discussion**

The Discussion Paper collated the performance data of the Southern Grampians Shire Council in relation to governance and decision making and from that data four key issues were identified. The data that was included in the report was the results from the 2012 – 2015 Community Satisfaction Surveys, the Local Government Performance Reporting Framework 2014/2015 results, the issues raised in the Hamilton Regional Business Association Report by Neil Armstrong and Partners, the community feedback that was received as part of the Local Government Act review in 2015, the results from the 2014 Staff Satisfaction Survey and the CEO performance management.

In the data looked at there were 4 key issues identified:

- A lack of leadership and communication from the Council and senior management.
- A lack of understanding about the different roles and responsibilities in local government.
- A lack of transparency in council decision making.
- Unclear understanding about the level of performance management Council should be having over the organisations.

Section 3 of the Discussion Paper makes many recommendations to try and resolve some of these issues and improve the relationship between Council and the community.

The recommendations for improvement fall into the above four categories and are in relation to the following issues:

- Community Engagement
- Communication between the Administration and Council
- Communication with the Media and Public
- Councillor Code of Conduct
- CEO Performance Review
- Briefing Sessions
- Council Reports
- Section 89 – Confidential Council Reports
- Printing of Agendas
- Performance Management

The recommendations are listed in full in the Recommendation section of this report. The background information relevant to each recommendation has not been copied into the report due as it is available in the Discussion Paper.

## 9.2 Governance and Decision Making Discussion Paper (cont'd)

The Discussion Paper has been provided to Councillors and the contents and recommendations of the Paper discussed with Councillors at two Briefing Sessions. The discussions in relation to the recommendations in the Discussion Paper were very constructive. Following those discussions minor changes have been made to the recommendations in the Paper in relation to printing of papers, information being provided to Councillors, and Council Reports templates.

The suggestion to develop a template for Councillor Notices of Motions was raised during these discussions and has been added to the list of recommendations below. Developing a template for Notices of Motion would ensure consistency of information provided to the community. It was also suggested that a review be conducted of all Council's strategic plans to ensure they are up to date and determine how they should be reported on to Council and the community.

A few other suggestions were made by Councillors during the discussions at the Briefing Sessions which have not been included as recommendations in this report as they require further investigation and discussion.

### Community Engagement

There is planned to be a significant positive impact on the community regarding its perception of Council. Engagement will be enhanced following the implementation of the recommendations in the Discussion Paper.

### Communication of Decision

This decision will be communicated to all Council staff and the community.

### 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.

### Recommendations

1. That all recommendations in the attached Governance and Decision Making Paper be adopted.
2. That an implementation plan be developed to ensure all recommendations be actioned as soon as practicable.

### Cr Dawson/Cr Colliton

1. That all recommendations in the attached Governance and Decision Making Paper be adopted.
2. That an implementation plan be developed to ensure all recommendations be actioned as soon as practicable.

**CARRIED**

### 9.3 *Aged Care Reform Update*

#### **Attachment 2 – Statement of Intent**

##### **Summary**

The Municipal Association of Victoria (MAV) has been in negotiations with the Victorian and the Australian Governments to develop a draft Statement of Intent (SOI) for all three levels of government in the delivery of home and community care services for people aged over 65 years for the period 1 July 2016 to 30 June 2019. The draft SOI (**Attachment 1**) outlines structural and funding responsibilities for the three levels of government for the transition from the Victorian Government funded Home and Community Care (HACC) program to the Australian Government funded Commonwealth Home Support Programme (CHSP).

While many of the outcomes negotiated in the draft SOI represent maintenance of the benefits of some of the aspects of the current HACC system delivered by local government in Victoria, there are some concerning financial long term implications for local government when the transition to the CHSP is finalised on 30 June 2019. The current wording and resulting implications of the draft SOI would leave councils with an unfunded level of service, regardless of whether they would continue to deliver the service post the transition, potentially leaving existing clients without the ability to receive ongoing services.

In addition, the draft SOI positions local government with the financial responsibility for the long term underfunding by the Victorian Government of the HACC service during the three years of the transition. Historically, the Victorian Government has underfunded the service leaving councils to subsidise the service from ratepayer funds to ensure that the increasing ageing population has access to these critically important services, which enables them to live independently at home. The draft SOI clearly articulates that this underfunding gap must be met by local government. In the context of rate capping, this places councils in an untenable financial position, as councils will be less able to draw on ratepayer income to bridge the funding gap to provide services to older people in the next three financial years. Councils will need to consider options, which may include implementation of wait lists for prospective new clients during the three year transition to the CHSP, as a way of managing limited available resources due to the CHSP commencing in an underfunded environment. Southern Grampians Shire Council (SGSC) has utilised wait lists over the past 12 months for low needs clients when demand exceeded budgeted service levels. At this time, wait lists are not required, but are likely be required again prior to 30 June 2019 as demand is likely to exceed the funding provided for the CHSP to Council.

This report provides a brief analysis of the SOI with specific reference to the key clauses in the document of interest to local government. Furthermore, this report recommends providing a formal response to the MAV, as the signatory representing local government, stating that councils will be unable to fund the gap for the service that has been created over a number of years by the Victorian Government.

##### **Background**

In 2015, councillors received a briefing regarding the Australian Government aged care reforms that have included analysis of potential impacts on the community aged care services provided by Council. The briefing also outlined some of the transitional arrangements of the HACC program to the CHSP including:

- Changes to funding targets (as a result of changes to unit price levels for home care, personal care and respite care). The unit price for these services was increased by the Victorian Government, with no additional funding available and as a result, the funding targets were lowered to reflect the new unit price.



### 9.3 Aged Care Reform Update (cont'd)

- The potential for financial implications on Southern Grampians Shire Council of the changes in the funded unit price for each of the three service types: home care, personal care and respite care.
- The Australian Government agreeing to continue to block-fund service providers during the transition period under the CHSP to ensure service levels remain stable, as per current HACC funding model, for a three year transition period.
- The Victorian Government agreeing to continue funding the under 65 year old cohort of current HACC clients only, that may not be eligible for the NDIS. It is still unclear what the funding and service agreement from the Victorian Government will contain.
- The introduction of the Australian Government My Aged Care (MAC) agency as a gateway for all new referrals into the aged care system nationally.
- The MAV would represent local government in negotiating a SOI (at that stage proposed as a tri-lateral agreement between all levels of government) with the Victorian and Australian Governments that defines the role and commitment of local government during the transition period, which would also serve to set the foundation for service provision beyond the transition period.

Council would be expected to sign new Service Level Agreements (SLA), with both the Victorian and Australian Governments, and officers will present these Agreements, highlighting any concerns, to councillors in future reports, once the information becomes available.

The development of a SOI is an important part of the reform process as it intended to define the role and commitment of each level of government to the HACC client group. However, as outlined in the next section of this report, the draft SOI has disappointingly passed the legacy of Victorian Government under funding to local government.

This report seeks a Council resolution to formally respond to the Municipal Association of Victoria (MAV) regarding the draft Statement of Intent (SOI) (**Attachment 1**) for the transition of the Home and Community Care (HACC) program to the Commonwealth Home Support Programme (CHSP), and to reaffirm that Council may need to introduce waiting lists for services to new, low needs clients as a way to manage demand for services beyond budgeted service levels.

#### Council Plan

**The Southern Grampians Shire Council** Plan's 2013-17 vision is to be Australian's most liveable provincial community. The key strategy in the enhance wellbeing and culture component of the Council Plan relating to coordinated and accessible services, is that Council will 'provide and support an integrated range of services for families, young people, the frail, aged and people with disabilities. In addition a priority of helping our communities feel dynamic and resilient is the 'continued implementation of the key actions of the Municipal Health and Wellbeing Plan and associated plans'.

#### Policy /Strategy/ Legal/ Statutory

**Southern Grampians Health and Wellbeing Plan 2013-17** (SGSCHWP) was adopted in 2014, and has five key outcomes:

- Improve educational attainment and lifelong learning
- Improve mental health, reduce family violence and prevent harm from alcohol and other drugs
- Promote healthy eating and encourage regular physical activity
- Improve the sense of belonging and connection to communities, places and activities for all people in our Shire

### 9.3 Aged Care Reform Update (cont'd)

- Improve our community's fair access to services improving health and wellbeing

Improving the sense of belonging and connection includes a desire to 'build our capacity to engage disadvantaged groups and enable their full participation in community life'. In addition improving fair access to services has strategic objectives to 'explore, promote and advocate for innovative service delivery models that enable fair access to services' and well as 'ensuring community awareness of available services and options to support access'

The Health and Wellbeing plan is supported by the community inclusion (disability action) plan and positive ageing strategy that further describes Council's commitment to the above objectives.

The Australian Government policy, *Living Longer Living Better*, released in April 2012, is influencing the delivery, now and into the future, of Home and Community Care (HACC) services. In line with this policy, the Australian Government will assume responsibility for HACC programs for people over 65 years of age from 1 July 2016 with a transition date for Victoria confirmed as 30 June 2016.

#### **Social / Economic / Environmental**

For two decades, local government has increasingly subsidised HACC services due to the Victorian Government's underfunding of the program. The SOI states that local government will have a responsibility to maintain current service levels, despite the Victorian Government lowering the levels of services it funds by increasing the unit price but not allocating additional funding to maintain current service levels. This action formally shifts the responsibility of the current funding gap to councils. It further states that the local government subsidy is a contribution to service hours, rather than acknowledgement that the subsidy from local government has been a response to the underfunded environment to assist keeping people living safely and independently at home.

Rate capping presents a further complication for councils, as it limits the amount of available resources that councils can continue to allocate to service provision. To date, councils topped up service provision from ratepayer funds because of the increasing ageing population that want to continue to live at home, safely and independently.

The legacy of the Victorian Government underfunding HACC services will likely result in wait lists for new, low needs clients as Council resources are not able to meet increasing demand.

#### **Financial / Risk Management**

The Victorian Government has introduced new unit prices for each of the three service types - home care, personal care and respite care - which still do not cover the true cost of delivering the service. The service targets (service hours) have been reduced as a result of this new unit price; however, there is still a funding gap that local government is currently filling for existing clients. For the Southern Grampians Shire Council (SGSC), this gap equates to a forecast of \$487,994, including corporate overheads (15/16 Council Budget).

The full extent of the funding gap and therefore impact on the Council subsidy will be better understood when the new SLAs are presented to Council for the provision of services during the transition period. SGSC is yet to receive information regarding any details of what will and may not be funded under the new SLAs, and officers will consider any information that may change/impact the budget as it has been planned for the 2016/17 financial year and beyond.

Becoming a signatory to the SOI (via the MAV) as it currently exists in draft, may mean that councils are left with the responsibility for service delivery for any existing clients receiving services

### 9.3 *Aged Care Reform Update (cont'd)*

that are above the funded levels, post the transition period. It is important that officers ensure that all service areas are operating to the funded levels only, as the role of local government in service provision is that of a service provider and that any contribution to the service is as a result of inadequately funded programs/hours of service rather than as a provider and funder of additional hours of service.

It remains unclear whether Council will be left in the position of continuing to 'fund the gap' post the transition period, given that the funding represents existing SGSC clients receiving services. Essentially, the draft SOI commits local government to maintaining its current funding subsidy throughout the transition period, which means that if the SGSC fails to reduce service levels to match funding available at the end of the transition period, the SGSC will be expected to continue serving clients who are excess to funding provided under the CHSP. Council officers will continue to monitor this issue concerning funding and will provide information to councillors when new information becomes available.

Additionally, when demand exceeds budgeted service levels within the three year transitional period, wait lists will need to be implemented for low needs clients.

#### **Discussion**

The draft SOI highlights that as an aggregate, local government contributes \$158M per annum to aged and community services (Source: Victorian Grants Commission 2013/14). Although this statement may be correct, the language used throughout the document describes this council contribution as being the responsibility of local government rather than as a result of the Victorian Government inadequately funding the true cost to service providers of delivering services.

The cost to councils for delivering services to eligible residents has steadily grown over time as a result of inadequately funded unit prices, compounded by annual indexation rates that did not adequately reflect the cost of service delivery. Additionally, any annual growth funding received further contributed to the financial burden on councils to continue to provide services, as it was implemented using the same underfunded unit price formula.

This systemic underfunding has continued for over two decades, with local government gradually increasing its contribution, not as part of a formalised agreement, but more as a result of not wanting to leave elderly people and people with disabilities and their families without community supports. The result of this action however, is that local government, despite significant advocacy, has been left with a financial legacy provided by the Victorian Government due to their unwillingness to fund the real cost of HACC in the context of a rising demographic client group.

Southern Grampians Shire Council will contribute a forecast total of \$487,994 to the HACC program in the 2015/16 financial year, including corporate overheads.

In early 2015, local government was informed via a letter to the Chief Executive Officer that the Victorian Government, in acknowledging that the unit price of the three services was inadequately funded, increased the unit price to a more sustainable \$45.00 per hour (an increase of up to 43%). In doing so, the Victorian Government made it clear that no additional funding was to be made available to service providers, but rather that the funding targets would be adjusted to reflect the new unit price.

This 'notional' exercise decreased the number of hours of service that local government is expected to deliver. Councils, however, were delivering services to existing clients that were above the new revised (lowered) targets, and did not wish to cut services to existing clients, as they depend on HACC services to keep them living independently and safely at home. It appears through the draft SOI, that the Victorian Government believes that these "additional" hours of service are now a

### 9.3 Aged Care Reform Update (cont'd)

council responsibility, rather than acknowledging that the Victorian Government has underfunded these services.

The language used throughout the SOI refers to local government as a planner, developer, funder and deliverer of services to elderly and younger people with disabilities. Of particular concern to Council, is the reference that local government is a funder of services. Clause 44 of the document states:

*“The parties acknowledge that, in order to support the key role of local government in providing basic in-home services, prices for domestic assistance, personal care and respite services were adjusted to a more sustainable level effective from 2014-15, enabling local government to transfer its contribution from service delivery costs to hours of service to improve transparency and clarity about service hours funded through HACC program and those funded by local government.”*

Officers are of the view that this Clause should be removed from the SOI, as the contribution SGSC makes to the HACC program, is as a result of a shortfall in funding from the Victorian Government rather than any “additional” hours of service, despite the recent changes to the funding targets as a result of the increase in unit price.

Additionally, Clause 47 of the document states:

*“To the best of individual council’s financial ability, local government will maintain their current service levels over the life of the agreement, consistent with their assessment of their community’s needs.”*

Officers believe that this Clause positions local government into accepting funding responsibility for programs that have historically been underfunded by the Victorian Government and that the Victorian Government is absolving their responsibility for the funding gap prior to the handover to the Australian Government. This is further highlighted in Clause 15 which states:

*“The role of local government is fundamental to the benefits of Victoria’s current HACC system. Local government has responsibility under the Local Government Act 1989 and subsequent amendments, to provide equitable and appropriate services and facilities for the community. Local government also has responsibilities to protect, improve and promote the public health and wellbeing of residents, under the Public Health and Wellbeing Act 2008.”*

It is the opinion of officers that this Clause further suggests that local government is somehow legislated to be a funder and provider of services, and therefore should accept responsibility to fund the gap left by the Victorian Government. Neither Act specifies that local government should subsidise a shortfall in funding of another tier of government. Although the SOI is not legally binding, it does raise a question for local government of whether it will need to continue to fund the gap beyond the transition period (to 30 June 2019), keeping in mind that this funding represents existing clients receiving services. It is the officers' view that if the MAV signs this document it should be viewed as an agreement signed on the basis of good faith, integrity and a commitment to fulfilling the obligations within the draft SOI

Officers believe that the time for the re-introduction of wait lists is imminent, as councils in Victoria will have limited access to ratepayers' income due to rate capping, and therefore councils will not have the financial means to allocate resources to support newly eligible residents. It is likely that demand for services in the next three year transition to the CHSP, due to the growth of the numbers of elderly people in the SGSC, may exceed budgeted services which will require the implementation of wait lists.

**9.3 Aged Care Reform Update (cont'd)**

Council officers will continue to review information and material released by both the Victorian and Australian Governments regarding the CHSP, and its impact on Council service provision.

**Community Engagement / Communication of Decision**

The consultation and communication for this report has included:

- Council officers who deliver and plan for services
- Other councils throughout Victoria
- Attendance and discussion at various consultation forums with the Victorian and Australian Governments and the Municipal Association of Victoria (MAV).

**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 – Nola McFarlane Manager Community and Leisure Services

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

**Recommendation**

1. Council writes to the MAV as the representative of Victorian local governments, to request that the language contained within the SOI be changed to better reflect the role of local government as a service provider and not a funding body, that local government is not legislated to fund services as stated in the SOI, and to further request Clauses 44 and 47 be removed from the document. Furthermore, that Council rejects the notion that Victorian local government is responsible for the shortfall in funding for existing services that reflect the systemic underfunding of the HACC program.
2. Council advises the MAV that if the agreement remains in its current form, the MAV does not represent the interests of the Southern Grampians Shire Council in signing the agreement.
3. Council continues to implement a HACC demand management strategy to manage the reduction in funding, to prioritise service commencement for new clients who have high support needs and implement a wait list for less vulnerable and lower risk clients to commence home care services.

**9.3 Aged Care Reform Update (cont'd)****MOTION****Cr Dawson/Cr Battista**

- 1. Council writes to the MAV as the representative of Victorian local governments, to request that the language contained within the SOI be changed to better reflect the role of local government as a service provider and not a funding body, that local government is not legislated to fund services as stated in the SOI, and to further request Clauses 44 and 47 be removed from the document. Furthermore, that Council rejects the notion that Victorian local government is responsible for the shortfall in funding for existing services that reflect the systemic underfunding of the HACC program.**
- 2. Council advises the MAV that if the agreement remains in its current form, the MAV does not represent the interests of the Southern Grampians Shire Council in signing the agreement.**
- 3. Council continues to implement a HACC demand management strategy to manage the reduction in funding, to prioritise service commencement for new clients who have high support needs and implement a wait list for less vulnerable and lower risk clients to commence home care services.**

**AMENDMENT****Cr Calvano/Cr Armstrong**

- 1. Council writes to the MAV as the representative of Victorian local governments, to request that the language contained within the SOI be changed to better reflect the role of local government as a service provider and not a funding body, that local government is not legislated to fund services as stated in the SOI, and to further request Clauses 44 and 47 be removed from the document. Furthermore, that Council rejects the notion that Victorian local government is responsible for the shortfall in funding for existing services that reflect the systemic underfunding of the HACC program.**
- 2. Council advises the MAV that if the agreement remains in its current form, the MAV does not represent the interests of the Southern Grampians Shire Council in signing the agreement.**
- 3. Council continues to implement a HACC demand management strategy to manage the reduction in funding, to prioritise service commencement for new clients who have high support needs and implement a wait list for less vulnerable and lower risk clients to commence home care services.**
- 4. Council writes to our Local Member for Lowan, Emma Keely and our Federal Member for Wannon, Dan Tehan notifying them of the above recommendations.**

**LOST**

**9.3 Aged Care Reform Update (cont'd)**

A division was called

<b>DIVISION</b>	
<b>FOR</b>	<b>AGAINST</b>
<b>Cr Battista Cr Calvano</b>	<b>Cr Armstrong Cr Colliton Cr Dark Cr Dawson</b>

The MOTION was put and CARRIED

**9.4 Financial Statements to 31 March 2016 – 2015/16 Budget****Attachment 3 - Financial Statements****Summary**

The Financial Report for the period 1 July 2015 to 31 March 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.



**9.4 Financial Statements to 31 March 2016 – 2015/16 Budget (cont'd)**

- 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 forecasting a minor operating deficit for the 2015/16 financial year. An operating surplus was originally budgeted however the impact of prepaid grant revenue in the 2014/15 year together with increased depreciation due to asset revaluations, reduced grant revenue and increased expenditure in the employee benefits area has reverted the surplus into a minor deficit.

*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 \$14m of cash and investments held at the end of March. 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 (\$3.5m) resulting in a forecast program of \$12.7m for 2015/16.

Actual expenditure of \$8.9m has occurred (80% of the forecast amount).

**9.4 Financial Statements to 31 March 2016 – 2015/16 Budget (cont'd)***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 75% of the forecast at the end of March.

**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 31 March 2016 be received.

**Cr Battista/Cr Dawson**

**That the financial report for the period 1 July 2015 to 31 March 2016 be received.**

**CARRIED**

**Cr Colliton left the chamber at 6.08pm due to an indirect conflict of interest in item 9.5 - Planning Permit Application – TP/010/2016 – Flint Architects (Vic) Pty Ltd – 213 Gray St, Hamilton.**

**DIRECTOR SHIRE FUTURES****9.5 Planning Permit Application – TP/010/2016 – Flint Architects (Vic) Pty Ltd –  
213 Gray St, Hamilton****Attachment 4: Planning Assessment Report TP/56/2015****Summary**

A planning permit application has been received by Council, proposing Works to Demolish the existing Building on the land, namely to demolish the George Hotel.

This report considers the application, discusses the various relevant policy and recommends to refuse the application on the grounds that:

1. The proposed demolition of the building known as the George Hotel, is inconsistent with the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
2. The proposed demolition would adversely affect the cultural significance of the locality, by the proposed removal of the Hotel's contribution to the character and scale of Gray Street and the Hamilton Central Business District.
3. The proposed demolition of the George Hotel is contrary to the objectives of the heritage overlay HO346 which pertains to the Hamilton Central Business District streetscape.
4. The application has not included any designs or proposal for any replacement building, or substantiated supporting documentation for consideration with, or to inform the proposed demolition of the existing building that might otherwise have made a positive contribution to the Heritage Overlay precinct.

**Background**

Please refer to the attached copy of the Planning Assessment Report TP/56/2015, Attachment 1.

Pursuant to clause 43.01-1 of the Southern Grampians Planning Scheme ("the Scheme") a planning permit is required to demolish or remove a building within the Heritage Overlay.

The Subject Land is 213 Gray Street, Hamilton; (Lot 1 on TP126442B, formerly known as Pt CA 14, Section 1, Township of Hamilton, Parish of Hamilton North)

A previous planning permit application for demolition (TP/68/2013) was submitted in 2013, similarly without any proposal(s) for the future use of the site. This planning permit application for demolition was refused by Council in February 2014 for the following reasons:

- The demolition would create a negative impact on the heritage streetscape along Gray Street.
- The demolition is contrary to the relevant overlay and policies in the Southern Grampians Planning Scheme
- The applicant has offered no supporting documentation for the demolition of the building

A subsequent application was lodged for the same purposes in 2015. Requests for further information were sent to the applicant who put the matter on hold because of other works being undertaken.

**9.5 Planning Permit Application – TP/010/2016 – Flint Architects (Vic) Pty Ltd – 213 Gray St, Hamilton (cont'd)**

The application was notified to the public after the RFI was responded to by the applicant in February 2016.

**Council Plan 2013 - 2017**

**Objective 1. Leadership and Good Governance**

**Outcome 1.1 Soundly Based Decisions**

- Strategy 1.1.1 - Base decisions on the highest available level of professional advice and expertise
- Strategy 1.1.2 - Develop and enact policies, plans and strategies to ensure consistency in decision making

**Objective 2. Foster Population and Economic Growth**

**Outcome 2.1 Strong economic performance that supports population growth**

- Strategy 2.1.1 - Understanding the complexity of our economy to anticipate and respond to future trends
- Strategy 2.1.5 - Support and encourage social and economic development in all our settlements

**Outcome 2.2 Identifying and preparing for growth**

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

**Policy /Strategy/ Legal/ Statutory**

Pursuant to Clause 43.01-1 of the Heritage Overlay, a planning permit is required to demolish or remove a building.

In assessing the application, the Council as Planning Authority must consider the following:

Built Environment and Heritage – Heritage - Clause 15.03-1 (Heritage Conservation)

Built Environment – Clause 21.05-1 – Objectives - To enhance the presentation of streetscapes, main streets, and entrances

Heritage – Clause 21.05-2 – Objectives – To protect and enhance places of Aboriginal, natural and cultural heritage significance

Vision statement, integrated objectives, and municipal framework – Clause 21.01-5 – Objective - Protect and promote the cultural and environmental heritage of the Shire

Shopfronts and Verandahs – Clause 21.05-3 – Objective – To protect and enhance the historic character and unique appearance of shopfronts and verandahs in individual buildings, streetscapes and areas

Local Areas – Clause 21.10-1 – Hamilton – Built Environment and Heritage

Clause 43.01 Heritage Overlay applies to this application. The relevant purpose of the Heritage Overlay is:

**9.5 Planning Permit Application – TP/010/2016 – Flint Architects (Vic) Pty Ltd – 213 Gray St, Hamilton (cont'd)**

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.

**Social / Economic / Environmental**

The proposal will have negative social impacts on the township of Hamilton if this site were to be cleared and no development was undertaken to replace this building. A piece of Hamilton history would be lost and the attractive character of Hamilton's retail precinct will be diminished by the gaping hole it will leave.

The construction and use of a new building could be economically positive to this end of Hamilton's CBD but the applicant has not submitted any alternative proposal other than demolition.

**Financial / Risk Management**

Potential Financial and other Risks involved in the statutory assessment of Planning Permit Applications under the Planning & Environment Act 1987 are managed and mitigated, by the following measures:

- Assessment is undertaken by suitably qualified and experienced staff, as recognised by the Planning List of VCAT;
- Applications are referred to suitably qualified and experienced officers and consultants, for specialist advice, to inform the assessment made by the delegate or Council;

**Discussion**

Please refer to the attached copy of the Planning Assessment Report TP/56/2015 (attachment 1).

A key element of the officer's recommendation as indicated in the assessment report is that:

"The George Hotel is located within heritage overlay HO346 which pertains to the Hamilton Central Business District. The building itself is not an individually listed building of significance under the heritage overlay. However, the building still plays an important part in the Gray Street streetscape and the history of the Hamilton Township. This heritage precinct examines the streetscape element of heritage significance, in this instance the building's facade.

Within a heritage area or precinct, the main objective is to ensure conservation of elements that contribute to the area's significance. The George Hotel is still a dominant building within the streetscape and in the culture and history of the Hamilton Township".

As the application is for the demolition of the entire building without any proposal for retention or redevelopment of this area, the application does not fit within with the purpose of this overlay, which is for the retention, conservation, and enhancement of the elements which contribute to the significance of the heritage place.

In this instance, the significance of the heritage place is the streetscape along Gray Street, even though the façade has been altered from the original 1938 Seabrook and Fildes façade, Council's heritage adviser states that the section fronting Gray Street makes substantial contribution to the character and scale of Gray Street.

**9.5 Planning Permit Application – TP/010/2016 – Flint Architects (Vic) Pty Ltd – 213 Gray St, Hamilton (cont'd)****Community Engagement**

Community consultation and engagement, was undertaken in accordance with Section 52 and Section 55 of the Planning & Environment Act 1987

**Communication of Decision**

Communication of a Decision must be accordance with the following Sections of the Planning & Environment Act 1987: Ss 58, 60, 63[to the Applicant], 67, 68, 70, 76A [to Referral Authorities], 83A [to any Objectors].

**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 of this Council Report – Mark Marziale, Acting Manager, Planning.

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

Author of the Planning Assessment Report TP/56/2015 – Michelle Keen, Senior Planner.

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

**Recommendation**

That Council as the responsible authority having considered all matters which the Planning and Environment Act 1987 requires it to consider, issue a *Notice of Refusal to Grant a Permit* in respect of the land known and described as 213 Gray Street, Hamilton; (Lot 1 on TP126442B; formerly known as Pt CA 14, Section 1, Township of Hamilton, Parish of Hamilton North), for the demolition of existing building for the following reasons:

- 1 The proposed demolition of the building known as the George Hotel, is inconsistent with the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies and particularly the relevant Heritage overlay HO 346.
- 2 The proposed demolition would adversely affect the cultural significance of the locality, by the proposed removal of the Hotel's contribution to the character and scale of Gray Street and the Hamilton Central Business District streetscape.
3. The proposed demolition of the George Hotel is contrary to the objectives of the heritage overlay HO346 which pertains to the Hamilton Central Business District.
4. The application has not included any designs or proposal for any replacement building, or related supporting documentation for consideration with, or to inform the proposed demolition of the existing building that might otherwise have made a positive contribution to the Heritage Overlay precinct.

**9.5 Planning Permit Application – TP/010/2016 – Flint Architects (Vic) Pty Ltd – 213 Gray St, Hamilton (cont'd)**

**Cr Dawson/Cr Armstrong**

**Council, as the responsible authority, having considered all matters required by the Planning and Environment Act:**

- 1. Decides to issue a Notice of Decision to grant a permit in respect of the land described as 213 Gray Street, Hamilton, for the demolition of the existing building with the appropriate conditions.**
- 2. Delegates the responsibility to the Director Shire Futures to prepare and develop the appropriate conditions to be attached to the Notice of Decision and Permit.**

**CARRIED**

**Cr Colliton returned to the Chambers at 6.25pm.**

10.1 ASSEMBLY OF COUNCILLORS RECORD

10.2 TEMPORARY ROAD CLOSURES AND STREET PROCESSIONS

10.3 LIQUOR CONTROL ACT REFERRALS

10.4 TENDERS ACCEPTED BY THE CHIEF EXECUTIVE OFFICER UNDER DELEGATED  
AUTHORITY

10.5 PLANNING REPORT

10.6 BUILDING SERVICES REPORT



**10.1 ASSEMBLY OF COUNCILLORS RECORD**

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

- Councillor Briefing Session – 30 March 2016
- Council Meeting – 9 March 2016

**10.2 TEMPORARY ROAD CLOSURES AND STREET PROCESSIONS**

There following applications were received during the past month for the temporary closure of roads and streets and/or the conduct of street processions:

- Balmoral Lions Club Easter Market - temporary closure of Glendinning Street Balmoral between Stirling and Fairbairn Streets on 26 March between 8.00am and 2pm.
- Coleraine RSL - temporary closure of Whyte Street Coleraine between Winter and Henty Streets on 25 April, 2016 between 6.00am and 7.30am and also between 9.30am and 11.30am.
- Hamilton RSL - temporary closure of Gray Street, commencing at Kennedy Street at 9.45am turning left into Brown Street to Lonsdale Street, finishing at the Cenotaph at 11am on Monday 25 April, 2016.
- Balmoral RSL - temporary closure of Glendinning Street, Balmoral between 10.00am and 12.00pm on Monday 25 April, 2016.
- Mr Johnny Lovett – street procession in Gray Street, Hamilton, commencing at the corner of Gray and Thompson Streets on Wednesday 16 March at 10.00am to commemorate the 100 year anniversary of Indigenous men enrolling in World War 1.
- Walk of Witness - street procession on 25 March, from 10.00am for the Walk of Witness procession.
- Hamilton Performing Arts Centre - temporary closure of Gray Street, Hamilton, between Tosca Brown's and the old Fire Station on Sunday 24 Paril from 10.00am to 10.00pm for the Ansett AFlight event.

**10.3 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.

**10.4 TENDERS ACCEPTED BY THE CHIEF EXECUTIVE OFFICER UNDER DELEGATED AUTHORITY**

There were no tenders accepted by the Chief Executive Officer under delegated authority for the month of March 2016.

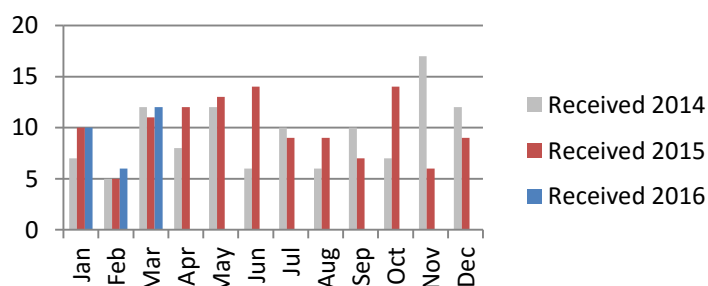
10.5 Planning Report

Delegated Planning Permits

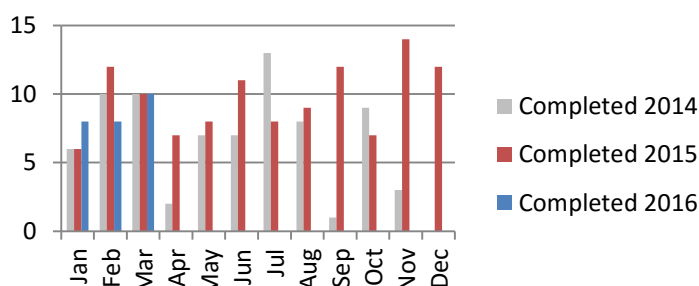
The following delegated decisions were made and planning permits issued for March, 2016.

Description	Location	Date of Decision	Decision within Statutory time?
Building and Works to establish a 24 hour, 7 day a week gym service	43 Cox Street HAMILTON	4/03/2016	Yes
Removal of Native Vegetation (2 River Red gums and buildings and works to construct a dwelling, carport and garage	25 Macarthur Street DUNKELD	4/03/2016	Yes
Seven (7) lot subdivision on 8 titles	271 Bulart Road BULART	4/03/2016	No
Proposed two (2) lot subdivision of two (2) existing Titles	111 Bell Street PENSHURST	9/03/2016	No
Buildings and Works for the construction of a new garage and shed to be used for the storage of domestic items, associated with the dwelling	110 Jennings Road HAMILTON	4/03/2016	Yes
Buildings and Works for the construction of a garage	23-27 Woodburn Street DUNKELD	15/03/2016	Yes
Buildings and Works for the construction of an open sided carport for use as storage of vehicles and two shipping containers to be used as storage	14 Bell Street BALMORAL	31/03/2016	Yes
Buildings and Works for 2 x bay extension to existing machinery shed	97 Fairburn Street DUNKELD	18/03/2016	Yes
To erect aluminium business identification signage 900 x 600 cm	23-27 Woodburn Street DUNKELD	15/03/2016	Yes

**New Planning Applications Received**



**New Planning Applications Completed**



### 10.6 *Building Services Report*

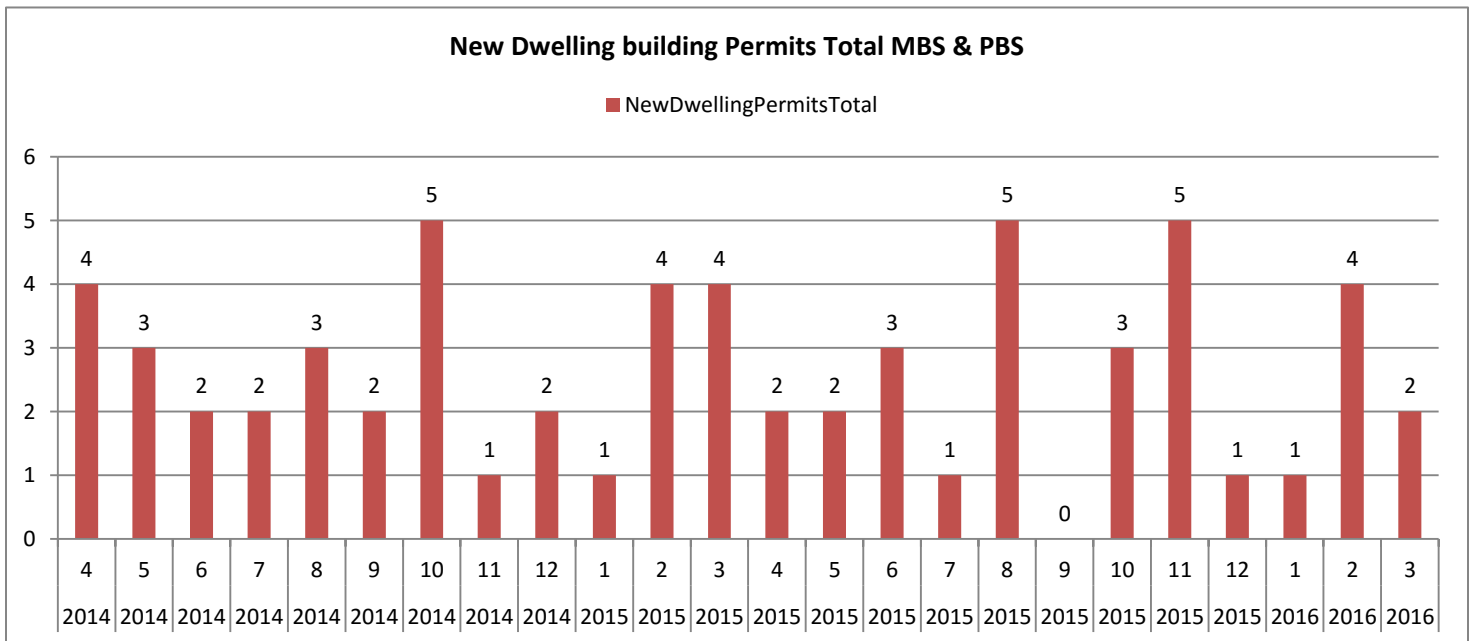
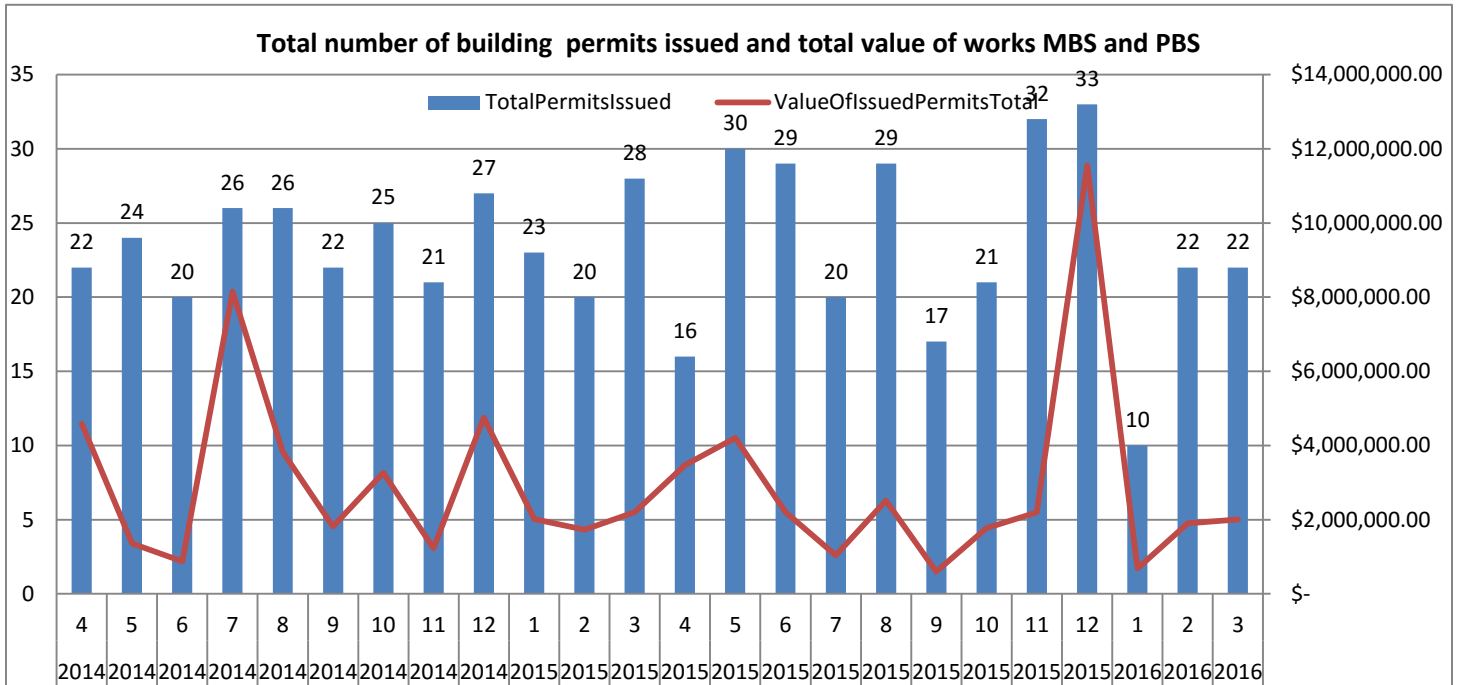
The below graphs provide trend data relating to Building Permits over the last 2 years (by value and number of permits) and the number of new dwelling permits.

The total value of 11 Permits issued by the Municipal Building Surveyor for February, 2016 was \$1,693,135.

The total value of 11 Permits issued by Private Building Surveyors for March, 2016 was: \$315,067.

Total value of Building works for March, 2016 = \$2,008,202.

The Municipal Building Surveyor also issues building permits outside Southern Grampians Shire. Since June 2015, 14 permits have been issued with a total value of building works of \$2,378, 320. Eleven permits have been issued in Glenelg Shire and 3 permits have been issued in Ararat Rural City.



**Recommendation**

That items 10.1 to 10.6 as listed above be received.

**Cr Calvano/Cr Battista**

That items 10.1 to 10.6 as listed above be received.

**CARRIED**

Cr Paul Battista has given notice of intention to move the following motion:

### **Motion**

"That Southern Grampians shire ceases membership with the Great South Coast Group effective from the date of this meeting."

"The Mayor advise in writing of Councils decision to the current Chair Councillor Colin Ryan."

### **Background**

The Great South Coast has been involved in advocacy issues for the Southern Grampians Shire Council and we thank them for their work but now must look at different Regional models to move forward our Advocacy aligned to the Port of Portland and Henty Hwy.

#### **Council Plan:**

As part of Good Governance, Council needs to review its memberships and performance these groups from time to time.

#### **Financial Risk:**

With other councils removing their membership, Southern Grampians Shire Council will need to pay higher subscriptions and risks financial burden of liability for the executive.

### **Cr Battista/Cr Calvano**

1. **That Southern Grampians shire ceases membership with the Great South Coast Group effective from the date of this meeting.**
2. **The Mayor advise in writing of Councils decision to the current Chair Councillor Colin Ryan.**

**LOST**

**A division was called**

<b>DIVISION</b>	
<b>FOR</b>	<b>AGAINST</b>
<b>Cr Battista Cr Calvano</b>	<b>Cr Armstrong Cr Colliton Cr Dark Cr Dawson</b>

There were no Councillor Delegates Reports for March 2016.

**Recommendation:**

That the following items be considered in Closed Council as it deals with matters specified in Section 89 (2) (d) of the Local Government Act 1989.

- 13.1 Hamilton Regional Livestock Exchange Development Stage 2 Tender Evaluation Report
- 13.2 Tender No. 03 / 16 Design and Construction Contracts for Bridge Design and Maintenance Works – Tender Evaluation Report
- 13.3 Tender no. 1104 / 15 - Provision of Road Stabilisation Services - Over Expenditure on Contracted Amount

**Cr Calvano/Cr Battista**

**That the following items be considered in Closed Council as it deals with matters specified in Section 89 (2) (d) of the Local Government Act 1989.**

- 13.1 Hamilton Regional Livestock Exchange Development Stage 2 Tender Evaluation Report**
- 13.2 Tender No. 03 / 16 Design and Construction Contracts for Bridge Design and Maintenance Works – Tender Evaluation Report**
- 13.3 Tender no. 1104 / 15 - Provision of Road Stabilisation Services - Over Expenditure on Contracted Amount**

**CARRIED**

This concludes the business of the meeting.

Meeting closed at 7.03 pm.

Confirmed by resolution this 11<sup>th</sup> day of May 2016.

.....  
Chairman



# RECORD OF ASSEMBLY OF COUNCILLORS



(Section 80A Local Government Act)

<b>Date of Assembly:</b> 9 March 2016	
<b>Description of meeting (eg Councillor Briefing, Name of Committee or Group)</b> Council Meeting	
<b>Councillors in Attendance:</b> Cr Peter Dark Cr Paul Battista Cr Dennis Dawson Cr Bruach Colliton	Cr Albert Calvano Cr Cathy Armstrong Cr Katrina Rainsford
<b>Council Staff in Attendance:</b> Bruce Davidson Bronwyn Herbert Michael McCarthy	Aten Kumar Megan Kruger
<b>Matters Considered:</b> 1. Coleraine Quarry 2. Election Period Policy 3. Financial Statements to 29 February 2016 – 2015/16 Budget 4. Audit Committee	5. Planning Delegation Committee 6. Beerhseba Park – Renaming Request 7. Proposed Street Name Change – Renaming Southern Section of Young Street, Hamilton which runs north off Digby Road as “Green Street”

<b>Conflict of Interest</b>	
<b>Councillor’s Name</b>	<b>Councillor Left Assembly While Matter Being Considered</b>
	Yes/No
	Yes/No

# RECORD OF ASSEMBLY OF COUNCILLORS



(Section 80A Local Government Act)

<b>Date of Assembly:</b> 30 March 2016	
<b>Description of meeting (eg Councillor Briefing, Name of Committee or Group)</b> Council Briefing	
<b>Councillors in Attendance:</b> Cr Peter Dark Cr Paul Battista Cr Dennis Dawson	Cr Albert Calvano Cr Cathy Armstrong
<b>Council Staff in Attendance:</b> Michael Tudball Bronwyn Herbert Bruce Davidson	Aten Kumar Michael McCarthy Megan Kruger
<b>Matters Considered:</b> 1. Kitset Building Update 2. Directoate Updates 3. Glenelg Regional Hockey Association Clubroom Proposed Development 4. Governance and Transparency Paper	5. Councillor Delegate Reports 6. Matters Raised by Councillors 7. Councillor Nominations for Functions and Other Requests

<b>Conflict of Interest</b>	
<b>Councillor's Name</b>	<b>Councillor Left Assembly While Matter Being Considered</b>
	Yes/No
	Yes/No