



Southern Grampians
SHIRE COUNCIL

Council Meeting Minutes

Ordinary Meeting
14 December 2016

Held at 5.30pm in the Council
Chambers at 5 Market Place, Hamilton

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The Meeting opened at 5.30pm

1. Present

Councillors

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

Officers

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

2. Acknowledgement of Country

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

“Our meeting is being held on the traditional lands of the Gunditjmarra, 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.”

3. Prayer

Cr Dunkley led the meeting in a prayer.

4. Apologies

Nil.

5. Confirmation of Minutes

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 30 November 2016 be confirmed as a correct record of business transacted.

COUNCIL RESOLUTION

MOVED: Cr Calvano
SECONDED: Cr Sharples

That the Minutes of the Ordinary Meeting of Council held on 30 November 2016 be confirmed as a correct record of business transacted.

CARRIED

6. Declaration of Interest

Cr Rainsford declared an indirect conflict of interest in Item 10.7 - Proposed Road Name Change – Mt Rouse Tourist Road as Waller Road, Peshurst.

7. Questions on Notice

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

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

Questions must:

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

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

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

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

8. Public Deputations

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

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

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

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

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

There is one Public Deputation listed on tonight's agenda.

1. Dr Rod Bird, OAM, Hamilton Filed Naturalists Club (HFNC)

Sanctuary Status of Lake Linlithgow and Lake Bullrush – request for support for a submission from HFNC to Minister of Energy, Environment and Climate Change seeking an examination by VEAC for restoration of sanctuary status of the two Lake Reserves, refer to **Attachment 1**.

RECOMMENDATION

That:

1. Council receives the Deputation.
2. A report in response to the Deputation be provided at the next available Ordinary Meeting of Council.

COUNCIL RESOLUTION

MOVED: Cr Rainsford

SECONDED: Cr Dunkley

That:

1. **Council receives the Deputation.**
2. **A report in response to the Deputation be provided at the next available Ordinary Meeting of Council.**

CARRIED

9. Records of Assemblies of Councillors

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

Written records of Assemblies of Councillors must be kept and include the names of all Councillors and members of Council staff attending, the matters considered, any conflict of interest disclosures made by a Councillor attending, and whether a Councillor who has disclosed a conflict of interest leaves the assembly.

Pursuant to section 80A (2) of the Act, these records must be, as soon as practicable, reported at an ordinary meeting of the Council and incorporated in the minutes of that meeting.

An Assembly of Councillors record was kept for:

- Ordinary Meeting of Council – 30 November 2016

RECOMMENDATION

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

COUNCIL RESOLUTION

MOVED: Cr Sharples
SECONDED: Cr McAdam

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

CARRIED

ASSEMBLY OF COUNCILLORS



Southern Grampians
Shire Council

ASSEMBLY DETAILS	
Title:	Ordinary Meeting of Council
Date:	30 November 2016
Location:	Council Chambers, Market Place Hamilton
Councillors in Attendance:	Cr Mary-Ann Brown - Mayor Cr Chris Sharples - Deputy Mayor Cr Colin Dunkley Cr Greg McAdam Cr Albert Calvano Cr Cathy Armstrong Cr Katrina Rainsford
Council Staff in Attendance:	Mr Michael McCarthy – Director Shire Futures Mr David Moloney – Director Shire Infrastructure Mrs Evelyn Arnold, Director Community Corporate Services Ms Megan Kruger – Governance Coordinator

The Assembly commenced at 1.00pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Appointment of Council Representatives	
2	Financial Statements to 31 October 2016 – 15/16 Budget	
3	Operations of Council Outdoor Pools Policy	
4	Sale of vacant land between McPhee Street and Elizabeth Street, Hamilton	
5	Greater Grants Report	

The Assembly concluded at 6.10pm

10. Management Reports

10.1 Councillor Expenses Policy

Directorate: Michael Tudball, Chief Executive Office
Author: Megan Kruger, Governance Coordinator
Attachments: 2. Councillor Expenses Policy

Executive Summary

Council's current Councillor Expenses Entitlements Policy was last updated in 2014.

A review has been undertaken to ensure that the Policy is up to date for the new Councillors following the October Council Elections.

An updated Councillor Expenses Policy is attached and it is recommended that the updated Policy be adopted by Council.

Discussion

Council's current Councillor Expenses Entitlement Policy does not provide enough guidance in certain sections, particularly in relation to attending training and conferences. There are also some gaps in relation to Councillor allowances, Child Care, Insurance and Legal Costs. These additional sections have been included in the new Policy to ensure that all the resources and training provided to Councillors by Council are in one place.

The Training and Conferences section of the Policy has been greatly expanded so that it is clear what Council will pay for, or reimburse, in this area. Councillors will have individual budget allocations for training and conferences to ensure that equal access is available to events. Although Council will pay 100% of training and conference registration fees, limits have been placed on the amount of accommodation and meals that Council will reimburse, which is in line with the limits imposed on staff for attending training and conferences. This ensures that expenditure is in the interests of the Southern Grampians Shire community.

Having all the information in relation to Councillor expenses in one Policy ensures that both the new Councillors and the community understand what resources and training Council provides to its Councillors to ensure that they can fulfil the duties of a Councillor.

Financial and Resource Implications

This Policy supports the Act and ensures clarity and consistency around the expenses that Council will pay or reimburse for Councillors.

This Policy will also make it clear to the community what resources are provided to Councillors to ensure that they are adequately reimbursed and trained in their role as Councillor.

Legislation, Council Plan and Policy Impacts

Outcome 1.1 Soundly Based Decisions.

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

Risk Management

The adoption of the updated Councillor Expenses Policy ensure that Council's distribution of resources and training to Councillor's is equal and fair. This will ensure each Councillor has the same access to training and conferences and that there is clear guidelines for the reimbursement of expenses.

Environmental and Sustainability Considerations

N/A

Community Consultation and Communication

No community consultation is required in the development of this Policy.

Once adopted the Policy will be made available to all Councillors and uploaded onto Council's website.

Disclosure of Interests

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

RECOMMENDATION

That Council adopt the attached Councillor Expenses Policy.

COUNCIL RESOLUTION

MOVED: Cr McAdam

SECONDED: Cr Sharples

That Council adopt the attached Councillor Expenses Policy.

CARRIED

10.2 Councillor and Staff Interactions Policy

Directorate: Michael Tudball, Chief Executive Office
Author: Megan Kruger, Governance Coordinator
Attachments: 3. Councillor and Staff Interactions Policy

Executive Summary

Council does not currently have a Councillor and Staff Interactions Policy. A Policy has been drafted to formalise the current practices at the Southern Grampians Shire Council to assist the new Councillors to understand what appropriate interactions between Councillors and Council Staff are.

It is recommended that the attached Councillor and Staff Interactions Policy be adopted.

Discussion

This Policy outlines the appropriate channels for interactions between Councillors and Council Staff. It deals with improper or undue influence, communication channels, responses to Councillors, personal interaction between Councillors and Staff and contact contradictory to the Policy.

The Policy is not changing the current practices at Southern Grampians Shire Council, merely formalising them into a Policy which will make things clear for new Councillors and Council Staff. It aims to ensure that all interactions between Councillors and Council Staff are appropriate, professional and respectful and that there is no improper or undue influence, or perception of proper and undue influence.

Having interactions go through the correct channels will also ensure that requests are recorded appropriately, forwarded to the correct staff member and the customer receives a prompt reply.

Financial and Resource Implications

There are no financial and resource implications in relation to the drafting of the report or the implementation of the Policy. The Policy is not changing the current practices at Southern Grampians Shire Council, merely formalising them into a Policy which will make things clear for new Councillors and Council Staff.

Legislation, Council Plan and Policy Impacts

Part 4 of the Local Government Act 1989 contains provisions in relation to conduct and interests. The Councillor and Staff Interactions Policy seeks to support these provisions and ensure that Councillors do not improperly or unduly influence Council Staff.

Risk Management

This Policy seeks to provide protection to Councillors and Council Staff by outlining what interactions are appropriate and what interactions may constitute improper or undue influence.

Environmental and Sustainability Considerations

N/A

Community Consultation and Communication

No community consultation is required in the development of this Policy.

Once adopted a copy of the Policy will be made available to all Councillors and Council Staff, it will be uploaded onto Council's webpage and intranet.

Disclosure of Interests

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

RECOMMENDATION

That Council adopt the attached Councillor and Staff Interactions Policy.

COUNCIL RESOLUTION

MOVED: Cr Dunkley
SECONDED: Cr Rainsford

That Council adopt the attached Councillor and Staff Interactions Policy.

CARRIED

10.3 Annual Plan Quarterly Report

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Megan Kruger, Governance Coordinator
Attachments: 4. Action and Task Progress Report

Executive Summary

The Action and Task Progress Report for the period 1 July 2016 to 31 December 2016 has been prepared to provide information regarding the performance of the organisation against the Council Plan and Annual Plan.

Discussion

It was identified in 2015 that Council had a gap in its planning and reporting architecture. Although all Plans which were legislative requirements were in place, there was not an organisational wide Annual Plan. An Annual Plan details what strategies and objectives of the Council Plan will be delivered in a financial year. An Annual Plan can go into more detail than a Council Plan and outline in a specific and measurable way what an organisation plans to achieve in a financial year. An Annual Plan captures more information than an Annual Budget by capturing any goals or objectives of an organisation which are not reflected in the budget, such as project which are being completed in-house.

Previously reports were presented to Council once a quarter at its Briefing Session in relation to the organisations performance against its Council Plan. Following the introduction of an Annual Plan reports will presented to Council once a quarter, through a public Council Report, against the Annual Plan instead of the Council Plan. Reporting against the Council Plan will occur annually through the Annual Report. This will allow Council to receive more relevant and measurable information about how the organisation is performing. This in turn allows Council an opportunity to raise concerns about performance in a timely manner.

Although the quarterly reporting to Council is now in relation to the Annual Plan instead of the Council Plan, there are some previous actions relating to the Council Plan from 2015/2016 which were not completed and have been rolled over into the 2016/2017. Therefore all the reporting in 2016/2017 will be a mixture of Annual Plan and Council Plan actions.

There are currently 201 actions from the Annual Plan and Council Plan. Of these 201 actions:

- 107 actions (53%) are on track;
- 5 actions (2%) require monitoring;
- 80 actions (40%) are off track; and
- 9 actions (4%) have no target set for the first half of the 2016/2017 financial year (the report states that the actions have target set for any actions marked as ongoing).

Although having 40% of actions off track, which is less than 70% of the target achieved, seems like a large amount many of the actions are only slightly off achieving 70% of their target which is due to the Report being for the period 1 July 2016 – 31 December 2016 but being printed 3 weeks early due to the reporting obstacles in relation to the Council Elections and the election period.

Details about the specific performance of the Annual Plan actions is detailed in the attached Action and Task Progress Report.

This first period of reporting has also highlighted opportunities for improvement in the development of the 2017/2018 Annual Plan. Improved wording of actions to ensure that they are measurable and setting realistic targets throughout the financial year will ensure that the reporting in 2017/2018 is more accurate and better reflects the performance of the organisation.

Legislation, Council Plan and Policy Impacts

Council is required to adopt a Council Plan in accordance with section 125 of the Local Government Act 1989. This Plan is supported by the development of an Annual Plan which details the actions that will be undertaken to achieve the strategic objectives in the Council Plan.

Reporting on the Annual Plan is to be presented to Council quarterly so that Council can regularly monitor the performance of the organisation.

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 Action and Task Progress Report for 1 July 2016 to 31 December 2016 be received.

COUNCIL RESOLUTION

MOVED: Cr Sharples
SECONDED: Cr McAdam

That the Action and Task Progress Report for 1 July 2016 to 31 December 2016 be received.

CARRIED

10.4 Procurement Policy Review

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Janelle Dahlenburg, Procurement/Contract Officer
Attachments: 5. Procurement Policy December 2016

Executive Summary

In accordance with section 186A(7) of the Local Government Act 1989 (“the Act”) Council must review its Procurement Policy at least one in each financial year. This review has been undertaken and an amended Procurement Policy prepared.

This report recommends that the amended Procurement Policy be adopted by Council.

Discussion

Under section 186A of the Act all Victorian Councils are required to have a Procurement Policy. This has been a requirement since 2008. The Policy was last fully reviewed by Council on 12 November 2014, with a minor amendment introduced on 24 June 2015.

A review process involved consultation with the Executive Leadership Team (ELT), the Senior Leadership Team (SLT) and key purchasing staff members. In addition to this internal processes, the State Government’s Guidelines were referred to as a supporting document.

The result of this review has been the recommendation of the following key changes

- Increase in min of 2 quote threshold from \$1,000 to \$3,000
- Increase in Preferred Supplier’s Contract purchases from \$5,000 to \$8,000

Financial and Resource Implications

There is no cost or income related to the review and amendment of the Procurement Policy.

Legislation, Council Plan and Policy Impacts

Council Plan

Outcome 1.3 – Financial Responsibility and Security.

Strategy 1.3.1 – Compliance with and application of prudent financial principles to the Council’s annual budget.

Strategy 1.3.3 – Maintain a continuous improvement approach to all Council operations.

Outcome 2.1 Strong Economic Performance that Supports Population Growth.

Strategy 2.1.5 – Support and encourage social and economic development in all our settlements.

Strategy 2.1.9 – Facilitate and encourage business capacity and development

It is a statutory requirement to review the Procurement Policy at least once in each financial year.

Risk Management

The Policy is essential to make sure that the responsibilities, processes, thresholds and compliance requirements in relation to the procurement of all goods, services and works comply with all Australian and Victorian legislation and are done ethically and transparently.

Environmental and Sustainability Considerations

Council's Procurement Policy is a public document which is published on Council's website. This allows potential tenderers to download the document and understand the procurement processes which Council must abide by. Updating the Procurement Policy annually ensures that any relevant changes in circumstances are identified and addressed and the public is up to date with Council's processes.

The Act provides that the objectives of all Councils include:

- The promotion of social, economic and environmental viability and sustainability of the municipal district.
- The promotion of appropriate business and employment opportunities.
- Ensuring transparency and accountability in Council decision making.

The Act also provides that part of the role of a Council is to maintain the viability of the Council by ensuring that resources are managed in a responsible and accountable manner. The regular review and refinement of the Procurement Policy and the associated Guidelines provide a means of demonstrating Council's fulfilment of its obligations to not only provide the best value for money for its community, but also that the processes applicable to the expenditure of funds are clear and transparent and treat all potential providers of goods and services with equity and fairness.

In reviewing this policy and associated guidelines consideration is given to the local economy. Council's policy is to support a sustainable, strong local economy by encouraging an economic contribution to the region.

Community Consultation and Communication

A public information session will be held in May next year (2017). This session will be aimed at informing local suppliers on how local government procurement works, and how they can engage with Council.

The amended Procurement Policy will be uploaded to Council's website for public viewing

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 amended Procurement Policy be adopted by Council.

COUNCIL RESOLUTION

MOVED: Cr Calvano
SECONDED: Cr Rainsford

1. That the amended Procurement Policy be adopted by Council.
2. That Council's Procurement Officer review the 'Support for Local Business' section of the Procurement Guidelines and investigate increasing the figure from 5% to 10% for local tenderers.

CARRIED

10.5 Operation of Council Outdoor Pools Policy

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Jason Thomas, Manager Recreation
Attachments: 6. Draft Policy

Executive Summary

Councils Operation of Outdoor Pools Policy outlines the service levels for the operations of Southern Grampians Community Pools. In review of operations and usage trends it is recommended to revise the services levels of Councils Community Pools.

Key Policy Recommendations:

- Season length from the first weekend in December to Labour Day public holiday in March;
- Pools will be closed when the air temperature is forecast to be less than 24 degrees Celsius;
- Pools will be opened from 3.00pm to 7.00pm;
- Pools will be opened on weekends from 12.00pm to 8.00pm when the air temperature is forecast to be more than 35 degrees Celsius;
- Supervised early morning swimming will be offered regardless of temperature at Hamilton and Coleraine three mornings a week.
- Community or sporting groups' alternative use requests on application outside these service levels between the start of November and end of March.

Discussion

HILAC Enterprise Review

In 2015 Council completed an Enterprise Review of HILAC that clearly highlighted that the HILAC Organisational Structure needing to be reviewed to decrease the resource allocation and align with service priorities. The structure included 4 duty supervisors whose positions included a significant volume of work in servicing the outdoor pools.

In the process of completing the structure review a significant amount issues and opportunities were identified in how Council services it outdoors pools:

- The supervisors roles were covering up significant gaps in the operations;
 - Lifeguard availability;
 - A lack of technical knowledge to maintain operations;
 - Non-compliance with Industrial Relations obligations;
 - Failing infrastructure;
- A large proportion of the outdoor pool costs were hidden in the supervisor wages that were charge to the cost of HILAC;
- Policy service levels were not aligning with use and need;
- Contracting out the lifeguard management;
- Lifeguard availability could not achieved the service levels detailed in the Policy;
- Significant risks in operations;
 - Lifeguards working 8 hour shifts without breaks;
 - Capacity to maintain concentration over that period;
 - Working in heat;
 - Leaving the pool unattended for amenity breaks;
 - Not completing pools chemistry tests as required every 4 hours;

Current Service Levels:

- Season Length
 - Hamilton is open from first weekend in November to the last weekend in March;
 - Coleraine, Dunkeld, Glenthompson, Penshurst is open from the first weekend in December to Labour Day public holiday in March;
 - Balmoral is open from the first weekend in December to last weekend in March.
- Temperature
 - Heated pools will be closed when the air temperature forecast by the Bureau of Meteorology at mid-afternoon for the next day is less than 21oC;
 - Unheated pools will be closed when the air temperature forecast at mid-afternoon for the next day by the Bureau of Meteorology is less than 23oC.
- Hours of Service:
 - All Pools Schools Operating Monday – Friday 3.15pm- 6.45pm;
 - All Pools Except Balmoral and Glenthompson Weekends/public holidays/school holidays 12.00noon - 7.00pm;
 - Balmoral and Glenthompson Weekends/public holidays/school holidays 1.00pm - 7.00pm.
- Programming Arrangements:
 - Supervised early morning swimming from 6.00am - 9.00am (Monday, Wednesday, Friday) at the Hamilton Outdoor Swimming Pool from the first full weekend in November until the last weekend in March;
 - Supervised early morning swimming at Coleraine Pool for three hours per week;
 - Unsupervised early morning swimming for six hours per week available at all pools except Hamilton subject to approval of times by Manager Hamilton Indoor Leisure and Aquatic Centre and minimum of three swimmers on each occasion;
 - All pools may remain open when the air temperature is 26oC or more at 6.45pm or later and when there is reasonable patronage in the water (greater than 5 patrons);
 - Hamilton Outdoor Swimming Pool will open to the public at 10.00am when the air temperature forecast at mid-afternoon for the next day by the Bureau of Meteorology is 35oC or more.

Usage Trends Over Last 3 Seasons**All Pools - Usage Against Temperature**

Average 3 Years - 2013/2014, 2014/2015, 2015/2016

Temp	Days Open	% Total Days	% Total Patrons	Temp Range	Accumulated % of Total days	Accumulated % of Total Patrons
Under 21°	28	6.03	1.73	< 21°	6.03	1.73
21° - 23°	80	16.90	7.20	< 24°	22.93	8.93
24° - 26°	101	21.52	13.15	< 27°	44.45	22.08
27° - 29°	86	17.88	13.99	< 30°	62.33	36.07
30° - 32°	66	13.93	16.72	< 33°	76.26	52.79
33° - 35°	57	11.80	18.40	< 35°	88.06	71.19
Over 35°	58	11.94	28.81	> 35°	100.00	100.00

Usage Against Opening Times						
	2015/2016		2014/2015		2013/2014	
Time	No. Patrons	%	No. Patrons	%	No. Patrons	%
10:30 AM	51	0.27	0	0.00	171	0.90
11:30 AM	82	0.43	24	0.18	161	0.84
12:30 PM	635	3.31	472	3.51	826	4.33
1:30 PM	1369	7.13	1044	7.76	1294	6.79
2:30 PM	2086	10.86	1706	12.69	1881	9.86
3:30 PM	4085	21.27	2731	20.31	3592	18.84
4:30 PM	4886	25.44	3310	24.61	5042	26.44
5:30 PM	4055	21.11	2734	20.33	4256	22.32
6:30 PM	1867	9.72	1314	9.77	1837	9.63
7:30 PM	93	0.48	113	0.84	8	0.04

Recommended Service Level

- Season Length:
 - First weekend in December to Labour Day public holiday in March;
 - Usage of the pools by schools and approved training squads to the end of March on application.
- Temperature
 - Pools will be closed when the air temperature forecast by the Bureau of Meteorology at mid-afternoon for the next day less than 24oC;
 - Pools will be closed when the air temperature forecast by the Bureau of Meteorology at mid-afternoon for the day is revised to be less than 24oC;
 - Supervised early morning swimming will continue regardless of temperature.
- Hours of Operation
 - Pools will be opened from 3.00pm to 7.00pm;
 - When the air temperature forecast for weekends by the Bureau of Meteorology at mid-afternoon for the next day is 35oC or higher the pools will be opened from 12.00pm to 8.00pm.
- Supervised Early Morning Swimming
 - Offered at Hamilton and Coleraine 3 mornings a week for a maximum of 3 hours per session.
- Alternative Use Requests
 - Community or sporting groups can request alternative use on application outside these service levels between the start of November and end of March under the following conditions:
 - Minimum of 10 or more participants;
 - The availability of lifeguard supervision provided in accordance with the Royal Life Saving Guidelines.

The proposed change to service levels has been prompted as a practical response to the shortage of staff. Without the guarantee of the presence of two life guards per site, per shift we must structure the service delivery to both provide access to the community and ensure the safety and well-being of our staff and community.

Financial and Resource Implications

Implementing the recommended service levels would result in an estimated saving of approximately 1000 lifeguard hours or approximately \$30,000 of the budgeted amount for the 2016-17 year.

The proposal is to calculate the actual savings against the budgeted amount for the 2016-17 budgets at the end of the pool season for each pool. The savings would be used to support the Progress or Township Association (Coleraine, Balmoral, Dunkeld, Glenthompson and Penshurst) to contribute towards a community event that has health and wellbeing outcomes.

Legislation, Council Plan and Policy Impacts

Pool operations in Victoria are not currently legislated. A recent Coroners Courts recommendation is that Victoria should legislate pool operations similar to other states like Western Australia.

Industry practice in Victoria is that pool operations implement The Royal Life Saving Guidelines for Safe Pool Operation.

Risk Management

The recommended services levels are designed to address the following risks:

- Lifeguarding
 - Prevent lifeguards from working whole day shifts without breaks;
 - Have lifeguards shifts that allow concentration to be maintained to the level required;
 - Avoid situation in which the pool is left unsupervised;
- Water Quality
 - Have the water quality tested every 4 hours;
- Unsupervised Swimming
 - Avoid community members completing the water quality testing and removing pool blankets;
 - Avoid situations in which pool blankets have only been partly removed;
 - Avoid situation in which community members have entered the pool with unsafe chemistry levels;
 - Avoid medical emergencies where no suitably qualified staff is present
 - An incident at any pool could constitute a major breach of Council's duty of care which may result in exposure to litigation.

Environmental and Sustainability Considerations

A minor energy reduction will be realised as the heated pools will have their blankets on for longer periods that will help maintain the water temperature.

Community Consultation

Council undertook a community consultation process which included an online survey and submissions by invitation from specifically affected groups. We received 6 written submissions and 169 community completed surveys, all of which have been tabled for Council's consideration. A summary of the responses to the survey is attached.

From this process we have amended the policy to include:

- Early morning swimming at Coleraine;
- The pool opening hours to 3:00pm to 7:00pm;
- An alternative use request outside the policy service levels between the start of November and end of March.

Communication of Policy

Progress or Township Associations

A letter will be drafted to each township with an outdoor pool explaining the Policy change and the proposal to allocate the actual budgeted savings to contribute to a community plan priority or health and wellbeing initiative.

Community Newsletters

The changes will be advertised in all the community newsletters across the Shire.

Members

All members will be informed of the change and a full refund offered.

Pool Hotline

The pool hotline will reference the changes and direct people to either the website or Facebook page for full details.

Social Media & Websites

The changes will be promoted on all relevant Council websites and Facebook pages.

Pool Signage

Signage at each pool will amended with proposed operating hours.

Media Release

A media release will be draft and sent to all relevant media outlets.

Disclosure of Interests

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

RECOMMENDATION

That Council:

1. Adopts the revised Operation of Outdoor Pools Policy to be implemented from January 2 2017.
2. Endorse the allocation of the actual savings for the 2016-17 year to contribute towards a community event that has health and wellbeing outcomes.

MOTION

MOVED: Cr McAdam
SECONDED: Cr Sharples

Based on the present unavailability of lifeguards Council adopts the revised Operation of Outdoor Pools Policy to be implemented from 2 January 2017 until the end of the current pool season and the Policy be reviewed once the current pool season is concluded.

AMENDMENT

MOVED: Cr Rainsford
SECONDED: Cr Calvano

That Council no longer allows unsupervised swimming in its pools but does not support reducing the level of service provision for swimming.

The AMENDMENT was CARRIED and became the MOTION

COUNCIL RESOLUTION

MOVED: Cr Rainsford
SECONDED: Cr Calvano

That Council no longer allows unsupervised swimming in its pools but does not support reducing the level of service provision for swimming.

CARRIED

10.6 Waste Services Financial Review

Directorate: Shire Infrastructure
Author: David Moloney, Director Shire Infrastructure
Attachments: 7. Mackenzie Environmental - Waste Services Financial Model

Executive Summary

Council engaged Mackenzie Environmental in July 2016 to develop a financial model to analyse the long term cost of the existing waste services and alternative waste services delivery models. It was also used to assess Council's current fees.

The model looked at the current financial situation of waste services across Council looking at the following services:

- Councils Landfill
- Transfer stations
- Kerbside waste

The results of the financial model indicate that for Council's current waste services' fees at the landfill, transfer station and kerbside collection fees do not cover the cost of the service provided and estimated the total NPV cost (i.e. Operating costs from rates after fees have been paid) to Council will be approximately \$8M over ten years.

The model analysed changing a number of operational procedures and services currently provided. To operate on a cost neutral basis even if all proposed cost saving models were introduced, the model indicates Council would require a fee rise.

It is recommended that Council:

1. Acknowledge receipt of the report.
2. That a further report be presented to Council recommending future options for waste services

Discussion

Council currently operates a Landfill, 7 transfer stations and a kerbside waste collection service. Council engaged Mackenzie Environmental in July 2016 to develop a financial model to analyse the long term cost implications of the existing and alternative waste services delivery models. The model was used to assess Council current fees and to provide support for a Council Waste Services Strategy.

The model indicated that the fees for kerbside collections do not cover the cost of landfill disposal and would need to be raised by \$15 to be cost neutral whereas the fees charged for the collection and processing organics covered costs. However landfill and transfer stations gate fees do not cover costs by a significant margin. The actual cost of operating landfill and transfer station is estimated at \$298 per tonne as compared with current gate fees of \$164.50 and \$188 for municipal and commercial waste respectively.

The results of the financial model indicate that for Council's current waste services, the total NPV cost (i.e. Operating costs from rates) to Council will be approximately \$8M over ten years. To operate on a cost neutral basis even if all modelled changes are introduced would require Council to raise fees.

The model analysed changing a number of operational and service provision changes. These were:

- Scenario 1 – Current waste services; business as usual (BAU) case.
- Scenario 2 – BAU with closure of Hamilton Landfill.
- Scenario 3 – Scenario 2 with mandatory food organics and garden organics (FOGO) collection service.
- Scenario 4 – BAU with external contractor engaged to operate all transfer station operations.
- Scenario 5 – BAU with reduced transfer station hours of operation.
- Scenario 6 – BAU with external contractor engaged for public litter bin collection service.
- Scenario 7 – BAU with fortnightly recycling collection in Hamilton.
- Scenario 8 – Implement scenarios 2 - 8

The report assesses the potential cost savings to Council of each service option.

Financial and Resource Implications

This report indicates areas that Council could consider, where there are potential cost savings to be made by Council. Depending on the options there are different financial impacts.

Legislation, Council Plan and Policy Impacts

The waste financial model is consistent with Council's objectives, according to the Council Plan 2013-17:

Outcome 5.1 Waste Management and Minimisation

Strategy 5.1.1 Reduce the volume of waste going to landfill

Strategy 5.1.3 Divert organic waste from landfill

Strategy 5.1.4 Increase the volume of recycled materials through continued community education programs.

Waste diversion is also a key objective of the Victorian Government Resource Recovery Infrastructure Plan and the Barwon Region South West Waste and Resource Recovery Group 2016/17 Strategy.

Risk Management

This report was developed to help address the financial risk associated with the current waste service delivery in particular the long term financial risk with landfill management and the increasing environmental risk.

Environmental and Sustainability Considerations

This report helps inform on options that assist in waste diversion through the kerbside collection regime

It also assesses the long term financial sustainability of the waste services currently provided.

Community Consultation and Communication

Consultation has been undertaken with the following Council sections:

1. Finance Section

2. Sustainability Section
3. Waste Service Section

It is expected once options have been assessed that Council would undertake community consultation over the options being considered.

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

It is recommended that:

1. Council receive the report.
2. A further report be presented to Council recommending future options for waste services

COUNCIL RESOLUTION

MOVED: Cr Rainsford

SECONDED: Cr Dunkley

It is recommended that:

1. Council receive the report.
2. A further report be presented to Council recommending future options for waste services

CARRIED

Cr Rainsford left the Council Chambers at 6.28pm due to an indirect conflict of interest in the next item.

10.7 Proposed Road Name Change – Mt Rouse Tourist Road as Waller Road Penshurst

Directorate: Shire Infrastructure
Author: Francis Pekin, Engineering Support Officer
Attachments: 8. Letter from Office of Geographic Names; 9. Submission; 10. Submission

Executive Summary

Council resolved at its 14 September 2016 meeting to give public notice of Council's consideration of a request to rename the Mt Rouse Tourist Road, Penshurst and that following the consideration of submissions that it decide on the road name change at a future Council meeting.

Two submissions have been received in regard to Council's request for submissions. The Office of Geographic Names has also responded in regard to Council's proposal and advised it does not support the proposal.

It is recommended that Council not proceed with the proposal for renaming of Mt Rouse Tourist Road to Waller Road.

Discussion

The Friends of Napier Waller Committee have requested Council consider the renaming of Mt Rouse Tourist Road, the tourist road leading to Mt Rouse to honour a man they believe is Penshurst's most talented and famous son in its 165 year history.

The road from Warrnambool Rd to the top of Mt Rouse is called Mt Rouse Tourist Rd which they would like to rename Waller Drive. They suggest it would be a fitting tribute to one of Australia's most famous artists if the road bore his name, rather than the current pedestrian name.

The Committee believe there is an extra incentive to call this road Waller Drive as Mervyn Napier Waller was raised on a dairy farm on the Warrnambool Road, directly opposite the turn-off to Mt Rouse.

Currently there is only a small plaque on Mt Rouse – at the bottom of the steps leading to the summit to honour him. The Committee believe that the man whose works dominate the Hall of Memory at the Australian War Memorial in Canberra, and whose mosaics, murals and stained glass windows dominate Melbourne CBD and suburbs, deserves to be more widely recognised, especially in his home town and region.

Discussions with the Office of Geographic Names indicated that Drive was not in keeping with their guidelines and a more appropriate naming convention of Road should be used.

Council resolved at its 14 September 2016 meeting that:

- a) Public notice be given of Council's consideration of a request to rename the Mt Rouse Tourist Road, Penshurst. Following consideration of the submissions, Council will decide on the road name change at their November Ordinary Council Meeting.
- b) Submissions be invited on the proposal until 5 pm 17th October 2016.

After the September resolution Council contacted the Office of Geographic Names for in principal support for the renaming. The Office of Geographic Names has indicated that the Registrar does not support the proposed name change on the basis that the current name meets the requirements of the key principles in the Guidelines for Geographic Names 2010 Version 2, in particular Principle 1(c) Ensuring public safety and Principle 1(g) Linking the name to the Place.

In addition there is no justification as to a name change, when the current name contains an exact geographic reference to the location of the road and the link to place, Mt Rouse (copy of letter attached).

Council can still proceed with the application for the renaming of Mt Rouse Tourist Road to Waller Road. If the Office of Geographic Names then formally notifies Council that it rejects the renaming there is no appeals process and therefore the renaming will not go ahead.

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

It should be noted that the Guidelines for Geographic Names 2010 (Version 2 January 2013) states under Principle 1(H) when using commemorative names “a commemorative name applied to a locality or road should use only the surname of a person, not a first or given names”.



Financial and Resource Implications

There are costs associated with the preparation of reports, community liaison, advertising, administrative actions and statutory procedures to be undertaken, along with the signage required to rename the road.

Legislation, Council Plan and Policy Impacts

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

There is one section of the Council Plan which relates to this matter:

Strategy 1.2.3

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

The proposal was developed to the principles outlined in Section 1.8 Principles of the Guidelines for Geographic Names 2010 (V.2 Jan 2013).

Risk Management

Not applicable.

Environmental and Sustainability Considerations

Not applicable.

Community Consultation and Communication

Council staff telephoned the property owner affected by this proposal which will require a property address change. The owner did not have any objection to the proposal.

Public notice was advertised in the Spectator on Saturday 17 September 2016 advising Submissions were to be received by 17 October 2016.

There were two submissions received which both support the name change (copy of letters attached).

The Office of Geographic Names has advised that the Registrar does not support the proposed name change on the basis that the current name meets the requirements of the key principles in the Guidelines for Geographic Names 2010 Version 2, in particular Principle 1(c) Ensuring public safety and Principle 1(g) Linking the name to the Place.

In addition there is no justification as to a name change, when the current name contains an exact geographic reference to the location of the road and the link to place, Mt Rouse (copy of letter attached).

Council staff have contacted the Emergency Services Telecommunications Authority in regard to whether they have comments on the proposal and at the time of preparing this report no response was received.

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

It is recommended that Council not proceed with the proposal to rename Mt Rouse Tourist Road to Waller Road.

COUNCIL RESOLUTION

MOVED: Cr McAdam
SECONDED: Cr Calvano

That Council proceed with the proposal to rename Mount Rouse Tourist Road to Waller Road.

CARRIED

Cr Rainsford returned to the Council Chambers at 6.33pm.

10.8 Tender No 40/16 - Rehabilitation of Hamilton Landfill (Stages 3 and 4)

Directorate: David Moloney, Director Shire Infrastructure
Author: Greg Gunn Team Leader Strategy and Operations
Attachments: None

Executive Summary

The tender submissions for Contract 40/16 to undertake rehabilitation Stage 3 and 4 of the Hamilton Landfill in accordance with Environment Protection Authority (EPA) guidelines were received from three tenderers. The project requires the Contractor to source and supply suitable capping of sufficient quantities and construct the capping layers required for the rehabilitation.

In order to assess the tenders thoroughly the construction methodology needs to be submitted as the capping process is strictly regulated by the EPA. Hence the tenderers need to demonstrate a clear understanding of the required works and additional technical information is required by the Tender Evaluation Panel. As a result the final evaluation will not be completed in time for Council to resolve on and award the tender while still allowing the works to be constructed in the most favourable construction period, which will reduce delays to the project.

It is recommended that Council delegate the awarding of Contract 40/16 for rehabilitation Stage 3 and 4 of the Hamilton Landfill to the Mayor and the CEO and that a report be presented to the next Ordinary Council Meeting on the 22 February 2017 for endorsement.

Discussion

The Hamilton Landfill EPA Licence 20720 stipulates that the existing landfill is progressively rehabilitated and capped in accordance with best management criteria.

Construction of Stages 1 and 2 (of 6 Stages) was awarded to McClure Earth moving and these works were completed in 2014/15.

Tender 40-16 for the construction of Stages 3 and 4 closed on 5 December 2016. The project has an allocated budget of \$ 1.3 million and the civil works are separated into two components:

- supply and haulage of capping materials
- construction of the capping and biogas collection material

A total of three tenders were submitted and were evaluated by the Tender Review Panel on 6 December 2016 and the final evaluation report was planned to be submitted to Council at the 14 December 2016 Ordinary meeting.

The evaluation criteria for the award of the contract were price, methodology, capacity/resources and occupational health and safety. The capping project must meet strict EPA criteria and therefore the contractor requires specific construction expertise. Initial assessment found that all tenderers failed to provide sufficient information to assess their work methodology and have been requested to submit this additional documentation to clearly demonstrate their capability to undertake these works. This process is expected to take a week. This means the tender would have to wait for the next Ordinary Council Meeting on the 22 February 2017 resulting in a delay of awarding the tender and commencement of the project.

The project is expected to take three months and in order to take advantage of the best seasonal conditions to work with clay materials; it needs to be completed over the summer season. To meet this construction window it is essential that the Contract be awarded in December otherwise the works may need to be deferred to 2017/18.

There are two options in awarding this tender:

1. Council resolve to delegate the awarding of contract 40/16 for rehabilitation Stage 3 and 4 of the Hamilton Landfill to the Mayor and the CEO, with a report being presented at the next Ordinary Council Meeting on the 22 February 2017 for endorsement; or
2. Council resolve to hold an special meeting in December 2016 to consider the awarding of the tender.

Due to the time of year, the need to let the contract prior to the end of the year and the unknown timeframes for the return of information and finalisation of the tender assessment in the coming weeks it is recommended that Council delegate authority to the Mayor and the CEO to consider the evaluation report and award the Contract, with a report being presented to the next Ordinary Council Meeting on 22 February 2017 for endorsement.

Financial and Resource Implications

To meet EPA Licence requirements the landfill needs to be progressively capped. The project has an allocated budget of \$ 1.3 million.

Risk Management

To utilise the limited optimum time available for construction it is essential that the contract be awarded with minimal delay.

Environmental and Sustainability Considerations

Council ensures works undertaken by the contractor will meet the EPA Guidelines for landfill capping.

Community Consultation and Communication

Community consultation and communication will be in accordance with Council's procurement guidelines following the award of the Contract.

Legislation, Council Plan and Policy Impacts

Legislation:

The rehabilitation of the landfill is a key requirement of the EPA licence. The design and the construction must be undertaken in accordance with the EPA Works Approval and EPA Victoria (2010) Best Practice Environmental Management – Siting, Design, Operation and Rehabilitation of Landfills, Publication 788.1 (Landfill BPEM) and a number of other key regulatory documents

Council Plan:

The following key elements of the 2013 – 2017 Council Plan are relevant to the Project.

Outcome 1.3 Financial Responsibility and Security

Strategy 1.3.1 Compliance with and application of prudent financial principles to the Council's annual budget

Strategy 1.3.2 Ensure financial responsibility and security by preparing, implementing and reviewing Council's long-term financial plan.

Outcome 4.1 Maintaining Community Safety

Strategy 4.1.2 Managing Infrastructure to maximise community safety

Strategy 4.1.3 Managing the regulatory environment to protect amenity and safety

Outcome 5.1 Waste Management and Minimisation

Strategy 5.1.2 Manage, develop and rehabilitate landfill sites to meet regulatory requirements

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.

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

- David Moloney, Director Shire Infrastructure
- Aten Kumar, Manager Engineering and Operations
- Greg Gunn, Team Leader Strategy and Operations
- Janelle Dahlenburg, Procurement Officer

RECOMMENDATION

That Council:

1. Delegate the awarding of Contract 40/16 for Rehabilitation Stage 3 and 4 of the Hamilton Landfill to the Mayor and the CEO;
2. A report be provided to all Councillors to enable feedback be given on the tender for consideration by the Mayor and CEO prior to awarding the tender; and
3. A report be presented on Contract 40/16 for Landfill Capping Stage 3 and 4 to the next Ordinary Council Meeting on the 22 February 2017 for the endorsement of this Contract.

COUNCIL RESOLUTION

MOVED: Cr Armstrong
SECONDED: Cr Rainsford

That Council:

1. Delegate the awarding of Contract 40/16 for Rehabilitation Stage 3 and 4 of the Hamilton Landfill to the Mayor and the CEO;
2. A report be provided to all Councillors to enable feedback be given on the tender for consideration by the Mayor and CEO prior to awarding the tender; and
3. A report be presented on Contract 40/16 for Landfill Capping Stage 3 and 4 to the next Ordinary Council Meeting on the 22 February 2017 for the endorsement of this Contract.

CARRIED

A division was called

DIVISION	
FOR	AGAINST
Cr Armstrong	Cr Calvano
Cr Brown	
Cr Dunkeld	
Cr McAdam	
Cr Rainsford	
Cr Sharples	

11. Notices of Motion

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

12. Delegated Reports

Reports on external Committees and Representative Bodies for which Councillors have been appointed as a representative by Council.

There were no delegated reports.

13. Other Business

The Mayor addressed the Council in relation to the potential of rescheduling the Special Meeting to review the Councillor Code of Conduct from 25 January 2017 to align with the first briefing session of 2017 on 8 February 2017.

COUNCIL RESOLUTION

MOVED: Cr Rainsford
SECONDED: Cr Dunkley

That the Special Meeting to review the Councillor Code of Conduct be rescheduled from 25 January 2017 to 8 February 2017 at 5.30pm in the Council Chambers, 3 Market Place, Hamilton.

CARRIED

14. Mayors and Councillors Reports

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

The Mayor, Cr Brown

- Reported on her attendance on 13 December 2016 at the recognition of the Meals on Wheels volunteers.
- Reported on her attendance at the St Marys' Christmas Parade and Expo. She congratulated St Marys' school on the work they put into this event.
- Reported on her attendance at the Great South Coast Group where several issues were discussed including advocacy, roads and agriculture.

Cr Sharples

- Reported on his attendance at the Beyond the Bell Annual General Meeting.
- Reported on his attendance at the Hamilton College nativity morning.
- Reported on his attendance at the Monivae presentation day,
- Reported on his attendance, together with other Councillors, at Iluka.

Cr Rainsford

- Reported on her attendance at the Passenger Rail Forum.

Cr McAdam

- Reported on his attendance at the opening of the Coleraine CFA complex on 3 December 2016, together with the Mayor and Cr Armstrong.
- Reported on his attendance at the Balmoral Progress Association on 4 December 2016, together with the Mayor and Cr Armstrong to discuss their plans for redevelopment of the Balmoral Recreation Reserve.
- Reported on his attendance at a workshop for sheep and lamb producers held at on the Hamilton Regional Livestock exchange by DEDJTR on 6 December 2016.
- Reported on his attendance at the official opening on Ron Lewis Park at Cavendish on 13 December 2016.

Cr Armstrong

- Reported on her attendance at the Gener8 Change breakfast.

Cr Dunkley

- Reported on his attendance at the Hamilton College Junior Presentation Day.
- Reported on his attendance at the Branxholme and Byaduk Community Engagement sessions on 7 December 2016.

15. Confidential Matters

There were no Confidential Matters listed on tonight's agenda.

16. Close of Meeting

This concludes the business of the meeting.

Meeting closed at 6.54 pm.

Confirmed by resolution 22 February 2017.

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Chairman