



Southern Grampians
SHIRE COUNCIL

Council Meeting Agenda

Ordinary Meeting
14 October 2020

To be held virtually at 5.30pm via Zoom.

TABLE OF CONTENTS

1. Membership	3
2. Welcome and Acknowledgement of Country	3
3. Prayer	3
4. Apologies	3
5. Confirmation of Minutes	3
6. Declaration of Interest	3
7. Questions on Notice	4
8. Public Deputations	5
9. Records of Assemblies of Councillors	6
10. Management Reports	12
10.1 2019/2020 Annual Report	12
10.2 Christmas Holiday Closure	14
10.3 Audit and Risk Committee - Minutes	16
10.4 Hamilton Regional Livestock Exchange - Committee	17
10.5 Tender 34-20: Brown Street Lift	20
11. Notices of Motion	21
12. Delegated Reports	22
13. Mayors and Councillors Reports	23
14. Confidential Matters	24
15. Close of Meeting	25

1. Membership

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

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

4. Apologies

5. Confirmation of Minutes

Election Period

The recommendation, as written, complies with Council's Election Period Policy, required under Section 69 of the *Local Government Act 2020*

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 9 September 2020 be confirmed as a correct record of business transacted.

6. Declaration of Interest

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

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:

- Audit and Risk Committee Meeting – 1 September 2020
- Briefing Session – 9 September 2020
- Briefing Session – 23 September 2020

This agenda was prepared on 7 October 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.

Election Period

The recommendation, as written, complies with Council's Election Period Policy, required under Section 69 of the *Local Government Act 2020*

RECOMMENDATION

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

Southern Grampians Shire Council

ASSEMBLY OF COUNCILLORS

ASSEMBLY DETAILS	
Title:	Audit & Risk Committee Meeting
Date:	1 September 2020
Location:	Via Teams Meeting Teleconference
Councillors in Attendance:	Cr Colin Dunkley, Deputy Mayor Cr Katrina Rainsford
Council Staff in Attendance:	Mr Michael Tudball, CEO Ms Evelyn Arnold, Director Community & Corporate Services Ms Belinda Johnson, Manager Finance Mr Darren Barber, Manager Organisational Development Mr Nadine Rhook, EA to Director Community & Corporate Services

The Assembly commenced at 1.10pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Welcome	Nil
2	Apologies	Nil
3	Conflict of Interest	Nil
4	Confirmation of Previous Minutes	Nil
5	Progress Reports of Current Actions – McLaren Hunt	Nil
6	Review Draft Annual Financial Statements, Performance Statement and Government & Management Checklist	Nil
7	Review Draft Management Letter & Closing Report	Nil
8	Internal Audit – Overall Progress	Nil

9	Internal Audit – Progress of Outstanding Items	Nil
10	Progress Report of Internal Audit Actions (Interplan) – Customer Service & Complaints, Contract Management, Risk Management & Waste Management, Asset Management & Road Maintenance, Building Maintenance	Nil
11	Appointment of Internal Auditor – Status Update	Nil
12	Summary Table of Outstanding Matters	Nil
13	Implementation of Local Government Act	Nil
14	Compliance Framework	Nil
15	OHS Report	Nil
16	Business Continuity Plan and Sub Plans	Nil
17	Review Councillor Expenses	Cr Dunkley and Cr Rainsford declared an indirect conflict at the ARC Meeting at Item 10.2
18	VAGO, Ombudsman & IBAC Reports	Nil
19	COVID-19 Update	Nil

The Assembly concluded at 3.14pm

Southern Grampians Shire Council

ASSEMBLY OF COUNCILLORS

ASSEMBLY DETAILS	
Title:	Briefing Session
Date:	9 September 2020
Location:	Virtual – Zoom Meeting
Councillors in Attendance:	Cr Chris Sharples, Mayor Cr Colin Dunkley, Deputy Mayor Cr Mary-Ann Brown Cr Albert Calvano Cr Greg McAdam Cr Katrina Rainsford
Council Staff in Attendance:	Michael Tudball, Chief Executive Officer David Moloney, Director Shire Infrastructure Evelyn Arnold, Director Community and Corporate Services Andrew Goodsell, Director Planning and Development Rohit Srivastava, Manager Assets

The Assembly commenced at 4:00pm.

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Matters Raised by Council	Nil
2	Council Meeting Items <ul style="list-style-type: none"> Delegated Committees 	Nil
3	Footpath Trading Permits	Cr's Sharples and Brown declared a conflict of interest and left the Briefing for this item.

The Assembly concluded at 5:00pm.

Southern Grampians Shire Council

ASSEMBLY OF COUNCILLORS

ASSEMBLY DETAILS	
Title:	Briefing Session
Date:	23 September 2020
Location:	Virtual – Zoom Meeting
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 David Moloney, Director Shire Infrastructure Evelyn Arnold, Director Community and Corporate Services Andrew Goodsell, Director Planning and Development Rohit Srivastava, Manager Assets Karly Saunders, Governance Coordinator Joshua White, Artistic Director Gallery Amy Knight, Manager Cultural Arts Russell Bennett, Manager Business Systems

The Assembly commenced at 2:30pm.

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Matters Raised by Council	Nil
2	Christmas Office Closure	Nil
3	Councillor Election Period Discussion	Nil
4	Cox Street Briefing	Nil
5	Walk Along the Wannan	Nil

6	Artistic Director 90 Day Report	Nil
7	Digital Road Map 20/21	Nil

The Assembly concluded at 4:45pm.

10. Management Reports

10.1 2019/2020 Annual Report

Directorate: Michael Tudball, Chief Executive Officer
Author: Michael Tudball, Chief Executive Officer
Attachments: 1. 2019/2020 Annual Report

Executive Summary

In accordance with Section 134 of the *Local Government Act 1989*, Council is required to consider the Annual Report 2019/2020, for the year ended 30 June 2020.

Discussion

Council is required to prepare an Annual Report in respect of each financial year containing a report on its operations, audited financial statements, performance statement and any other matters required by the regulations.

The Annual Report must be submitted to the Minister for Local Government within three months of the end of the financial year, or within any extended period approved by the Minister.

The Annual Report details the performance and achievements of Council and is intended as a point of reference for Council staff, residents and businesses of the Shire, community organisations and government departments.

The Annual Report reports on the five key strategic objectives outlined in the Council Plan 2017-2021 being:

- Support our Community
- Develop our Regional Economy and Business
- Plan for our Built Environment
- Promote our Natural Environment
- Provide Governance and Leadership

The Annual Report provides a comprehensive overview of activities of Council for the period 1 July 2019 to 30 June 2020, including social, economic and environmental achievements in respect of a range of projects, services and assets managed. The Annual Report of Council is an important record of the activities of Council, including its financial performance over the year for which the Auditor-General has provided unqualified audit opinions on the Financial Statements and Performance Statement for the year ended 30 June 2020. The Report includes General Purpose Financial Statements, Standard Statements and the Performance Statement.

The provisions of the *Local Government Act 1989* require that Council consider the Annual Report at a meeting open to the public within 30 days of the report being submitted to the Minister.

Legislation, Council Plan and Policy Impacts

In accordance with the Council Plan 2017 – 2021 in the Good Governance section, Council is obliged to meet statutory requirements in regards to reporting to the Minister for Local Government on its activities.

Council has a statutory responsibility under the *Local Government Act 1989* to prepare an Annual Report in respect of each financial year containing a report on its operations, audited financial statements, performance statement and any other matter required by the Local Government (Planning and Reporting) Regulations 2014.

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.

Election Period

The recommendation, as written, complies with Council's Election Period Policy, required under Section 69 of the *Local Government Act 2020*

RECOMMENDATION

That Council considers the Annual Report 2019/2020 for the year ended 30 June 2020, in accordance with Section 134 of the *Local Government Act 1989*.

10.2 Christmas Holiday Closure

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Karly Saunders, Governance Coordinator
Attachments: None

Executive Summary

Council can elect to close workplaces during the period between Christmas and New Year. It is recommended that Council workplaces close for the Christmas/New Year break from the close of business at 5:00pm on Thursday 24 December 2020 and reopen 8:15am on Monday 4 January 2021.

Discussion

Council's Enterprise Bargaining Agreement states that if Council decides to close workplaces over the period between Christmas and New Year at least one month's notice must be provided to staff. Staff can then elect to take leave over this time, or work on the non-public holiday days with permission from their manager. Having the Christmas/New Year break from 5.00pm on Thursday 24 December until Monday 4 January means that staff who elect to take this time off are required to take three days of time-in-lieu, rostered days off or annual leave. The other three days of closure are public holidays.

Some services will continue to operate during the Christmas/New Year period including:

- Council's after hours service;
- HILAC;
- Lifeguards;
- Transfer Stations;
- Art Gallery;
- Hamilton and Grampians Visitor Information Centre;
- Library;
- Livestock Exchange; and
- Maternity Services

The operation of the above services will be subject to the COVID-19 restrictions at that time.

Legislation, Council Plan and Policy Impacts

The recommendations in this Report are in accordance with Council's Enterprise Bargaining Agreement.

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.

Election Period

The recommendation, as written, complies with Council's Election Period Policy, required under Section 69 of the *Local Government Act 2020*

RECOMMENDATION

That Council notes the Christmas Holiday Closure of Council's Offices from 5:00pm on Thursday 24 December 2020 and reopening on Monday 4 January 2020 at 8:15am.

10.3 Audit and Risk Committee - Minutes

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Evelyn Arnold, Director Community and Corporate Services
Attachments: 2. Minutes – 1 September 2020

Executive Summary

The Minutes from the September meeting as endorsed by the Audit and Risk Committee (ARC) are presented to Council for adoption.

Discussion

The Audit and Risk Committee (ARC), as an Advisory Committee of Council, fulfils both a statutory and consultative function. It provides feedback, advice and direction to Council. The intention is not to focus on financial risk which is adequately addressed by the external auditors, but rather to review internal processes in line with the culture of continuous improvement.

Legislation, Council Plan and Policy Impacts

The Local Government Act 1989 section 139.

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.

Election Period

The recommendation, as written, complies with Council's Election Period Policy, required under Section 69 of the *Local Government Act 2020*

RECOMMENDATION

That the Minutes for the Audit and Risk Committee meeting held on 1 September 2020 be noted.

10.4 Hamilton Regional Livestock Exchange - Committee

Directorate: David Moloney, Director Shire Infrastructure
Author: David Moloney, Director Shire Infrastructure
Attachments: None.

Executive Summary

Southern Grampians Council (SGSC) is the owner and operator of the Hamilton Regional Livestock Exchange (HRLX). The HRLX is 'one of Australia's busiest with approximately one million sheep and 20,000 cattle sold annually'. The catchment area for the HRLX includes producers and buyers across South West Victoria as well as vendors from as far afield as Horsham, Skipton, Mortlake, Warrnambool and even into New South Wales and Queensland.

Investigations have been undertaken into the business development of the HRLX and in particular around governance. A previous resolution of Council resolved to transition to a Delegated Committee under Section 63 of the Local Government Act 2020. Recent information has determined that this Committee will need to hold open meetings, which will potentially enable commercially sensitive information around the strategic direction of the HRLX be exposed to competitors.

Based on the resolution below, the HRLX Advisory Committee will still exist but not transition to a Section 63 Delegated Committee. The Charter and the make-up will be the same as previously resolved by Council.

It is therefore recommended that Council:

1. Rescind the commitment of Council to transition the HRLX Advisory Committee to Delegated Committee as per s.63 LGA (2020); and
2. Note that the HRLX Committee is to remain an Advisory Committee.

Discussion

Southern Grampians Council (SGSC) is the owner and operator of the Hamilton Regional Livestock Exchange (HRLX). Council notes that the HRLX is 'one of Australia's busiest with approximately one million sheep and 20,000 cattle sold annually'. The catchment area for the sale yards includes producers and buyers across South West Victoria as well as vendors from as far afield as Horsham, Skipton, Mortlake, Warrnambool and even into New South Wales and Queensland.

Over the past few years Council has undertaken investigations into options for the HRLX including the current roof over the cattle yards. This involved numerous interviews with various stakeholders in order to come to the future options. The previous reports focused on several areas including the following:

- Governance including metrics for better governance;
- Marketing and communications;
- Operations and fees;
- Sale day review;
- Diversifying income streams; and
- Capital investment.

Further investigations over time were refined and direction given to developed several options and makes recommendation in regards to Governance.

Governance

In June 2020 a report was presented to Council following investigations into the options for Council to move to a commercial governance model under the old and new Local Government Acts. With the LGA (2020) being signed into law, while the investigations into the old LGA (1989) is still reported these options are no longer relevant for Council to consider as options.

The report looked at the three types of governance models available to Council and assessed their suitability for the HRLX and Council resolved for the HRLX to transition to a Delegated Committee under Section 63 of the Local Government Act (2020).

Recent information has determined that this Section 63 Committee will need to hold open meetings, which will potentially enable commercially sensitive information around the strategic decisions of the HRLX be exposed to competitors.

Based on the resolution below the HRLX Advisory Committee will still exist but not as a Section 63 Delegated Committee. The Charter and the make-up will be the same as previously resolved by Council in June 2020.

Financial and Resource Implications

There are no financial or resource implications of this report

Legislation, Council Plan and Policy Impacts

The following strategies apply as per Council's Plan

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

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

Strategy 4.1.3 Managing the regulatory environment to protect amenity and safety.

Strategy 2.1.9 Facilitate and encourage business capacity and development.

The following legislation apply:

- *Local Government Act (1989) and Local Government Act (2020)*

Relevant Council Policies that apply:

- Asset Management Plan

Risk Management

This report and the recommendations assist Council in managing the risk with the HRLX in regards to the community, political, financial and animal welfare due to the HRLX and its function in the community.

Environmental and Sustainability Considerations

Good governance will assist the HRLX in becoming sustainable and meet its environmental obligations.

Community Consultation and Communication

No further consultation with the community has been undertaken since the last report was presented to Council in June.

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.

Election Period

The recommendation, as written, complies with Council's Election Period Policy, required under Section 69 of the *Local Government Act 2020*

RECOMMENDATION

That Council:

1. Rescind the commitment of Council to transition the HRLX Advisory Committee to Delegated Committee as per S.63 LGA (2020); and
2. Note that the HRLX Committee is to remain an Advisory Committee.

10.5 Tender 34-20: Brown Street Lift

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

11. Notices of Motion

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

12. Delegated Reports

Due to Election Period requirements there will be no Delegate reports presented at tonight's Meeting.

13. Mayors and Councillors Reports

Due to Election Period requirements there will be no Councillor Reports presented at tonight's Meeting.

14. Confidential Matters

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

15. Close of Meeting

This concludes the business of the meeting.