



Southern Grampians
SHIRE COUNCIL

Council Meeting Minutes

Ordinary Meeting
10 February 2021

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

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The Meeting opened at 5.30pm

1. Present

Councillors

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

Officers

Mr Michael Tudball, Chief Executive Officer
Mr Russell Bennett, Acting Director Community and Corporate Services
Mr Andrew Goodsell, Director Planning and Development
Ms Belinda Johnson, Acting Director Shire Infrastructure

2. Welcome and Acknowledgement of Country

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

“Our meeting is being held on the traditional lands of the Gunditjmara, Tjap Wurrung and Bunganditj people.

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

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 9 December 2020 be confirmed as a correct record of business transacted.

COUNCIL RESOLUTION

MOVED: Cr Calvano
SECONDED: Cr Robertson

That the Minutes of the Ordinary Meeting of Council held on 13 November 2019 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 Shane Jurecky – Good Shepherd College

Proposal to extend the Good Shepherd College Bike Track

RECOMMENDATION

That Council receive the deputation and a report be provided to Council.

COUNCIL RESOLUTION

MOVED: Cr Calvano
SECONDED: Cr Brown

That Council receive the deputation and a report be provided to Council.

CARRIED

8.2 Doug Ward and Lynne Millard

Proposed sale of 16 Moodie Avenue Hamilton

RECOMMENDATION

That Council receive the deputation and that it be included in the submissions for the sale of land proposal.

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr McAdam

That Council receive the deputation and that it be included in the submissions for the sale of land proposal.

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:

- Audit and Risk Committee Meeting – 14 December 2020
- Hamilton Botanic Gardens – 16 December 2020
- Briefing Session – 27 January 2021
- Hamilton Showgrounds Masterplan – 27 January 2021

This agenda was prepared on 3 February 2021. 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 Calvano
SECONDED: Cr Henry

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:	Audit & Risk Committee Meeting
Date:	14 December 2020
Location:	Martin J Hynes and Via Teams Meeting Teleconference
Councillors in Attendance:	Cr David Robertson, Deputy Mayor Cr Mary-Ann Brown
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 Rohit Srivastava, Manager Assets Mr Mike Shanahan, Health & Safety Coordinator Ms Karly Saunders, Governance Coordinator Mr Nadine Rhook, EA to Director Community & Corporate Services

The Assembly commenced at 1.30pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Welcome	Nil
2	Apologies	Nil
3	Conflict of Interest	Nil
4	Confirmation of Previous Minutes	Nil
5	Summary Table of Outstanding Matters	Nil
6	Audit & Risk Committee Annual Performance Assessment	Nil
7	External Audit – Progress Report of Current Actions – McLaren Hunt	Nil

8	Closing Report 2019-2020 & Final Management Letter 2019-2020	Nil
9	Representation Letter	Nil
10	Draft Internal Audit Plan 2021-2023	Nil
11	Internal Audit – Depot Management	Nil
12	Internal Audit Scopes – Purchasing Cards & Data Security Protection	Nil
13	Progress Report of Internal Audit Actions (Interplan) – Customer Service & Complaints, Contract Management, Risk Management & Waste Management, Asset Management & Road Maintenance, Building Maintenance	Nil
14	Standard Statements	Nil
15	Implementation of Local Government Act	Nil
16	Compliance Framework	Nil
17	OHS Report	Nil
18	Strategic Risk Register System Update	Nil
19	Audit & Risk Committee Annual Plan 2021	Nil
20	Audit & Risk Committee Chair Report 2019/2020	Nil
21	VAGO, Ombudsman & IBAC Reports	Nil
22	Review Councillor Expenses	Cr Brown declared an indirect conflict at the ARC Meeting at Item 10.5
23	COVID-19 Update	Nil
24	Accounting for Assets Policy Review	Nil
25	Next Meeting	Nil

The Assembly concluded at 4.36pm

Southern Grampians Shire Council

ASSEMBLY OF COUNCILLORS

ASSEMBLY DETAILS	
Title:	Tour of Hamilton Botanic Gardens
Date:	16 December 2020
Location:	Hamilton Botanic Gardens
Councillors in Attendance:	Cr Bruach Colliton, Mayor Cr David Robertson, Deputy Mayor Cr Mary-Ann Brown Cr Helen Henry Cr Greg McAdam Cr Katrina Rainsford Cr Albert Calvano
Council Staff in Attendance:	Evelyn Arnold, Director Community and Corporate Services

The Assembly commenced at 3:00pm.

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Tour of discussion with the Friends of the Hamilton Botanic Gardens	Nil

The Assembly concluded at 4:00pm.

Southern Grampians Shire Council

ASSEMBLY OF COUNCILLORS

ASSEMBLY DETAILS	
Title:	Briefing Session
Date:	27 January 2021
Location:	MJ Hynes Auditorium and Virtually
Councillors in Attendance:	Cr Bruach Colliton, Mayor Cr David Robertson, Deputy Mayor Cr Mary-Ann Brown – attended virtually Cr Albert Calvano Cr Helen Henry Cr Greg McAdam Cr Katrina Rainsford – attended virtually
Council Staff in Attendance:	Michael Tudball, Chief Executive Officer Evelyn Arnold, Director Community and Corporate Services Andrew Goodsell, Director Planning and Development Belinda Johnson, Acting Director Shire Infrastructure Jason Cay, Acting Manager Finance Nikki Sutherland, Acting Manager Organisational Development Karly Saunders, Governance Coordinator Rohit Srivastava, Manager Assets Susannah Milne, Manager Community and Leisure Services Kylie McIntyre, Sustainability Coordinator Lachy Patterson, Manager Community Relations

The Assembly commenced at 2:00pm.

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Matters Raised by Council	Nil

2	Quarterly Financial Report – July to September 2020	Nil
3	Councillor Code of Conduct Review	Nil
4	Gift Policy	Nil
5	Cox Street – Options	Nil
6	Regional Waste	Nil
7	Hamilton Showgrounds Masterplan	Nil
8	Community Engagement Policy	Nil

The Assembly concluded at 5:05pm.

Southern Grampians Shire Council

ASSEMBLY OF COUNCILLORS

ASSEMBLY DETAILS	
Title:	Hamilton Showgrounds Masterplan Discussion
Date:	27 January 2021
Location:	Hamilton Showgrounds
Councillors in Attendance:	Cr Bruach Colliton, Mayor Cr David Robertson, Deputy Mayor Cr Albert Calvano Cr Helen Henry Cr Greg McAdam
Council Staff in Attendance:	Evelyn Arnold, Director Community & Corporate Services Susannah Milne, Manager Community & Leisure Services Darren Ames, Coordinator Recreation Services

The Assembly commenced at 5.15pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Attendees	Nil
2	Apologies	Nil
3	Minutes of Previous Meeting	Nil
4	Correspondence	Nil
5	Business Arising from Previous Minutes	Nil
6	Hire of Showgrounds for Casual Use	Nil
7	Licence Agreement Renewal	Nil
8	Draft Hamilton Showgrounds Masterplan	Nil

The Assembly concluded at 6.40pm

10. Management Reports

10.1 S65 Community Asset Committee – Minutes

Directorate: Russell Bennett, Acting Director Community and Corporate Services
Author: Karly Saunders, Governance Coordinator
Attachments: 1. 20 October 2020 Minutes,
2. 17 November 2020 Minutes

Executive Summary

A number of Committees that were formerly a Section 86 Committee under the Local Government Act 1986 have transitioned to a Section 65 Committee under the Local Government Act 2020 in September 2020.

In accordance with Council's Governance Rules and section 47(4)(b) of the Act, approved minutes of the Committee are to be reported to Council Meetings to ensure governance requirements and appropriate standards of probity are being met.

Discussion

The following minutes of the Community Asset Committee meetings are attached to this report:

- Coleraine Sporting Grounds Committee 20 October 2020
- Coleraine Sporting Grounds Committee 17 November 2020 Ordinary Meeting

The minutes have been confirmed at each preceding meeting and forwarded through to Council's Governance Coordinator for reporting to the next available Council Meeting.

Financial and Resource Implications

Not applicable.

Legislation, Council Plan and Policy Impacts

Community Asset Committees are established under Section 65 of the Local Government Act and operate under a s47 Delegation issued by the Chief Executive Officer and are bound by Council's Governance Rules and the Committee Terms of Reference.

Risk Management

Regular reporting of the Committee Meeting Minutes ensure governance requirements and appropriate standards of probity are being met.

Environmental and Sustainability Considerations

There are no environmental or sustainability considerations in relation to this report.

Community Engagement and Communication

Not applicable.

Disclosure of Interests

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

RECOMMENDATION

That Council note the Minutes from the following Community Asset Committees;

1. Coleraine Sporting Grounds Committee meeting held 20 October 2020 and
2. Coleraine Sporting Grounds Committee meeting held on 17 November 2020.

COUNCIL RESOLUTION

MOVED: Cr Henry
SECONDED: Cr Brown

That Council note the Minutes from the following Community Asset Committees;

- 1. Coleraine Sporting Grounds Committee meeting held 20 October 2020 and**
- 2. Coleraine Sporting Grounds Committee meeting held on 17 November 2020.**

CARRIED

10.2 Councillor Gift Policy

Directorate: Russell Bennett, Acting Director Community and Corporate Services
Author: Karly Saunders, Governance Coordinator
Attachments: 3. Councillor Gift Policy

Executive Summary

Council is required to adopt a Councillor Gift Policy by 24 April 2021 as per Section 138 of the *Local Government Act 2020*.

Discussion

Section 138 of the Local Government Act 2020 (the Act) requires Council to adopt a Councillor Gift Policy within six months of section 138 coming into operation, being 24 April 2021.

Council's regulation of gifts was previously set out in the Councillor Code of Conduct, which also incorporated the legislative responsibilities for Council with regard to gifts but it is a new requirement of the Act for Council to have a stand-alone policy and it must include procedures for the maintenance of a gift register.

The Councillor Gift Policy aims to ensure transparency and the principles of good governance and accountability are practiced by Councillors and the policy will meet the requirements of Section 138 of the Act.

The Policy provides an overview of Councillor's legislative responsibilities with regard to gifts, including thresholds, conflicts of interest, personal interests, campaign donations and standards of conduct.

The Policy sets out the process for declining or accepting gifts and the circumstances under which of each are acceptable or not acceptable, as well as the process of recording all gifts in a register.

Financial and Resource Implications

Not applicable.

Legislation, Council Plan and Policy Impacts

Section 138 of the Local Government Act 2020(the Act) requires Council to adopt a Councillor Gift Policy 6 months after the section commences, being 24 April 2021.

Risk Management

The Policy reduces risk by increasing transparency and accountability by implementing a gift register for inspection and oversight.

Environmental and Sustainability Considerations

There are no environmental or sustainability considerations in relation to this report.

Community Engagement and Communication

The Policy will be made available on the Council website.

Disclosure of Interests

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

RECOMMENDATION

That Council adopt the Councillor Gift Policy under section 138 of the *Local Government Act 2020*.

COUNCIL RESOLUTION

MOVED: Cr Henry
SECONDED: Cr Rainsford

That Council adopt the Councillor Gift Policy under section 138 of the *Local Government Act 2020*.

CARRIED

10.3 Councillor Code of Conduct

Directorate: Russell Bennett, Acting Director Community and Corporate Services
Author: Karly Saunders, Governance Coordinator
Attachments: 4. Councillor Code of Conduct

Executive Summary

Section 139(4) of the *Local Government Act 2020* requires Councils to review and adopt a Councillor Code of Conduct within a period of 4 months after a general election, being 24 February 2021.

In accordance with this requirement, the Councillor Code of Conduct has been reviewed and updated pursuant to the *Local Government Act 2020* and the Local Government (Governance and Integrity) Regulations 2020.

It is recommended that the attached Councillor Code of Conduct 2021 be adopted by Council.

Discussion

A Councillor Code of Conduct, under the 2020 Act, must include the standards of conduct expected to be observed by Councillors that are prescribed in the Local Government (Governance and Integrity) Regulations 2020 and may include any other matters that the Council considers appropriate.

Council last updated and adopted their Councillor Code of Conduct in October 2018.

As a result of the General Election held in October 2020 and as per the Local Government Act 2020, Council must review and adopt their Councillor Code of Conduct within 4 months after a general election, being on or before 24 February 2021.

Under the 2020 Act the new internal arbitration process applies to a breach of the prescribed standards of conduct (section 141) and if the arbiter determines that a Councillor has failed to comply with the prescribed *standards of conduct*, the arbiter may make a finding of misconduct against the Councillor (section 147).

To be compliant with the new Act 2020 the Councillor Code of Conduct:

- must include the **standards of conduct** prescribed by the regulations expected to be observed by Councillors;
- must include any provisions prescribed by the regulations;
- must include provisions addressing any matters prescribed by the regulations; and
- may include any other matters which the Council considers appropriate, other than any other standards of conduct.

Councils existing Councillor Code of Conduct, adopted in 2018, met many of the new Act's requirements, however some changes have been necessary which include:

- All legislative references have been updated to reflect the Local Government Act 2020;
- Includes the Governance Principles and Supporting Principles;

- Incorporation of the prescribed Standards of Conduct;
- Conflict of interest definitions in line with the new Act 2020;
- the internal arbitration procedure for council: code of conducts sets out the process for internal arbitration of allegations that a Councillor has breached the prescribed standards of conduct;
- Improper Conduct in line with new Act 2020 section, clause 124 of the Act reproduced in Code of Conduct.

The Councillor Code of Conduct must be adopted by the formal resolution of the Council at a meeting where at least two-thirds of the total number of Councillors elected to the Council.

Legislation, Council Plan and Policy Impacts

The Councillor Code of Conduct has been reviewed in accordance with section 139 of the *Local Government Act 2020* and the Local Government (Governance and Integrity) Regulations 2020.

Council Plan - Outcome 1.1 - Soundly Based Decisions

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

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

Strategy 1.1.3 – Demonstrate leadership through ethically, socially and environmentally responsible conduct

Strategy 1.1.4 – Work together to develop a highly responsive Council organisation.

Disclosure of Interests

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

RECOMMENDATION

That Council:

1. Adopt the Councillor Code of Conduct under Section 139 of the Local Government Act 2020; and
2. Sign the Councillor Code of Conduct declaration.

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr McAdam

That Council:

1. **Adopt the Councillor Code of Conduct under Section 139 of the Local Government Act 2020; and**
2. **Sign the Councillor Code of Conduct declaration.**

CARRIED

10.4 Community Engagement Policy

Directorate: Russell Bennett, Acting Director Community and Corporate Services
Author: Lachy Patterson, Manager Community Relations
Attachments: 5. Community Engagement Policy

Executive Summary

The *Local Government Act 2020* requires Council to adopt a Community Engagement Policy by 1 March 2021.

Discussion

Under section 55 of the *Local Government Act 2020*, all Councils must adopt and maintain a Community Engagement Policy.

A community engagement policy must:

- Be developed in consultation with the municipal community; and
- Give effect to the community engagement principals; and
- Be capable of being applied to the making of the Council's Local Laws; and
- Be capable of being applied in relation to Council's budget and policy development;
- Describe the type and form of community engagement proposed, having regard to the significance and complexity of the matter and the level of resourcing required; and
- Specify a process for informing the municipal community of the outcomes of the community engagement; and
- Include deliberative engagement practices which must include and address any matters prescribed by the regulations for the purposes of this paragraph and be capable of being applied to the development of the;
 - Community Vision
 - Council Plan
 - Financial Plan
 - Asset Plan; and
- Include any other matters prescribed by the regulations.

Community engagement relating to planning permit applications and planning scheme amendments is outside the scope of this policy, as these processes are governed by the *Planning and Environment Act 1987* and associated regulations.

Section 56 of the *Local Government Act 2020* establishes five community engagement principles applicable to Council. As required by the Act, this policy gives effect to these principles. The community engagement principles contained in the Act outline a method of engagement that is defined, informed, representative, supported and democratic.

Financial and Resource Implications

There are no financial or resource implications.

Legislation, Council Plan and Policy Impacts

Under section 55 of the *Local Government Act 2020*, all Councils must adopt and maintain a Community Engagement Policy on or before 1 March 2021.

Objective 1.1 – Support Our Community

Strategy 1.1.2 – Provide opportunities for increased community engagement and participation in Council decision making and activities

Objective 5.1 – Provide transparent and responsible governance.

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 Community Engagement 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 Community Engagement Policy under Section 55 of the *Local Government Act 2020*.

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr Rainsford

That Council adopt the Community Engagement Policy under Section 55 of the *Local Government Act 2020*.

CARRIED

10.5 Finance Report

Directorate: Russell Bennett, Acting Director Community and Corporate Services
Author: Belinda Johnson, Manager Finance
Attachments: 6. Finance Report to 30 September 2020

Executive Summary

The Finance Report for the Year to 30 September 2020 is presented for information.

Discussion

The Finance Report contains the Standard Statements namely:

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

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

Detailed narratives accompany each of the statements.

Legislation, Council Plan and Policy Impacts

Council Plan

The finance report provides interim information on the financial progress of the achievement of the Annual Budget. Financial sustainability and compliance with our annual budget are specifically identified as strategies within the Council Plan.

Legislation

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

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

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

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

- (1) The following are the financial management principles—

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

Disclosure of Interests

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

RECOMMENDATION

That the Finance Report for the year to 30 September 2020, be received.

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr McAdam

That the Finance Report for the year to 30 September 2020, be received.

CARRIED

10.6 Councillor Allowances

Directorate: Russell Bennett, Acting Director Community and Corporate Services
Author: Karly Saunders, Governance Coordinator
Attachments: None

Executive Summary

Council is required to review its Mayoral and Councillor allowances by 30 June following a General Election.

It is recommended that Council give public notice of its proposal to set the Mayoral Allowance at \$62,884 and the Councillor Allowance at \$21,049.

Discussion

The allowance framework under the *Local Government Act 1989* continues until the Victorian Independent Remuneration Tribunal makes its first determination under the *Local Government Act 2020*. The Remuneration Tribunal has not yet been requested to make a determination and when it has, the Tribunal has six months to make a determination from the date requested. Consequently, councils have been advised by Local Government Victoria that they should plan to undertake their own review of allowances under s74(1) of the 1989 Act.

Section 74 of the *Local Government Act 1989* (the Act) requires that Councils review the level of Mayoral and Councillor Allowances within 6 months of a General Election, or by 30 June following a General Election, whichever is later.

Council is also required to give public notice of any proposal in relation to setting Allowances and invite public submissions on the proposal.

The Minister for Local Government, the Hon Shaun Leane, conducted a review under section 73B of the *Local Government Act 1989* and determined that no adjustment to allowances will be made in respect of all councils.

The current allowance are as follows:

Category 1	Councillors: \$8,833 – \$21,049 per annum Mayors: up to \$62,884 per annum
Category 2	Councillors: \$10,914 – \$26,245 per annum Mayors: up to \$81,204 per annum
Category 3	Councillors: \$13,123 – \$31,444 per annum Mayors: up to \$100,434 per annum

Southern Grampians Shire Council is a Category 1 Council.

It is recommended that Council give public notice of its proposal to set the Mayoral Allowance at \$62,884 and the Councillor Allowance at \$21,049.

Financial and Resource Implications

Each year the Minister for Local Government must review the limits and ranges of Mayoral and Councillor and have regard to movements in the levels of remuneration of executives

within the meaning of the *Public Administration Act 2004*. The Minister for Local Government conducted a review and determined no adjustment to the current allowance categories.

Legislation, Council Plan and Policy Impacts

Section 74 of the Local Government Act 1989 (the Act) requires that Councils review the level of Mayoral and Councillor Allowances within 6 months of a General Election, or by 30 June following a General Election, whichever is later and give public notice of any proposal in relation to setting Allowances and invite public submissions.

Risk Management

There are no risk management issues in relation to the setting of Mayoral and Councillor Allowances.

Environmental and Sustainability Considerations

There are no environmental or sustainability considerations in relation to the setting of Mayoral and Councillor Allowances.

Community Consultation and Communication

Community consultation will be completed through the s223 public submission process.

Disclosure of Interests

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

RECOMMENDATION

1. That Council give public notice of its proposal to set the Mayoral Allowance at \$62,884 and the Councillor Allowance at \$21,049.
2. That following the expiration of the public notice period a further Report be presented to Council.

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr Henry

1. That Council give public notice of its proposal to set the Mayoral Allowance at \$62,884 and the Councillor Allowance at \$21,049.
2. That following the expiration of the public notice period a further Report be presented to Council.

CARRIED

10.7 Audit and Risk Committee - Minutes

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Evelyn Arnold, Director Community and Corporate Services
Attachments: 7. Minutes – 14 December 2020

Executive Summary

The Minutes from the December 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.

RECOMMENDATION

That the Minutes for the Audit and Risk Committee meeting held on 14 December 2020 be noted.

COUNCIL RESOLUTION

MOVED: Cr Robertson
SECONDED: Cr Brown

That the Minutes for the Audit and Risk Committee meeting held on 14 December 2020 be noted

CARRIED

10.8 Hamilton CBD Liveability and Economic Revitalisation Project – Cox Street

Directorate: Belinda Johnson, Acting Director Infrastructure
Author: Rohit Srivastava, Manager Assets
Attachments: None

Executive Summary

Hamilton CBD Liveability and Economic Revitalisation Project, namely Cox Street “Front Door” Precinct Project Design was completed in March 2019 and estimates for the project were obtained from a third-party engineering firm to confirm Councils’ budget allocation.

Tenders were advertised in June 2019 and 5 No. tenders received. On review of the five tenders received the submitted prices ranged between \$8.8M to \$14M, which was significantly over Councils’ cost estimate.

A report was presented at the October 2019 Council meeting with a recommendation to continue work on re-zoning of the land and seek further financial assistance from additional sources.

Council officers have explored various options of financial assistance but considering the road is a Department of Transport asset, there have been no further success in securing any further grant/s.

With Council committed to the Cox Street “Front Door” Precinct Project, this report examines the options (7 No.) for Council to deliver the best project outcomes, considering the budget constraint.

It is recommended that Council:

1. Tender documents for Option 2 be prepared and tendered;
2. Budget item for repair & maintenance of footpath on the west-side between Lonsdale St and Gray St be proposed in the next financial year’s budget; and
3. Budget item for landscaping works on the west-wise be proposed under the next financial year’s budget

Background

Hamilton CBD Liveability and Economic Revitalisation Project – Cox Street Project is jointly funded by Council with financial assistance from Regional Development Victoria (RDV) with an overall budget of \$4.6M. The key objectives of the project are:

Objective 1: To facilitate economic development:

- Supporting diverse business development;
- Revitalising the entrance street to Hamilton CBD;

Objective 2: To improve regional access and interconnectedness:

- Improving amenity, access and connectivity between retail, local government services.....
- Delivering key Smart City digital infrastructure.....

Objective 3: The project will seek to achieve the following Project Outcomes:

- The Project will create an additional 3,400m² of commercial space.....

- Leverage private sector investment
- Creation of jobs – during construction and then retail
- Increased Gross Regional Product – during construction and then retail

A concept design was completed in 2015 by Michael Smith and Associates. Council engaged Meinhardt Engineering in November 2018 to complete the detailed design. Council advertised the tender in June 2019 and received five submissions, ranging from \$8.8M to \$14M. The received tenders were considerably higher than the budgeted amounts.

Council at its October 2019 meeting resolved to continue re-zoning works on the east-side of Cox Street and seek further financial assistance to complete the overall project.

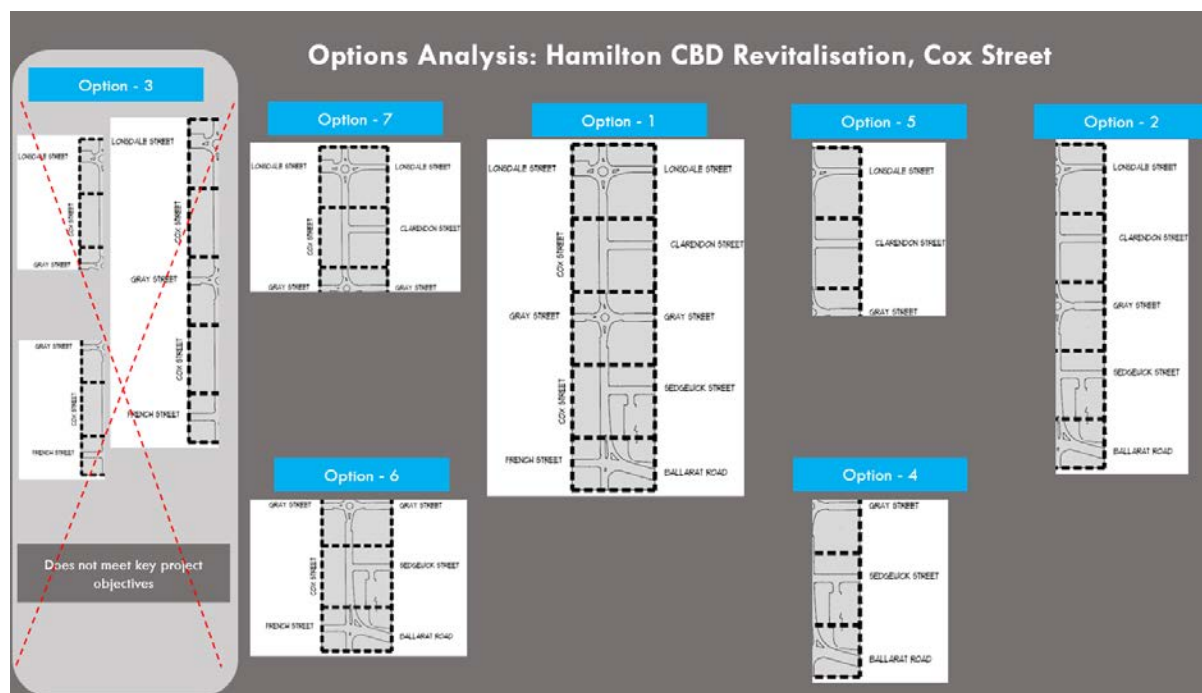
Council officers have discussed the project with various agencies but have been unsuccessful in getting any further financial assistance.

Discussion

Considering the received tenders were considerably higher than the Council budget and no further financial assistance is available to complete the original scope of a project, the options are discussed below for consideration, along with the recommendation to meet the maximum project objectives with the funds available.

The grant available from RDV for the project, to the amount of \$2.7million will most likely be withdrawn if Council does not initiate the project before the end of the financial year.

The various options to deliver the project are presented below:



These options are further discussed below:

Option 1:

Discussion: The option is a complete project scope and was advertised in June 2019, wherein Council received five submission and all were considerably higher than the available budget.

Recommendation: The option be cancelled as there is no further budget available to execute it.

Option 2:

Discussion: This option is to complete project scope only on the east-side of Cox St, i.e. to have a median strip, new road pavement on only east-side, new kerb & channel, 3m wide footpath, 3 No. Pocket Parks and 2 No. Roundabouts including undergrounding of existing power lines and new Telstra line along east-side.

Recommendation: This option meets most of the project objectives – opening retail space and activating economic development. It is recommended that Option -2 be considered with reduced scope in landscaping of the overall area, specially furniture within Pocket Parks and Smart lighting and cheaper alternative for proposed tree root barrier system - Stratavault.

Footpath replacement from Lonsdale Street to Gray Street and Landscaping works on west-side be proposed as budget items under the next financial year, as these works will help achieve most of the project outcomes.

Option 3:

Discussion: The option does not meet the project outcomes which are largely economic development and making retail space available.

Recommendation: The option be cancelled as it does not meet the outcomes of RDV grant.

Options 4, 5, 6 & 7:

Discussion: The options though meet the budget but they only partly meet the grant outcomes. Options 4 & 6 open the retail space but does not create entrance to Hamilton CBD. Options 5 & 7 does not open the retail space and also does not create entrance to Hamilton CBD.

Recommendation: The options be cancelled as they do not meet the project outcomes.

Financial and Resource Implications

- It is suggested to proceed with the recommended option to utilise the available grant;
- Scope still needs to be refined for the recommended option to have certainty on financial implications on the Council.

Legislation, Council Plan and Policy Impacts

This report assists Council in meeting its obligations under the Local Government Act 1989.

This report also relates to the:

- 2017-2021 Council Plan – 5.1.2 Ensure responsible, effective and efficient use of Council resources
- Southern Grampians Shire Council Procure Policy and Guidelines

Risk Management

What are the benefits/risks:

- The risks are Council surrenders RDV grant if the project is not initiated within the current financial year;

Environmental and Sustainability Considerations

Council considers environmental and sustainability factors while selecting preferred tenderer.

Community Consultation and Communication

Council officers will draft a communications strategy to inform community on the Council's decision.

Disclosure of Interests

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

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

RECOMMENDATION

That:

1. The Hamilton CBD Liveability and Economic Revitalisation Project, namely Cox Street "Front Door" Precinct Project's Option-2 – tender document be prepared and tendered;
2. Council propose budget item for replacement of footpath from Lonsdale Street to Gray Street in the next financial year's budget; and
3. Council propose budget item for landscaping works on west-side of Cox street in the next financial year's budget.

COUNCIL RESOLUTION

MOVED: Cr Rainsford

SECONDED: Cr McAdam

That:

1. **The Hamilton CBD Liveability and Economic Revitalisation Project, namely Cox Street "Front Door" Precinct Project's Option-2 – tender document be prepared and tendered;**
2. **Council propose budget item for replacement of footpath from Lonsdale Street to Gray Street in the next financial year's budget; and**
3. **Council propose budget item for landscaping works on west-side of Cox street in the next financial year's budget.**

CARRIED

11. Notices of Motion

11.1 #1/21 Rescind 12 December 2018 New Hamilton Gallery Resolution

Cr Calvano

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 10 February 2021

MOTION

1. To rescind the resolution of 12th December 2018 Ordinary Meeting specifically:
 - a. Progress future planning and detailed site assessment on the delivery of the Hamilton Gallery at the southern end of Lake Hamilton, in accordance with the recommendations and findings set out in the information provided by Denton Corker Marshall architects.
 - b. Not proceed with any further investigation of a site for the Hamilton Gallery within Hamilton CBD.
 - c. Progress with the delivery of the project generally in accordance with the brief for the project issued to Denton Corker Marshall with the next step being a detailed business case.
2. Inform the community and stakeholders accordingly of the councillor's decision.
3. For council officers to continue to have community/councillors consultations.
4. Continue the development of a new arts, civic and cultural precinct for presentation to Council and the community.

Background

The letters received recently in our local newspaper (The Spectator) for the New Hamilton Gallery tend to favour the CBD where the present gallery is situated. Because of this contentious issue the past councillors were not fully united creating dissension and a division of opinions.

A decision of council was endorsed for a cultural and art precinct in 2012 to maintain the present art gallery at its present location and relocate the council Brown Street office to a different location.

A group consisting of past councillors and an architect put a proposal forward to new candidates that the art gallery should remain at its present location and create a civic space in the design of the final detailed plan.

We have a once in a lifetime opportunity to bring tourism and showcase our art gallery and civic space, with the events that we already hold such as, Sheepvention, Xmas expo, Anzac Day, sporting finals and events etc.

With many shops in our CBD closed and a decline in retail because of various reasons, to have an expansion of the present Gallery and creating a civic precinct would only stimulate our declining CBD. For the NHG to be a successful project it needs to have foot traffic, not placed in an isolated place causing a security risk to all our well maintained treasures.

Officers Comments

Further to the resolution made by Council on 12 August 2020, Council officers have proceeded with the necessary planning to undertake an assessment of a CBD location for the New Hamilton Gallery project.

We have progressed with this assessment, being in the form of master planning and business case for a CBD location, based on the project brief (including CBD specific parameters) provided to us by Council.

A Council report, detailing the findings of this assessment, is due to be provided to Council in May 2021.

Considering the resolution of the 12 August 2020 proceeded the previous on 12 December 2018, it was advised to be unnecessary to rescind the resolution regarding the Lake site.

Once Council has been presented with both site assessments a further resolution will be required in due course regarding final selection of the site, based on evidence given in both CBD and Lake site reports, in order for the project to progress.

MOTION

1. To rescind the resolution of 12th December 2018 Ordinary Meeting specifically:
 - a. Progress future planning and detailed site assessment on the delivery of the Hamilton Gallery at the southern end of Lake Hamilton, in accordance with the recommendations and findings set out in the information provided by Denton Corker Marshall architects.
 - b. Not proceed with any further investigation of a site for the Hamilton Gallery within Hamilton CBD.
 - c. Progress with the delivery of the project generally in accordance with the brief for the project issued to Denton Corker Marshall with the next step being a detailed business case.

COUNCIL RESOLUTION

MOVED: Cr Calvano
SECONDED: Cr McAdam

1. **To rescind the resolution of 12th December 2018 Ordinary Meeting specifically:**
 - a. **Progress future planning and detailed site assessment on the delivery of the Hamilton Gallery at the southern end of Lake Hamilton, in accordance with the recommendations and findings set out in the information provided by Denton Corker Marshall architects.**

- b. Not proceed with any further investigation of a site for the Hamilton Gallery within Hamilton CBD.**
- c. Progress with the delivery of the project generally in accordance with the brief for the project issued to Denton Corker Marshall with the next step being a detailed business case.**

CARRIED

A division was called

DIVISION	
FOR	AGAINST
Cr Colliton	Cr Brown
Cr Calvano	Cr Rainsford
Cr Henry	
Cr McAdam	
Cr Robertson	

11.2 #2/21 Introduction of Dingoes into the Grampians

Cr Rainsford

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 10 February 2021

MOTION

That Southern Grampians Shire Council does not support the introduction of Dingos into the Grampians region as proposed in the Parks Victoria Greater Gariwerd Draft Landscape Management Plan and Council writes to the State Minister for Agriculture seeking their support in preventing the proposed introduction of current dingo strains into our neighbouring Parks and Reserves described in the draft plan defined as Greater Gariwerd.

Background

Parks Victoria has released a draft Landscape Management Plan that proposes to release Dingos into an area defined as Greater Gariwerd which in the draft plan consists of over 180,000 hectares including 14 Parks and Reserves based around the Grampians National Park which has been given a the title of Greater Gariwerd.

Whilst sensitive and supportive of recognising indigenous history and culture, Southern Grampians Shire Council is concerned that a proposed release of current dingo species into a vast landscape in the heart of livestock farming will become a major animal welfare issue which will affect our livestock industries which are a major component of our rural economy.

Officers Comments

The draft plan sets a goal of “In collaboration with Traditional Owners, investigate the re-introduction of Dingo, Eastern Quoll, Spot-tailed Quoll, Southern Bettong, Eastern Barred Bandicoot and other threatened or culturally significant wildlife. Develop specific Conservation Action Plans to evaluate and implement any proposal (including the benefit to cultural renewal, revitalising knowledge and contributing to threatened species management).”

Southern Grampians Shire Council needs to advocate for a healthy and functioning environment in the Greater Gariwerd Landscape as well as ensuring the productivity of the surrounding agricultural practices.

The staff recommendation is that the Council broadly support the Greater Gariwerd Landscape Draft Management Plan November 2020, however request that any further proposals and works to re-introduce Dingoes is undertaken in consultation with the surrounding landholders, Local Governments and key agencies.

MOTION

MOVED: Cr Rainsford
SECONDED: Cr McAdam

That Southern Grampians Shire Council does not support the introduction of Dingos into the Grampians region as proposed in the Parks Victoria Greater Gariwerd Draft Landscape Management Plan and Council writes to the State Minister for Agriculture seeking their support in preventing the proposed introduction of current dingo strains into our neighbouring Parks and Reserves described in the draft plan defined as Greater Gariwerd.

AMENDMENT

MOVED: Cr Brown
SECONDED: Cr Henry

- 1. That Southern Grampians Shire Council strongly opposes the proposal to re introduce dingoes into the Grampians region as stated in the Greater Gariwerd Draft Landscape Management Plan, prepared by Parks Victoria; and**
- 2. That Council writes to the Victorian Minister for the Environment and the Victorian Minister for Agriculture expressing Council's opposition to this proposal and requesting removal of this proposal from the Greater Gariwerd Landscape Management Plan**

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr Henry

- 1. That Southern Grampians Shire Council strongly opposes the proposal to re introduce dingoes into the Grampians region as stated in the Greater Gariwerd Draft Landscape Management Plan, prepared by Parks Victoria; and**
- 2. That Council writes to the Victorian Minister for the Environment and the Victorian Minister for Agriculture expressing Council's opposition to this proposal and requesting removal of this proposal from the Greater Gariwerd Landscape Management Plan.**

CARRIED

11.3 #3/21 Purchase Walkers Building Lonsdale Street

Cr Rainsford

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 10 February 2021

MOTION

Purchase of Walkers Building Lonsdale St by Southern Grampians Shire Council

Background

The property identified as the old Mitre 10 Walkers Building has been available for sale for over a decade.

Previous Councils with the CEO Richard Perry received funding to examine the potential of developing a collaborative project with other Government agencies with this site and had reports on a potential development.

This building is still available and represents a crucial land link between Gray St and Lonsdale St where our Hamilton CBD revitalisation project and recent successful funding for Melville Oval redevelopment provides a secure planning framework for Southern Grampians Shire Council to invest and therefore link the community Civic assets for future generations.

There is private land between Gray Street and Lonsdale Street and the laneway link needs securing. Other means are available but the processes are long and not inexpensive and limits the enacting of the vision or our Hamilton Masterplans and community expectations.

Officers Comments

Council responded to the merits of whether or not to acquire the Walkers site in 2020 (see notice of Motion 3/2020). This in turn was a re-submit of the same motion previously tabled.

In substance, that advice said (quoted below):

In all the strategic work previously adopted by Council there does not appear to be any strategic intent to purchase the Walkers building site. In previous Council studies regarding land and supply demand for industrial land, Council accepted that one of their key functions was to ensure an adequate land supply is provided for industrial, commercial and business use and development. Council can potentially have an important role to play in meeting a land development role in the situation of market failure. Market failure can occur where there is an obstacle or disincentive to the private sector in meeting a desired planning outcome.

There is no evidence of there being a market failure in relation to provision of commercial lots in Hamilton.

Should research find that there is strategic merit in having Council purchase commercial property, develop the site for businesses seeking to establish in the area and the private sector participants have little incentive to perform the role of holding large land assets for an economic development objective, there may be an opportunity for Council to perform this role as we have done for industrial land.

Further:

- *Our current strategic focus is to improve the public infrastructure that historically has attracted private investment to those areas. Our work around the CBD renewal focuses around the Lonsdale St precinct in the short term and will be great encouragement for the private sector to invest.*
- *It may be more prudent to spend Council's capital on developing public infrastructure that can facilitate broader private investment rather than being tied up in land.*
- *Access to laneways can be achieved without purchasing whole the site including purchase of laneways only, creating benefitting easements (rights of way), licencing and leasing arrangements etc*
- *Additional car parking as mentioned in the motion is not currently needed according to our data of use but may be a defensive measure for the future.*
- *The site will need a major overhaul and probably demolition depending on the use of the site – an additional cost that needs consideration.*

That advice still stands.

There are now two matters that need to be further detailed. These concern two important strategic pieces of work – the adopted CBD Masterplan (mid 2020) and the body of work undertaken for a second business case for the art gallery, within the CBD (see resolution of 12 August 2020).

The CBD Masterplan did not identify the need to acquire the Walker site. There was no suggestion it is be purchased by Council.

More specific analysis of the CBD and the precinct centred on Lonsdale Street, Brown Street and Thompson Street is provided in the second business case for the future art gallery. Findings will be tabled with Council via a workshop likely in April 2021. The Walkers site is within the area of interest and is being valued as part of that project, as a possible acquisition site. The project scope identifies that possibility.

However, until the findings are tabled with Council and a decision is made on (a) whether the Lake Hamilton site or the CBD is the preferred location for a new gallery; and (b) whether the concept for the CBD site, if preferred, is accepted, it is premature to acquire the Walkers building.

Summary

The staff recommendation is that Council don't yet acquire the Walkers site, pending:

1. further reporting on the business case for the CBD assessment of a future art gallery (scheduled for April 2021)
2. a decision by Council on a preferred future art gallery location.

This Notice of Motion was withdrawn by Cr Rainsford.

12. Delegated Reports

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

There were no delegated reports at tonight's Meeting.

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 7:00 pm.

Confirmed by resolution 10 March 2021.

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Chairman