



Southern Grampians
SHIRE COUNCIL

Council Meeting Minutes

Unscheduled Council Meeting
30 November 2022

Held in Council Chambers,
5 Market Place, Hamilton
at 5:30pm.

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This Meeting Opened at 5:30pm.

1. Present

Councillors

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

Officers

Mr Tony Doyle, Chief Executive Officer
Mr Kevin Leddin, Acting Director Community and Corporate Services
Mr Brett Holmes, Acting Director Infrastructure and Sustainability
Ms Belinda Johnson, Acting Director Planning and Development
Ms Tania Quinn, Acting Governance Coordinator
Mr Daryl Adamson, Manager Shire Strategy and Regulation

2. Welcome and Acknowledgement of Country

The Mayor, Cr Robertson 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."

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3. Prayer

Cr Calvano led the meeting in a prayer.

"Almighty god, we humbly beseech thee to vouchsafe thy blessing upon this council.

Direct and prosper its deliberations to the advancement of thy glory and the true welfare of the people of the Southern Grampians shire."

4. Apologies

5. Declaration of Interest

Cr Henry declared a conflict of interest in item 8.1.

6. Questions on Notice

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

7. Public Deputations

There were seven Public Deputations listed on tonight's agenda.

7.1 Maree Willis – TP/136/2021

A Request to Make a Deputation was received regarding Item 8.1 – Planning Application TP/136/2021 - Mt Baimbridge Road, Hamilton

7.2 Mark Bristow – TP/136/2021

A Request to Make a Deputation was received regarding Item 8.1 – Planning Application TP/136/2021 - Mt Baimbridge Road, Hamilton

7.3 Heath Addison – TP/136/2021

A Request to Make a Deputation was received regarding Item 8.1 – Planning Application TP/136/2021 - Mt Baimbridge Road, Hamilton

7.4 Ian Hartley – TP/136/2021

A Request to Make a Deputation was received regarding Item 8.1 – Planning Application TP/136/2021 - Mt Baimbridge Road, Hamilton

7.5 Naomi Smith – TP/136/2021

A Request to Make a Deputation was received regarding Item 8.1 – Planning Application TP/136/2021 - Mt Baimbridge Road, Hamilton

7.6 Heinz de Chelard – TP/136/2021

A Request to Make a Deputation was received regarding Item 8.1 – Planning Application TP/136/2021 - Mt Baimbridge Road, Hamilton

7.7 Joint Letters – TP/136/2021

Council received two Joint Letters to be table in relation to Item 8.1 – Planning Application TP/136/2021 - Mt Baimbridge Road, Hamilton

8. Management Reports

8.1 Planning Application TP/136/2021 - Mt Baimbridge Road, Hamilton

Directorate: Belinda Johnson, Acting Director Planning and Development
Author: Anita Collingwood, Senior Statutory Planner
Attachments: 1. Application Documents; 2 Conditions and Notes

Executive Summary

Planning application TP/136/2021 seeks approval for the Use and Development of a Place of Assembly on Lot 1 on TP 164431, Mt Baimbridge Road, Hamilton. The use proposed would accommodate the usual services and activities of Grace Fellowship church, as well as funerals, weddings and other events. The Applicant seeks to utilise the premises for the benefit of the community. To support this use, a main building with auditorium, office, creche, class rooms and other functional spaces is required, as well as a shipping container and shed for storage. Car parking is to be provided within the boundaries of the site and include accessible spaces close to the main building. Wastewater is to be treated on-site to current industry standards. The site is connected to reticulated electricity but not reticulated water. Stormwater from the development will be retained within water tanks and used on-site.

Following notice of the application to surrounding land owners and occupiers, 19 written objections and 22 submissions in support of the application were received. A consultation meeting was held in January 2022 to discuss the key issues of the application and, subsequently, the Applicant has proposed some amendments. The key issues raised in the objections relate broadly to: the proposed land use, amenity impacts including dust, light, noise and traffic, neighbourhood character, other impacts on existing residents and the Eastern Barred Bandicoot population, hours of operation, water and wastewater management, traffic and road safety, the consultation process and property values.

The merits of the application have been assessed against the relevant Planning Scheme policy and provisions and the proposal is considered to be an acceptable planning outcome. It is recommended that Council issue a Notice of Decision to Grant a Permit with conditions which will assist in mitigating the issues raised and ensure the use and development are carried out in a suitable manner.

Proposal

The application seeks a permit for the use and development of land for a place of assembly. A permit is required under the following provisions:

- Clause 35.03-1 Rural Living Zone (RLZ): A permit is required to Use the land for a Place of Assembly
- Clause 35.03-4 RLZ: A permit is required to construct buildings and carry out works associated with a use in Section 2 of Clause 35.03-1.
- Clause 52.05-13 *Signs*: A permit is required to construct and display signs.

Details of the proposal are provided as follows –

Use of land for a place of assembly

The proposed use has the following components:

- Weekly church services
- Regular and occasional meetings, group breakfasts, ‘working bees’ and other church activities

- Weddings
- Funerals
- Other functions and activities as required.

The proposed days and hours of operations are:

- Sunday to Saturday 9AM to 10PM

Maximum number of occupants is proposed to be controlled through the Certificate of Occupancy issued under the *Building Regulations 2018* however an indicative cap of 200 people is proposed for the purpose of calculating wastewater and car parking rates.

Buildings and works

The proposed place of assembly or worship centre is approximately 900 square metres and contains a 165 square metre area worship area and designated areas for children's ministry, creche, offices, kitchen and bathroom facilities (refer Figure 1 – Floor plan). The worship centre has an overall height of 5.9 metres with 18 degree pitched roof. The centre is proposed to be constructed of materials suitable for the Bushfire Prone Area including steel framing with large areas of glazing and corrugated cladding (refer Figure 2 – West elevation and Figure 3 – West elevation render). The building is generally modern in design and features a large cross on the western elevation.

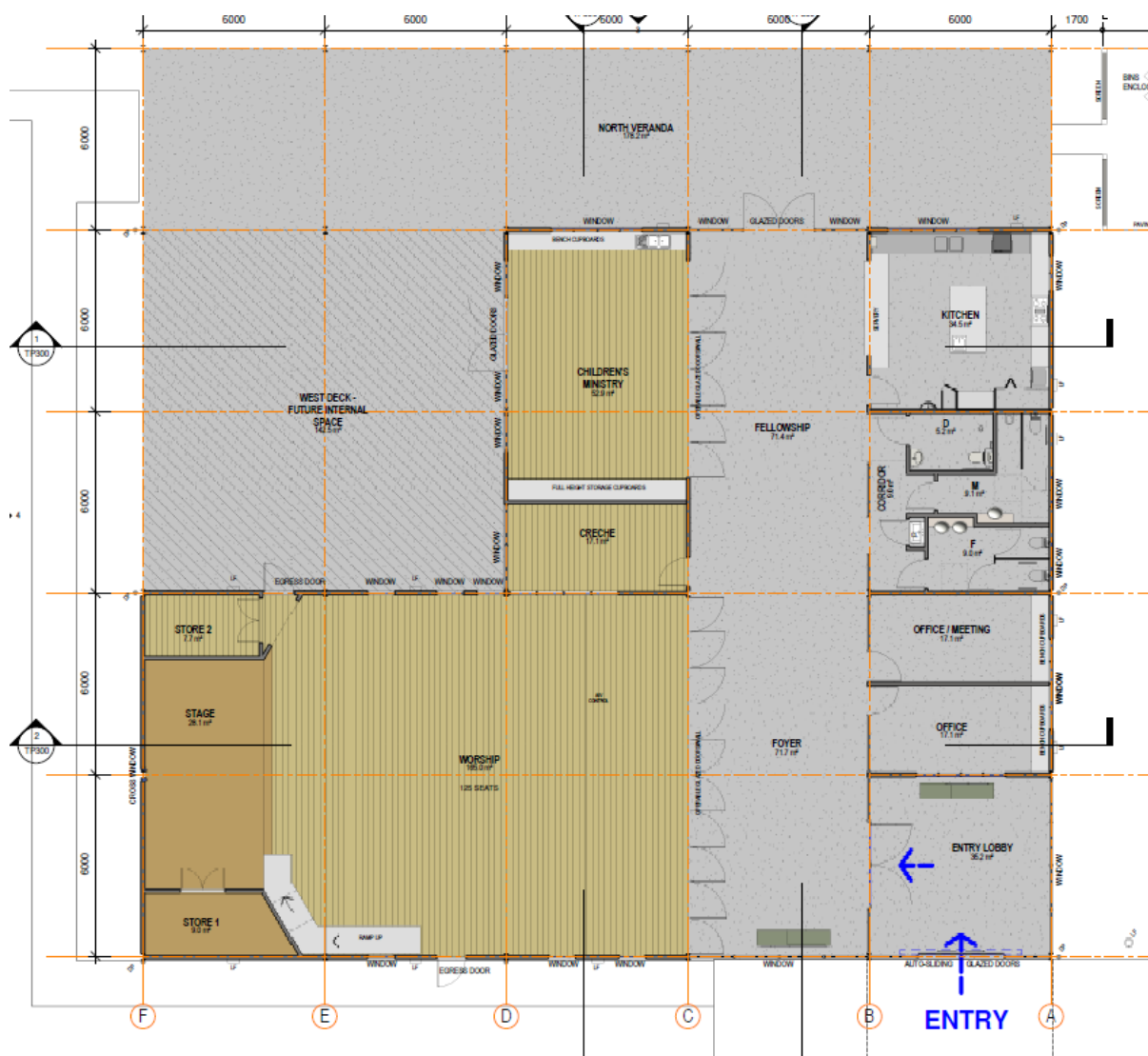


Figure 1 Floor Plan of Main Building

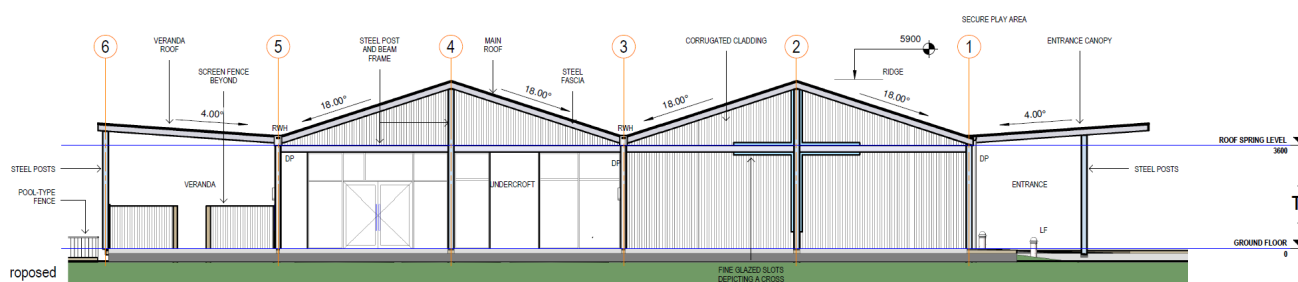


Figure 2 West Elevation of Main Building

The worship centre is proposed to be accessed via a new 7-metre wide crossover to Mt Baimbridge Road. Car parking is located south of the building entrance (26 spaces and 4 accessible spaces) in Car Park 1 and the remaining 36 spaces car parking spaces in Car Park 2 to the west. Both car parking areas are proposed to be constructed of a material called 'Scoria Lime' which is water permeable and sourced locally.

Two outbuildings are proposed – a shed measuring 8 metres by 14.6 metres located towards the west site boundary (located 8.5 metres off the boundary), and a shipping container for

temporary storage located in the north west site corner (6.10 metres in length x 2.44 metres width x 2.59 metres height). The shipping container will be on a crushed rock base.

A fenced childrens playground is provided to the rear of the main building, and water tanks, septic tanks and areas of landscaping are also provided.



Figure 3 West Elevation Render

Signs

Three signs are proposed to be installed, including:

- Sign 1 - Main Location Sign - A splayed, two-way sign inside the boundary fence.
- Signs 2 – Two Approach signs – Located inside the boundary, 60m either side of entrance.

An example of one of the signs is shown in Figure 4. All signs utilise the same colour scheme in different sizes and configurations.

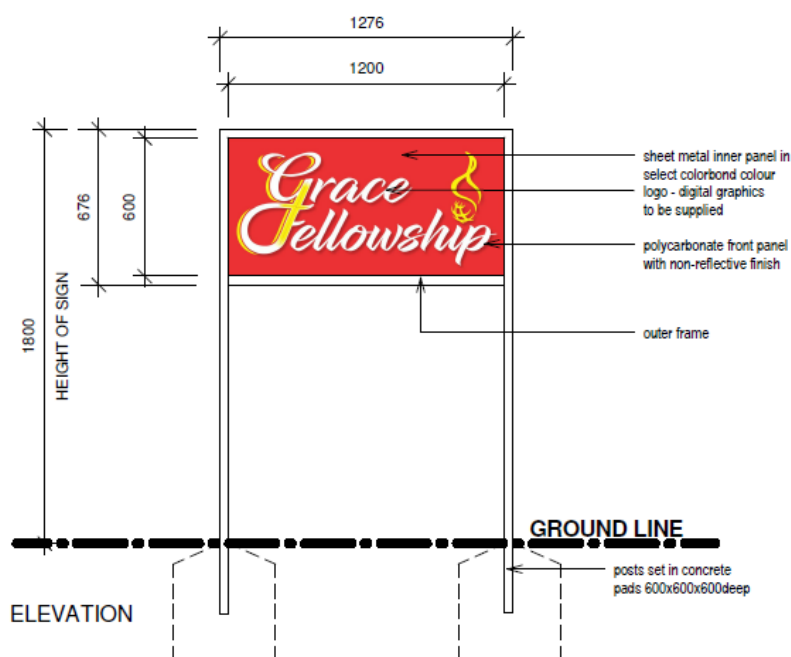


Figure 4 Main Sign Elevation

Subject site and locality

The site has a total area of 23,357 square metres and currently contains native trees and a small dam. The site has a gradual fall east to west.



Figure 5 Aerial View of the Site

The main site/locality characteristics are:

- Access from Mt Baimbridge Road.
- The subject site is located approximately 4km north of central Hamilton, the nearest township.
- Hartwicks Reservoir is located approximately 2km to the northeast of the subject site.
- Hamilton Community Parkland is located just east of the site on Marshall Road and accommodates a bandicoot enclosure.
- The surrounding area has a rural landscape, with scattered buildings.
- Land north of Beveridges Road comprises larger lots used primarily for agriculture.

Referrals

Referrals and notices required by the Planning Scheme:

Referrals/Notice	
Section 55 Referrals	Comments
Wannon Water	No objection. Not in the locality of reticulated water and sewerage.
Section 52 Notice	Comment

Environment Protection Authority	No objection. Note to be placed on a permit regarding EPA permission required if wastewater system is greater than 5000lt/day.
Department of Environment, Land Water and Planning	No objection. Conditions provided to assist the protections of biodiversity.
Internal Council Referrals	Comments
Engineering Services	No objection subject to conditions.
Biodiversity	No objection. Recommends a flora assessment be undertaken as there may be native grass on the site. Tree protection required when development starts.
Environmental Health	Recommend approval if conditions are included on the permit.

Planning Framework

The Planning Policy Framework (PPF), gives direction supporting the objectives of planning in Victoria (as set out in Section 4 of the *Planning and Environment Act 1987*) and are fostered through appropriate land use and development policies and practices. The Southern Grampians Planning Scheme provides the following relevant Policies and Clauses that relate to this proposal.

Clause 00 Purpose and Vision

Clause 01 Purposes of this Planning Scheme

The purpose of the Southern Grampians Planning Scheme is to provide a clear and consistent framework within which decisions about the use and development of land can be made, to express state, regional, local and community expectations for areas and land uses and to provide for the implementation of State, regional and local policies affecting land use and development.

Clause 02 Municipal Planning Strategy

- Clause 02.01 Context
- Clause 02.02 Vision
- Clause 02.03-1 Settlement
- Clause 02.03-5 Built environment and heritage

Clause 10 Planning Policy Framework (PPF)

Clause 11 Settlement

- Clause 11.01-1S Settlement
- Clause 11.01-1R Settlement – Great South Coast
- Clause 11.03-6S Regional and local places
- Clause 11.03-6L Hamilton

Clause 12 Environmental and Landscape values

- Clause 12.01 Biodiversity
- Clause 12.01-1S Protection of biodiversity
- Clause 12.01-2S Native vegetation management

Clause 13 Environmental risks and amenity

- Clause 13.01 Bushfire

- Clause 13.02-1S Bushfire planning
- Clause 13.05 Noise
- Clause 13.05-1S Noise abatement
- Clause 13.07-1S Land use compatibility

Clause 15 Built environmental and heritage

- Clause 15.01 Built environment
- Clause 15.01-1L Sign Design
- Clause 15.01-3S Subdivision design

Clause 17 Economic Development

- Clause 17.03-1S Industrial land supply

Clause 19 Development Infrastructure

- Clause 19.03-4S Social and cultural infrastructure

Zoning

Clause 35.03 Rural Living Zone

The purpose of the Rural Living Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for residential use in a rural environment.
- To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.
- To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Use of the land for a Place of assembly is a Section 2 use and therefore requires a planning permit. Buildings and works for a Section 2 use also require a planning permit.

Overlay/s

Clause 43.04 – Development Plan Overlay Schedule 3

The subject site is located within the Development Plan Overlay Schedule 3. The purpose of this overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.
- To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.

An outline development plan has been endorsed by Council pursuant to Clause 4.0 of Schedule 3 to the overlay. A snapshot of the plan is provided below, with the subject site highlighted in yellow.

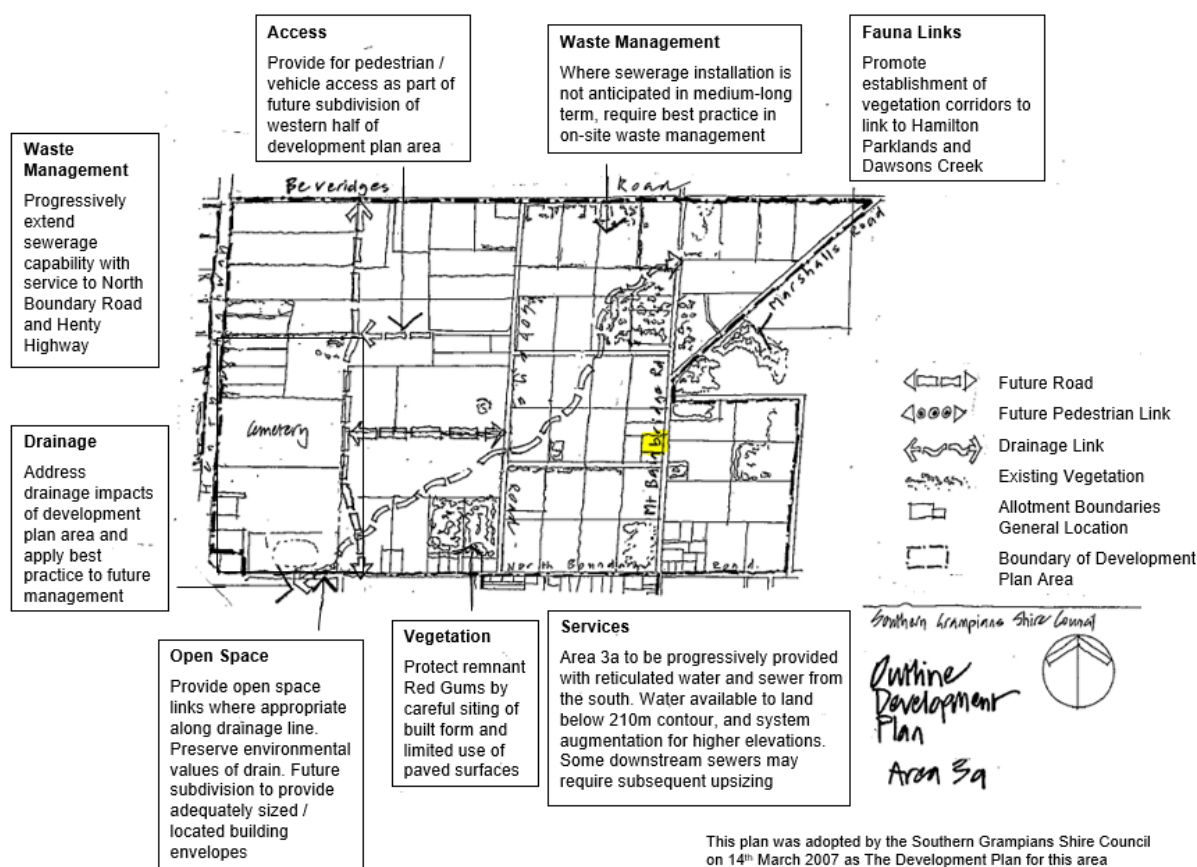


Figure 6 Outline Development Plan - Area 3a

Clause 3.0 of the schedule sets out conditions for any permit issued. Of these, the relevant requirement is for the site to be connected to reticulated water.

Relevant Particular Provisions

Clause 52.06 Car Parking

Before a new use can commence, car parking is required to be provided at the rate specified in the scheme. An application can be made to waive or vary this requirement.

Clause 52.34 Bicycle facilities

A new use must not commence until the required bicycle facilities have been provided on the land.

Clause 52.06 Signs

A permit is required to display signs.

General Provisions

Clause 65 Decision guidelines

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause. Before deciding on an application or approval of a plan, the responsible authority must consider Clause 65.01 *Approval of an application or plan*.

Discussion

An assessment of this proposal against the relevant provisions of the Southern Grampians Planning Scheme has been undertaken. The proposal involves application of the principles of integrated decision making, which requires conflicting objectives in favour of net community benefit and sustainable development. The application has been considered against the relevant policy and provisions of the Planning scheme, set out as follows:

Policy

Planning Policy has a number of objectives relevant to the consideration of this application, in particular it:

- Promotes access to social and cultural infrastructure.
- Protects community amenity while facilitating other uses.
- Seeks to protect biodiversity values.
- Seeks a high standard of design in rural areas.

Clause 11.03-6 Hamilton implements the Hamilton Structure Plan with the objectives including to create a liveable, beautiful, well planned and sustainable city. The Strategies have relevance to this application including:

- Provide wildlife corridors through open space and protect vegetation to allow for ease of movement for native species, including the Eastern Barred Bandicoot.
- Protect existing canopy trees, particularly in areas with key landscape character such as heritage precincts, the central business district, Hensley Park and Robsons Road.
- Protect the Rural Living zoned area north of North Boundary Road and south of Glenelg Highway (Ballarat Road) for long term residential growth by restricting subdivision and incompatible uses.

Further guidance and policy are provided for Council to consider the compatibility of a use, in particular at Clause 13.07 Land use compatibility:

- Ensure that the use or development of land is compatible with adjoining and nearby land uses.

Clause 13.05 contains particular policy relating to noise abatement that is relevant in this assessment that has the objective:

- To assist the control of noise effects on sensitive land uses.

The application was accompanied by an acoustic report (prepared by Waveform Acoustics, dated 6 January 2021) and a planning report which provides data on the typical noise levels in the area and what is considered to be an acceptable noise level for the site. Live music and other amplified noise should not occur late in the evenings through to 9am so that neighbours' sleep is not disturbed and the acoustic expert recommends outdoor events only be held with the further written consent of the Responsible Authority. The acoustic assessment supports the approval of the proposal from a noise perspective as noise pollution can be mitigated to a suitable level. It is recommended the recommendations on page 9 of the report be implemented to minimise noise disturbance to surrounding properties.

Further discussion and assessment of amenity impacts is provided below, however in considering the Planning Policy Framework it is recommended that the use of the land for a place of assembly be limited to those activities that can be appropriately managed for impacts

to amenity. This includes limiting the use of the land to the use by the church members and not for general hire to the broader community so that it does not become a function centre and limiting the use of amplification and live music late in the evenings.

Rural Living Zone

The use and development of the land requires a permit under the zone. The assessment rests with whether the proposal produces acceptable outcomes when considered against the purpose of the zone and the listed decision guidelines under Clause 35.03-5 which require consideration of 'general issues', 'agricultural issues', 'environmental issues' and 'design and siting issues'.

The Rural Living Zone contemplates residential uses and a range of agricultural, commercial, tourism and some retail uses. It is an active, working zone and not just a residential zone. Whilst amenity expectations of adjoining residents can be high, the zone allows for the approval of a limited range of uses, including a place of assembly, which do not adversely impact the amenity of surrounding uses. The suitability of the use in the proposed location is dependent on the amenity impacts proposed by the extent and intensity of the use.

It is noted that the application seeks a planning permit for use of the land for a place of assembly, however there are different components to this use in accordance with Clause 73.04-9. One component of the use is as a place of worship; the land is used for religious activities. The alternative component is the proposed use of the land for a function centre, for both receptions (weddings etc) and conferences.

Whilst the purpose of the development is to accommodate a church premises (place of worship), it is intended that the land be used to host events such as weddings and funerals for members of the church. For this reason, it is recommended that the proposed use, 'Place of assembly' be retained rather than amended to 'Place of worship'. It is considered prudent, however, that some limitation be placed on this use to ensure the use does not cause unreasonable amenity impact to the surrounding land uses, which is predominantly rural residential.

Measures proposed to mitigate amenity impacts include:

- Use of the land for members of the church and immediate family members and not for hire to the general public.
- Installation of baffled external lighting to ensure light does not spill into neighbouring land.
- Installation of air conditioning units that have sound-reducing features and situate such units away from neighbouring dwellings to reduce noise pollution to neighbours.
- No amplification of music and no live music after 10pm at night and not before 9am of a morning. Amplification of music and other noise outside of the building shall not occur without prior written consent, allowing for the occasional wedding and other event to be held outdoors.
- All wastewater to be treated and retained within the site and in accordance with current EPA standards.
- Car parking areas and accessways to be permeable to mitigate stormwater runoff to adjacent properties.
- Establishment of quick-growing and thick landscaping to provide visual screening to adjacent dwellings. Species selected should be native to Australia to ensure they are

compatible with the local climate and enhance the natural landscape, and evergreen species to ensure screening is provided all year-round.

It is proposed that patron numbers will be limited to the allowable number under the current building regulations. This is considered acceptable as suitable car parking can be accommodated for the resulting maximum of 200 patrons on-site and amenity conditions will apply.

To better manage amenity impacts and deal with any issues that may arise in future, the use of the land for hire for events is not permitted. The land must only be used for church related events and activities, including events for family members of church members (such as wedding ceremonies and funerals). This will ensure the site does not operate as a function centre in the broadest sense of the term.

Patron numbers

It is considered appropriate to limit the number of people on the site at any one time in order to ensure the amenity impacts in the rural residential area can be managed. In determining this, it is noted that in an overflow situation, up to 192 people may be seated in the worship area (as shown on Drawing Number TP105, Revision P9). It is assumed that there would be a number of other people on the site supporting the worship activity.

It is recommended that, should a permit be issued, the number of people on the site at any one time not exceed 200. This would ensure that there is sufficient car parking provided to accommodate the use and also to ensure the site can accommodate wastewater disposal.

People visiting the site will increase the traffic generated on the road network, in particular in the half hour before and for a time after the religious service on Sundays. The amenity impact of this component of the use is assessed as being minimal as the road network is capable of accommodating the 66 vehicle movements that will occur in two periods, and at other times in the week when the building is used for small meetings and gatherings. Council's Engineering department has considered the capacity of and impact to the road network and has not objected to the grant of a permit the use.

Hours of operation

The proposed hours of operation are Sunday to Saturday 9AM to 10PM. These hours are supported by the Acoustic report submitted as part of the application and will assist in maintaining the predominant residential character and noise levels of the immediate vicinity. Live music and amplified noise is proposed to be limited to inside the main building to reduce noise emitting to neighbouring properties which could cause nuisance and corresponding permit conditions have been included to address this matter.

Noise

The use of the land as a place of assembly includes the use of amplified music. The acoustic report submitted in support of the application notes that there are sensitive noise receptors (dwellings) as close as 85 metres from the building. The report notes that compliance with the relevant noise regulations (updated since the drafting of the report - now Publication Number 1826.4: Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues) can be achieved but recommends no night time use of amplification. External amplified music is not appropriate given the dwellings in close proximity to the building, and it is recommended that, should a permit be issued, conditions limit the hours of amplified noise and prevent external amplification.

Deliveries

There is likely to be delivery of goods to the site in association with the church use, but as there is no sale of goods proposed (a shop element), deliveries are expected to be infrequent and are not expected to cause detriment to the surrounding area. A drop-off/pick-up area is provided to the front of the building entry which will accommodate delivery vehicles.

Buildings and works

The Decision Guidelines of the Rural Living Zone have been considered when assessing the application for the construction of a place of assembly. The development of the buildings is considered appropriate given the proposed height and form of each building. It is recommended that the external materials of the shed be updated to a non-reflective material to reduce visual impact.

Wastewater management

The design of the place of assembly is of low scale using materials and colours commonly displayed within a semi-rural area. The building has reasonable setbacks from Mt Baimbridge Road (approximately 30 metres) and site boundaries (40 metres to the north, larger setbacks to the south and west) minimising the impact of the building on the rural landscape. The application includes the use of a shipping container for storage. The container is appropriately screened from the road network and is no more than a single storey in height and therefore lower than the canopies of surrounding trees.

A land capability assessment was provided in support of the application (prepared by Holmes McLeod), dated 22 July '20' (it is unclear whether this is intended to be 2020 or 2022). This report, according to advice from Council's Environmental Health Officer (EHO), is inadequate and does not meet the relevant requirements. Advice has been provided by the Environment Protection Authority (EPA) and Council's EHO, both advising that if the wastewater system exceeds a total expected load of 5,000L per day, EPA approval is required. This may affect the total number of patrons the site can accommodate on any given day. Permit conditions and notes will guide the applicant in meeting current wastewater requirements.

Biodiversity

The application, in particular the buildings and works and additional traffic, may have an impact on the Eastern Barred Bandicoot population that are likely to be present on and around the site. The Eastern Barred Bandicoot is a species listed as Endangered under both the state (*Flora and Fauna Guarantee Act 1988*) and Commonwealth legislation (*Environment Protection and Biodiversity Conservation Act 1999*). Comments from the Department of Environment, Land, Water and Planning (DELWP) note that the species are particularly vulnerable to construction impacts and suggested conditions be included on any planning permit issued to mitigate impacts. DELWP also noted that the proposed landscape plan (Ian Hartley Architects, dated September 2021) includes the provision of native grasses that provide habitat for the species.

Car parking and access

Clause 52.06 requires consideration of the number of car spaces associated with the use, and the design and layout of car parking. A summary of the parking requirements is provided below.

Land use	Carparking requirement	Number of patrons	Statutory car planning requirements
Place of Assembly	0.3 spaces for each patron	200	60

Figure 7 Car Parking Rates

More than 60 spaces have been provided in accordance with the parking rate and design requirements of Clause 52.06 and therefore the nominal requirements are met. The car parking areas are appropriately designed and located, with no car parking within the street frontage or located close to other boundaries. A smaller parking area closer to the building is convenient for general day to day use and quick visits (such as for cleaning, administrative and other work) and large overflow areas.

The car parking areas are provided with pole lights and pedestrian walkways can be illuminated by low bollards to provide safe access at night.

Vehicular access has been designed in accordance with the relevant design standards of Clause 52.06-9. Cars can queue within the site safely while waiting to exit the site onto Mt Baimbridge Road. The expected traffic to be generated by the use will peak on Sundays, when the morning service is held. This traffic can safely be accommodated as Mt Baimbridge is a standard, sealed road in good condition.

Council's engineering department has provided permit conditions relating to access and parking.

Bicycle parking

The plans show provision of a bicycle parking space with dimensions of 2m x 1.8m, containing two bicycle loops, spaced 1m apart to provide parking for four bicycles. This is consistent with the requirements of Clause 52.34.

Native vegetation

The application is not proposing to remove native vegetation. Native trees on site are proposed to be retained and incorporated into the design of landscaping and surrounds. No native grasses have been found on the site and only non-native grass is to be removed to accommodate the proposed development.

Signs

The subject site is within a high amenity area in accordance with Clause 52.05 for the purpose of signage. The decision guidelines of Clause 52.05 include consideration of the character of the area, the impacts on views and vistas, the relationship to the setting or landscape, and safety considerations.

There is a very limited amount of signage in the general area, and signage that is present is general small and sympathetic to the rural character of the area. The proposal has been amended to reduce the overall number of signs to be displayed and this is considered to be a suitable outcome for the site.

Sign 1 and Signs 2 are both proposed to be externally lit, however neither sign appear to present a safety hazard to motorists through internal illumination.

Bushfire Safety

The subject site is located within a designated bushfire prone area. Whilst the site is not located within the Bushfire Management Overlay and a permit is not required under the overlay, consideration should be given to the bushfire hazard.

The proposed use is considered appropriate for a bushfire prone area as it will not be inhabited on a daily basis and events can be cancelled ahead of time when the bushfire rating is high. The site has suitable access to Hamilton in the event evacuation for bushfire is required, and a water tank with bushfire fittings is proposed should such water supply be required.

Development Plan Overlay

The proposed development is generally consistent with the approved Development Plan.

Clause 3.0 of Schedule 3 to the overlay specifies that a condition of the permit must require all development to be serviced with reticulated water. Wannon Water has confirmed in writing that the site is not connected to reticulated sewer, the site is not located within a future service area and it is unreasonable for Council to require the applicant/landowner to pay for the connection of water. It is therefore considered appropriate that the site have provision of its own water supply, which has been shown on the submitted plans.

Response to objections

Conditions recommended address several of the issues raised in objections including the intensity of the use and impact on the local amenity. Several objections noted that the use is not consistent with the Rural Living Zone, however as discussed above the use is permitted by the Zone subject to assessment.

It is recommended that further screening of the site boundaries is undertaken through landscaping to provide visual separation for existing dwellings.

Other amenity impacts have been previously addressed in this report.

Concluding comments

This planning application is brought to the Council's attention because more than five submissions have been received in relation to the proposal. Council's Planning Department has prepared a recommendation of the application based on the assessment of the proposal against the Southern Grampians Planning Scheme and other relevant legislation. Council Planning officers have sought input from surrounding land users, the Department of Environment, Land Water and Planning (DELWP), the Environment Protection Authority (EPA) and various Council departments to inform the assessment of the application.

The proposal is consistent with the purpose and objectives of the zone, the Development Plan Overlay, Car Parking and Bicycle Parking provisions that apply to the land and the Decision Guidelines of the Planning Scheme which apply to all applications. The proposed development is considered to be appropriate in the context of the site and off-site and environmental impacts can be minimised with appropriate measures.

The recommendation by officers is that the application be supported and Council issues a Notice of Decision to Grant a Permit setting out the proposed conditions of approval. Should a Notice be issued, objectors to the application will have 28 days to lodge an appeal to the Victorian Civil and Administrative Tribunal (VCAT) to have the decision reviewed. Likewise, the Applicant has an opportunity to appeal any of the conditions of the permit if they are dissatisfied with Council's decision. Should the Council decide to issue a Refusal to Grant a Permit, grounds for this decision are to be included and the Applicant will have an opportunity to appeal the decision at VCAT.

Financial and Resource Implications

This application does not require any expenditure by Council.

The carrying out of the development, if approved by Council, will be at the cost of the permit holder.

Legislation, Council Plan and Policy Impacts

The Responsible Authority must act within the bounds of the *Local Government Act 2020* as relevant to the determination of the proposal and the carrying out of Council meeting procedures.

The Responsible Authority must consider the objectives of Planning in Victoria, as identified in Section 4 of the *Planning and Environment Act 1987*. These objectives consider the provision of fair, orderly, economic and sustainable use and development of land.

The Responsible Authority must consider the Hamilton Structure Plan which identifies land use planning strategies and infrastructure needs to guide Hamilton's development into the future.

Infrastructure Design Manual (Local Government Infrastructure Design Association, 2019)

Risk Management

The proposed use and development of the land could result in amenity impacts to surrounding land owners and occupiers. These impacts could involve noise, light and dust pollution and effects from the intensification of the use of the land.

These risks can largely be managed through operation hours, acoustic treatments, landscape screening, selective external lighting choices, on-site drainage systems and wastewater treatment systems. Conditions recommended to be included on the permit relate primarily to these risks and are enforceable as long as the permit remains valid.

Environmental and Sustainability Considerations

Stormwater captured from the development is to be re-used on-site.

Wastewater will be treated and retained within the site, as per current EPA requirements.

No vegetation is proposed to be lost as a result of the proposal.

Community Consultation and Communication

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing (a) sign(s) on-site
- SGSC Website

The notification has been carried out correctly.

Council has received 19 objections to the initial advertising of the application. The key issues that were raised in the objections were:

- Inappropriate use in the Rural Living Zone and will increase urbanisation of the area.
- Impact on local residential amenity due to noise from amplified/live music and functions.
- Impact on amenity from amplified music in the evening.
- Discrepancies in the proposed hours of operation.
- Light pollution
- Noise and dust created from vehicles entering and exiting the site.
- Conflict with the purpose of the Rural Living Zone.

- Use of the building for weddings including consumption of alcohol and loud music.
- Noise from the proposed HVAC system.
- Lack of Environmental Impact Statement
- Capacity of the proposed septic system to support the use and potential impact of effluent discharge on waterways.
- Impact of light on sensitive fauna.
- Lack of details of signage
- Traffic generated by the use will kill wildlife and reduce road safety.
- Lack of consultation and notice with local residents.
- No amelioration of direct views of the centre for existing dwellings.

Council received 22 submissions in support of the amendment. These submissions generally noted that the building in the semi-rural setting would be an asset to the Church and to the wider community of Hamilton.

A mediation meeting was held on 14 January 2022 with 18 attendees. The application and concerns of the submitters were discussed, no agreements being reached regarding the application. The permit applicant, upon advice from Council officers and in considering the concerns of objectors, has made various changes and supplied more information in support of the application. These revisions supersede previous versions of the proposal and a copy of the documents have been provided as attachments to this report.

Disclosure of Interests

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

RECOMMENDATION

That Council having caused notice of Planning Application No. TP/136/2021 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit under the provisions of Clauses 35.03, 43.04, 52.05, 52.06 of the Southern Grampians Planning Scheme in respect of the land known and described as Mt Baimbridge Road, Hamilton; Lot 1 on Title Plan 164431, Parish of Hamilton North, for the Use and Development of Land for a Place of Assembly, including buildings, works and the Display of signs in accordance with the endorsed plans and subject to the attached conditions and notes.

COUNCIL RESOLUTION

MOVED: Cr Colliton
SECONDED: Cr Brown

That;

1. Council having caused notice of Planning Application No. TP/136/2021 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit under the provisions of Clauses 35.03, 43.04, 52.05, 52.06 of the Southern Grampians Planning Scheme in respect of the land known and described as Mt Baimbridge Road, Hamilton; Lot 1 on Title Plan 164431, Parish of Hamilton North, for the Use and Development of Land for a Place of Assembly, including buildings, works and the Display of signs in accordance with the endorsed plans and subject to the attached conditions and notes.

2. The attached Conditions be amended to reflect the following changes:

Condition 5: The land must only be used for the permitted purpose in a non-commercial manner.

Condition 6: The use hereby permitted must operate between the hours of 8am and 10pm, Sunday to Saturday.

Condition 7: Be removed

Condition 34: This permit will expire if one of the following circumstances applies:

- a) The approved development does not commence within two years of the date of this permit; or
- b) The approved development is not completed within four years of the date of this permit;
- c) The approved use is not commenced within four years of the date of this permit, or
- d) The approved use of the land is discontinued for a period of two years.

In accordance with section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.

CARRIED

8.2 Road Management Plan 2021 – 2025

Directorate: Marg Scanlon, Director Infrastructure and Sustainability
Author: John Finnerty, Manager Assets
Attachments: Road Management Plan 2021-2025

Executive Summary

Council's Road Management Plan (RMP) is reviewed every four years in accordance with section 8(3) of the *Road Management (General) Regulations 2016*. The 2021 review was undertaken and amendments were made to the RMP. This report recommends the formal adoption of those amendments.

The RMP details Council management of the road assets that are included in Council's Register of Public Roads. This plan includes the standards for inspection intervals and response times as well as the management systems which Council will implement to ensure that its responsibilities within the *Road Management Act 2004* (the Act) are met. The demand for road asset maintenance is managed within annual Council budget allocations.

A review of the RMP was completed and this was presented to Council. The draft RMP has now completed advertising for public submissions in accordance with the Road Management (General) Regulations 2016, including a notice in the Government Gazette and posts on social media platforms.

After the public consultation phase no submissions were received. It is, therefore, recommended that Council adopts the Road Management Plan 2021-2025 as attached.

Discussion

It is the responsibility of Council under the Act to inspect all roads that are listed on the Register of Public Roads, and rectify road hazards such as significant potholes and damaged signs, in a timely manner with the level of resources that Council has available, to maintain a safe operating network and avoid possible public litigation. It is acknowledged that budget and resource capacities influence the response actions and timeframes that are listed for inspection and repair of the Council managed road and pathway network.

The RMP includes legislation, duty of care, classification of infrastructure, asset registers, demarcation of responsibility, standards for inspection, maintenance and repair.

Following a review of Council's RMP however minor amendments have been identified and made to the RMP, specifically these include the following specific changes;

Section 2.4

The definition of major culverts has been changed to include the same definition applied by the Department of Transport which is:

Major Culverts: A structure with a minimum span or diameter greater than 1.8m or a waterway area greater than 3m² for the primary purpose of carrying water.

The definition for bridges has been amended to apply the same definition as applied by the Department of Transport which is:

Bridges: A structure with a minimum span or diameter greater than 1.8m or a waterway area greater than 3m² for the primary purpose of carrying a road or path over an obstacle. With the exception as provided in clause 40(1)(f) and subject to clauses 11(3)(a) and 15 of the Road Management Act.

The definition for kerb has been amended to separate it from pathways as a surface when they are connected as follows:

Kerb means a raised edge normally to a road or pavement, and will commonly connect to a pathway, nature strip, median strip or traffic island as examples. It is normally for the purpose of drainage, and can be made of concrete, stone or brick.

Section 4.7.3

The definition for overhanging vegetation has been simplified to remove any doubt and refers to Council's Local Law No.1:

Private vegetation is maintained in accordance Under Council's Local Law No.1 of 2015 (97) which, in summary, stipulates that an owner or occupier of land must not cause or allow any obstruction to interfere with pedestrian or vehicular traffic.

Section 5.1.3 and Appendix 2

All references to night inspections has been removed. Night inspections will be undertaken where deemed necessary, assessed and managed to reduce risk to the public, staff and contractors. This amendment has been considered and endorsed through Councils Audit and Risk Committee.

WorkSafe has made recommendations in relation to our RMP, however these are to be worked through and updated if need be, in future reviews.

Financial and Resource Implications

Compliance with the RMP, undertaking regular planned inspections and meeting defect response times mitigates potential public liability claims. In the immediate the updated RMP does not result in any financial or resource implications as Councils compliance requirements under the RMP are managed within current budget and resource capacity.

As Council commences a review of its Asset Management Framework and associated plans, it is proposed that a long-term capital and works program will be established which will include the road and footpath network. The development of this long-term program will provide Council with the opportunity to consider various intervention levels, funding scenarios and the implications of each. A further report on these aspects will be tabled with Council mid-2022.

As a part of the long-term program various options for improved efficiencies will also be considered such as the use of digital tools for inspections, packaging of works over multiple financial years and the application of reuse materials for construction purposes.

Legislation, Council Plan and Policy Impacts

Council adopted the current RMP in December 2017 which identifies the relevant standards or policy decisions in relation to the discharge of duties including inspection, maintenance and repair of public roads for which Council has listed on its register of public roads.

Council's Road Management Plan (RMP) must be reviewed every four years in accordance with sections 8(3) of the *Road Management (General) Regulations 2016*.

Council, as a Road Authority, has a range of functions, powers and duties conferred or imposed on it through a range of legislation that includes:

- (i) The Act;
- (ii) The *Road Safety Act 1986*;
- (iii) The *Local Government Act 1989*; and
- (iv) The *Transport (Compliance and Miscellaneous) Act 1983*.

The following sections from the above legislation are particularly relevant to this Road Management Plan:

- Section 40 of the Act places a statutory duty on Council to inspect, maintain and repair public roads for which it is responsible.
- Section 205 of the *Local Government Act 1989*, requires that Council has the care and management of municipal roads within its responsibility.
- This Road Management Plan is prepared in accordance with Division 5, Sections 49 to 55 of the *Road Management Act 2004*.

This RMP is a legislative requirement and an integral part of the road management system to be implemented by Council in the performance of road management functions.

Risk Management

This updated Plan details the management system that the Council proposes to implement in the discharge of its duty to inspect, maintain and repair public roads for which the Council has on its road register.

For Council to achieve liability protection through the Act there is a legal obligation to develop and adopt an RMP. Failure to comply with the Road Management Plan, Council would be liable for full costs to the public due to injury.

It was noted that following the 2021 review of the Road Management Plan the proposed amendments from the review have not been adopted by Council, as a significant amount of time had passed the proposed amendments were readvertised to the community to provide another opportunity for input.

There were no submissions provided and the proposed amendments are now provided for Council adoption.

Environmental and Sustainability Considerations

Consistent with Council's draft Waste Management Strategy, there are various opportunities for Council to reduce waste and increase reuse through the Council managed road and footpath network maintenance and capital works. Further feasibility of these options for Council is required to ascertain the most viable option for Southern Grampians and the region.

Community Consultation and Communication

Council advertised the RMP which had been reviewed and invited submissions on the revised Plan for a period of 28 days. This has occurred through the Government Gazette (a legal requirement under the Road Management (General) Regulations 2016, a public notice in the local newspaper, and through social media platforms. Copies of the revised draft plan were made available on the website, at the Market Place and Brown Street Offices if requested.

If the RMP is adopted, notice of the adoption will need to be given in accordance with the Road Management (General) Regulations 2016 Section 13, and will need to be advertised in the Government Gazette and advertised in the local newspaper.

Disclosure of Interests

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

RECOMMENDATION

That Council:

1. Adopt the Road Management Plan 2021- 2025.
2. Give Notice of the adoption in accordance with Road Management (General) Regulations 2016, Section 13 in the Government Gazette and the Hamilton Spectator.

COUNCIL RESOLUTION

MOVED: Cr McAdam
SECONDED: Cr Rainsford

That Council:

1. **Adopt the Road Management Plan 2021- 2025.**
2. **Give Notice of the adoption in accordance with Road Management (General) Regulations 2016, Section 13 in the Government Gazette and the Hamilton Spectator.**

CARRIED

8.3 Hamilton Airport Runway Extension Safety Area

Directorate: Marg Scanlon, Director Infrastructure and Sustainability
Author: Alastair Griffiths, Project Manager
Attachments: Tender Evaluation Report

Executive Summary

The Hamilton Aerodrome has non-compliance safety issues specifically the 17/35 Runway Extension Safety Areas (RESA)s. Council secured funding to upgrade the runway to ensure the Civil Aviation Safety Authority (CASA) Code 3 certification compliance.

A CASA compliant upgrade design has been developed and tenders have been received for the earthworks and line marking portion of the construction. The remaining works elements of this project include lighting hardware and alterations and these have been procured through quotes.

The recommendation is to award Contract 51-22 to Walkers Earthmoving Pty Ltd for the Aerodrome Upgrade – Runway Emergency Safety Area (RESA) for the tendered lump sum price of \$168,970 excluding GST.

Discussion

Council became aware that the Hamilton Airport has non-compliance safety issues involving the 17/35 RESAs during the CASA airport certification process. The runway requires a compliant RESA to be constructed at either end, including changes to some runway lights and line markings.

Without the proposed works it is a possibility that Hamilton Aerodrome could be downgraded from Code 3 certification to Code 2 or at worst the instrument approaches could be lost.

The RESA is the grassed area beyond the paved runway where the consequences are minimised of aircraft overrunning, under running or rejecting take-off. These should consist of a relatively flat and well-maintained area at the same level as the runway.

To ensure the Hamilton Aerodrome runway is compliant the northern end requires minor grading and rolling to break up soil clods allowing the grass to be mowed. The southern end requires its level to be lifted to match the runway. It is proposed that this will be done with material taken from site, forming a small dam.

A CASA compliant design, including construction drawings and technical specifications was undertaken by an external consultant.

The following two tenders were received.

	Tenderer	Price	Conforming
1			No
2	Walkers Earthworks Pty Ltd	\$168,970	Yes

Tenders for the earthworks and line marking have been evaluated with one of the two tenders being non-conforming due to a failure to include answers to all of the respective questions and respond to clarifications of the submission.

The remaining tender was then evaluated by the designated evaluation panel members resulting in the following scores:

Company Name	Qualitative Score (%)	Moderated Total Price	Quantitative Score (%)	Total Score
Walkers Earthworks Pty Ltd	25.61%	\$168,970.00	40.00%	65.61%

To complete the evaluation referee checks were undertaken confirming Walkers Earthworks perform high quality work, good communication and considered a preferred contractor.

It is therefore recommended by the Tender Evaluation Panel that the tender submitted by Walkers Earthmoving Pty Ltd for the GST exclusive price of \$168,970 be accepted.

Financial and Resource Implications

The funding has been provided by the Australian Government via a successful grant application to round 2 of the Regional Airports Program. The grant is worth 100% of the total expenditure, up to \$263,000. The current allocated budget for the RESA project is \$240,000, noting design costs have been met by the external funding.

The total project cost is summarised below.

	Item	Status	Cost (Excl GST)	Budget (Excl GST)
1	Lighting hardware	Quote accepted	\$25,000	
2	Lighting installation	Quote accepted	\$8,000	
3	Walker Earthmoving Pty Ltd	Recommended	\$168,970	
4	Project Management	Estimate	\$18,030	
	Total		\$220,000	\$240,000

The ongoing recurrent costs resulting from this project is minimal including a small amount of additional mowing and a negligible increase in Councils annual depreciation of assets.

Legislation, Council Plan and Policy Impacts

Completion of the proposed works will maintain council current compliance level with the following aviation acts and regulations:

- Civil Aviation Act 1988
- Airspace Act 2007
- Civil Aviation Regulations 1988
- Civil Aviation Safety Regulations 1998
- Airspace Regulations 2007

Maintaining the level of service provided by the Aerodrome will help deliver the following two key priorities of the Council Plan; support our community, and maintain and renew our infrastructure.

The works comply with Grant Agreement RAPII000032 with the Australian Government.

Councils' acceptance of the tender complies with,

- Southern Grampians Shire Procurement Policy 2021-25
- Southern Grampians Shire Procurement Guidelines 2019 V13

Risk Management

This project will maintain the Hamilton Aerodrome as a Code 3 facility and a safe and viable transport hub for the south-west Victorian region, thus providing for future growth, economic development, health care and emergency services.

In addition to normal safety risks associated with earthworks, this project has the additional safety hazard of mobile aircraft. The associated risk will be mitigated by ensuring that the contractor (potentially with assistance) implement well versed CASA safety procedures.

Collaborative Opportunities

Given the specific nature of this project i.e. within a active aerodrome and to CASA (Civil Aviation Safety Authority) requirements, there are no collaborative opportunities identified for this project.

Environmental and Sustainability Considerations

The Hamilton Aerodrome is a well-developed site with no elevated environmental considerations beyond those normally encountered with heavy earthmoving equipment.

The contractor is locally based which supports sustainability in the local economy, their material and fuels will largely be sourced locally

Community Consultation and Communication

Engagement with the Aerodrome users has commenced. The actual works period is estimated to be late January through to March and impacts to users will be managed through the use of the air services Australia NOTAM (Notice to Airman) system, as well as the use of appropriate visual devices displayed within the aerodrome site.

Disclosure of Interests

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

The evaluation panel affirm that no direct or indirect interests need to be declared in relation to any matters in this Report:

- Marg Scanlon
- Bill Scott
- Brendan Dickson
- Alastair Griffiths.

RECOMMENDATION

That Council:

1. Award Contract 51-22 to Walkers Earthmoving Pty Ltd for the Aerodrome Upgrade – Runway Emergency Safety Area RESA) for the tendered lump sum price of \$168,970 excluding GST.
2. Authorise the Chief Executive Officer to execute Contract 51-22 and any other documents required by or to give effect to the terms of the contract on behalf of Council.

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr Henry

That Council:

1. **Award Contract 51-22 to Walkers Earthmoving Pty Ltd for the Aerodrome Upgrade – Runway Emergency Safety Area RESA) for the tendered lump sum price of \$168,970 excluding GST.**
2. **Authorise the Chief Executive Officer to execute Contract 51-22 and any other documents required by or to give effect to the terms of the contract on behalf of Council.**

CARRIED

8.4 Hamilton Showgrounds Advisory Committee – Additional Community Representative Membership Approval

Directorate: Kevin Leddin, Acting Director Community and Corporate Services
Author: Susannah Milne, Manager Community & Leisure Services
Attachments: None

Executive Summary

At its Ordinary Meeting on the 13 April 2022 Council resolved to establish a Hamilton Showgrounds Advisory Committee to provide strategic advice on the development and implementation of the Hamilton Showgrounds Master Plan and identify strategic priorities for the showgrounds.

The Advisory Committee membership was to be representative of the current User Groups who are based at the site and broader skills-based Community membership. To support the formation of the Advisory Committee, an expression of interest process was conducted.

The purpose of this report is to recommend to Council to appoint the final Community Representative to the Committee.

Discussion

The Hamilton Showgrounds is located on Crown Land of which Council has been appointed the Committee of Management (COM). As the COM, Council is responsible to manage, improve, maintain, and control the site on behalf of the Department of Environment Land Water and Planning (DELWP). Council is required to:

1. Act within best interests to achieve public benefit from Crown Land,
2. Manage potential risks,
3. Manage conflicts of interest and duty,
4. Manage relationships with key stakeholders who use and access the land.

The Council acknowledges the importance of this site as a community, economic and tourism driver for the Southern Grampians Community and as such are seeking to form an Advisory Committee that would provide strategic advice to Council to help:

- Inform the development and implementation of the Hamilton Showgrounds Master Plan, and
- Provide strategic advice to Council on priorities for the showgrounds.

It is noted that the Committee has no decision-making powers with respect to the showgrounds but will report any recommendations and information that it considers important to Council. Recommendations presented to Council will be decided by the majority of the Committee.

Through the development of the Terms of Reference Council have identified that the membership of the Advisory Committee will be made up of:

- 2 elected Councillors.
- 3 User group representatives.
- 3 Community Representatives.

Membership will be for a maximum of two years; members may seek reappointment at the conclusion of their term. Elected User Group representatives are requested to nominate a deputy who can attend the meeting if the appointed member is unable to attend. Community Representatives are not permitted to nominate a Deputy for this purpose.

Council resolved at the 13 April 2022 Ordinary Meeting that Councillors David Robertson and Katrina Rainsford are the Councillor representatives on the Advisory Committee.

At the Council Ordinary Meeting on the 9 November 2022, Council resolved to appoint the following members to the Advisory Committee:

User Group Representation

1. Hamilton SES
Representative: Tim Fry Deputy Representative: John McKenzie
2. Hamilton Pastoral and Agricultural Society
Representative: Will Kinghorn (Chair) Deputy Representative: Emmelie Nijskens (Business/Events Manager).
3. Lions Club of Hamilton
Representative: Francis Pekin Deputy Representative: Kevin Buck

Community Representation

1. Kevin Safe
2. Lyall Grey

A third nomination has been received for a Community Representation from Mr Patrick Holt. Mr Holt is the Principal Lawyer at local law firm Hunter Newns & Holt and has a tertiary degree in Agriculture and Animal Science, completed the Australian Institute of Directors Course, served on the board of Directors for the Law Institute of Victoria as well as served 20 years on the board committee for the Western Montana Fair, in USA.

The purpose of this report is to recommend to Council that given the experience and skills Mr Holt has that he be appointed as the third Community Representative to the Advisory Committee.

Financial and Resource Implication

The establishment and ongoing support to the Advisory Committee will be an additional financial and resource implication to Council's Operating budget which has not been budgeted for and is estimated at approximately \$3,500 per annum.

Legislation, Council Plan and Policy Impacts

The development of the Hamilton Showgrounds Advisory Committee is consistent with the following Council Plan 2021-2025 priorities:

Key Priority 1 – Support our Community

1.1.3 Provide opportunities for increases community engagement and participation in Council decision making and activities.

Key Priority 2 – Grow our Regional Economy

2.4.1 Support and promote a collaborative approach to marketing and investment.

Key Priority 3 – Maintain and Renew our Infrastructure

3.1.2 – Maintain infrastructure to the agreed standard and ensure the principles of sustainability and universal design are considered in the planning and development of infrastructure to support community access and connection meeting the needs of the community.

Risk Management

The Terms of Reference clearly articulate the purpose of an Advisory Committee is that they provide strategic advice to Council through a reporting process and that they have no authority to make decisions or enter contracts on behalf of Council.

Environmental and Sustainability Considerations

The Advisory Committee will be encouraged to operate on a paperless basis and will be encouraged to consider environmental and sustainability improvements to the development of the master plan.

Disclosure of Interests

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

RECOMMENDATION

That Council appoint Patrick Holt as the third Community Representative member to the Hamilton Showgrounds Advisory Committee.

COUNCIL RESOLUTION

MOVED: Cr Rainsford
SECONDED: Cr Calvano

That Council appoint Patrick Holt as the third Community Representative member to the Hamilton Showgrounds Advisory Committee.

CARRIED

8.5 Finance Report

Directorate: Kevin Leddin, Acting Director Community and Corporate Services
Author: Jason Cay, Financial Sustainability Coordinator
Attachments: Finance Report to 30 September 2022

Executive Summary

The Finance Report for the quarter ended 30 September 2022 is presented for the information of Council.

Discussion

The Finance Report sets out actual results compared to Budget for the first three months of the 2022/23 financial year and contains the Standard Statements namely:

- Comprehensive Income Statement,
- Balance Sheet,
- Statement of Cash Flows,
- Statement of Capital Works and
- Statement of Human Resources.

The Report also includes information on cash balances, current borrowing ratios and debtor balances.

Narratives accompany each of the statements.

Detailed reports of the financial progress of the capital works and major projects are also provided for information.

Legislation, Council Plan and Policy Impacts

Council Plan

The finance 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.

Legislation

Section 97 of the Local Government Act 2020 requires that after the end of each quarter, the CEO must ensure that a quarterly budget report is presented to the Council. The report must include a comparison of the actual and budgeted results to date and an explanation of material variations, and any other matters prescribed by the regulations.

In addition, the second quarterly report of a financial year must include a statement by the CEO as to whether a revised budget is, or may be, required.

The June report is indicative only with the final report being Council's official financial report which is audited and then included as part of Council's Annual Report.

Council is also required to implement the principles financial management detailed in Section 101 of the Local Government Act 2020 which states:

- (1) The following are the financial management principles—
 - (a) Revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with a Council's financial policies and strategic plans;
 - (b) Financial risks must be monitored and managed prudently having regard to economic circumstances;
 - (c) Financial policies and strategic plans, including the Revenue and Rating Plan, must seek to provide stability and predictability in the financial impact on the municipal community;
 - (d) Accounts and records that explain the financial operations and financial position of the Council must be kept.
- (2) For the purposes of the financial management principles, **financial risk** includes any risk relating to the following—
 - (a) The financial viability of the Council;
 - (b) The management of current and future liabilities of the Council;
 - (c) The beneficial enterprises of the Council

Disclosure of Interests

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

RECOMMENDATION

That the Finance Report for the quarter ended 30 September 2022 be received.

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr Henry

That the Finance Report for the quarter ended 30 September 2022 be received.

CARRIED

8.6 Review of s11A Instrument of Appointment and Authorisation

Directorate: Kevin Leddin, Acting Director Community and Corporate Services
Author: Tania Quinn, Acting Governance Coordinator
Attachments: s11A Instrument of Appointment and Authorisation

Executive Summary

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

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

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

Discussion

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

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

S11A Instrument of Appointment and Authorisation

The s11A Instrument of Appointment and Authorisation:

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

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

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

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

Financial and Resource Implications

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

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

Legislation, Council Plan and Policy Impacts

Objective 5.1 – Provide transparent and responsible governance.

Risk Management

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

Environmental and Sustainability Considerations

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

Community Consultation and Communication

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

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

Disclosure of Interests

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

RECOMMENDATION

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

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

COUNCIL RESOLUTION

MOVED: Cr Rainsford

SECONDED: Cr Calvano

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

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

CARRIED

9. Notices of Motion

There were no Notices of Motion listed on tonight's agenda.

10. Confidential Matters

RECOMMENDATION

That the following items be considered in Closed Council as specified in section 66(2)(a) and referenced in section 3(1), Confidential Information (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released as per the Local Government Act 2020.

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr McAdam

That the following items be considered in Closed Council as specified in section 66(2)(a) and referenced in section 3(1), Confidential Information (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released as per the Local Government Act 2020.

CARRIED

10.1 Proposed Sale of Land

11. Close of Meeting

This concludes the business of the meeting.

Meeting closed at 6:59pm

Confirmed by resolution 14 December 2022.

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Chairman