



Southern Grampians
SHIRE COUNCIL

Council Meeting Agenda

Council Meeting
10 November 2021

To be held in MJ Hynes Auditorium,
5 Market Place, Hamilton
at 5:30pm.

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	4
7. Questions on Notice	5
8. Public Deputations	6
9. Informal Meetings of Councillors	7
10. Management Reports	13
10.1 Tender 31-21 Small Towns Strategy	13
10.2 Hamilton Cinema Management Proposal	14
10.3 Sexual Harassment Policy	17
10.4 Proposed Sale of Moodie Avenue	19
10.5 Proposed Sale of Penshurst Maternal Child Health Building	24
10.6 Tender 23-21: Bridge Maintenance and Repairs	27
11. Notices of Motion	28
11.1 Notice of Motion #5/21	28
12. Delegated Reports	31
13. Mayors and Councillors Reports	32
14. Confidential Matters	33
15. Close of Meeting	34

1. Membership

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 Tony Doyle, Interim Chief Executive Officer
Ms Evelyn Arnold, Director Community and Corporate Services
Ms Marg Scanlon, Director Infrastructure
Mr Andrew Goodsell, Director Planning and Development

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

Cr Calvano will lead the meeting in a prayer.

Almighty god, we humbly beseech thee to vouchsafe thy blessing upon this council.

Direct and prosper its deliberations to the advancement of thy glory and the true welfare of the people of the Southern Grampians shire.

4. Apologies

5. Confirmation of Minutes

RECOMMENDATION

That the Minutes of the Council Meeting held on 13 October 2021 be confirmed as a correct record of business transacted.

That the Minutes of the Unscheduled Meeting held on 27 October 2021 be confirmed as a correct record of business transacted.

That the Minutes of the Unscheduled Meeting held on 29 October 2021 be confirmed as a correct record of business transacted.

That the Minutes of the Statutory Meeting held on 3 November 2021 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 Council Meeting.

Questions must:

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

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

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

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 Council Meeting.

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

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

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

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

9. Informal Meetings of Councillors

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

If there is a meeting of Councillors that:

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

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

An Informal Meeting of Councillors record was kept for:

- Briefing Session – 13 October 2021
- Industry Visit and Briefing Session – 20 October 2021
- Briefing Session – 27 October 2021

This agenda was prepared on 3 November 2021. Any Informal Meeting 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 Informal Meeting of Councillors be noted and incorporated in the Minutes of this Meeting.

Southern Grampians Shire Council
Informal Meeting of Councillors

ASSEMBLY DETAILS	
Title:	Briefing Session
Date:	13 October 2021
Location:	MJ Hynes Auditorium
Councillors in Attendance:	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
Council Staff in Attendance:	Tony Doyle, Chief Executive Officer Evelyn Arnold, Director Community and Corporate Services Marg Scanlon, Director Infrastructure Andrew Goodsell, Director Planning and Development Tahlia Homes, Human Resources Coordinator Brett Holmes, Manager Works Kylie McIntyre, Acting Team Leader Aerodrome, Waste and Sustainability Belinda Johnson, Manager Finance
External Presenters:	Tony Kerr, ArcBlue

The Informal Meeting commenced at 2:00pm.

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Matters Raised by Councillors and Council Meeting Items	Nil
2	Sexual Harassment Policy	Nil
3	Long Term Plant Hire	Nil

4	Waste Options	Nil
5	Procurement Policy	Nil

The Informal Meeting concluded at 5:00pm.

Southern Grampians Shire Council
Informal Meeting of Councillors

ASSEMBLY DETAILS	
Title:	Site Visit and Briefing Session
Date:	20 October 2021
Location:	Hamilton Transfer Station and MJ Hynes Auditorium
Councillors in Attendance:	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
Council Staff in Attendance:	Tony Doyle, Chief Executive Officer Evelyn Arnold, Director Community and Corporate Services Marg Scanlon, Director Infrastructure Andrew Goodsell, Director Planning and Development Kylie McIntyre, Acting Team Leader Aerodrome, Waste and Sustainability Belinda Johnson, Manager Finance Susannah Milne, Manager Community and Leisure Services Alison Quade, Acting Manager Community Relations

The Informal Meeting commenced at 1:00pm.

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Hamilton Transfer Station Site Visit	Nil
2	Long Term Financial Plan	Nil
3	Confidential Item	Nil
4	Freeza Grant Application	Nil

The Informal Meeting concluded at 4:00pm.

Southern Grampians Shire Council

Informal Meeting of Councillors

ASSEMBLY DETAILS	
Title:	Briefing Session
Date:	27 October 2021
Location:	MJ Hynes Auditorium
Councillors in Attendance:	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
Council Staff in Attendance:	Tony Doyle, Chief Executive Officer Evelyn Arnold, Director Community and Corporate Services Marg Scanlon, Director Infrastructure Andrew Goodsell, Director Planning and Development Kylie McIntyre, Acting Team Leader Aerodrome, Waste and Sustainability Belinda Johnson, Manager Finance Susannah Milne, Manager Community and Leisure Services Alison Quade, Acting Manager Community Relations
External Presenters:	Murray Wilson, WIM Resources Michael Davies, WIM Resources Michael Winternitz, WIM Resources

The Informal Meeting commenced at 11:00am.

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Councillor and CEO Meeting	Nil

2	Matters Raised by Councillors	Nil
3	Tender – Small Town Strategy	Nil
4	WIM Resources	Nil
5	Tender – Bridge Maintenance and Repairs Contract	Nil
6	Contract Variation – Hamilton Port Fairy Road Widening	Nil
7	Showbiz Cinema Proposal	Nil
8	Ansett Museum	Nil
9	Regional Tourism Partnerships	Nil

The Informal Meeting concluded at 5:00pm.

10. Management Reports

10.1 Tender 31-21 Small Towns Strategy

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.

10.2 Hamilton Cinema Management Proposal

Directorate: Andrew Goodsell, Director Planning and Development
Author: Amy Knight, Manager Cultural Arts
Attachments: None

Executive Summary

In 2008 Council assumed the operation of the Hamilton Cinema following the existing tenant's withdrawal from the lease agreement. Alternate operators were approached at the time, however were ultimately unsuccessful. There are been numerous attempts to transfer the operation of the venue back to private operation over the years, however none have progressed to implementation.

Although a valued service to the community, significant restrictions on staff wages, as well as limitations on negotiation power with film distributors limit the viability of a Council operational model.

Council has maintained an intention to return operation of the Cinema to private operation at some point, and as such has continued conversations with Cinema operators within the region to gauge interest. Most recently, these discussions have seen a renewed interest in Hamilton.

This report recommends that Council progress a return of the operation of the Cinema to private operation, via a competitive tender process and upon agreed terms.

Discussion

In 2008 Council assumed the operation of the Hamilton Cinema following private operator Reganne Pty Ltd expressing their desire to cease the lease agreement. This agreement had been in operation for the previous 16 years. Following an unsuccessful expression of interest process, Council assumed and has continued operations since this time.

While Council's operation of the Cinema has been met with various successes, it remains outside of Council's core business. The Cinema is operated as a function of the Performing Arts Centre utilising both permanent and casual staff. While professionally run, the Cinema service is performed as an addition to staff's usual roles and responsibilities.

Modelling of the previous four years show an average annual operating cost to Council of \$80,000, which escalates in years impacted by COVID-19 (2019-20 – present). The most significant factors contributing to this total include its single screen operation (in which limits the ability to leverage new release screenings for day and date movies), and award rates for casual workers being significantly higher than those of private operations.

Consideration for the long-term operation of the Cinema, and ensuring the Cinema continues to provide an ongoing program of film entertainment for residents and visitors to the area, various options have been explored. Notwithstanding the variety of operational models adopted by regional Councils to provide a Cinema offering to their communities, the following two options were deemed the most desirable in order to continue to meet the Cinema's objectives and community expectations. These options being:

1. Facilitating a return to private operation under lease agreement and;
2. Retaining the Cinema under Council operation.

Further, in determining a preferred way forward, the Cinema's service objectives were considered. These service objectives are:

- To ensure the Cinema continues to provide an ongoing program of film entertainment for residents and visitors to the area;
- To be accessible and responsive to the needs of the community;
- To operate as a viable and financially sustainable facility which contributes to the local economy.

It is determined that private operation of a Cinema service for Hamilton would result in more economically viable model for the community in the long term, given current award rates of pay and greater freedoms in negotiation power with film distributors.

The cost and rate of pay for casual employees is set by Council's Enterprise Agreement, and results in notably higher rates of pay than those of a commercial operator. Salaries are by far the largest cost for any operator of a cinema. A private operator will also be more likely effective at gaining corporate sponsorship, as well as procuring items for food and drink sales (scale economy due to running other similar facilities).

Furthermore, a commercial operator has greater access and negotiation opportunities with film distributors as Village Roadshow, Disney etc. The offering of new release screenings is therefore significantly higher than our current single screen, single venue operation. Customers will potentially not have to wait to see a film locally several weeks/months after release in other regional cinemas.

Given the assessment of the service, it is recommended that Council progress a return of the Cinema operation to commercial operation via a competitive tender process and upon agreed terms.

Financial and Resource Implications

Council budgets annually for the operation of the Cinema, which is approximately \$80,000 per annum. The implications of COVID-19 on the operational budget since 2019-20 has seen a significant impact on this figure, raising the operational spend to over \$130,000. This is due to honoring staff wages during lockdowns and reduced seating capacity due to restrictions

Under a tender process, it is anticipated that the budgetary impact for Council would be significantly reduced under private operation. This would be via a ceiling for Council's financial support over the life of agreement (likely three-year term).

Legislation, Council Plan and Policy Impacts

The effective operation of a Cinema service in Hamilton meets the following Council Plan objectives and strategies:

1.2 Support and promote a healthy community;

1.2.1 Provide and advocate for accessible, inclusive and equitable Council services, facilities, activities and participation practices;

1.2.2 Support and encourage participation in arts and culture, education, leisure, recreation and sporting opportunities.

Risk Management

The risk to Council is that if the Cinema operational trend continues to escalate, Council may face well beyond a subsidy of greater than \$100,000 per annum over time if the facility is not privatised. Council objectively is not well positioned as a technical strength to run a cinema and the financial impacts pose substantial risk.

Mitigation of these risks can be handled via a ceiling of costs provided on Council financial support for the life of agreement.

Environmental and Sustainability Considerations

A tender process does not impact on Council's environmental impact.

Community Consultation and Communication

Public notice will be given of the tender in accordance with section 186 of the *Local Government Act 2020* and Council's Procurement Policy tender process complied with.

The Hamilton Film Group and other stakeholders has and will continue to be consulted throughout this process.

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:

1. Council resolves to undertake a public procurement process to seek interest in the private operation of the Hamilton Cinema;
2. Following the public tender process, a further procurement report will be presented to Council.

10.3 Sexual Harassment Policy

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Evelyn Arnold, Director Community and Corporate Services
Attachments: 2. Sexual Harassment Policy

Executive Summary

The Sexual Harassment Policy is a newly created policy and is attached for consideration and adoption.

Discussion

In December 2020, the Victorian Auditor General's Office (VAGO) commissioned an independent audit report for parliament on Sexual Harassment in Local Government.

A sector wide survey was also conducted, and responses were received by 9,939 Council employees and Councillors from across 75 Councils. These results were de-identified for privacy reasons but captured that 28% of respondents experienced Sexual Harassment.

Council has a responsibility to implement the recommendations as outlined in the VAGO audit report to help our organisation prevent sexual harassment, encourage reporting of sexual harassment, and increase the effectiveness of our responses to allegations of sexual harassment.

The attached Sexual Harassment Policy outlines Council's commitment to creating and maintaining an organisation free from sexual harassment.

This policy reflects Council's legislative responsibility in meeting the requirements of the Sexual Harassment recommendations as outlined in the VAGO report, and our commitment to the community to create and sustain an environment where everyone is safe and protected from sexual harassment.

Council is committed to creating a culture of zero tolerance towards sexual harassment, and recognises that preventing and responding to sexual harassment allegations is an organisation wide responsibility.

Financial and Resource Implications

There are no financial risks in relation to recommendations made in this report.

The resource implications of adopting the Sexual Harassment Policy are within existing adopted budget and are business as usual in terms of compliance.

Legislation, Council Plan and Policy Impacts

The policy aligns with Victorian Equal Opportunity and Human Rights Commission *Guideline: Preventing and responding to workplace Sexual Harassment* and complies with the *Equal Opportunities Act 2010*, the *Sexual Discrimination Act 1984*, *Occupational Health and Safety Act 2004* and the *Local Government Act 2020*.

This policy provides the opportunity for Council to improve their existing processes and practices and enhance the culture of zero tolerance towards sexual harassment for the Shire of Southern Grampians.

Risk Management

Council is responsible for ensuring that appropriate behaviour regarding sexual harassment is clearly defined, and expectations are accessible and understood by all persons associated with Council.

This policy guides our Councillors, employees and volunteers on how to behave with regard to sexual harassment in our organisation. All must agree to abide by Council's *Codes of Conduct*.

Environmental and Sustainability Considerations

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

Community Consultation and Communication

The Sexual Harassment Policy will be made available on Council's website.

Disclosure of Interests

All Council Officers 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 Sexual Harassment Policy.

10.4 Proposed Sale of Moodie Avenue

Directorate: Marg Scanlon, Director Infrastructure
Author: Tendai Mhasho, Property Officer
Attachments: None.

Executive Summary

On 14 April 2021, following a community engagement process, Council resolved to sell a vacant block of land in Moodie Avenue, now known as 14a Moodie Avenue, Hamilton.

Subsequent legal advice recommended that Council undertake this process again, as the sale of land should have been conducted under the process outlined in the *Local Government Act 1989*.

At the close of the public submission period on 1 February 2021, the following had been received;

- A petition signed by 60 people;
- 7 written submissions;
- A public deputation.

At the Council Meeting on 9 June 2021, Council resolved to give public notice of Council's intention to sell the vacant block located at Moodie Avenue, under section 189 of the *Local Government Act 1989* and invite public submissions for 28 days on the proposed sale of land under Section 223 of the *Local Government Act 1989*. Council also resolved to write to the submitters from the February 2021 process, acknowledging their original submission and advising them that this would be taken into consideration, or they could elect to make a further submission. At the close of the public submission period on Monday 19 July 2021, 8 written submissions had been received.

Submissions received as part of the first and public notice periods are all valid. Under Section 223 of the *Local Government Act 1989*, Council published a Notice in the Hamilton Spectator on Saturday 7 August 2021 notifying the public of an opportunity for submitters to be heard at a meeting of Council on 11 August 2021. A valuation report for this vacant block was also received from a registered valuer.

At the Council Meeting on 11 August 2021. Council resolved to defer a decision regarding the sale or retention of the property known as 14a Moodie Avenue Hamilton, and that a further report be provided to Council regarding the governance and management of this land.

It is recommended that:

1. Having given public notice of its intention to sell the vacant block in Moodie Avenue, Hamilton and having received a petition, submissions and public deputations, Council receives and acknowledges all the submissions and hearings received at the close of the public submission period;
2. Having received and considered a report regarding the governance and management of this land;
3. Council resolves to sell the vacant block now known as 14a Moodie Avenue, Hamilton;
4. Council authorises the Chief Executive Officer to appoint local estate agent(s) to sell the vacant block known as 14a Moodie Avenue, and to execute all the paperwork necessary for the sale and transfer of this block.

Discussion

In early 2017, neighbours in Moodie Avenue (neighbouring block) wrote a letter to Council stating that for a number of years they have been complaining about the gum trees on the vacant block next door to them in Moodie Avenue, Hamilton. Council has maintained this block for several years on the assumption that it was Council owned land.

A General Law search conducted by Melville Orton and Lewis Lawyers (MOL) confirmed that this parcel of land is privately owned. MOL advised Council that this land remained un-transferred out of Conveyance (05/09/1968) Book 709 No. 995, and that the registered proprietors are deceased. The Grants of Probate issued by the Supreme Court of Victoria provided legal authority to the Executors of the respective Estates.

The Legal Personal Representatives of the Estates visited the block and decided to donate it to Council. The Representatives were advised that if the land is transferred to Council, Council would likely declare it as surplus land to its requirements and may sell this parcel. The process of transferring this land to Council is now complete. Council's Asset Disposal Policy states that the sale of buildings and assets greater than \$150,000 must be approved by Council resolution.

Legal advice received in July 2021 confirmed that there is no reference to a recreation reserve in the conveyance. This search has been undertaken through the Registrar General's office in Melbourne since 2017.

The original plan of subdivision referred to the land as recreation reserve. The Law Agent in Melbourne found no evidence that the land was ever set aside as a reserve, nor was there any evidence found that an Agreement had been struck between the original land owners and subsequent purchasers of the lots which formed part of this subdivision.

In 2018, Land Victoria assigned provisional Volume 12013 Folio 835 to this land under the Transfer of Land Act and prepared title plan 966204G. This is because they found no evidence that the land is considered a reservation, otherwise they would have referred to this on the title plan.

In July 2020 Council's lawyers lodged with the Land Titles Office, a General Law Conversion application which was registered by the Land Titles Office in Certificate of Title Volume 12240 Folio 135.

As part of the 2017 formal searches, land ownership was included and the owners were confirmed. As the owners were deceased, the Legal Personal Representatives of the deceased, the "rightful owners", agreed to gift the land owned by them to Council. In accordance with s188 of the *Local Government Act 1989*, Council accepted the gift of this land from the Legal Personal Representatives.

This vacant property measures approximately 2,439m². According to the Southern Grampians Shire Planning Scheme, this land is zoned General Residential Zone 1 (GRZ1). The vacant block has now been allocated a new street number which is 14a Moodie Avenue.

The process to complete the sale of this block of land is presented below:

- Council to consider the petition, written submissions and public depositions received after the close of the public notice period;
- Council to consider a report regarding the governance and management of this land;
- Council to appoint a local estate agent(s) to sell the vacant block in Moodie Avenue;

- The Chief Executive Officer to execute all paperwork necessary for the sale and transfer of this vacant block.

The location of the land and some photographs of the block are presented below:

Site Plan showing the vacant block known as 14a Moodie Avenue



Location pictures of the vacant block at 14a Moodie Avenue



Financial and Resource Implications

The transfer of this property to Council results in it being Council's responsibility until sold. If retained by Council, Council would need to maintain the property through regular mowing and upkeep. Other likely costs include installation of some perimeter fences and the removal of a dilapidated post and wire fence which needs replacement, as well as clearance of dangerous trees. The cumulative costs of these items are approximately \$55,000 over the next 10 years (\$25,000 for trees and fences plus \$3,000pa for maintenance).

This property is also used as a thoroughfare between Moodie Avenue and the Hamilton Golf Course, which is a risk management and public liability insurance issue.

Alternatively, as recommended, Council would bear the costs associated with the sale of this block i.e. costs of appointing a local estate agent(s), advertising costs and transfer of land. These costs would be offset by the receipt of the proceeds from the sale of this property.

Legislation, Council Plan and Policy Impacts

There is no strategic support for the retention of this property for the purposes of public open space due to its size, location and access. This property however, is suitably placed for sale and residential development.

Under Section 189 of the *Local Government Act 1989*, Council gave public notice of its intention to sell the vacant block in Moodie Avenue, Hamilton for a minimum of 28 days by a Notice published in the Hamilton Spectator and on Council's website on Saturday 19 June 2021. Under Section 223 of the *Local Government Act 1989*, Council invited public submissions on the proposal to sell this land. A petition, written submissions and public deputations were received from the public.

Under Section 189 of the *Local Government Act 1989*, Council obtained a recent valuation for the vacant block in Moodie Avenue.

Council Policy relating to this report is the Asset Disposal Policy.

Risk Management

The risk to Council is that if the lot remains unsold long-term, regular maintenance and upkeep will need to be undertaken. Council obtained a QRTA Risk Assessment Report for the trees located on this block.

Environmental and Sustainability Considerations

Council will have to maintain the lot through regular mowing and managing the trees so that there is no risk of damage to the neighbouring properties.

Community Consultation and Communication

A number of residents considered the option to form a Committee of Management and seeking Council to retain this property for public open space. Upon further consideration, these residents concluded this was not a sustainable option due to the ongoing commitment.

The Hamilton Golf Course was also approached and did not support taking any ongoing responsibilities for this property.

Under Section 223 of the *Local Government Act 1989*, Council advertised by giving public notice of its intention to sell the vacant block in Moodie Avenue for a minimum of 28 days by a Notice published in the Hamilton Spectator and on Council's 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:

1. Having given public notice of its intention to sell the vacant block in Moodie Avenue, Hamilton and having received a petition, submissions and public depositions, Council receives and acknowledges all the submissions and hearings received at the close of the public submission period;
2. Having received and considered a report regarding the governance and management of this land, Council resolves to sell the vacant block now known as 14a Moodie Avenue, Hamilton;
3. Council authorises the Chief Executive Officer to appoint local estate agent(s) to sell the vacant block known as 14a Moodie Avenue, Hamilton and to execute all the paperwork necessary for the sale and transfer of this block.

10.5 Proposed Sale of Penshurst Maternal Child Health Building

Directorate: Marg Scanlon, Director Infrastructure
Author: Marg Scanlon, Director Infrastructure
Attachments: None.

Executive Summary

Council property and assets located at 98 Watton Street Penshurst served as the former Penshurst Maternal Child Health Centre. This site is located at the rear of the Penshurst Memorial Hall, and the Penshurst Volcanoes Discovery Centre is located to the north, both of which are accessed via Martin Street, Penshurst.

This property is now considered to be surplus and redundant to the immediate needs of the Penshurst community in its current form. It is proposed that Council approve under s114(2)(a) of the *Local Government Act 2020*, to advertise, for a minimum of 4 weeks of Council's notice of intention to sell the former Penshurst Maternal Child Health building located at 98 Watton Street, Penshurst.

Council will undertake a community engagement process in accordance with its community engagement policy in accordance with s114(2)(b) of the *Local Government Act 2020*.

After the end of the notice period, officers will present another report to Council.

Discussion

The former Penshurst Maternal Child Health Centre comprises two titles (outlined in red in Image 1 below) is located at 98 Watton Street, Penshurst. Located to the east is the Penshurst Memorial Hall (located on the corner of Watton and Martin Streets. The Volcanoes Discovery Centre is indicated with yellow hashed lines in the Image 1 below.

Lot 1 is the lot proposed for sale and Lot 2 will be retained for continued access for the Volcanoes Discovery Centre.



Image 1: Penshurst Maternal Child Health Centre

In 2005, Council considered a proposal to sell this property, however subsequent advice confirmed that the septic system servicing the site is located on adjacent Council owned land. A tender process to lease the building was conducted at the time, however no submissions were received. Council subsequently considered an enquiry from Advance Peshurst at the June 2008 Briefing Session, for the possible use of the building by the Peshurst Newsletter Committee. The proposal put forward by Advance Peshurst indicated the possibility of other groups associated with Advance Peshurst using the building.

Council subsequently entered into an agreement with Advance Peshurst for an initial period of 12 months commencing on 1 October 2008. Council agreed to be responsible for the municipal rates and charges, water charges and any other taxes, or statutory charges levied on the property. Council also insured the building and maintained the outside surrounds and external building structure. Advance Peshurst was required to keep and maintain the interior of the premises in a clean and tidy condition at all times and pay the related costs.

Advance Peshurst now known as Peshurst Progress Association Inc has been leasing the former Peshurst Maternal Child Health building since then, until September 2020 when they cancelled the lease and returned the keys of the building to Council.

Since September 2020, Council has received enquiries from individuals and community groups wanting to lease the building. Council Officers have made it known to these interested parties that the building is quite dilapidated and does not meet the required standards to operate as a commercial business or public facility. Council has also received interest to purchase this building from Council in its current condition.

The 98 Watton Street property is approximately 783sqm and is located in the Township Zone according to the Southern Grampians Planning Scheme and comprises two property titles. A recent valuation assessment of this property is within the range of \$75,000 to \$130,000.

Financial and Resource Implications

Costs for the continued maintenance of the property surrounds is minimal as this only includes routine mowing. There are no building maintenance costs as all services are disconnected and no works have been undertaken on this building since 2020. There is no income as the property is vacant.

Legislation, Council Plan and Policy Impacts

While the Maternal Child Health Centre services have not been provided from this property since 1996, a Hamilton based Maternal Child Health nurse regularly visits Peshurst clients.

The Volcanoes Discovery Centre programs and activities are managed well within their current facility and immediate surrounds and there is no demonstrated need for additional space. Continued access to the lots directly behind the Volcanoes Discovery Centre within the 98 Watton Street, Peshurst title is required.

There are no identified strategic needs within Council strategies or plans that support retention and/or redevelopment of 98 Watton Street, Peshurst and subsequently the proposal is to sell Lot 1 on the open market.

Risk Management

Retaining this building in its current form poses a risk due to the opportunity for vandalism and damage.

Environmental and Sustainability Considerations

98 Watton Street Penshurst is a redundant Council building. Sale of this property enables the opportunity for purchase and development.

Community Consultation and Communication

It is proposed that following Council's endorsement to this sale, Council will, under s114(2)(a) of the *Local Government Act 2020*, advertise, for a minimum of 4 weeks Council's notice of intention to sell the former Penshurst Maternal Child Health building located at 98 Watton Street, Penshurst.

Council will undertake a community engagement process in accordance with its community engagement policy in accordance with s114(2)(b) of the *Local Government Act 2020*.

After the end of the notice period, officers will present another report to Council.

Disclosure of Interests

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

RECOMMENDATION

That Council:

1. Approve under s114(2)(a) of the *Local Government Act 2020*, to advertise, for a minimum of 4 weeks Council's notice of intention to sell the former Penshurst Maternal Child Health building located at 98 Watton Street, Penshurst;
2. Undertake a community engagement process in accordance with its community engagement policy in accordance with s114(2)(b) of the *Local Government Act 2020*;
3. Note, after the end of the notice period, officers will present another report to Council.

10.6 Tender 23-21: Bridge Maintenance and Repairs

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

11.1 Notice of Motion #5/21

Cr Rainsford, Cr Henry, Cr Robertson and Cr Colliton

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

MOTION

That Southern Grampians Shire Council seek a report on preparation of a Lake Hamilton Grangeburn Precinct Masterplan

Background

Councillors have come together to begin the project of reviewing our Lake Hamilton precinct and surrounding assets, along with the Grangeburn within the town's boundaries.

The purpose of preparing a Lake Hamilton and Grangeburn Precinct Masterplan is to maximise the potential of this valuable community asset alongside protecting the nature based recreation, fauna and flora the community also value.

Lake Hamilton and the Grangeburn provides a rich environment for abundant wildlife alongside diverse recreational activities for residents and visitors to Hamilton including platypus, koalas and unique birdlife.

The Grangeburn and Lake Hamilton walking tracks are well used. Sailing, rowing, water skiing, fishing and swimming are permitted activities on the Lake.

The popular ANSETTS. Museum needs revitalisation as an important part of the Gateway to Hamilton. Discussion around repositioning the Visitor. Information Centre in this gateway is considered prudent.

Council has identified the following areas which require attention. The main asset which provides a year round water body is the Dam wall requiring maintenance to function at optimum level. An engineer's report has been prepared and required funds identified.

The regular blue green algae infestations affect the safety and enjoyment of the Lake. Nutrient inflow, water movement and depth are some of the factors identified requiring action.

Originally a seasonal swamp supplied by the Grangeburn the depth, the islands and the shape of Lake Hamilton are all engineered and with the area of land owned by the community (through council) there is potential for some expansion or reconfiguration.

The placement of the small island affects the length of the rowing course and the path of speed boats with skiers.

There is a lack of refreshment facilities, a café or restaurant that can attract visitors and service those already enjoying the playground, skatepark, park run course and water sports.

Outdoor picnic and barbecue areas and suitable parking alongside adequate toilet facilities can be identified.

The potential for improved road access without interfering with nature based recreation with a “ring road” connecting to Ballarat Road and Mill Road has potential.

The overpass over the Railway line and Grangeburn is unattractive. There is potential for a walkway addition off the side of the overpass and artistic beautification.

One of the local Pick my Project submissions from the Glenelg Hopkins CMA was an interesting Sculpture trail long the Grangeburn.

How Lake Hamilton links with the CBD, the Railway station and the overpass can all be designed in a precinct masterplan. With important tourist way finding and place making considerations built in.

Maximising the fishing potential and safeguarding the fauna and flora, it’s all a balance, best done with broad and well informed community consultation.

Recent land sales and developments within the precinct have stimulated community interest and encouraged councillors to ensure that Council urgently reviews the management of the council owned area and maximises the potential of neighbouring investments, working with community, CMA and Government to prepare a plan for the future.

Public Documents relevant to the area include:

2005 Grangeburn Masterplan * Michale Smith & Associates)

2012 Action Plan for improvement of water quality (ALS)

2006 Lake Hamilton Management Plan (Regional Development Company)

Officers Comments

Council adopted a Recreation and Leisure Strategy and Master Plan for Lake Hamilton in 2019. This Master Plan focused on the recreational use of the Lake area. The Ansett Museum and Grangeburn were beyond the scope of this report.

A desk top review of the current Masterplan and the development of a scope to explore the opportunities of this important asset could form the basis of future business cases for consideration and implementation. Prior to delivering a review, a gaps analysis of the work completed, underpinned by some stakeholder engagement is advisable. This will determine which aspects of the current masterplan warrant the specific changes in project delivery foreshadowed in the notice of motion.

Some other strategic considerations also apply. Any work on road networks to serve the Lakes Edge development, should be informed by the completed key worker housing project for Lakes Edge. That work will not be completed until around March/April 2022. The Economic Development Strategy is scheduled for development also this financial year and may shed some light on tourism initiatives in the Shire, including possibly near Lake Hamilton.

Consideration should also be given to the Precinct surrounds to consider and ascertain land use and community use and needs since the development of these strategic plans. Future projections and forthcoming strategic plans such as the Active Transport Plan (pedestrian and cyclist infrastructure) will also need to be taken into consideration.

Issues concerning water quality are complex and fit into Council's commitment to integrated water management and land management issues within the catchment. This will need to involve close work with the Glenelg Hopkins Catchment Management Authority, local landowners and others. Any dredging of the Lake is also complex, noting the potential for contamination, questions on disposal of such fill and planning related to the dam wall and its upgrade/replacement.

A critical review of existing strategic work, stakeholder engagement and more specific capital projects for Lake Hamilton is a significant piece of work. Council will need to prioritise the importance of setting up a budget allocation for 2022/23 noting that there are also expectations of more detailed planning and project delivery for Cox Street, Melville Oval, Hamilton Art Gallery, 90 Lonsdale Street, the Small Towns Strategy and other key projects.

12. Delegated Reports

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

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

RECOMMENDATION

That the following items be considered in Closed Council as specified in section 66 (2) (a) and referenced in section 3(1), Confidential Information (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released as per the *Local Government Act 2020*.

15. Close of Meeting

This concludes the business of the meeting.