

SOUTHERN GRAMPIANS SHIRE COUNCIL

**Council Meeting Agenda
Wednesday 14 May 2025**

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



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1 Membership

Councillors

Cr Dennis Heslin, Mayor
Cr Afton Barber
Cr Albert Calvano
Cr Adam Campbell
Cr Jayne Manning
Cr Helen Henry
Cr Katrina Rainsford

Officers

Mr Tony Doyle, Chief Executive Officer
Mr Darren Barber, Director People and Performance
Mr Rory Neeson, Director Wellbeing, Planning and Regulation
Ms Marg Scanlon, Director Infrastructure and Sustainability
Mrs Karly Herring, Governance Coordinator

2 Welcome and Acknowledgement of Country

The Mayor, Cr Heslin will read the acknowledgement of country:

“Our meeting is being held on the traditional lands of the Gunditjmarra, Djab Wurrung, Jardwadjali and Buandig people.

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

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

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

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

3 Prayer

Cr Campbell will lead the meeting in a prayer.

“Almighty God grant to this Council, wisdom, understanding and sincerity of purpose for the good governance of this Shire.”

4 Apologies

5 Confirmation of Minutes

RECOMMENDATION

That the Minutes of the Council Meeting held on 9 April 2025 be confirmed as a correct record of business transacted.

6 Declaration of Interest

7 Leave of Absence

There are no requests for a leave of absence on tonight's agenda.

8 Questions on Notice

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

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

Questions must:

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

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

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

8.1 Hamilton Basketball Association - Jason Thomas and Lisa Cleaver

Q1: In March 2024, Council adopted the Southern Grampians Shire Recreation Framework. This report estimated that user groups fees for these facilities would be \$52,270 for the 2024/25 year. Can Council please confirm what the actual invoiced user group fees for each of these groups is for the 2024/25 year?

Q2: Hiring a HILAC multi purpose court (basketball court) is \$42.50 per hour per court as detailed on Councils Pricing Register. The register outlines that this is Partial Cost Pricing, which refers to a situation where less than the full cost of providing a service is recovered. Can Council please detail how the total cost of providing a HILAC multi purpose court (basketball court) per hour per court is calculated and what is this amount?

8.2 West Side of Cox Street Hamilton - Frank Henry

Q1: When does the council expect to complete surfacing the west side of Cox St?

9 Public Deputations

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

Anyone wishing to make a deputation to Council must complete the Request to Make a Deputation form and forward it to the Chief Executive Officer at 111 Brown Street, Hamilton by no later than 5pm on the Monday before the Council Meeting.

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

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

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

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

10 Petitions

There are no Petitions listed on tonight's agenda.

11 Informal Meetings of Councillors

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

If there is a meeting of Councillors that:

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

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

An Informal Meeting of Councillors record was kept for:

- Briefing Session - 2 April 2025
- Briefing Session - 9 April 2025
- Briefing Session – 30 April 2025

This agenda was prepared on 7 May 2025. Any Informal Meeting of Councillors between that date and the date of tonight's Meeting will appear in the agenda for the next Council Meeting.

Informal Meeting of Councillors

ASSEMBLY DETAILS	
Title:	Briefing Session - 2 April 2025
Date:	2 April 2025
Location:	MJ Hynes Auditorium
Councillors in Attendance:	Cr Barber Cr Calvano Cr Campbell Cr Henry Cr Manning Cr Rainsford
Council Staff in Attendance:	Rory Neeson, Acting Chief Executive Officer Darren Barber, Director People and Performance Marg Scanlon, Director Infrastructure and Sustainability Daryl Adamson, Acting Director Wellbeing, Planning and Regulation Bill Scott, Manager Project Management Office Kunal Ponanna, Strategic Infrastructure Engineer Simone Logan, Acting Visitor Economy Coordinator

The Informal Meeting commenced at 10:30am.

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Safer Local Road and Street Program	Nil
2	Volcanic Trail Business Case	Nil
3	CBD Streetscape Concept Plans and Community Consultation	Nil
4	Award of Contract – Truck and Trailer	Nil
5	Organics Processing Tender Award	Nil
6	Transfer Station Fees and Charges	Nil

The Informal Meeting concluded at 4:45pm.

Informal Meeting of Councillors

ASSEMBLY DETAILS	
Title:	Briefing Session - 9 April 2025
Date:	9 April 2025
Location:	MJ Hynes Auditorium
Councillors in Attendance:	Cr Barber Cr Calvano Cr Campbell Cr Henry Cr Heslin Cr Manning Cr Rainsford
Council Staff in Attendance:	Tony Doyle, Chief Executive Officer Darren Barber, Director People and Performance Marg Scanlon, Director Infrastructure and Sustainability Rory Neeson, Director Wellbeing, Planning and Regulation Daryl Adamson, Manager Shire Strategy and Regulation Nick Templeton, Head of Finance

The Informal Meeting commenced at 11:00am.

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Councillor Only Meeting	Nil
2	Council Meeting Items	Nil
3	Food and Fibre Great South Coast	Nil
4	393 Gray Street planning Scheme Amendment	Nil
5	Operational Budget	Nil

The Informal Meeting concluded at 5:00pm.

Informal Meeting of Councillors

ASSEMBLY DETAILS	
Title:	Briefing Session - 30 April 2025
Date:	30 April 2025
Location:	MJ Hynes Auditorium
Councillors in Attendance:	Cr Barber Cr Calvano Cr Henry Cr Heslin Cr Manning Cr Rainsford
Council Staff in Attendance:	Tony Doyle, Chief Executive Officer Darren Barber, Director People and Performance Marg Scanlon, Director Infrastructure and Sustainability Rory Neeson, Director Wellbeing, Planning and Regulation Karly Herring, Governance Coordinator Jane Coshutt, Senior Community Development Coordinator Bill Scott, Manager Project Management Coordinator Bree Harris, Financial Services Coordinator

The Informal Meeting commenced at 11:00am.

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Review of s6 and s11a Instruments	Nil
2	2024 Election Report	Nil
3	Community Partnership Grants Policy Update	Nil
4	Restoration of Essential Public Assets (REPA) Contract Funding	Nil
5	Budget Submissions CAMMS Report/Business Case Prioritisation	Nil

The Informal Meeting concluded at 5:00pm.

12 Management Reports

12.1 Organics Processing Tender Award

Directorate: Infrastructure and Sustainability
Report Approver: Marg Scanlon, Director Infrastructure and Sustainability
Report Author: Juan Donis, Sustainable Community Lead
Attachment(s): Nil

Executive Summary

This report provides Council with details on a sustainability initiative that identifies an opportunity to repurpose food, green organics and the effluent waste resources from HRLX which will reduce the projected Council costs and operational intensive compliance requirements. Over the past 18 months officers within the Works and Sustainability Teams have collaborated to ascertain effluent volumes, operational practices, environmental protection requirements and engaged with various external parties to research alternative, sustainable waste processing options. This initiative responds to Council's Sustainability and Climate Change Strategy and is identified within the HRLX Business Plan. This report provides Council with two options which have been developed by Officers following this research.

Following on site processing trials, engagement with the Environment Protection Authority (EPA) and the private sector, a two stage tender process was conducted to explore and evaluate a potential range of technologies for the processing of Food Organics and Garden Organics (FOGO), green waste and dry and wet effluent from the Hamilton Regional Livestock Exchange (HRLX) at Hamilton Transfer Station.

This tender process commenced on June 2024 through an Expression of Interest (EOI) for the design, supply, install and operation of an onsite organics processing solution to be located at the Hamilton Transfer Station. The intention of the EOI was to explore a range of solutions before evaluating the possibility of entering into a long-term lease agreement.

Two companies provided a response to the EOI, however, only one (GAIA Envirotech Pty. Ltd.) submitted a proposal in response to the tender. The proposed technology as nominated by GAIA for the organics processing is an in-vessel rapid composting unit which will be able to process up to 7,000 tonnes of organic materials from kerbside operations, located at Hamilton Transfer Station and HRLX per year, to produce commercial certified compost. This method of processing organic materials and the infrastructure proposed is used elsewhere with successful results, for example Ararat Rural City and Hepburn Shire Councils. The general method behind this organic processing is an in-vessel rapid compost which uses heat and humidity to compost the organic material.

The proposed arrangement includes a lease agreement for a period of seven years for a total value of up to \$6,551,169 (ex GST) with an option to terminate the contract after three years, should the initiative fail to demonstrate the projected financial and material returns to Council. It should be noted that preliminary information provided by GAIA requires further

development and subsequently it is proposed that this will be included as part of the next steps with the lease negotiation between GAIA and Council. The projected business case estimates annual savings for Council between \$150,000 and \$200,000, in addition to providing a feasible solution to manage solid effluents at HRLX and a more sustainable management model for FOGO and green waste generally.

The contract will depend on Council successfully obtaining the EPA license and planning permit to operate an organics processing facility for a volume of approximately 7,000 tonnes per year.

Discussion

Over the last year works have been undertaken to determine what opportunities Council might have in terms of circular economy and waste minimisation within the Shire. It has been determined that Council's biggest opportunity was around organics processing to produce commercial compost or biochar was the most feasible solution which will require minimum upfront cost and can be managed by a third party under a lease agreement.

Currently Council is transporting approximately 6,000t per year of organic material comprising;

- FOGO kerbside – 2,500t
- Green Waste – 500t
- HRLX dry effluent – 3,000t

Current operations

Under the current contractual arrangement for the Kerbside FOGO collections, this material is transported to Camperdown for processing. Council, through its current kerbside collection services contract pays for both the collection and transportation costs to manage this material.

Historically green waste received at the Hamilton Transfer Station was combined with general waste however in more recent years Council has undertaken trials to repurpose this material. Green waste has been mulched and wind rolled by Council staff with regular testing to determine the optimal temperatures have been achieved to kill any germination. This mulch has been provided, free of any charge, to the local community on the agreement that the mulch is taken as a part of the trial. Follow up with recipients has confirmed that this mulch has been free of any contaminants.

HRLX effluent historically has been directed through a wastewater treatment system managed by Wannon Water. Over recent years Council entered into a Trade Waste Agreement with Wannon Water a three-year period (expiring in June 2025) with an annual cost of approximately \$70,000. This agreement formally addresses the wet effluent processing undertaken by Wannon Water with the separated dry effluent stockpiled on Beath Street, land leased by Council. Continued stock piling of the dry effluent is not a long term option for Council, due to the EPA requirements and subsequently Officers have been

liaising with the EPA to determine a sustainable long-term solution to reduce the amount of wet and dry effluent processed by a third party.

Future Operations

Over the past 12 months, Officers have been investigating sustainable options to divert, treat and repurpose organic materials with the objective to reduce Council costs, repurpose valuable organic material and resolve outstanding environmental protection issues.

Officers undertook a public EOI to ascertain industry interest and to inform a triple bottom line sustainable method to manage known volumes of organic waste. The EOI resulted in the rapid compost technology to be the most feasible available technology that can adapt to Council's needs and processes.

The identified organics processing solution will give Council the autonomy to process FOGO, Green Waste and HRLX dry effluent at the Hamilton Transfer Station and be able to retain the commercial grade compost material for future use and sales.

This solution will meet EPA requirements but also will reduce risks to Council resulting from third parties' capacity to manage the material or prices increases at short notice due to logistics.

It is proposed there will be a second stage within this project that will incorporate the wet effluent from HRLX, subsequently repurposing the waste wet effluent into the organic material, removing the volume of effluent going through Wannon Waters system and removing the associated Trade Waste Agreement costs to Council. A business case for the second stage will be developed after stage 1 is completed, which would also consider the opportunity to remove the need for the current Trade Waste Agreement between Council and Wannon Water which currently has an annual escalating fee to Council.

In addition to the processing plant, a hardstand, other on-site infrastructure and an EPA licence agreement are required. These are estimated to cost \$500,000.

The proposed contract will be a lease agreement for a period of seven years for a total value of up to \$6,551,169 ex GST.

Options

Fundamentally, based on this recent research and development undertaken by Officers, Council has two options in relation to the future management of FOGO, green organics and HRLX effluent. Each option requires the development of an EPA Licence Agreement, and this process has commenced.

1. Continue to operate business as usual. This option includes continued kerbside collection of FOGO and green organics and transfer station collection of green organics. This results in logistic costs to Council with a portion recouped through waste levy collected through Council Rates and transfer station gate fees which is not a cost recovery result. Specifically for the effluent, Council would continue with

the Trade Waste Agreement with Wannon Water to manage the wet effluent. Council would continue to manage the dry effluent on site noting there is limited capacity to store and naturally process the dry effluent within EPA requirements.

This option is the least effective due to the long-term costs and operational requirements which would rely on Works and transfer station staff to support the process with fleet and labour.

This option fails to optimise the natural resource material to its full potential.

Maintaining business as usual is projected to result in yearly costs of approximately \$200,000 for FOGO and \$80,000 for mulch processing. Currently the management of the dry effluent at HRLX only consist in stockpiling the material onsite to let it dry over a period of 12 month. This does not comply with EPA requirements as the current site is not suitable for these operations. In addition, HRLX is in the process of obtaining an operating license with the EPA which might request Council to demonstrate how the material is properly controlled and managed onsite which Council will not be able to demonstrate. Continued operations might cost less in the short term, but it will increase Councils risk of EPA infringements and/or improvement notices and potentially compliance and rectification required works which that will be more expensive than the proposed alternative solution.

2. Establish a sustainable method of collection and treatment to repurpose the FOGO, green organics and HRLX effluent to realise a financial and environmental return over a defined period. This option as detailed within this report demonstrates innovation and best practice, noting it is reliant on an investment from Council, which is projected to provide a financial return. Further business case details are to be determined and subsequently this is the Officers preferred option with the proposal to return to Council with a further briefing and recommendation.

Regional Procurement

Collaborative procurement was not conducted for this tender as each Council in the region currently have contractual arrangements for the collection and disposal of FOGO. However, ongoing work is occurring with neighbouring LGAs to seek their interest to bring the FOGO and green waste material to Hamilton.

Financial and Resource Implications

A triple bottom line focus informed the development of this initiative and draft business case resulting in identified operational financial savings, carbon footprint reduction through reduced transportation to Camperdown and social implications through reduced costs to the community, repurposed natural materials enabling access to commercially grade compost.

The tender required the contractor to provide pricing per tonnage of material processed during a five-to-seven-year period.

The business case of this project will depend on the length of the contract, the yearly volume of organics processed and the sales of the commercial certified compost. The table below provides a summary of the scenarios for a seven-year contract period based on different volumes per year. As outlined within this report Officers seek feedback from Council in relation to the tolerance of investment and proposed pay-back period for Officers to explore further options and scenarios with the proposed contractor.

Current cost items details:

FOGO costs refer to transportation and processing costs of kerbside FOGO material delivered to Camperdown.

Green Waste costs refer to mulching services to the product collected at the transfer station.

Clean fill/ Compost internal use refer to the costs for the use of materials at internal Council projects.

HRLX – Solid waste disposal refer to the cost for transportation and processing dry effluent at a license facility.

Scenario 1	Yearly Cost (\$)	Scenario 2	Yearly Cost (\$)
FOGO	\$195,091.47	FOGO	283,347.14
Green Waste	\$80,000.00	Green Waste	\$80,000.00
Clean fill / Compost internal use	\$75,000.00	Clean fill / Compost internal use	\$75,000.00
HRLX - Solid Waste Disposal Cost (assuming same cost as FOGO)**	\$278,702.10	HRLX - Solid Waste Disposal Cost (assuming same price as FOGO)**	\$278,702.10
Total (Current Cost)	\$628,793.57	Total (Current Cost)	\$717,049.24
GAIA costs	\$750,000.00	GAIA costs	\$868,000.00
Difference Current vs GAIA	\$121,206.43	Difference Current vs GAIA	\$150,950.77
Yearly revenue from compost sales (if all compost is sold 50\$/ton)	\$200,000.00	Yearly revenue from compost sales (if all compost is sold 50\$/ton)	\$280,000.00
Yearly revenue from compost sales (if all compost is sold 75\$/tonne)	\$300,000.00	Yearly revenue from compost sales (if all compost is sold 75\$/tonne)	\$420,000.00
Total financial position - sales 50\$/tonne	\$78,793.57	Total financial position - sales 50\$/tonne	\$129,049.24
Total financial position - sales 75\$/tonne	\$178,793.57	Total financial position - sales 75\$/tonne	\$269,049.24

The following assumptions have been applied in the development of this business case:

- The real costs of processing HRLX dry effluent to meet EPA standards.
- The proposal is projected to be sustainable for the long term.
- Cost per tonne of commercial grade compost sales.
- Internal use of the material has been underestimated.
- Estimates are based on current known volumes of organics material sourced from across the Shire through the kerbside collection service.
- A one-off investment of \$500,000 has not been factored into the above figures however this would be subject to a separate business case to be considered through the 2025/2026 budget process.
- Income sourced from compost sales requires further investigation. Anecdotally Officers are aware of local large-scale farms interested in accessing compost however further details on demands and volumes need to be determined.

** HRLX solid waste disposal estimations are conservative, if it is disposed in Melbourne under the classification of contaminated soil, the cost of disposal will be around \$390,000 per year.

Including all the assumptions above, this business case is positive for the Council. This business case does not include future risks of cost increases from contractors nor changes in EPA requirements for the processing of organic material particularly dry effluent at HRLX.

In addition, a one-off investment in the order of \$450,000 - \$500,000 is required to ensure the Hamilton Transfer Station can operate this type of technology and to support Council in obtaining EPA licenses for the process. This future separate business case is proposed for additional necessary infrastructure; however, this investment can be phased over financial years, or it can be negotiated that the contractor absorbs the initial costs for construction and factored in through the life of the contract.

An EPA license and a planning permit are required to enable this proposal. Officers have commenced the process of securing the EPA license, however, this can take approximately six months. It is anticipated that the lead time between endorsement of this lease proposal and the commencement of the operation might be up to 12 months. Regardless of the preferred option Council is required to have an EPA licence for HRLX and this process has commenced. Officers have actively engaged with EPA over the past 18 months through the trial periods on site to manage the effluent and EPA have been very supportive.

Sales of commercial grade compost will be fundamental element to improve this business case. Based on current trends, it is assumed that compost processing cost is between \$50 to \$70 per tonne, with the estimate that the product could be sold for up to \$90 per tonne. Officers are aware of local large scale agricultural producers who have an interest in long term supplies of the product. Council through its own operations could use the compost in parks, gardens and reserves and it is assumed residents and businesses would support purchasing local compost. This is a common initiative across various Councils including Hepburn Shire and Ararat City.

It is important to note, if this proposal is not supported, Council will continue to pay between \$600,000 to \$700,000 per year for the transportation and processing of the organic material.

The real cost to Council will be approximately \$150,000 per year, if Council is not able to sell the compost.

Cost recovery options will be further explored particularly to cover HRLX costs of processing dry effluent at the Hamilton Transfer Station.

Council Plan, Community Vision, Strategies and Policies

Grow Our Regional Economy

2.4 Support local business and industry

2.4.2 Support and facilitate business development and growth initiatives.

Protect Our Natural Environment

4.3 Sustainable waste management services

4.3.2 Manage waste efficiently to limit costs, reduce waste and grow circular economy.

4.3.3 Investigate, support and advocate for opportunities in renewable energy sources and re-use of waste streams.

This proposal is strategically aligned particularly with the recently adopted Sustainability and Climate Change Strategy and the HRLX Business and Marketing Plan. The Hamilton Livestock Exchange Advisory Committee have been engaged in the development of this initiative and while they have not been privy to the tender details as provided within this report, the Advisory Committee are supportive of the proposal objectives and attention to the EPA requirements.

Legislation

This proposed technology meets the requirement for organics processing under the Environmental Protection Act. It is an EPA requirement that a licence agreement is established specifically for HRLX in relation to the effluent and the proposed treatment.

Gender Equality Act 2020

A gender impact assessment is not required for this project as it is a waste resource processing initiative and while there will be benefits for the community, these benefits are for all.

Risk Management

A preliminary risk assessment has been undertaken which has guided the consideration and further development of this initiative. Fundamentally this risk assessment was driven by the unsustainable volumes of effluent at HRLX, projected cost escalations in waste logistics and the missed opportunity to repurpose a waste resource.

Taking control of this organic material processing will reduce Councils reliance on third party contractors' transportation and processing and internal operational support, resulting in reduced costs. This reliance exposes Council to increasing logistic costs and commercial volatility within the waste management sector. In addition, the lease agreement will include a

termination clause which allows the parties the option to cease the lease if after three years the proposal is not cost effective for Council.

In addition, the lease agreement will be fully executed once the EPA license and planning permit has been obtained, this process might take six months.

Climate Change, Environmental and Sustainability Considerations

Onsite organics processing will reduce the transportation requirements to take the FOGO and green organic material between Hamilton to Camperdown which will reduce Council's carbon footprint. As outlined within this report, while Council has a trade waste agreement for the wet effluent, currently Council does not have a manageable solution for the dry effluent sourced through HRLX. EPA have been very accommodating however the current situation is not acceptable for the long-term.

This proposal, put simply, takes significant volumes of green organics and livestock effluent, which is currently managed as waste, through a process to transform it into compost for reuse on private properties and Council public open space.

Community Engagement, Communication and Consultation

No formal broader community engagement has been undertaken for this initiative. Officers have proactively engaged with respective stakeholders to inform this initiative including EPA, private processing industry providers, Ararat Rural City Council (as a live operator of a similar system) and HRLXAC. This proposal, which is considered common practice across many European countries, has been identified within the HRLX Business and Marketing Plan and is supported by the HRLX Advisory Committee. If supported by Council, this initiative would be promoted locally and beyond as a proactive initiative that generates benefits to the community beyond the cost efficiencies and repurposing of the natural product.

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.

Juan Donis, Sustainable Community Lead
Trevor Harley, Manager Works
Marg Scanlon, Director Infrastructure and Sustainability

RECOMMENDATION

That Council:

1. Note negotiations with GAIA Envirotech PTY LTD are ongoing to finalise service agreement details and conditions for the installation and operation of the proposed organic processing facility at Hamilton Transfer Station.

2. Authorise the Chief Executive Officer to negotiate the final details the proposed service agreement and any other document required to give effect to the terms of the service agreement.
3. Delegate to the Chief Executive Officer the power to enter into the agreement on behalf of Council, execute the contract and sign the lease contained within the service agreement, noting the service agreement will have a defined parameter of seven years to a maximum accumulative value of \$6,551,169ex GST.
4. Note a further report will be tabled for a Council Briefing detailing the executed service agreement for Council's information.

12.2

Award of Contract - No. 2024258 for the Supply and Delivery of One Haulage Tipper Truck and Dog Tipper Trailer

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

12.3 s11A Instrument of Appointment and Authorisation under the Planning and Environment Act 1987

Directorate: People and Performance
Report Approver: Darren Barber, Director People and Performance
Report Author: Karly Saunders, Governance Coordinator
Attachment(s): 1. s11A Instrument of Appointment and Authorisation under the Planning and Environment Act 1987 [12.3.1 - 2 pages]

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* (the Act) and allows them to fully discharge their duties and responsibilities under that Act.

The s11A Instrument of Appointment and Authorisation was last adopted by Council on 11 September 2024.

The Instrument 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 authorised officers to act on behalf of Councils and these powers are essential to enable day to day decisions to be made and for the effective operation of the organisation.

The Instruments of 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 to institute proceedings for offences against the *Planning and Environment Act 1987* and the regulations made under that Act.

The Authorisation requires updating due to staff changes in the Planning Team including two officers' names being removed and one title amendment.

There is also an amendment to the wording of the S11 instrument to more closely align with the wording of section 147(4) of the *Planning and Environment Act 1987*.

These appointments and authorisations must be made by Council and are not delegated by the CEO.

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.

Council Plan, Community Vision, Strategies and Policies

Provide Strong Governance and Leadership

5.1 Transparent and accountable governance

5.1.1 Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting the role.

5.1.2 Ensure flexible and transparent decision making through open and accountable governance.

Legislation

Section 147(4) of the *Planning and Environment Act 1987* appoints officers to be authorised officers for the purposes of the Act and regulations made under the Act.

Section 313 of the *Local Government Act 2020* authorises the officers either generally or in a particular case to institute proceedings for offences against the Act and regulations described in the s11A Instrument of Appointment and Authorisation.

Gender Equality Act 2020

The adoption of this Instrument does not have any direct gender implications.

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. Updates are provided by Maddocks regularly and capture any legislative changes. The service is available to all Victorian Councils which enables consistency.

Climate Change, 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 authorisation and delegation. The Instruments ensure that the decisions are made by the most appropriate person or persons within the organisation.

Community Engagement, Communication and Consultation

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

Affected staff have been consulted in the preparation of this Instrument and will be provided with confirmation of the amendments to the Instrument once considered by Council.

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.

Karly Saunders, Governance Coordinator

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; and
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.

12.4

s6 Instrument of Delegation from Council to Staff

Directorate: People and Performance
Report Approver: Darren Barber, Director People and Performance
Report Author: Karly Saunders, Governance Coordinator
Attachment(s): 1. S6 Instrument of Delegation from Council to members of Council staff April 2025 [12.4.1 - 72 pages]

Executive Summary

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

The s6 Instrument of Delegation from Council to Staff has been updated and is attached for consideration.

Discussion

The s6 Instrument of Delegation was last adopted by Council on 8 March 2023. Through this delegation, Council delegates certain statutory provisions directly to the relevant Council staff within the organisation.

The changes to the s6 Instrument include:

1. Inserted section 12(2)(b) of the *Road Management Act 2004* to provide for Council to provide consent to the Head, Transport for Victoria to discontinue a road or part of a road;
2. Removed the limitation for the powers in sections 19FA(1) and 19FA(3)(a)-(c) of the *Food Act 1984* being delegated "only in relation to temporary food premises or mobile food premises"; and
3. Amended a typographical error in s 12(1) of the Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2024.

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 Instrument of Delegation.

Council Plan, Community Vision, Strategies and Policies

Provide Strong Governance and Leadership

5.1 Transparent and accountable governance

5.1.1 Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting the role.

5.1.2 Ensure flexible and transparent decision making through open and accountable governance.

Legislation

The power of delegation is provided for under Section 11 of the *Local Government Act 2020*.

Gender Equality Act 2020

There are no gender equality implications.

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. Maddocks update their Instruments twice a year and capture any legislative changes. The service is available to all Victorian Councils which enables consistency.

Climate Change, 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 Engagement, Communication and Consultation

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

The Instrument is available for viewing on Council's website and is also available for public inspection.

Staff have been consulted regarding the amendments to this Instrument and will be provided with an updated copy once it has been considered by Council.

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.

Karly Saunders, Governance Coordinator

RECOMMENDATION

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

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. On the coming into force of the instrument, the previous delegation is revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

12.5 2024 Election Report

Directorate: People and Performance
Report Approver: Darren Barber, Director People and Performance
Report Author: Karly Saunders, Governance Coordinator
Attachment(s): 1. Election Report 2024 - Southern Grampians Shire Council
[12.5.1 - 50 pages]

Executive Summary

In 2024, general elections were held for 78 of 79 Victorian Councils on Saturday 26 October.

The attached Election Report provides information on the 2024 Southern Grampians Shire Council general election.

The Local Government (Electoral) Regulations 2020 state the Chief Executive Officer must ensure the report is submitted to the Council at the earliest practicable meeting of the Council held after the report is received by the Chief Executive Officer.

The report was received on 14 April 2025.

Discussion

The Election Report includes details on the end-to-end service delivery of electoral activities throughout the election timeline and details of postelection items including compulsory voting enforcement.

Highlights of the report include:

- 11 successful candidate nominations
- 8 redirected ballot packs
- 36 early voters
- 12,639 mailed ballot packs
- 10 unenrolled votes which were not admitted to the count
- 551 replacement ballot packs were issued during the voting period
- 8,704 returned ballot paper envelopes and an additional 2,257 ballot paper envelopes during the extended postal vote receipt period
- 185 returned ballot paper envelopes that were not admitted to the extraction and counting process due to the voter not having signed the declaration envelope or an entitlement was not found for the person
- 10,776 ballot papers were admitted to the extraction process; 34 ballot paper envelopes were rejected during the extraction with 10,742 proceeding to the count
- The results of the 2024 Southern Grampians Shire Council general election were declared at 3pm on Friday 8 November 2024 at Hamilton Art Gallery, 107 Brown Street, Hamilton
- The overall participation rate (voters marked off the roll) in the Southern Grampians Shire Council was 86.09% which is higher than the state average of 83.79% (excluding Melbourne City Council) and lower than the 88.47 participation rate at the 2020 Southern Grampians Shire Council general election. Analysis of voter participation for the different enrolment categories shows that participation is lower

for voters who are enrolled on the Electoral Commission's list (86.08) compared to voters enrolled on the CEO's list (88.30%)

- Voter turnout (measured by the number of formal and informal ballot papers counted in the election as a percentage of voters on the voter's roll for the election) was 84.98%, compared to a state average of 81.46% (excluding Melbourne City Council). The voter turnout for the 2020 general election was 86.35%.
- The VEC received two written complaints relating to the election for Southern Grampians Shire Council. Complaints generally fall into two broad categories, election administration (the conduct of the election and services to voters) and election participation (complaints about candidates and participation in the election, and at times, alleging a breach of the *Local Government Act 2020* or Local Laws).

Financial and Resource Implications

The Victorian Electoral Commission is the statutory and independent election service provider for the conduct of local government elections.

A preliminary quotation was provided to Council in April 2024 by the VEC, with an invoice anticipated to be received in May 2025 which will contain the final cost.

The cost of the Election and payment to the VEC is accounted for in the Council budget.

Council Plan, Community Vision, Strategies and Policies

Provide Strong Governance and Leadership

5.1 Transparent and accountable governance

5.1.1 Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting the role.

5.1.2 Ensure flexible and transparent decision making through open and accountable governance.

Provide Strong Governance and Leadership

5.2 Effective advocacy

5.2.2 Advocate on behalf of the community in line with identified and agreed priorities.

Legislation

The Chief Executive Officer must ensure that the report is submitted to the Council at the earliest practicable meeting of the Council held after the report is received by the Chief Executive Officer as per the Local Government (Electoral) Regulations 2020.

Gender Equality Act 2020

Not applicable.

Risk Management

Not applicable.

Climate Change, Environmental and Sustainability Considerations

Not applicable.

Community Engagement, Communication and Consultation

The Election Report forms part of the public record.

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.

Karly Saunders, Governance Coordinator

RECOMMENDATION

That Council receive the 2024 Election Report.

12.6 Audit and Risk Committee Independent Member Update

Directorate: People and Performance
Report Approver: Darren Barber, Director People and Performance
Report Author: Darren Barber, Director People and Performance
Attachment(s): Nil

Executive Summary

Council's Audit and Risk Committee was established in accordance with Section 53 of the *Local Government Act 2020*.

This report informs the Committee that Mr Brian Densem's term as an Independent Committee member expired on 12 March 2025 and due to the length of time Mr Densem has served as member on the Committee, Council was required to advertise the position as per the Audit and Risk Committee Charter (extract below).

"Independent members can only serve for two consecutive terms without public advertisement, however, members may re-apply at the end of their term(s) and be reappointed for further terms through the public advertisement process".

Ms Aisling Cunningham's term of three years expired on 9 September 2023. Her appointment according to the charter (extract below) has not been recorded as part of an Audit and Risk Committee Meeting.

"Independent members shall be appointed for a term of three years, after which time Council can choose to exercise an option to renew the appointment for another term".

Discussion

Council's Audit and Risk Committee is established in accordance with Section 53 of the *Local Government Act 2020*. The membership of the Committee currently consists of two external members and two Councillors.

Following an advertised Expression of Interest process for approximately four weeks, nineteen applications were received. A shortlist evaluation and interview process followed with four applicants who had a great deal of audit and risk experience and knowledge. The interview panel consisted of Independent Member, Mr Bill Millard and the Director of People and Performance.

Financial and Resource Implications

Reviewing of applicants, shortlisting, arranging and attending interviews utilised Council resources with Council Officers and an Independent Member to select the best applicant for the position.

Independent members of the Audit and Risk Committee are paid a sitting fee as members of the Committee, and also if other functions are required.

Council Plan, Community Vision, Strategies and Policies

Support Our Community

1.1 An empowered and connected community

1.1.4 Ensure communication and engagement methods use inclusive practices and processes.

Provide Strong Governance and Leadership

5.1 Transparent and accountable governance

5.1.2 Ensure flexible and transparent decision making through open and accountable governance.

Legislation

Section 53 3 (a) and (b) of the *Local Government Act 2020* (the Act) requires that;

“(3) An Audit and Risk Committee must—

(a) include members who are Councillors of the Council; and

(b) consist of a majority of members who are not Councillors of the Council”

Gender Equality Act 2020

There are no *Gender Equality Act 2020* implications through the recruitment process of Independent Member of the Audit and Risk Committee.

Risk Management

The Audit and Risk Committee has clear function in review of Councils Risks as per the Committee Charter.

Climate Change, Environmental and Sustainability Considerations

There is no direct implication in this category associated with the report.

Community Engagement, Communication and Consultation

Changes in membership will be communicated to the relevant stakeholders when an update in membership has occurred.

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.

Darren Barber, Director People and Performance

RECOMMENDATION

That Council:

1. Reappoint Ms Aisling Cunningham as an Independent Member of the Audit and Risk Committee with an expiry date of 3 September 2026.
2. Appoint Mr Brian Densem as Independent Member for a three year term expiring on 12 March 2028.
3. Appoint Mr Brian Densem, as Chairperson for a two year term expiring on 12 March 2027.

13 Notices of Motion

There are two Notices of Motion listed on tonight's agenda.

13.1 Notice of Motion #5/25 - Cr Rainsford - Lonsdale Street
Site NHG Option Inclusion

Councillor: Cr Rainsford

Attachment(s): Nil

I hereby give notice of my intention to move the following motion at the Council Meeting to be held on 14 May 2025.

MOTION

That Southern Grampians Shire Council approves inclusion of the Council owned Lonsdale Street land as an optional site for the New Hamilton Gallery in the final consideration of this major CBD Project.

13.2 Notice of Motion #8/25 - Cr Campbell - Cost Shifting

Councillor: Cr Campbell

Attachment(s): Nil

I hereby give notice of my intention to move the following motion at the Council Meeting to be held on 14 May 2025.

MOTION

That Southern Grampians Shire Council:

Prepare a report at a future Council Meeting that details examples of State Government costing shifting, reduction in funding or levels of service and additional taxes and levies imposed on or collected by local government over the last ten years that includes but is not exclusive of:

- a) Emergency response and relief funding in particular;
 - i. the 2022 Flood event and;
 - ii. the 2024/25 Grampians Fires,
- b) State road repairs and upgrades,
- c) School Crossing Supervisor Program,
- d) Landfill Levy,
- e) Fire Services Levy,
- f) Immunisation,
- g) Aged infrastructure (current funding focuses on new only),
- h) Libraries,
- i) Waste Levy,
- j) Local Government Elections,
- k) Management of waste from campgrounds (in particular Rocklands Reservoir and Grampians National Park).

14 Urgent Business

There is no Urgent Business listed on tonight's agenda.

15 Mayor, Councillors and Delegate Reports

Address from the Mayor and Councillors in relation to matters of civic leadership and community representation, including acknowledgement of community groups and individuals, information arising from internal Committees and delegates committees, advocacy on behalf of constituents and other topics of significance.

16 Confidential Reports

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.

16.1 Restoration of Essential Public Assets (REPA) - Contract Funding

17 Close of Meeting

This concludes the business of the meeting.