



Southern Grampians
SHIRE COUNCIL

Council Meeting Minutes

Ordinary Meeting
12 August 2020

Held virtually at 5.30pm via Zoom.

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The Meeting opened at 5.30pm

1. Present

Councillors

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

Officers

Mr Michael Tudball, Chief Executive Officer
Ms Evelyn Arnold, Director Community and Corporate Services
Mr Andrew Goodsell, Director Planning and Development
Mr David Moloney, Director Shire Infrastructure

2. Welcome and Acknowledgement of Country

The Mayor, Cr Sharples, 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.”

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 Calvano 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 8 July 2020 be confirmed as a correct record of business transacted.

COUNCIL RESOLUTION

MOVED: Cr McAdam
SECONDED: Cr Brown

That the Minutes of the Ordinary Meeting of Council held on 8 July 2020 be confirmed as a correct record of business transacted.

CARRIED

6. Declaration of Interest

None declared.

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 by no later than 5pm on the Monday before the Ordinary Meeting of Council.

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 a copy either electronically or hard copy 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 were two Public Deputations listed on tonight's agenda.

8.1 Petition – Request to Seal Kurtzes Road

A petition has been received requesting Kurtzes Road Hamilton be sealed utilising funding received by Council for the Local Roads and Community Infrastructure Program for 2020/21.

Attachment 1 – Petition and Signatories

RECOMMENDATION

That Council receive the petition and send correspondence to the petition organiser noting that, Council resolved at the 10 June 2020 Ordinary Meeting of Council to not upgrade Kurtzes Road and at the 8 July 2020 Ordinary Meeting of Council adopted the Annual Budget and Kurtzes Road was not included in the work plan for 2020/2021 financial year.

COUNCIL RESOLUTION

MOVED: Cr Dunkley

SECONDED: Cr Brown

That Council receive the petition and send correspondence to the petition organiser noting that, Council resolved at the 10 June 2020 Ordinary Meeting of Council to not upgrade Kurtzes Road and at the 8 July 2020 Ordinary Meeting of Council adopted the Annual Budget and Kurtzes Road was not included in the work plan for 2020/2021 financial year.

CARRIED

8.2 Petition – Fairness for Rural Ratepayers

A petition has been received requesting that Council review rural rates and provide a proposal that is fairer to all ratepayers.

Attachment 2 – Petition and Signatories

RECOMMENDATION

That Council receive the report and invite the organisers of the petition to a virtual meeting with Councillors to discuss the identified issues

COUNCIL RESOLUTION

MOVED: Cr McAdam
SECONDED: Cr Rainsford

That Council receive the report and invite the organisers of the petition to a virtual meeting with Councillors to discuss the identified issues

CARRIED

9. Records of Assemblies of Councillors

Written records of Assemblies of Councillors must be kept and include the names all Councillors and members of Council staff attending the meeting, the matters considered, any conflicts of interest declared and when the person/s with a conflict left and returned to the meeting.

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.

Section 3 of the Local Government Act 1989 defines as Assembly of Councillors as:

1. A meeting of an advisory committee of the Council, if at least one Councillor is present; or
2. A planned or scheduled meeting of at least half of the Councillors and one member of Council staff;

which considers matters that are intended or likely to be:

- a) The subject of a decision of the Council; or
- b) Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

As there are some meetings which may or may not be classed as an Assembly of Councillors depending on who is present and the topics that are discussed Southern Grampians Shire Council records these meetings as an Assembly of Councillors to ensure that transparency in relation to these meetings is publicised.

An Assembly of Councillors record was kept for:

- Briefing Session – 8 July 2020
- Briefing Session – 22 July 2020
- Internal Auditor Interview – 23 July 2020
- Hamilton Showgrounds Masterplan Meeting – 28 July 2020

This agenda was prepared on 5 August 2020. Any Assemblies of Councillors between that date and the date of tonight's Meeting will appear in the agenda for the next Ordinary Meeting of Council.

RECOMMENDATION

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

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr Rainsford

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

CARRIED

Southern Grampians Shire Council

ASSEMBLY OF COUNCILLORS

ASSEMBLY DETAILS	
Title:	Council Briefing Session
Date:	8 July 2020
Location:	Virtual – Lifesize
Councillors in Attendance:	Cr Chris Sharples, Mayor Cr Colin Dunkley, Deputy Mayor Cr Cathy Armstrong Cr Mary-Ann Brown Cr Albert Calvano Cr Katrina Rainsford Cr Greg McAdam
Council Staff in Attendance:	Michael Tudball, Chief Executive Officer via phone Evelyn Arnold, Director Community and Corporate Services via phone David Moloney, Director Shire Infrastructure via phone Andrew Goodsell, Director Planning and Development via phone Darren Barber, Manager Organisational Development Karly Saunders, Governance Coordinator Hugh Koch, Manager Economic Development and Tourism Daryl Adamson, Strategic Major Project Coordinator

The Assembly commenced at 2:00pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Grampians Tourism Update	Nil
2	Matters Raised by Councillors	Nil
3	Council Meeting Items	Nil
4	New Local Government Act 2020 – Public Transparency Policy	Nil
5	Dunkeld Visitor Hub Project	Nil

The Assembly concluded at 5:00pm

Southern Grampians Shire Council

ASSEMBLY OF COUNCILLORS

ASSEMBLY DETAILS	
Title:	Council Briefing Session
Date:	22 July 2020
Location:	Virtual – Microsoft Teams
Councillors in Attendance:	Cr Chris Sharples, Mayor Cr Colin Dunkley, Deputy Mayor Cr Cathy Armstrong Cr Mary-Ann Brown Cr Albert Calvano Cr Katrina Rainsford
Council Staff in Attendance:	Michael Tudball, Chief Executive Officer via phone Evelyn Arnold, Director Community and Corporate Services via phone David Moloney, Director Shire Infrastructure via phone Andrew Goodsell, Director Planning and Development via phone Darren Barber, Manager Organisational Development Nikki Sutherland, Acting Manager Strategy and Regulation Sherie Bain, Biodiversity Coordinator Bruce Farquharson, Emergency Management Coordinator Karly Saunders, Governance Coordinator

The Assembly commenced at 2:20pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Matters Raised by Council	
2	Council Policy Update – Hamilton and Outer Towns Garbage Collections and Recyclables Collections – Collection Receptacles Policy	Nil
3	Capital Works Update – End of June	Nil

4	Kangaroo Harvesting	Nil
5	Annual Plan Quarterly Report	Nil
6	Post Fire Season Review	Nil
7	Governance Rules – Post Community Engagement	Nil
8	New Local Government Act 2020 – Delegated Committees	Nil

The Assembly concluded at 4:45pm

Southern Grampians Shire Council

ASSEMBLY OF COUNCILLORS

ASSEMBLY DETAILS	
Title:	Internal Auditor Interviews
Date:	23 July 2020
Location:	Brown Street Conference Room
Councillors in Attendance:	Cr Colin Dunkley, Deputy Mayor Cr Katrina Rainsford
Council Staff in Attendance:	Darren Barber – Manager Organisational Development Nadine Rhook – Executive Assistant Director Community & Corporate Services

The Assembly commenced at 10:30am

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Internal Audit Interviews of Five Companies	Nil

The Assembly concluded at 4:15pm

Southern Grampians Shire Council

ASSEMBLY OF COUNCILLORS

ASSEMBLY DETAILS	
Title:	Hamilton Showgrounds Masterplan Meeting
Date:	28 July 2020
Location:	Upstairs – Hamilton Art Gallery
Councillors in Attendance:	Cr Chris Sharples, Mayor Cr Colin Dunkley, Deputy Mayor Cr Mary-Ann Brown Cr Katrina Rainsford Cr Albert Calvano Cr Greg McAdam
Council Staff in Attendance:	Evelyn Arnold – Director Community & Corporate Services

The Assembly commenced at 5.00pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Discuss key outcomes from the draft Masterplan Report	Cr Rainsford declared a conflict of interest and participated in the meeting as a member of the Hamilton P&A Society. Cr Armstrong declared a conflict of interest and did not attend the meeting.
2	Discuss Option and Next Steps	As above

The Assembly concluded at 6.38pm

10. Management Reports

10.1 Location of a Bust of Former Prime Minister Malcolm Fraser

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Evelyn Arnold, Director Community and Corporate Services
Attachments: None

Executive Summary

This report recommends that the bust of Malcolm Fraser be located the lawn in the elbow of a small path that curves around the fountain, where is not visible from the fountain or the gate. The bust would sit in manicured area of the gardens in a well-defined area of lawn, edged by flower beds with a long view up through the picnic area and people spaces at the stop edge of the gardens.

Discussion

Council resolved at the Ordinary Meeting on the 14th November 2018 to support the request to recognise the contribution Malcolm Fraser has made to the Southern Grampians community by erecting a life size bust of him in the Hamilton Botanic Gardens.

In December 2019, a permit was granted by Heritage Victoria approving the installation of the Bust and detailing a number of conditions. The first key condition to be satisfied was the location. The requirements from the permit are:

“Prior to the commencement of any of the works approved by this permit construction ready plans (Final Plans) must be provided for endorsement by the Executive Director and once endorsed becomes part of the permit. The Final Plans must show the following:

- *An alternative location for the bust.*
- *The location must avoid main entrance gates, not detract from significant views or involve any tree/landscape feature removal.*
- *The location must not impact on any conservation outcomes recommended by the Master Plan.*
- *The Friends of the Hamilton Botanic Gardens should be given the opportunity to participate in the decision-making process for this alternative location.”*

This required a review of the site originally identified as part of the permit submission. Subsequently, 9 (nine) additional sites have been identified and reviewed by the Heritage Consultant who provides expert advice in this area. This has included;

- 3 sites identified by staff – not supported by the Friends of the Botanic Gardens
- 3 sites submitted by the Friends of the Botanic Gardens – assessed as not being consistent with the permit conditions
- 3 additional sites suggested as suitable Council's Heritage Advisor

All of the final 3 sites were reviewed by a Council Officer and a representative of the Friends of the Botanic Gardens. These sites were then considered by the committee at their meeting on 14th July 2020.

Site 1: Place the life-size bronze bust of Malcolm Fraser in the Hamilton Botanical Gardens the lawn in the elbow of a small path that curves around the fountain, where is not visible from the fountain or the gate. The bust would sit in manicured area of the gardens in a well-

defined area of lawn, edged by flower beds with a long view up through the picnic area and people spaces at the stop edge of the gardens.

This location satisfies all requirement of this section of the Heritage Victoria permit including the participation of the Friend of the Botanic Gardens in arriving at this location.

Financial and Resource Implications

There will be some costs to Council if this project is to go ahead. There will be in kind contribution of the staff costs to support the community with the planning and consultation in relation to the project. There is also a contribution of \$5,000 by Council towards the cost of the plinth.

Legislation, Council Plan and Policy Impacts

Local Government Act, 2020

Heritage Act, 1995

Planning and Environment Act, 1987

Council Plan Theme 1 – Support our Community

Hamilton Botanic Gardens Master Plan Vol 1 & 2 (2015)

Risk Management

Planning will need to be done to ensure that the bust is situated in a location where it will be secure and less likely to be damaged or vandalised.

Environmental and Sustainability Considerations

Consideration will need to be given to the location of the bust in the Hamilton Botanical Gardens. The location will need to be somewhere that does not impact upon the current aesthetics and amenity of the Gardens.

Community Consultation and Communication

No consultation was undertaken in regards to this report.

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. Place the life-size bronze bust of Malcolm Fraser in the Hamilton Botanical Gardens the lawn in the elbow of a small path that curves around the fountain, where is not visible from the fountain or the gate. The bust would sit in a manicured area of the gardens in a well-defined area of lawn, edged by flower beds with a long view up through the picnic area and people spaces at the stop edge of the gardens; and
2. Report this recommendation to Heritage Victoria to confirm that this condition of the permit has been satisfied before continuing with the planning process.

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr McAdam

That Council:

1. **Place the life-size bronze bust of Malcolm Fraser in the Hamilton Botanic gardens on the lawn in front of a garden bed of camellias in a circular area of lawn on the eastern side of the footpath, as shown in the attached map and photo.**
2. **Report this recommendation to Heritage Victoria to confirm that this condition of the permit has been satisfied before continuing with the planning process.**

CARRIED

10.2 Public Transparency Policy

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Karly Saunders, Governance Coordinator
Attachments: 3. Public Transparency Policy

Executive Summary

The *Local Government Act 2020* requires Council to adopt a Public Transparency Policy by 1 September 2020.

Discussion

Council must adopt and maintain a Public Transparency Policy under section 57 of the *Local Government Act 2020* ('the Act') and has developed its policy to ensure Southern Grampians Shire Council gives effect to the public transparency principles in the Act and describes what, and how, Council information is made publicly available.

A Public Transparency must:

- a) Give effect to the public transparency principles
- b) Describe the ways in which Council information is to be made publicly available
- c) Specify which council information must be publicly available, including all policies, plans and reports required under this Act or any other Act
- d) Include any other matters prescribed by the regulations.

The Public Transparency underwent a process of community engagement and was open to feedback for a two weeks period from 11 July – 25 July. No responses were received during this time.

Financial and Resource Implications

There are no financial or resource implications.

Legislation, Council Plan and Policy Impacts

Councils must adopt its Public Transparency Policy under section 57 of the *Local Government Act 2020* on or before 1 September 2020.

Objective 5.1 – Provide transparent and responsible governance.

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

Strategy 5.1.2 – Ensure responsible, effective and efficient use of Council resources.

Strategy 5.1.3 – Continue to increase the transparency of Council's decision making processes.

Risk Management

The adoption of the Public Transparency Policy ensures that Council meets its legislative responsibilities under the *Local Government Act 2020*.

Environmental and Sustainability Considerations

The adoption of the recommendations in this report do not have any environmental or sustainability impact.

Community Consultation and Communication

The Policy underwent a process of community engagement.

Once adopted, the Policy will be made available on 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 Public Transparency Policy under Section 57 of the *Local Government Act 2020*.

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr Armstrong

That Council adopt the Public Transparency Policy under Section 57 of the *Local Government Act 2020*.

CARRIED

10.3 Annual Plan Quarterly Report

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Karly Saunders, Governance Coordinator
Attachments: 4. Action and Task Progress Report 1 July 2019 – 30 June 2020

Executive Summary

The Action and Task Progress Report for the period 1 July 2019 to 30 June 2020 has been prepared to provide information regarding the performance of the organisation against the Annual Plan.

Discussion

The Annual Plan is developed each year to assist in the delivery of the Council Plan objectives and to demonstrate to the community the key projects to be delivered that year. The Annual Plan sets out the specific actions and includes a detailed list of Council's activities and initiatives for the upcoming financial year. These initiatives are projects that are undertaken over and above normal service delivery and are intended to attain important outcomes for Council and the community.

Reports on the progress of the Annual Plan are reported to Council quarterly. This allows Council to receive timely, 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. The Annual Plan reporting will also help formulate the Annual Report and support the reporting against the Council Plan each year.

This is the final report on the Annual Plan for the 2019/2020 financial year. There are 71 actions in the Annual Plan. Of these 71 actions:

- 40 of the 71 actions (58%) have been completed;
- 54 actions (76%) are on track - at least 90% of the target achieved;
- 10 actions (14%) require monitoring –between 70% and 90% of the target achieved;
- 7 actions (10%) are off track – less than 70% of target achieved; and
- 0 actions (0%) have no target set

	Complete	On Track	Require Monitoring	Off Track	Total Actions
30 September 2019	14% (7)	94% (48)	2% (1)	4% (2)	51
31 December 2019	21% (14)	82% (56)	6% (4)	12% (8)	68
31 March 2020	34% (24)	71% (50)	14% (10)	14% (10)	70
30 June 2020	58% (40)	76% (54)	14% (10)	10% (7)	71

Although not all Actions in the Annual Plan have been completed, excellent progress has been made throughout the year.

The Actions that are not yet completed will be carried forward into the 2020/2021 Annual Plan for completion. Many of these Actions were unable to be completed due to changes in

staffing levels, changes in funding levels and changes in work plan priorities throughout the year.

Some of the actions not yet completed have being delayed due to COVID-19 and will be the focus of delivery once restrictions have been lifted".

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

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* (Section 90 of the *Local Government Act 2020*). 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 2019 to 30 June 2020 be received.

COUNCIL RESOLUTION

MOVED: Cr Dunkley
SECONDED: Cr McAdam

That the Action and Task Progress Report for 1 July 2019 to 30 June 2020 be received.

CARRIED

10.4 Delegated Committees

Directorate:	Evelyn Arnold, Director Community and Corporate Services
Author:	Karly Saunders, Governance Coordinator
Attachments:	5. Terms of Reference – Planning Committee 6. C5 Instrument of Delegation – Planning Committee 7. Charter – CEO Employment and Remuneration Committee

Executive Summary

The *Local Government Act 2020* requires Council to establish its Delegated Committees by 1 September 2020.

Discussion

A review was undertaken of the Committees where Councillors are members.

The result of the review concluded the following:

- The Planning Committee - previously established under Section 86 of the *Local Government Act 1989* as a Special Committee. Under the new Act, the Planning Committee will become a Delegated Committee, established under Section 63 of the *Local Government Act 2020*. An Instrument of Delegation and updated Terms of Reference have been prepared to reflect the Committee structure change.
- The Chief Executive Officer Employment and Remuneration Committee – established in March 2019, the Committee is advisory in its functions and the Charter has been updated to clarify the committee structure.

Legislation, Council Plan and Policy Impacts

It is a legislative requirement for Councils to establish its Delegated Committees by 1 September 2020.

Section 63 of the Act requires Delegated Committees to:

- Include at least 2 Councillors;
- Include any other persons appointed to the delegated committee by the Council who are entitled to vote
- The delegated committee meeting must be chaired by a Councillor appointed by the Mayor, or the Mayor.

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

1. Council resolve to re-establish the CEO Employment and Remuneration Committee as an Advisory Committee; and

In exercise of the powers conferred by s 63 of the *Local Government Act 2020 (the Act)* and s 188 of the *Planning and Environment Act 1987*, Council resolves that:

2. From the date of this resolution, there be established as a delegated committee, the Planning Committee.
3. The purposes of the Committees established by this resolution are those set out in the schedule to this resolution.
4. The members of the Planning Committee are:
 - Cr Brown
 - Cr Dunkley
 - Director Planning and Development
 - Director Shire Infrastructure (or one other member of the Executive Leadership Team if unavailable)
 - Councillor proxy(ies) can be nominated if one or two of the Councillors are unavailable.
5. The Committee is required to meet at the intervals specified in the schedule to this resolution.
6. The Committee is required to report to Council at the intervals specified in the schedule to this resolution.
7. The Chairperson of the Planning Committee is to be appointed annually by the Council.
8. A quorum for the Planning Committee is a whole number that is an absolute majority, which is the number of members that is greater than half the total number of members of the Planning Committee.
9. There be delegated to the Planning Committee the powers discretions and authorities set out in the attached Instrument of Delegation (**the Instrument**).
10. The Instrument:
 - 10.1 comes into force immediately the common seal of Council is affixed to the Instrument; and
 - 10.2 remains in force until Council determines to vary or revoke it.
11. The powers discretions and authorities conferred on the Planning Committee by the Instrument must be exercised in accordance with the delegations and limitations set

out in the Instrument and with any guidelines or policies Council may from time to time adopt.

12. The Instrument be sealed.

SCHEDULE

PLANNING COMMITTEE

Purpose

To exercise Council's powers, discretions and authorities and perform Council's functions under the *Planning and Environment Act 1987* in accordance with relevant policies and guidelines of Council.

Meeting Intervals

The Committee is to meet on a needs basis and will be and will be called at short notice if specific issues need to be dealt with expeditiously.

Reporting Requirement

The Committee must report to Council as soon as practicable after each meeting.

MOTION

MOVED: Cr Calvano
SECONDED: Cr McAdam

1. Council resolve to re-establish the CEO Employment and Remuneration Committee as an Advisory Committee; and

In exercise of the powers conferred by s 63 of the *Local Government Act 2020* (the Act) and s 188 of the *Planning and Environment Act 1987*, Council resolves that:

2. From the date of this resolution, there be established as a delegated committee, the Planning Committee.
3. The purposes of the Committees established by this resolution are those set out in the schedule to this resolution.
4. The members of the Planning Committee are:
 - The whole of council (minimum of two councillors)
5. The Committee is required to meet at the intervals specified in the schedule to this resolution.
6. The Committee is required to report to Council at the intervals specified in the schedule to this resolution.
7. The Chairperson of the Planning Committee is to be appointed annually by the Council.
8. A quorum for the Planning Committee is a whole number that is an absolute majority, which is the number of members that is greater than half the total number of members of the Planning Committee.
9. There be delegated to the Planning Committee the powers discretions and authorities set out in the attached Instrument of Delegation (the Instrument).
10. The Instrument:
 - 10.1 comes into force immediately the common seal of Council is affixed to the Instrument; and
 - 10.2 remains in force until Council determines to vary or revoke it.
11. The powers discretions and authorities conferred on the Planning Committee by the Instrument must be exercised in accordance with the delegations and limitations set out in the Instrument and with any guidelines or policies Council may from time to time adopt.
12. The Instrument be sealed.

SCHEDULE

PLANNING COMMITTEE

Purpose

To exercise Council's powers, discretions and authorities and perform Council's functions under the *Planning and Environment Act 1987* in accordance with relevant policies and guidelines of Council.

Meeting Intervals

The Committee is to meet on a needs basis and will be and will be called at short notice if specific issues need to be dealt with expeditiously.

Reporting Requirement

The Committee must report to Council as soon as practicable after each meeting.

THE MOTION WAS PUT AND LOST

A division was called

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

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr Rainsford

1. Council resolve to re-establish the CEO Employment and Remuneration Committee as an Advisory Committee; and

In exercise of the powers conferred by s 63 of the *Local Government Act 2020* (the Act) and s 188 of the *Planning and Environment Act 1987*, Council resolves that:

2. From the date of this resolution, there be established as a delegated committee, the Planning Committee.
3. The purposes of the Committees established by this resolution are those set out in the schedule to this resolution.
4. The members of the Planning Committee are:
 - Cr Brown
 - Cr Dunkley
 - Director Planning and Development
 - Director Shire Infrastructure (or one other member of the Executive Leadership Team if unavailable)
 - Councillor proxy(ies) can be nominated if one or two of the Councillors are unavailable.
5. The Committee is required to meet at the intervals specified in the schedule to this resolution.
6. The Committee is required to report to Council at the intervals specified in the schedule to this resolution.
7. The Chairperson of the Planning Committee is to be appointed annually by the Council.
8. A quorum for the Planning Committee is a whole number that is an absolute majority, which is the number of members that is greater than half the total number of members of the Planning Committee.
9. There be delegated to the Planning Committee the powers discretions and authorities set out in the attached Instrument of Delegation (the Instrument).
10. The Instrument:
 - 10.1 comes into force immediately the common seal of Council is affixed to the Instrument; and
 - 10.2 remains in force until Council determines to vary or revoke it.

11. **The powers discretions and authorities conferred on the Planning Committee by the Instrument must be exercised in accordance with the delegations and limitations set out in the Instrument and with any guidelines or policies Council may from time to time adopt.**
12. **The Instrument be sealed.**

SCHEDULE

PLANNING COMMITTEE

Purpose

To exercise Council's powers, discretions and authorities and perform Council's functions under the *Planning and Environment Act 1987* in accordance with relevant policies and guidelines of Council.

Meeting Intervals

The Committee is to meet on a needs basis and will be and will be called at short notice if specific issues need to be dealt with expeditiously.

Reporting Requirement

The Committee must report to Council as soon as practicable after each meeting.

CARRIED

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

10.5 Governance Rules

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Karly Saunders, Governance Coordinator
Attachments: 8. Governance Rules

Executive Summary

The *Local Government Act 2020* requires Council to adopt Governance Rules by 1 September 2020.

Discussion

Governance Rules include the following -

- Conduct of Council meetings;
- Conduct of meeting of Delegated Committees;
- Form an availability of meeting records;
- Election of the Mayor and Deputy Mayor;
- The appointment of an acting Mayor;
- Election Period Policy;
- Procedures for the disclosure of a conflict of interest by a Councillor and a member of Council staff

Must provide for a Council to –

- Consider and make decisions fairly and on merit; and
- Institute decision-making processes to ensure any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered.

The Council Meeting elements of the Governance Rules mirror the Local Law Procedures No.10 of 2013. Within the next 12 months, a review will be undertaken to repeal the existing Local Law and adopt a new Local Law which will only include enforceable elements, such as the use of the Common Seal and infringements. The review will also capture any amendments that may need to be made to the Governance Rules as a result of repealing the Local Law.

Legislation, Council Plan and Policy Impacts

It is a legislative requirement for Council to adopt Governance Rules under Section 60 of the *Local Government Act 2020* by 1 September 2020.

Objective 5.1 – Provide transparent and responsible governance.

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

Strategy 5.1.2 – Ensure responsible, effective and efficient use of Council resources.

Strategy 5.1.3 – Continue to increase the transparency of Council's decision making processes.

Risk Management

The adoption of the Governance Rules reduces risk as Council will meet its legislative responsibilities. The Governance Rules provide comprehensive guidance on the way in which Council Meetings and Council auspiced meetings are to be conducted. It provides a stronger Governance framework for decision-making processes.

Environmental and Sustainability Considerations

The adoption of the recommendations in this report do not have any environmental or sustainability impact.

Community Consultation and Communication

The Act states that Governance Rules must be developed using a process of community engagement. Council can use any process it deems appropriate, until which time Council adopts a Community Engagement Policy under section 56 of the Act, so long as Council demonstrates that the public have been informed.

The Governance Rules were exhibited from 27 June – 10 July 2020 and feedback from the community was encouraged during this time. No feedback was received.

Once adopted, the Governance Rules will be made available on 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 Governance Rules under Section 60 of the *Local Government Act 2020*.

COUNCIL RESOLUTION

MOVED: Cr McAdam
SECONDED: Cr Dunkley

That Council adopt the Governance Rules under Section 60 of the *Local Government Act 2020*.

CARRIED

10.6 Review of Instrument of Delegation by Council – s6

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Karly Saunders, Governance Coordinator
Attachments: 9. s6 Instrument of Delegation from Council to Council Staff

Executive Summary

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

The s6 Instrument of Delegation to Members of Council Staff requires updating as a result of the *Local Government Act 2020*.

It is recommended that Council resolve to delegate to members of Council staff in accordance with the attached instrument.

Discussion

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

The Instrument of Delegation from Council to Members of Council staff was last updated 13 November 2019.

The Local Government Act 2020 states under s11(9) that a delegation made by a Council under the *Local Government Act 1989* continues in force until 1 September and is therefore, required to be remade under the new Act.

The attached Instrument of Delegation has been amended to reflect the *Local Government Act 2020* and ensure compliance with Council's legislative responsibilities.

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.

Legislation, Council Plan and Policy Impacts

Objective 5.1 – Provide transparent and responsible governance.

Risk Management

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

Environmental and Sustainability Considerations

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

Community Consultation and Communication

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

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

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

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 *s6 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 all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr Rainsford

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 *s6 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 all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.**
- 4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

CARRIED

10.7 S11A Instrument of Appointment and Authorisation

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Karly Saunders, Governance Coordinator
Attachments: s11A Instrument of Appointment and Authorisation

Executive Summary

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

The s11A Instrument of Appointment and Authorisation which appoints Council staff to be authorised under the *Planning and Environment Act 1987*, which allows them to fully discharge their duties and responsibilities under that Act requires updating to reflect the *Local Government Act 2020*.

It is recommended that Council resolve to appoint and authorise the Council staff in accordance with the attached instrument.

Discussion

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

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

S11A Instrument of Appointment and Authorisation

The s11A Instrument of Appointment and Authorisation:

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

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

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

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

Financial and Resource Implications

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

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

Legislation, Council Plan and Policy Impacts

Objective 5.1 – Provide transparent and responsible governance.

Risk Management

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

Environmental and Sustainability Considerations

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

Community Consultation and Communication

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

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

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

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

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

COUNCIL RESOLUTION

MOVED: Cr Dunkley
SECONDED: Cr Armstrong

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

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

CARRIED

10.8 Council Kerbside Collection – Collection Receptacles

Directorate: David Moloney, Director Shire Infrastructure
Author: David Moloney, Director Shire Infrastructure
Attachments: 11. Council Kerbside Collection – Collection Receptacles Policy

Executive Summary

The Council Kerbside Collection – Collection Receptacle policy has been in place since 2001 titled the Hamilton and Outer Towns Garbage Collections and Recyclables Collections – Collection Receptacles. The evolution of the kerbside collection service has seen the service change from a mandatory waste collection service with optional recycling and FOGO to a compulsory three bin service.

This is an update of the policy to bring it in line with AS4123.7 2006 (R2017) to ensure standard mobile waste containers (MWC) are distributed for the kerbside collection service.

It is recommended that Council:

1. Hamilton and Outer Towns Garbage Collections and Recyclables Collections – Collection Receptacles (2001) be revoked and;
2. Council Kerbside Collection – Collection Receptacles (2020) be adopted

Discussion

The Council Kerbside Collection – Collection Receptacle policy has been in place since 2001. Evolution of the kerbside collection service has seen the service change from a mandatory waste collection service with optional recycling and FOGO to a compulsory three bin service.

The purpose of the policy is to provide for the effective provision of collection receptacles to be used for the garbage, recyclables, Food Organics Garden Organics (FOGO) and glass collection service for Southern Grampians Shire Council (SGSC).

This policy looks at the Australian standard (AS4123.7 2006 (R2017)) and aligns this policy with the standard. The State Government has mandated that a glass kerbside collection service will need to be implemented by Council by 2027. This policy has incorporated this future service requirement into the policy

It also address the kerbside service charge and how it is charged. It states that:

“Councils Rating Policy and annual budget processes the compulsory charges to be levied via the rates notices. Elective charges are issued via a debtors accounts to the requesting tenant or ratepayer.”

Financial and Resource Implications

There are no financial or resource implications from this report or adopting the policy

Legislation, Council Plan and Policy Impacts

This report and policy are in keeping with the Local Government Act (1989 and 2020).

It is also consistent with the AS4123.7 2006 (R2017) for Mobile Waste Containers.

Risk Management

The benefits/risks in this report are:

- Consistent approach to MWC and ensure that bins that are approved are used and therefore collected.
- Future Glass bin service provisions have been incorporated into the policy

Environmental and Sustainability Considerations

There are no environmental or sustainability considerations with this policy.

Community Consultation and Communication

Consultation has been undertaken with Councils waste and finance departments.

No other consultation has been undertaken.

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. Hamilton and Outer Towns Garbage Collections and Recyclables Collections – Collection Receptacles (2001) be revoked and;
2. Council Kerbside Collection – Collection Receptacles (2020) be adopted

COUNCIL RESOLUTION

MOVED: Cr Calvano
SECONDED: Cr Brown

That Council:

1. **Hamilton and Outer Towns Garbage Collections and Recyclables Collections – Collection Receptacles (2001) be revoked and;**
2. **Council Kerbside Collection – Collection Receptacles (2020) be adopted**

CARRIED

10.9 Assessment of a CBD Location for a New Hamilton Gallery (NHG)

Directorate: Andrew Goodsell, Director Planning and Development
Author: Amy Knight, Manager Cultural Arts
Attachments: 12. Project Brief - Scoping Study and Masterplan for a New Hamilton Gallery, 2017
13. Project Brief – Assessment of a CBD Location for a New Hamilton Gallery, 2020

Executive Summary

In February 2017 Council endorsed the project brief for a ‘Scoping Study and Masterplan for a New Hamilton Gallery (NHG)’. Following site analysis and community consultation, Council resolved to progress the future planning and detailed site assessment for the southern end of Lake Hamilton in December 2018. The business case for a new Hamilton Gallery at Lake Hamilton was completed and presented to Council in September 2019.

Despite the resolution to progress the future planning of a NHG at Lake Hamilton, ongoing discussion and debate regarding the site selection (CBD vs Lake) has continued. Furthermore, the adoption of the CBD Revitalisation Masterplan and establishment of a skills-based Board for Hamilton Gallery, both in May 2020, have provided further discussion over the project and its outcomes.

In response to this discussion it has been identified that accurate comparison of these two shortlisted potential locations for a NHG cannot be objectively given without the full details and exploration of both sites. A comparative assessment (master plan, concept design and business case) of the CBD Civic site is therefore proposed for the purpose of informed decision making and discussion.

This report recommends that Council resolve to undertake an assessment of a CBD location for a New Hamilton Gallery, including master plan, concept design and business case based on the existing project brief of 2017.

Background

Council is seeking to build a New Hamilton Gallery (NHG) and resolved to endorse a project brief for a scoping study & masterplan for a New Hamilton Gallery and dedicated building fund establishment in February 2017.

The tender to complete this work was awarded to Denton Corker Marshall Pty Ltd in April 2018 and site analysis of a number of potential locations for the new Gallery were undertaken. From the initial sites, two were presented for further planning and costings, being the Southern end of Lake Hamilton, and CBD Civic site.

Following further site analysis, designs, costings and community consultation, Council resolved to progress the future planning and detailed site assessment for the Southern end of Lake Hamilton in December 2018. The business case for a new Hamilton Gallery at Lake Hamilton was completed and presented to Council in September 2019.

Discussion

The previous body of work (both master planning and business case for a Lake Hamilton site) remains invaluable to the NHG project, however was developed as a direct response to the site selection – A standalone world-class facility at Lake Hamilton to drive cultural tourism.

In order to progress the development of this project, it is recommended that Council undertake an assessment for a CBD location for the NHG, providing Council with comparative data and documentation regarding the NHG project for the purpose of informed decision making and discussion.

It is recommended this body of work be in the form of a master plan, concept design and business case completed in response to the original *Project Brief - Scoping Study and Masterplan for a New Hamilton Gallery, 2017* (Attachment 12) in conjunction with the additional (CBD specific) parameters outlined in *Project Brief – Assessment of a CBD Location for a New Hamilton Gallery* (Attachment 13).

This body of work will guide and inform the future planning and direction of the project, contributing to transparent and informed decision making. It will also address two specific matters which focused on urban renewal, namely the Hamilton CBD Masterplan (adopted mid 2020), and the Brown Street Arts and Cultural Precinct Concept Plan of 2011.

NHG Project Brief (2017) and CBD Parameters

The work is to be completed based on the existing considerations outlined in *NHG Project Brief – Scoping Study and Masterplan for a new Hamilton Gallery, 2017* (Attachment 12).

The following additional parameters are to be included, in the context of the CBD site:

1. Site

- Boundary of defined site to be explored (*figure 1*).
- Private business / land are to be excluded.
- Freehold land for sale or with a likelihood of being purchased via private treaty to be considered in scope.
- Connections and visibility to main roads (Lonsdale St) considered.
- Performing Arts Centre remains in current location.

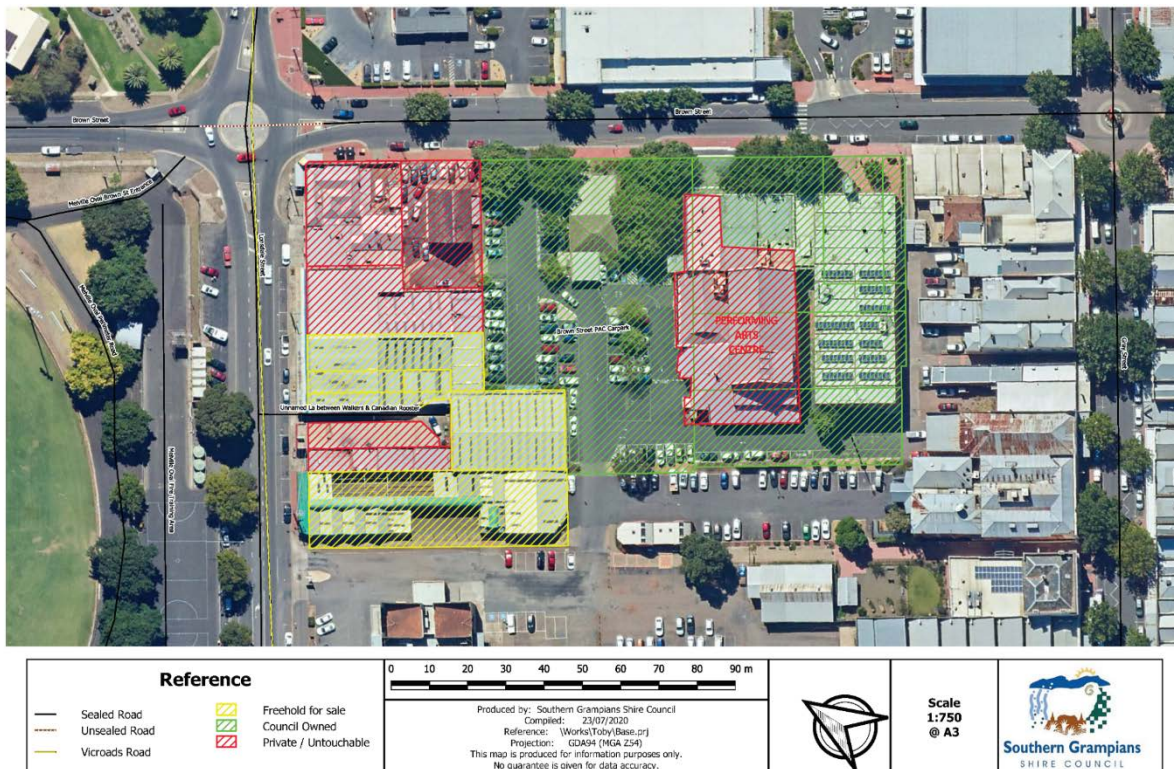


Figure 1 – NHG CBD Site Assessment Boundaries, 2020

2. Design

- The work will encompass the same represented figures in the Lake Hamilton Business Case, 2019 of dedicated floor area (1220sqm) and car parking (x number of spaces). Note the car parking at the Hamilton CBD site can be a combination of on-site as well as nearby (within realistic walking distance i.e. <400m). Should the CBD site due to increased walkability and public transport access generate a lower parking demand this should also be considered.
- Orientation and access of building designs to be in consideration of the Hamilton CBD Activation Master Plan, 2020
- The potential for further development as civic / community square considered
- Vistas / outlook to be achieved either to a significant landscape eg. Grampians National Park, managed high quality greenspace, significant heritage buildings or the like.

3. Business Case

- Inclusion of both CBD benefit (urban renewal, capacity to cluster re-invested cultural arts and support services) and opportunity cost modelling (lost retail/commercial opportunity).

Project Methodology

The methodology behind the project will be delivered in a four step approach.

Stage 1 - Gallery masterplan and re-assessment of existing business case.

1. Re-assessment of a preferred CBD site in relation to updated assessment criteria, outlined in Project Brief (Attachment 13).
2. Master planning and design assessment of the preferred CBD site in relation to the broader *Hamilton CBD Activation Masterplan*, March 2020 prepared by Jensen Plus, as well as the earlier *Brown Street Arts and Cultural Precinct Concept Plan*, Aug 2011 prepared by David Locke and Associates).
3. Re-assessment/update of the existing business case (Lake Hamilton site) in relation to data and content that remains relevant to both sites (CBD and Lake). This would update construction costs in present day terms, allow no less than a five year horizon between Council resolution and completion of construction and provide a consistent view on visitation numbers from the regional catchment (including across State borders) and local residents.

Stage 2A - Gallery indicative design & business case modelling.

1. Development of revised gallery design in relation to the preferred CBD site.
2. Confirmation of scale and functional elements of CBD project and comparisons with the design for the Lake Hamilton site.

Stage 2B - Cost plan and draft design report.

1. Update and coordination of cost plan for project.
2. Amended cost plan for existing site (Lake Hamilton) to account for market changes.

Stage 3 - Costing, design and business case alignment.

1. Coordination of architectural and urban design inputs into revised business case.
2. Continuation and wrap up of business case development.

Project Deliverables

The primary output will be the final design report of a preferred CBD gallery masterplan, indicative design and business case including a cost benefit analysis and investment logic map.

This will include revised cost plan of CBD site, updated costing of Lake Hamilton site in relation to market changes and final designs and business case presented in accordance with the agreed methodology including presentation to Senior and Executive Management and Council Briefing.

Summary

To have any likelihood of being delivered, the NHG will require significant Council and community support. Despite the resolution to progress the future planning of a NHG at Lake Hamilton in 2018, the site selection remains a contentious issue. This in turn hampers community engagement and 'buy in' efforts. It also hampers fund raising through a future skills based board (ROCO entity).

Other work completed in parallel to the NHG project, namely the adoption of the CBD Revitalisation Masterplan in May 2020, have provided further discussion over the project and its outcomes. A core issue is the best method for Council to revitalise the CBD with its own investment.

In order to provide objective and fair assessment of site potential, a comparative assessment (master plan, concept design and business case) of the CBD Civic site (to match that of the Lake Hamilton site), would provide full details for the purposes of impartial and informed decision making.

Financial and Resource Implications

The upper limit of budget for undertaking a revision of the master planning and business case is \$75,000 inc GST.

Financial commitments towards this project are proposed to be predominantly allocated from savings in the 2020-21 Cultural Arts operational budget based on Covid-19 professional program suspensions and recruitment delays.

Legislation, Council Plan and Policy Impacts

This report is in keeping with Council's obligations under the *Local Government Act (1989)*. It is also in accordance with the Council Plan and in particular, Strategy 3.2.2: Provide high quality and inclusive cultural facilities, services and experiences.

Risk Management

The purpose of carrying out this additional body of work is to help manage and minimise risks associated with the project. Through means of public discourse and debate there is a risk to Council's reputation, more specifically the existing Hamilton Gallery, if attention is not paid to matters of community concern.

By addressing the key concern (site selection), and with Council support, the reputational risks attached to this project are significantly reduced. It allows for transparent decision making in the planning and development of a key community asset.

Environmental and Sustainability Considerations

The project brief follows accepted sustainability principles including energy efficiency, sustainable building materials and climate resilience (see p.9 of the

Scoping Study and Master Plan Project Brief, 2017). The Tender documentation will require best practice in the area of Environmental and Sustainability Considerations.

Community Consultation and Communication

The process of community consultation and communications for the project will be driven by the New Hamilton Gallery Project Reference Group via a Communications Strategy framework.

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. Endorse the Project Brief – Assessment of a CBD Location for a New Hamilton Gallery as per Attachment 13, Project Brief – Assessment of a CBD Location for a New Hamilton Gallery, 2020;
2. Proceeds to quotation process for the project.

MOTION

MOVED: Cr Dunkley
SECONDED: Cr Brown

That Council:

1. **Endorse the Project Brief – Assessment of a CBD Location for a New Hamilton Gallery as per Attachment 13, Project Brief – Assessment of a CBD Location for a New Hamilton Gallery, 2020;**
2. **Proceeds to quotation process for the project.**

AMENDMENT

MOVED: Cr Rainsford

That Council:

- 1. Endorse the Project Brief – Assessment of a CBD Location for a New Hamilton Gallery as per Attachment 13, Project Brief – Assessment of a CBD Location for a New Hamilton Gallery, 2020;**
- 2. Proceeds to quotation process for the project.**
- 3. That financial commitments towards this project will be predominantly allocated from savings in the 2020-21 Cultural Arts operational budget based on Covid-19 professional program suspensions and recruitment delays.**

MOTION lapsed for WANT of a SECONDER

COUNCIL RESOLUTION

MOVED: Cr Dunkley
SECONDED: Cr Brown

That Council:

- 1. Endorse the Project Brief – Assessment of a CBD Location for a New Hamilton Gallery as per Attachment 13, Project Brief – Assessment of a CBD Location for a New Hamilton Gallery, 2020;**
- 2. Proceeds to quotation process for the project.**

CARRIED

A division was called

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

11. Notices of Motion

11.1 Notice of Motion #10/20

Cr Sharples

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 12 August 2020

MOTION

That Southern Grampians Shire Council advocate to the Federal and State Governments for inclusion of Local Government on the National Federation Reform Council.

Background

The Prime Minister has recently announced that the National Cabinet has agreed to the formation of the National Federation Reform Council and the cessation of the Council of Australian Governments (COAG) model.

East Gippsland Shire Council has written to the Mayors of all Councils seeking support to advocate to the Federal and State Governments regarding Local Government representation on the National Cabinet.

East Gippsland Shire Council adopted the following resolution at its Ordinary Council Meeting on 7 July 2020:

“That East Gippsland Shire Council

- 1. Request the Federal Government include Local Government representation, through the Australian Local Government Association, on the National Federation Reform Council, as it currently exists with the Council of Australian Governments; and*
- 2. Seek both the Australian Local Government Association and the Municipal Association of Victoria to advocate on our behalf to the Federal Government; and*
- 3. Through the Mayor, writes to all Victorian Councils encouraging them to advocate to the Federal and State Governments for inclusion of Local Government on the National Federation Reform Council.”*

Councils have been represented at every COAG meeting via the Australian Local Government Association under a long-standing agreement.

Council should support the statement from MAV President, Boroondara Councillor Coral Ross that the interests of the community are best served when all three levels of government work in close cooperation.

Limiting the representation from Local Government in this forum raises concerns that it is in contradiction to the fundamental purpose of the three levels of government, ensuring Australians have representation at each level of government.

Recent events have demonstrated that Local Governments play a significant role in the planning and delivery of many services that impact on the everyday lives of Australians.

Councils must continue to be part of Australia's national decision-making because they understand what matters most to their communities and how to best deliver it.

Officers Comments

For some years Local Government as a sector has had representation on the Council of Australian Governments (COAG) model through the Australian Local Government Association (ALGA).

With the implementation of the National Cabinet to address the COVID-19 Pandemic, it has been agreed to cease COAG and replace it with the National Federation Reform Council (NFRC) which does not appear to include Local Government representation.

This notice of motion supports the view of other Victoria (and no doubt Australian Local Government entities) to have representation in some form on NFRC.

There does not appear to be any costs or risks to Southern Grampians Shire Council in advocating this position.

COUNCIL RESOLUTION

MOVED: Cr Sharples
SECONDED: Cr Rainsford

That Southern Grampians Shire Council advocate to the Federal and State Governments for inclusion of Local Government on the National Federation Reform Council.

CARRIED

11.2 Notice of Motion #11/20

Cr Rainsford

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 12 August 2020

MOTION

That Southern Grampians Shire Council will allow Glenelg Regional Hockey Association to pursue construction of a Hockey Clubroom on the Eastern (mound) side of the Synthetic Hockey Field within the security fence if the Glenelg Regional Hockey Association want to and successfully apply for building and planning permits for such a project.

Background

SGSC supported an application for a Pedrina Park Hockey Clubroom in the 2017/18 budget and have carried over the \$100,000 funds in the 2018/2019 and 2019/2020 and 2020/2021 SGSC budgets to match the Glenelg Regional Hockey Association's commitment of \$100,000 for a Hockey Clubroom. The budget item is a Pedrina Park Hockey Clubroom. Not a shelter shed. Not a pavilion more suitable for soccer than hockey and situated closer and alongside soccer but behind the Hockey Goal posts.

The first application of \$1.3 million female friendly change rooms was situated on the North West corner of the Soccer field.

The second and now successful application for female friendly change rooms is to be attached to the existing Ansett's Netball Pavilion providing only a small kiosk and corner viewing area from the South West corner of the Hockey Field.

Whilst the pursuing of a Pedrina Park Multipurpose Change Room to add to the existing Netball, Football and Cricket facilities may be a worthwhile and readily funded project considering the special State Government grants targeting female friendly change rooms, it is not a Hockey Clubroom project.

The option of Glenelg Regional Hockey Association pursuing an affordable and ideally sited Clubroom has not been considered in the designs, the funding applications, the business cases or the Pedrina Park Masterplan discussions.

Now that the funding for the multipurpose change room has been successful the council can consider fulfilling the three year budget commitment to a Pedrina Park Hockey Clubroom, still listed on the current 2020/2021 Southern Grampians Shire Council Budget.

With a minimum of \$100,000 of GRHA funds already in hand to commence a Hockey Clubroom facility, with increased income from catering and social activities in a field side Hockey Clubroom, the GRHA could have a more secure future and build their membership, prepare for the synthetic field renewal, develop a second grass or synthetic field and contribute to the health and wellbeing of the Southern Grampians Shire community. Hockey must be the only sports club without a site to display player and club memorabilia and a place to call their own facility.

A Pedrina Park Hockey Clubroom now does not preclude the building of the Pedrina Park Multipurpose Change room which will also incorporate new public toilets. These are two differing projects with differing purposes and outcomes.

Officers Comments

Since the adoption of the Recreation and Leisure Strategy, the Pedrina Park Master and the resolution supporting the funding application, Officers and the Pedrina Park Users (including the Glenelg Regional Hockey Association) have been working to further develop the concept design for the Pedrina Park Inclusive Sports Hub. The key outcomes of this extensive consultation have been to satisfy the requirements of the design including; amenities, function space and viewing areas.

This project has recently been supported by the State Government and a briefing paper and report is being prepared for Council regarding the funding requirements.

MOTION

MOVED: Cr Rainsford

That Southern Grampians Shire Council will allow Glenelg Regional Hockey Association to pursue construction of a Hockey Clubroom on the Eastern (mound) side of the Synthetic Hockey Field within the security fence if the Glenelg Regional Hockey Association want to and successfully apply for building and planning permits for such a project.

MOTION lapsed for want of a SECONDER

11.3 Notice of Motion #12/20

Cr Rainsford

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 12 August 2020

MOTION

That Southern Grampians Shire Council develop a policy position on the State Government's Fair Go Rates System as this policy applies to Rural Property Rates as our council's advocacy position for Rural Council's Victoria.

Background

"The Local Government Rating System Review process is an opportunity to consider the equity equation for our state-wide rating system." Quote Chair Report Rural Councils Victoria Annual Report 2018-2019.

Southern Grampians Shire Council has retained a fixed differential rate since the establishment of the Southern Grampians Shire which amalgamated rural shires with the City of Hamilton.

Subsequently the rural ratepayers have borne an increasing rate of increase in rates due to the widening gap between rural and residential/industrial/commercial properties.

Annual Council budgets are required to be compliant with the State Government's Fair Go Rates System (FGRS) which has capped rate increases by Victorian Councils to 2.0% in 2020/21.

According to the Rural Councils Victoria web site:

"Today Rural Councils Victoria has become the peak body representing and advocating for Victoria's rural councils."

Rural Councils Victoria work to:

- *Heighten awareness and understanding of issues that impact on rural communities*
- *Use policy, strategy, advocacy and evidence-based research to secure better outcomes for rural councils and in turn, for the whole of Victoria*
- *Promote a collective voice and to be an avenue of communication and liaison between our member councils and State and Federal governments*
- *Enable local solutions and facilitate networking, learning, capacity building, and external communication*
- *Contribute to the development of evidence-based policy and strategy*
- *Build the resilience and capacity of councils to support economic development and increase the sustainability of rural communities*
- *Develop strategies and initiatives to improve the attraction and retention of residents and businesses to rural areas*
- *Assist with building the capacity of rural councils to meet the challenges they face"*

There is concern amongst rural ratepayers regarding the variability caused by changes in property valuations for farming properties and how this may or may not impact rate increases as decided by Councils. (Quote RCV Submission to Victorian Rating Enquiry)

Rural Councils agree that rural communities should not be subject to ongoing high rate increases to provide a basic level of service (RCV Submission Rating Enquiry)

In terms of the composition of council rates and charges, in 2017-18 the greatest proportion of rates came from residential households (66.5 per cent), followed by farming properties (22.6 per cent). While farming properties comprise 22.6 per cent of rate revenue when rural councils are combined, for certain shires the proportion of farming rate revenue is over 70 per cent. (RCV Submission Rating Enquiry)

The Local Government Act requires Council to ensure that rates are imposed equitably and makes provision that a council may raise rates by the use of a number of rates if it considers these will contribute to the equitable and efficient carrying out of its functions.

We need to have a clear position which is the policy taken to the table of RCV by any representatives that seek to represent our council.

Officers Comments

Council currently has a rating strategy which outlines the key principles for establishing levying rates for Southern Grampians. This was reviewed in March 2019. In addition, Councils annual budget continues to be compliant with the rate capping requirements as legislated by the State Government. Under the new Local Government Act 2020, Councils are required to develop a Revenue Strategy which also includes rate revenue. It is intended this key document will be one of a suite of documents developed after the Local Government Elections.

The State Government is in the process of reviewing the Rating System. However, the results of this review have yet to be released.

MOTION

MOVED: Cr Rainsford

That Southern Grampians Shire Council develop a policy position on the State Government's Fair Go Rates System as this policy applies to Rural Property Rates as our council's advocacy position for Rural Council's Victoria.

MOTION lapsed for want of a SECONDER

12. Delegated Reports

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

12.1 BARWON SOUTH WEST WASTE AND RESOURCE RECOVERY GROUP

Cr Rainsford reported at her attendance at a local government forum which discussed recycled materials on 16 July 2020.

12.2 PLANNING COMMITTEE

Cr Dunkley reported on his and Cr Brown's attendance at a Planning Committee meeting held on 20 July 2020.

13. 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.

14. Confidential Matters

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

15. Close of Meeting

This concludes the business of the meeting.

Meeting closed at 7:17 pm.

Confirmed by resolution 9 September 2020.

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Chairman