

SOUTHERN GRAMPIANS SHIRE COUNCIL

Council Meeting Agenda
11 September 2024

To be held in Council Chambers
5 Market Place, Hamilton at 5:30pm



TABLE OF CONTENTS

1	Membership.....	4
2	Welcome and Acknowledgement of Country.....	4
3	Prayer	5
4	Apologies.....	5
5	Confirmation of Minutes.....	5
5.1	Confirmation of Minutes	5
6	Declaration of Interest.....	5
7	Leave of Absence	5
8	Questions on Notice.....	6
8.1	Ross Simpson, South West Pride	6
9	Public Deputations	7
9.1	Lloyd Ilett - Hamilton and District Cricket Association.....	7
10	Petitions.....	8
11	Informal Meetings of Councillors.....	9
11.1	Audit & Risk Committee Meeting - 13 August 2024	10
11.2	Briefing Session - 14 August 2024.....	12
11.3	Briefing Session - 28 August 2024.....	13
12	Management Reports	14
12.1	Community Partnership Grants Round One 2024.....	14
12.2	Business Facade Improvement Program	20
12.3	Fair Access Policy.....	24
12.4	Borrowing and Investment Policy and Procurement Policy.....	28
12.5	Financial Relief and Hardship Policy.....	33
12.6	Hamilton CBD Parking Policy.....	36
12.7	Operation of Outdoor Pool Policy.....	40

12.8	Planning Scheme Amendment - Implement new draft local policy content into the Southern Grampians Planning Scheme	45
12.9	Endorsement of the Memorandum of Understanding between Hamilton Gallery Foundation and Southern Grampians Shire Council.....	50
12.10	Award of Contract 2024238 Hamilton Transfer Station Bunker – Award of Contract.....	55
12.11	Award of Contracts 2024171, 2024175, 2024143, 2024179 and 2024153 - Supply and Delivery of Various Works Product and Equipment.....	59
12.12	Audit and Risk Committee Charter.....	66
12.13	Audit and Risk Committee Bi-Annual Self Assessment.....	68
12.14	Audit & Risk Committee Meeting Minutes - 13 August 2024	70
12.15	Caretaker Delegation - S5 Instrument of Delegation.....	72
12.16	Review of s11A Instrument of Appointment and Authorisation.....	78
12.17	Christmas Holiday Closure - Council Offices.....	81
13	Notices of Motion.....	83
13.1	Notice of Motion #3/24 - Cr Rainsford - Southern Grampians VicGrid Submission.....	83
13.2	Notice of Motion #4/24 - Cr Rainsford - Hamilton CBD Footpath Street Cleaning Machine.....	84
13.3	Notice of Motion #5/24 - Cr Rainsford - Hamilton CBD Tree Lighting Extension	85
13.4	Notice of Motion #6/24 - Cr Rainsford - Making Technical and Condition Reports Public.....	86
14	Urgent Business	87
15	Mayor, Councillors and Delegate Reports	88
16	Confidential Reports.....	90
17	Close of Meeting	91

1 Present

Councillors

Cr David Robertson, Mayor
Cr Mary-Ann Brown
Cr Albert Calvano
Cr Bruach Colliton
Cr Fran Malone
Cr Katrina Rainsford

Officers

Mr Tony Doyle, Chief Executive Officer
Mr Darren Barber, Director People and Performance
Mr Rory Neeson, Director Wellbeing, Planning and Regulation
Ms Marg Scanlon, Director Infrastructure and Sustainability
Lisa Grayland, Acting Governance Coordinator

2 Welcome and Acknowledgement of Country

The Mayor, Cr Robertson will read the acknowledgement of country:

“Our meeting is being held on the traditional lands of the Gunditjmarra, Djab Wurrung, Jardwadjali and Buandig people.

I would like to pay my respects to their Elders, past, present and emerging, 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.

“Almighty God grant to this Council, wisdom, understanding and sincerity of purpose for the good governance of this Shire.”

4 Apologies

Cr Helen Henry, Deputy Mayor

5 Confirmation of Minutes

RECOMMENDATION

That the Minutes of the Unscheduled Council Meetings held on 26 June 2024 and 24 July 2024 and the Council Meeting held on 14 August 2024 be confirmed as a correct record of business transacted.

COUNCIL RESOLUTION

MOVED: Cr Calvano
SECONDED: Cr Malone

That the Minutes of the Unscheduled Council Meetings held on 26 June 2024 and 24 July 2024 and the Council Meeting held on 14 August 2024 be confirmed as a correct record of business transacted.

CARRIED

6 Declaration of Interest

7 Leave of Absence

There were no requests for a leave of absence on tonight's agenda.

8 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.

8.1 Ross Simpson, South West Pride

- Q1:** Why did Council vote against a motion at the Municipal Association of Victoria's (MAV) State Council on 17 May 2024 (Motion C9: Rainbow Alliance) for the MAV to host a series of forums open to all councils to discuss and share strategies for LGBTIQ+ inclusion?
- Q2:** In light of this vote, what is Council doing to address community safety matters, risk management, and LGBTIQ+ intersectional inclusion in the face of threats to safety?

9 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 provide 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 Meeting. All members of the public must also comply with Council's Governance Rules in relation to meeting procedures and public participation at meetings.

9.1 Lloyd Ilett - Hamilton and District Cricket Association

A request to speak has been received regarding the use of Melville Oval for cricket going forward into the future.

This public deputation has been deferred to the December Council Meeting.

10 Petitions

There were no Petitions listed on tonight's agenda.

11 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:

- Audit and Risk Committee Meeting – 13 August 2024
- Briefing Session - 14 August 2024
- Briefing Session - 28 August 2024

This agenda was prepared on 4 September 2024. Any Informal Meeting of Councillors between that date and the date of tonight's Meeting will appear in the agenda for the next Council Meeting.

Informal Meeting of Councillors

ASSEMBLY DETAILS	
Title:	Audit & Risk Committee Meeting
Date:	13 August 2024
Location:	Teams Meeting
Councillors in Attendance:	Cr Helen Henry (Deputy Mayor)
Council Staff in Attendance:	Mr Juan Donis, A/Director People and Performance Mr Nick Templeton, Head of Finance Mrs Melissa Beaton – A/Manager People & Culture Mr Dion Rhook – Risk Lead Mr Tim McLoughlin – Health and Safety Officer Mrs Nadine Rhook – Executive Assistant to Director People & Performance
Apologies	Cr Bruach Colliton Mr Darren Barber – Director People and Performance Mr Mike Shanahan – Risk, Health & Safety Coordinator Mr Lisa Grayland – Acting Governance Coordinator

The Informal Meeting commenced at 2.30pm.

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Membership	Nil
2	Committee & Auditors in Camera	Nil
3	Welcome	Nil
4	Apologies	Nil
5	Confirmation of Previous Minutes – 6 June 2024 and 20 June 2024	Nil
6	Conflict of Interest Disclosure	Quarterly Councillor's Expenditure
7	CEO Report	Nil
8	Governance & Risk Management Disclosure	Nil
9	Summary Table of Outstanding Matters	Nil
10	ARC Self Assessment	Nil
11	Audit & Risk Committee Charter Review	Nil
12	Quarterly Councillor's Expenditure Report (For Information)	Cr Henry and Cr Colliton
13	New and Revised Accounting Policies and Approved Accounting Standards	Nil
14	Interim VAGO Management Letter – Final	Nil
15	RSD Audit – Draft Strategic Internal Audit Plan	Nil
16	Progress Report of Internal Audit Actions (Interplan)	Nil

17	Internal Audit – Draft Scope – Cyber Security	Nil
18	Reports & Correspondence of Note: VAGO, Ombudsman & IBAC Reports	Nil
19	Compliance Framework Review & Quarterly Compliance Reporting	Nil
20	OH&S Quarterly (Summary) Report	Nil
21	Risk Management Quarterly Report and Framework Review	Nil
22	External Audit - Progress Report of Current Actions	Nil
23	Other Items	Nil
24	Next Meeting	Nil

The Informal Meeting concluded at 3.47pm.

Informal Meeting of Councillors

ASSEMBLY DETAILS	
Title:	Briefing Session - 14 August 2024
Date:	14 August 2024
Location:	MJ Hynes Auditorium
Councillors in Attendance:	Cr Colliton Cr Henry Cr Malone Cr Rainsford Cr Robertson
Council Staff in Attendance:	Tony Doyle, Chief Executive Officer Marg Scanlon, Director Infrastructure and Sustainability Rory Neeson, Director Wellbeing, Planning and Regulation Juan Donis, Acting Director People and Performance

The Informal Meeting commenced at 11:15am

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Councillor Only Meeting	Nil
2	Matters Raised by Councillors	Nil
3	Planning Scheme Amendment – Implement new draft local policy content into the Southern Grampians Planning Scheme	Nil
4	Operation of Outdoor Pools Policy	Nil
5	Hamilton CBD Parking Policy	Nil
6	Fair Access Policy	Nil
7	Melville Oval Cricket Usage	Nil
8	Melville Oval Facilities Upgrade	Nil
9	Christmas Holiday Closure – Council Offices	Nil

The Informal Meeting concluded at 5:00pm

Informal Meeting of Councillors

ASSEMBLY DETAILS	
Title:	Briefing Session - 28 August 2024
Date:	28 August 2024
Location:	MJ Hynes Auditorium
Councillors in Attendance:	Cr Brown Cr Calvano Cr Colliton Cr Henry Cr Malone Cr Rainsford Cr Robertson
Council Staff in Attendance:	Tony Doyle, Chief Executive Officer Darren Barber, Director People and Performance Marg Scanlon, Director Infrastructure and Sustainability Rory Neeson, Director Wellbeing, Planning and Regulation Jane Coshutt, Senior Community Development Coordinator Melanie Russell, Acting Circular Economy Community Facilitator Nick Templeton, Head of Finance Rishabh Sharma, Project Manager

The Informal Meeting commenced at 11:30am.

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Councillor Only Meeting	Nil
2	Councillor and CEO Meeting	Nil
3	Matters Raised by Councillors	Nil
4	Community Partnership Grants Round One 2024	Nil
5	Audit and Risk Committee Charter	Nil
6	Audit and Risk Biennial Self Assessment	Nil
7	Borrowing and Investment Policy	Nil
8	Procurement Policy	Nil
9	Business Façade Improvement Program	Nil
10	Hamilton Botanic Gardens Changing Places: Award of Contract 2023105	Nil

The Informal Meeting concluded at 5:00pm

12 Management Reports

12.1 Community Partnership Grants Round One 2024

Directorate: Chief Executive Office
Report Approver: Alison Quade (Manager Community Engagement), Tony Doyle (Chief Executive Officer)
Report Author: Jane Coshutt, Community Engagement Coordinator
Attachment(s): 1. Council Briefing Session Community Partnership Grants Round One 2024-2025 [12.1.1 - 4 pages]

Executive Summary

This report provides Council with information regarding community grant applications (Tourism and Events, Sustainability, Community Strengthening, Community Infrastructure, Arts and Culture and Heritage categories) that have been recommended for Community Partnership Grants program funding.

Discussion

The Community Partnership Grants program was established to deliver Council grants that are responsive to the needs and opportunities of the community, inclusive and equitable to all, and one that facilitated the flexible delivery of key strategies identified within the Council Plan 2021 - 25 across the social, economic and environmental spectrum.

This program consolidates the Council's extensive range of grant opportunities into one program to enable better integration and coordination of grant administration and improved marketing of those grant opportunities.

Community Partnership Grants assistance is considered for organisations, groups, committees and individuals with proposals that directly benefit the Southern Grampians Shire region. Applications are assessed using pre-determined evaluation criteria, taking into consideration strategic objectives within the Council Plan, Health and Wellbeing Plan, other Council Strategies and Community Plans.

Round One of Council's Community Partnership Grants for 2024-2025 closed on 31 July 2024. Thirty-eight applications asking \$185,150.81 were received and assessed by members of the community partnership grants team.

This round of grants includes 9 grants approved over \$2500 totaling \$79,513.00 and 29 grants approved for \$2,500 and under, totaling \$41,921.90.

Below is the summary of approved grant applications, which requested funds above \$2,500.

Category	Applicant	Project	Ask Amount	Funding Amount	Total Project Cost
Community Infrastructure	Hamilton Motor Cycle Club	Track Watering System Upgrade	\$4,581.00	\$4,581.00	\$9,162.87
Community Infrastructure	Hamilton Motor Cycle Club	Electronic Timing System Project	\$8,078.00	\$8,078.00	\$16,155.00
Events and Tourism	Coleraine District Development Association Inc.	Coleraine Community Christmas Carnival	\$5,000.00	\$3,190	\$12,000.00

Community Infrastructure	Branxholme Wallacedale Football Netball Club	Upgrade of Kitchen Facilities	\$15,000.00	\$10,200.00	\$20,400.00
Community Infrastructure	Coleraine RSL Sub-Branch	Disabled Toilet Upgrade	\$11,000.00	\$11,000.00	\$22,000.00
Community Infrastructure	Balmoral Mechanics Institute	Balmoral Hall External Paint Project	\$5,170.00	\$5,170.00	\$10,340.00
Community Infrastructure	Coleraine Golf club	Community Mower Replacement	\$9,185.00	\$9,185.00	\$18,370.00
Community Strengthening	Rotary Hamilton	STUDENTS- Say No to Domestic Violence	\$14,551.00	\$14,551.00	\$29,103.30
Community Infrastructure	Branxholme Recreation Reserve Inc	Eastern Oval Drainage	\$13,558.00	\$13,558.00	\$27,116.00
Total			\$86,123.00	\$79,513.00	\$164,647.10

Below is the summary of grant applications approved, which requested funds of \$2,500 and under.

Category	Applicant	Project	Ask amount	Funding amount	Total Project Cost
Community Infrastructure	Hamilton-Coleraine Rail Reserve Committee Inc	Shipsape Sheds - shed maintenance works	\$2,244.00	\$2,244.00	\$2,244.00
Heritage	Balmoral Historical Society	Balmoral Lock Up Phase Two - brick restoration	\$2,500	\$2,500	\$3,045.00
Tourism and Events	Cavendish Fleece & Flower Show	A Fair with Flare - event marketing and promotion	\$1,533.00	\$1,533.00	\$1,533.00
Tourism and Events	Coleraine P & A Society	2024 Coleraine Show - Marketing	\$2,211.00	\$2,211.00	\$2,211.00
Community Infrastructure	Hamilton Viewclub	Laptop and banner purchase	\$2,500.00	\$2,500.00	\$2,500.00
Tourism and Events	Dunkeld Museum Inc	Antiques Muster at Dunkeld's Historic Devon Park	\$2,500.00	\$2,500.00	\$2,500.00
Community Strengthening	50th Anniversary Sportswomen of Aus. Hamilton Branch	50th Anniversary Sportswomen Event	\$2,500.00	\$2,500.00	\$5,524.00
Tourism and Events	Coleraine & District Development Association	Tins in the Bin Family Event Coleraine - entertainment	\$2,500.00	\$2,500.00	\$2,500.00
Community Infrastructure	RSL Coleraine Sub Branch	RSL Painting of Clubrooms	\$2,500.00	\$2,500.00	\$2,500.00
Community Strengthening	HIRL Mud Gallery	Lighting upgrade, promotion.	\$2,500.00	\$2,449.20	\$2,449.20
Community Strengthening	Coleraine and District Action Club	Farmers Smoko Project and	\$2,500.00	\$2,500.00	\$2,500.00

		International Rural Womens Lunch			
Tourism and Events	Byaduk Spring Show	Entertainment at Byaduk Spring Show	\$2,500.00	\$900.00	\$3,100.00
Community Infrastructure	Mooralla Golf Club Inc	Equipment upgrade	\$2,196.70	\$2,196.70	\$2,196.70
Community Strengthening	ABA Hamilton Group	Training for Volunteer Breastfeeding Counsellors	\$2,350.00	\$2,350.00	\$2,350.00
Tourism and Events	Hamilton District Darts	Hamilton District Darts Annual Darts Tournament	\$2,500.00	\$2,500.00	\$2,500.00
Tourism and Events	Hamilton Presbyterian Church	Hamilton Carols by Candlelight	\$2,245.00	\$2,245.00	\$3,849.17
Community Strengthening	Hamilton Community House	Safe Seats, Safe Kids Community Workshops	\$2,320.00	\$1,480.00	\$2,320.00
Tourism and Events	The Australian Pedal Car Grand Prix Inc	The Australian Pedal Car Grand Prix	\$2,500.00	\$2,313.00	\$2,500.00
Community Infrastructure	Coleraine Football Netball Club Inc	Silvester Oval Connectivity Project	\$2,000.00	\$2,000.00	\$6,400.00
Total			\$48,881.07	\$41,921.90	\$55,325.02

Below is the budget summary for Round One 2024 / 2025 Community Partnership Grants

Budget Summary

Category	Budget 2024-25	Round One Spent	Remaining Balance After Rd 1
Arts and Culture	\$10,000.00	0	\$10,000
Tourism and Events	\$50,000.00	\$19,990	\$30,010
Infrastructure	\$60,000.00	\$73,212.70	(\$13,212.70)
Community Strengthening	\$10,000.00	\$25,731.00	(15,731.00)
Sustainability	\$10,000.00	0	\$10,000
Heritage	\$15,000.00	\$2,500.00	\$12,500
Demand Allocation	\$145,000.00	-	\$145,000.00
TOTAL	\$300,000.00	\$121,434.70	\$178,566.30

Below is a summary of the total amount Council has awarded over the past six years through the Community Partnership Grants Program.

Year	Total Amount Awarded	Total Project Cost
Financial Year 2023/24	\$298,418.59	\$988,357.58
Financial Year 2022/23	\$195,666.82	\$416,310.99
Financial Year 2021/22	\$194,365.03	\$318,404.21
Financial Year 2020/21	\$154,640.12	\$314,982.78
Financial Year 2019/20	\$186,223.01	\$570,460.46
Financial Year 2018/19	\$166,182.55	\$725,759.00
Totals:	\$1,195,496.12	\$3,334,275.02

Financial and Resource Implications

The collaborative approach across Council grant categories opens opportunities for Council to work with the community to broaden the scope of ideas identified within applications to position these projects and or events to leverage external funding.

Applications for \$2,500 or greater must demonstrate cash contributions and must provide evidence of cash held, or applicants must be able to demonstrate their financial capacity to complete the project.

The grant amount approved by Council cannot be increased post-funding approval. In the case of a funding shortfall, funding will not be made available by way of a Council loan.

Council Plan, Community Vision, Strategies and Policies

Support Our Community

1.1 An empowered and connected community

1.1.1 Facilitate opportunities for people to participate in community life, through volunteering, civic leadership, social programs, to enable inclusion, social connection and wellbeing.

Support Our Community

1.2 Support and promote a healthy community

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

Legislation

The Community Partnership Grants Program Policy was adopted in December 2022.

Each Grant category requests that applicants ensure that their project or idea demonstrates a link to the Council Plan, Health and Wellbeing Plan or other endorsed Strategic Plans of Council.

The Community Partnership Grants program assists Council to deliver on key outcomes of the Council Plan 2021 - 25. The Council Plan establishes that we will:

- Support our Community
- Develop our Regional Economy
- Maintain and Renew our Infrastructure
- Protect our Natural Environment, and
- Provide Strong Governance and Leadership

Gender Equality Act 2020

There are no implications for the Gender Equality Act 2020 identified through this report or the grants program.

Risk Management

There is a predetermined eligibility and assessment criteria with a set weighting, to identify and assess the risk exposure within each application. The assessment criteria ensure that projects and events have adequate control measures in place to ensure their successful and safe delivery.

Each grant applicant must also demonstrate that they comply with any legal or statutory regulations relevant to the project for which they are seeking Community Partnership Grants funding. This includes (where relevant) appropriate insurances, food handling permits, liquor licences etc.

Climate Change, Environmental and Sustainability Considerations

No Environmental and Sustainability Considerations identified.

Community Engagement, Communication and Consultation

Various Council staff engage with the community in relation to the Community Partnership Grants program at a range of meetings and workshops (including Councillor Engagement, Progress Association, club and user groups and event organiser meetings, etc). Staff also engage with applicants on a 1:1 basis and in group workshops, to provide support through the Community Partnership Grants process.

Grant recipients across all categories are required to complete a grant acquittal report. As part of the acquittal, Council seeks feedback from the grant recipient on ways in which the delivery of grants to the community could be improved.

The decision will be communicated through a media release to the general public, social media posts, via letters to the Grant recipients and through Council's Community E-Newsletter and township newsletters. The successful applicants will be notified by phone call and mail, and successful projects will be promoted 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.

Alison Quade, Manager Communications and Engagement
Melanie Russell, Grants Officer

RECOMMENDATION

That Council:

1. Note the \$41,921.90 of Community Partnership Grants of \$2500 and under that were awarded under delegation.
2. Note the \$79,513.00 of Community Partnership Grants over \$2500 that were awarded under delegation.

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr Rainsford

That Council:

1. Note the \$41,921.90 of Community Partnership Grants of \$2500 and under that were awarded under delegation.
2. Note the \$79,513.00 of Community Partnership Grants over \$2500 that were awarded under delegation.

CARRIED

12.2 Business Facade Improvement Program

Directorate:	Wellbeing, Planning and Regulation
Report Approver:	Daryl Adamson (Manager Strategy and Regulation), Rory Neeson
Report Author:	(Director Wellbeing, Planning and Regulation) Laura Redgrave (Business Facilitation Officer)
Attachment(s):	1. Attachment for Council Report 28 August 2024 - funded [12.2.1 - 2 pages] 2. Attachment for Council Report 28 August 2024 applications not funded [12.2.2 - 3 pages]

Executive Summary

Council approved the commencement of the Business Facade Improvement Program (BFIP) at its June 2024 Council Meeting by adopting the BFIP Policy.

The program aims to encourage businesses and property owners from across our Shire to complete improvements to the facade of their buildings. The program has been offered as a grant where businesses and property owners can apply for a maximum of \$3,000 subject to matching funding from the applicant on a \$1:\$1 ratio, with a total of \$50,000 offered by Council.

The grant will assist with costs such as painting, cleaning, signage installation, lighting, repairs to buildings and improvements to entrances of buildings that promote universal access.

This initiative also responds to a recurring theme in the Small Towns Strategy regarding the poor condition of some buildings in our townships, while also complimenting the work that has commenced on the new streetscape for Hamilton.

Following Council's approval of the program, promotion commenced in June with grant applications open between 1 and 31 July 2024. During this period the program had an overwhelming response with 49 applications received totaling \$128,958.29 which equates to an excess of 250% of Council's initial budget of \$50,000. Applications were received from the following towns:

- Balmoral
- Byaduk
- Cavendish
- Coleraine
- Dunkeld
- Hamilton
- Penshurst
- Tarrington

This report recommends that Council note the 21 successful grant applications within the allocated \$50,000. This will see a total value of \$147,392.00 of works completed through the \$50,000 grant.

Discussion

The aim of the Business Facade Improvement Program is to have businesses located throughout the Shire complete facade improvements to their buildings in the CBD, or main streets of the 10 towns in our Shire.

Businesses were able to apply on a \$1:\$1 basis to complete improvements to their facades, with the total amount capped at \$3,000 (exc. GST) per business.

To apply for funding, as part of the BFIP, businesses were required to complete a grant application form and provide all required documentation. Significant assistance was provided to the business community to ensure inclusion in the grant program.

Council will further assist by waiving planning fees on approved grants, however any relevant building permit fees will still apply. Buildings within the Shire's heritage areas will need to comply with relevant guidelines with advice provided to all applicants by Council's Heritage Advisor during the planning process.

If new signage is proposed to be completed as part of an application, a design proposal will need to be submitted to the Council as part of the application process and approved through the planning permit process prior to the works commencing.

Once a decision has been made by Council, those successful applicants will be assisted to apply for planning permits where required. Businesses will then have until the end of May 2025 to complete all proposed works. The acquittal process will require submission of all associated documentation including invoices and proof of works so that Council can reimburse the agreed expenses. All claims must be submitted by the end of May 2025 so that the grant can be acquitted in the current financial year.

To process the applications for the Business Facade Improvement Program an independent grant assessment panel, consisting of five Council Officers was established. Each application was assessed by three Council Officers using best practice granting principals including no prior discussion of applications, individual assessment and aggregated results to produce an overall percentage and final ranking.

Particular consideration was given to the applications being complete (all documentation provided including consent from the building owner), together with the overall type of works (building improvements being seen as more desirable than simple signage replacement).

Visibility of the facade within the streetscape for the benefit of all the community members was also highly valued. In addition, inclusion through improved accessibility for all abilities and safety measures rated highly.

The panel met at the end of the assessment process to discuss the findings and reconcile the decisions. The panel was united in the decisions and made note that future correspondence to successful applicants must stipulate that the awarding is subject to planning approval being received for any relevant applications.

All grant applications approved scored 72% or above; a number of good applications (similarly rated) were unable to be funded due to being beyond budget.

Community Engagement, Communication and Consultation

The program was widely publicised to ensure reach across the Shire. Face to face meetings, newspaper advertisements, social media, radio and telephone consultations provided the greatest variety of awareness mediums for the program and ensured community members had access to the grant application process. Further promotion of the successful applicants will occur following the Council Meeting.

Financial and Resource Implications

Council approved \$50,000 for implementation of the BFIP and this was included as part of the 2024-2025 budget. Fees associated with planning permits will also be waived by Council at an approximate cost of \$15,000.

Of the 49 applications received, the total value requested was \$129,958.29. To remain within the budget of \$50,000 the highest ranked applications approved for funding total \$50,022.77 (ex GST) - this covers 21 applications.

A further 26 applications are eligible for funding however are out of current budget. A number of these applications also scored highly using the marking criteria and achieving over 70% while other applications provide reach to more of the smaller towns within the Shire. These applications total \$60,672.94 (ex GST).

Two applications valued at \$6,000 received are not eligible for funding under the policy due to the works already being in progress and another as there is enforcement action in place.

Council Plan, Community Vision, Strategies and Policies

Grow Our Regional Economy

2.4 Support local business and industry

2.4.2 Support and facilitate business development and growth initiatives.

Maintain and Renew Our Infrastructure

3.1 Plan and maintain sustainable assets and infrastructure

3.1.2 Maintain infrastructure to the agreed standard and ensure the principles of sustainability and universal design are considered in the planning and development of infrastructure to support community access and connection meeting the needs of the communities.

Legislation

- *Business Façade Improvement Program Policy*
- *Planning and Environment Act 1987*
- *Building Act 1993*
- *Southern Grampians Planning Scheme*

- *Heritage Act 2017*

Gender Equality Act 2020

There are no Gender Equality Act implications as part of this program

Risk Management

To help mitigate potential risks for Council offering this grant program, the funding that will be made available will be provided to applicants following the conclusion of the works and once the acquittal process has been completed.

Climate Change, Environmental and Sustainability Considerations

Any climate change, environmental or sustainability considerations will be managed through the grant application process or the planning permit 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.

Laura Redgrave, Business Facilitation Officer
Rory Neeson, Director Wellbeing, Planning and Regulation

RECOMMENDATION

That Council note the approval of \$50,022.77 (ex. GST) of Business Facade Improvement Program Grants under delegation to 21 businesses as per the attachment to this report.

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr Malone

That Council note the approval of \$50,022.77 (ex. GST) of Business Facade Improvement Program Grants under delegation to 21 businesses as per the attachment to this report.

CARRIED

12.3 Fair Access Policy

Directorate:	Wellbeing, Planning and Regulation
Report Approver:	Susannah Milne (Manager Community Wellbeing), Rory Neeson (Director Wellbeing, Planning and Regulation)
Report Author:	Roger Rook, Coordinator Recreation Services
Attachment(s):	1. Fair Access Policy DRAFT [12.3.1 - 4 pages] 2. Fair Access Action Plan DRAFT [12.3.2 - 5 pages]

Executive Summary

The purpose of this report is to recommend that Council adopt the Southern Grampians Fair Access Policy.

In 2022, the State Government released its new Fair Access Policy Roadmap, which aims to improve access to sport and recreation facilities and/or opportunities for women and girls. As of 1 July 2024, to be eligible for State Government Community Sport Infrastructure Funding programs, Council must have adopted their own Fair Access Policy.

This Fair Access Policy has been developed in consultation with the Office of Women in Sport and Recreation (State Government body), as well as South West Sport (Regional Sporting Assembly) and is based on the Fair Access Policy template.

The Victorian State Government Fair Access Policy has been developed to ensure women and girls have improved equitable access to sport and recreation facilities and that new sporting facilities are developed with women in sport and recreation in mind.

Further to the State Government requirements, Southern Grampians Shire Council acknowledges the importance of being inclusive for all people and includes gender diversity within the Fair Access Policy.

Discussion

Victoria's *Gender Equality Act 2020* (the Act) requires the Victorian public sector, local governments and universities to take positive action towards achieving workplace gender equality. As Defined Entities under the Act, Local Governments are also required to consider and promote gender equality, including undertaking gender impact assessments on policies, programs and services that have a direct and significant public impact.

To support the application of the Act, the Office for Women in Sport and Recreation was created to develop and implement a Statewide Fair Access Policy Roadmap (the Roadmap) in 2022. The Roadmap addresses recommendation six from the Victorian Governments Inquiry into Women and Girls in Sport and Active Recreation to "*deliver female friendly built environments and equitable facility usage*"

The Roadmap supports six fair access principles to ensure women and girls have improved equitable access to sport and recreation facilities and that new sporting facilities are developed with women in sport and recreation in mind.

These principles are:

1. Community sports infrastructure and environments are genuinely welcome, safe and inclusive;
2. Women and girls can fully participate in all aspects of community sport and active recreation, including as a player, coach, administrator, official, volunteer and spectator;
3. Women and girls will have equitable access to and use of community sport infrastructure: a) Of the highest quality available and most convenient b) At the best and most popular competition and training times and locations c) To support existing and new participation opportunities, and a variety of sports;
4. Women and girls should be equitably represented in leadership and governance roles;
5. Encourage and support all user groups who access and use community sport infrastructure to understand, adopt and implement gender equitable access and use policies;
6. Prioritise use and support to all user groups who demonstrate an ongoing commitment to gender equitable access and use of allocated community sport infrastructure.

The Roadmap identifies key milestone dates to aid in achieving progress in equality of access to recreation facilities.

From 1 July 2024, the Victorian Government has introduced a requirement of grant funding criteria for community sport infrastructure, that Local Governments must have adopted a Fair Access Policy. Also, all Local Governments in Victoria must have a Fair Access Policy in place for community sports infrastructure by 1 October 2024.

The adoption of a Fair Access Policy provides a commitment to improving and addressing the issues women, girls and gender diverse people face in our sporting facilities and clubs today.

This Policy is supported by a Fair Access Action Plan, which provides actions that Council will take to ensure progression in the provision of Fair Access. The Fair Access Action Plan will require most clubs within the Shire to have some principles in place, as there are no State Government requirements for DEECA sites to enforce Fair Access principles or policies, this falls into the responsibility of Council.

Financial and Resource Implications

In preparing this report, officer time with respect to research and consultation are its only implications.

To assist with implementing the Policy, Fair Access training workshops will be provided to Shire clubs. It is proposed to utilise existing operational budget allocations to support these workshops.

Council Plan, Community Vision, Strategies and Policies

Support Our Community

- 1.1 An empowered and connected community
- 1.1.1 Facilitate opportunities for people to participate in community life, through volunteering, civic leadership, social programs, to enable inclusion, social connection and wellbeing.

Support Our Community

- 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.

Support Our Community

- 1.3 Grow a diverse and inclusive community
- 1.3.4 Provide, promote and support appropriate and accessible services, facilities and activities for younger residents.

Maintain and Renew Our Infrastructure

- 3.1 Plan and maintain sustainable assets and infrastructure
- 3.1.2 Maintain infrastructure to the agreed standard and ensure the principles of sustainability and universal design are considered in the planning and development of infrastructure to support community access and connection meeting the needs of the communities.

Maintain and Renew Our Infrastructure

- 3.2 Safe and well-maintained transport routes and infrastructure for all modes of travel
- 3.2.3 Provide infrastructure that supports a connected and active community.

Maintain and Renew Our Infrastructure

- 3.3 Attractive Council-owned and managed community and open spaces
- 3.3.3 Improve and provide opportunities for shared community spaces.

Legislation

There are no legislative requirements as a result of this policy.

Gender Equality Act 2020

The *Gender Equality Act 2020* requires that Councils "...must consider and promote gender equality; and take necessary and proportionate action towards achieving gender equality." This policy will assist with Council's compliance with the *Gender Equality Act 2020* with the commitment to supporting the Fair Access principles.

Risk Management

There are no risks associated with the preparation of this report.

Failure to adopt the policy will result in Council being ineligible for future State Government sporting infrastructure grants.

Climate Change, Environmental and Sustainability Considerations

There are no direct climate change, environmental or sustainability considerations as part of this Council Report however these considerations are considered in all upgrades and grants to sporting facilities in the Shire.

Community Engagement, Communication and Consultation

Council officers have undertaken direct user groups consultation regarding the requirements of the Fair Access Policy with user groups on Council recreation facilities.

This policy has been developed in consultation with the Office of Women in Sport and Recreation (State Government body), as well as South West Sport (Regional Sporting Assembly). This Policy has also been provided internally to all Council departments to ensure input across all directorates.

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.

Rory Neeson, Director Wellbeing, Planning and Regulation
Susannah Milne, Manager Community Wellbeing
Roger Rook, Coordinator Recreation Services
Sarah Cassidy, Recreation Officer

RECOMMENDATION

That Council adopt the:

1. Southern Grampians Shire Council Fair Access Policy; and
2. Fair Access Implementation Plan.

COUNCIL RESOLUTION

MOVED: Cr Rainsford
SECONDED: Cr Brown

That Council adopt the:

1. Southern Grampians Shire Council Fair Access Policy; and
2. Fair Access Implementation Plan.

The motion was **CARRIED** on the casting vote of the Mayor.

12.4 Borrowing and Investment Policy and Procurement Policy

Directorate: People and Performance
Report Darren Barber (Director People and Performance)
Approver: Darren Barber, Director People and Performance
Report Author: Nick Templeton, Head of Finance

Attachment(s): Borrowing and Investment Policy and Procurement Policy

Executive Summary

The *Local Government Act 2020* (the Act) outlines for Councils the permitted investments and requirements for borrowings, along with the need to have in place an adopted Procurement Policy.

The Borrowing and Investment Policy has combined three previous policies, the Loan Borrowing Policy, the Investment Policy and the Capital Reinvestment and Borrowing Strategy.

Section 108 (5) of the *Local Government Act 2020* (the Act) stipulates that a Council must review its Procurement Policy at least once during each four year term of the Council. This update is in addition to the required review and has minor changes to the thresholds and processes in Appendix 1 to become more in line with the increasing costs of procuring materials and services.

The full review of the Procurement Policy will be undertaken during the term of the new Council following elections in October 2024.

Both the Borrowing and Investment Policy and the Procurement Policy have been reviewed and endorsed by the Audit and Risk Committee at their meeting held on 13 August 2024.

Discussion

Borrowing and Investment Policy

Section 104 of the Act dictates that Council is responsible for approving all borrowings by way of inclusion in the Annual Budget. Section 103 of the Act outlines what financial securities Council may invest in.

There has been changes made to the Borrowing and Investment Policy to remove duplications and set a more concise policy purpose. The types of investments and borrowings permitted under the policy are identified along with pertinent information from the Act that is for risk mitigation for Council.

Investments parameters are identified in the policy to ensure any risk to Council is minimised, including prohibiting speculative investments. Investments are required to be maintained at a minimum of 75% in AA or greater under the Standard and Poor's rated institutions.

Loan borrowings are required to be no greater than the useful life of the asset being funded and that borrowings will be sustainable and consistent with sound financial management principles.

Procurement Policy

Under Section 108 (1) of the Act, Council must prepare and adopt a Procurement Policy which specifies the principles, processes and procedures applying in respect of the purchase of goods and services by the Council, including for the carrying out of works.

This is the key policy that guides procurement activities and the requirements for procurement of goods or services on behalf of Council. Changes for the policy are specifically in relation to Appendix 1 and 2 with no other changes of significance. Appendix 1 has been updated to show the requirements for procurement based on the procurement threshold.

The dollar values for the thresholds have been updated to provide responsible governance requirements and to update values to align with increased costs of goods and services. Further changes in Appendix 1 are the simplification of the process requirements with the updated table shown below:

Value	Procurement Method	Procurement Process	
0 - \$5,000	One Written quote Local supplier if possible	Purchase order	
\$5,001 - \$20,000	Two written quotes One local supplier if possible	Purchase Order	Officer obtains 2 written quotes, which must be from a local business, where a local business exists. The rationale for accepting the quotation must be documented.
\$20,001 - \$50,000	Three written quotes One local supplier if possible	Quotes requested on Council's RFQ Template Purchase Order	Officer seeks to obtains 3 written quotes (min acceptance of 2 quotes) 1 quote, which must be from a local business, where a local business exists. The rationale for accepting the quotation must be documented.
\$50,001- \$150,000	Open RFQ advertised on Council's tendering portal	Quotes requested on Council's RFQ Template Purchase Order	Request for Quote – Utilising Council's electronic tender portal Open to all portal registered suppliers Quotations evaluated using pre-defined documented evaluation criterion Where a local business/s are within 10% of the lowest price, and there are multiple local business with the highest qualitative score will be the preferred option.
>150,000	Open Tender Advertised on Council's tendering portal	Signed Agreement	Open Tender – Utilising Council's electronic tender portal Tender is open to all portal registered suppliers. Exchanged of signed contracts Procurement supported evaluation

			<p>A flexible approach to determining evaluation criteria involving sustainable procurement objectives will be taken into consideration based on the individual procurement project and opportunities to mandate specific items in the tender specification (e.g. recycled material content etc).</p> <p>When determining the evaluation criteria council must always consider the overall value for money for the community.</p>
--	--	--	---

Appendix 2 has been added to the Procurement Policy and provides the financial delegation for contract variations.

Officer/process	Delegation (Excl GST)	Application
Council meeting	> \$150,000	<ul style="list-style-type: none"> Approval of contract variations within the original scope of works
CEO	≤ \$150,000	<ul style="list-style-type: none"> Accumulative approval of contract variations with the limitations of the original scope of works
Director	≤ \$100,000	<ul style="list-style-type: none"> Accumulative approval of contract Variations within limitations of original scope of works
Manager (only with approved written delegation by the contract manager)	≤ \$50,000	<ul style="list-style-type: none"> Accumulative approval of contract Variations.

The Procurement Policy update is minor and a full review of the policy will be undertaken during the term of the new Council, which is a requirement of the Act.

Financial and Resource Implications

Council is required to implement the principles of sound financial management detailed in Section 136 of the *Local Government Act 2020*.

The Procurement Policy itself does not have any financial or resource implications however, it is the framework which assists in how financial resources will be used to procure goods and services by the organisation. It seeks to support good governance processes and practices, including open and transparent decision making, supported by evidence.

Council Plan, Community Vision, Strategies and Policies

Support our Community

1.1.3 Provide opportunities for increased community engagement and participation in Council decision making activities

1.2.4 Advocate for and work with external services that support our community and deliver outcomes.

Grow our Regional Economy

2.4.3 Streamline services to reduce red tape in approval process.

Provide Strong Governance and Leadership

5.1.2 Ensure flexible and transparent decision making through open and accountable governance.

5.2.3 Support and partner with service providers, State and Federal Government departments to improve inclusive opportunities for the Southern Grampians community.

Legislation

Section 103 and 104 of the Act specifically relate to Council borrowings and investments and Section 108 and 109 specifically relate to the Procurement Policy.

Gender Equality Act 2020

Council is committed to gender equality. All major Council projects will undergo a gender impact assessment. This aligns to Council's commitment along with relevant legislation.

Risk Management

In order to protect the principal amount of investments, funds will, ideally, only be invested with institutions and products with a minimum Standard and Poor's credit rating of BBB or better. A maximum of 25% of the portfolio can be invested with an institution rated between BBB to AA.

For borrowings, Council will seek to align with the Local Government Performance Reporting Framework ratios acceptable range and it is understood that over time there may be short periods of time these thresholds are exceeded in managing Council's financial position, but consistent results above these limits is not sustainable.

The Procurement Policy seeks to mitigate risk by ensuring procurement activities are undertaken in an open, transparent and consistent manner. This version of Procurement Policy has considered the risk exposure to ensure those activities with higher risk or higher dollar values are subject to more rigorous processes than low risk, low value projects.

Climate Change, Environmental and Sustainability Considerations

The Procurement Policy includes specific reference to sustainability and has included processes around the three pillars of sustainability:

- Economic
- Environmental
- Social

Community Engagement, Communication and Consultation

Extensive consultation was undertaken when major updates to the Procurement Policy were included in the 2021 version. As this change is minor and not the full review during the term of Council no additional public consultation has been undertaken.

No direct community consultation has been undertaken with the update of the Borrowing and Investment Policy or the preparation of the report.

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.

Darren Barber, Director of People and Performance
Nick Templeton, Head of Finance

RECOMMENDATION

That Council:

1. Revoke the Capital Reinvestment and Borrowing Strategy Policy, the Loan Borrowing Policy and the Investment of Cash Funds Policy
2. Adopt the Borrowing and Investment Policy dated September 2024
3. Revoke the Procurement Policy dated 15 December 2021
4. Adopt the Procurement Policy dated September 2024.

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr Colliton

That Council:

1. **Revoke the Capital Reinvestment and Borrowing Strategy Policy, the Loan Borrowing Policy and the Investment of Cash Funds Policy**
2. **Adopt the Borrowing and Investment Policy dated September 2024**
3. **Revoke the Procurement Policy dated 15 December 2021**
4. **Adopt the Procurement Policy dated September 2024.**

CARRIED

12.5 Financial Relief and Hardship Policy

Directorate:	People and Performance
Report Approver:	Darren Barber (Director People and Performance)
Report Author:	Darren Barber, Director People and Performance Nick Templeton, Head of Finance Robyn Ackland, Finance Coordinator - Revenue
Attachment(s):	Financial Relief and Hardship Policy

Executive Summary

The Financial Relief and Hardship Policy applies to ratepayers and debtors who are unable to pay outstanding rates or charges due to any adverse financial situation, compassionate grounds or necessitous circumstances. The policy also applies to all Councillors, and Council employees who make decisions regarding financial relief and hardship applications.

Discussion

Section 170 of the *Local Government Act 1989* specifically addresses the power for Council to defer payments of rates and charges and Section 171 addresses the power to waive the whole or part of any rate or charge or interest. This section also specifies that a resolution of Council is required for a waiver and must include the objectives to be achieved by the waiver.

Updates to the policy provide enhanced transparency of options available for debtors and ratepayers experiencing financial hardship. The criteria to access financial relief from Council charges for which an application will be considered is outlined along with the provisions for an application to be considered.

Financial assistance is available for ratepayers and debtors experiencing financial hardship. Council will consider an application for assistance from any ratepayer or customers with outstanding Council debts. Assistance available includes:

- Alternative Payment Arrangements / Payment Plan
- Deferral of rates and charges;
- Waiver of interest and legal charges; or
- Waiver of rates and charges.

Ratepayers are encouraged to apply for a Payment Plan in the first instance, and at the earliest opportunity. A formal application for financial hardship must be completed and forwarded to Council's rates department. Upon receipt of an application Council staff will contact the applicant and may request further information and documentation.

Applications will be considered on the basis of, but not limited to:

- Financial Hardship
- Natural Disaster
- Compassionate or necessitous circumstances.

Council will consider an application for assistance from any ratepayer on the property they occupy as their principal place of residence (including farmers, owner occupier business and owner occupiers of commercial / industrial properties). Council will also consider applications

from Customers with outstanding Council debts including family day care, waste services, and other miscellaneous debts.

Applications for Hardship, deferred payments and or waivers will only be granted to:

- Property owners and ratepayers whose property is the sole or principal place of residence and is used exclusively for residential purposes;
- Farm land which is the sole or principal place of residence of the applicant;
- Commercial/industrial land owned and operated by the applicant;
- Other debts not secured by property ownership.

Council may take into consideration whether the applicant is seeking professional assistance for their financial hardship when making its decision. Applicants will be formally notified of the decision as soon as is practically possible.

Financial and Resource Implications

Council is required to implement the principles of sound financial management detailed in Section 136 of the *Local Government Act 2020*.

Council Plan, Community Vision, Strategies and Policies

Provide Strong Governance and Leadership

5.1 Transparent and accountable governance

5.1.2 Ensure flexible and transparent decision making through open and accountable governance.

5.3 Committed and skilled staff

5.3.1 Encourage an organisation that values equality, diversity, workplace health, safety and wellbeing.

Legislation

Section 170 and 171 of the *Local Government Act 1989* specifically relate to deferral or waving of rates and charges.

Gender Equality Act 2020

Council is committed to gender equality. All major Council projects will undergo a gender impact assessment. This aligns to Council's commitment along with relevant legislation.

Risk Management

The Policy seeks to mitigate risk by ensuring procedures are transparent for individuals, farmers, businesses and ratepayers experiencing difficulty meeting their financial obligations, along with Council staff and Councillors.

Climate Change, Environmental and Sustainability Considerations

This report has no impact on environmental climate change or sustainability.

Community Engagement, Communication and Consultation

The community engagement will include making the information available through communications and 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.

Darren Barber, Director of People and Performance
Nick Templeton, Head of Finance
Robyn Ackland, Coordinator Finance - Revenue

RECOMMENDATION

1. Revoke the Hardship Policy dated June 2020
2. That Council adopt the Financial Relief and Hardship Policy dated September 2024.

COUNCIL RESOLUTION

MOVED: Cr Rainsford
SECONDED: Cr Colliton

1. **Revoke the Hardship Policy dated June 2020**
2. **That Council adopt the Financial Relief and Hardship Policy dated September 2024.**

CARRIED

12.6 Hamilton CBD Parking Policy

Directorate: Wellbeing, Planning and Regulation
Report Approver: Rory Neeson (Director Wellbeing, Planning and Regulation)
Report Author: Daryl Adamson (Manager Strategy and Regulation)
Attachment(s): 1. Hamilton CBD Paid Parking Policy [12.6.1 - 4 pages]

Executive Summary

At the 12 June 2024 Ordinary Council Meeting, a Public Deputation was heard from the Hamilton Regional Business Association (HRBA) regarding the replacement of old parking meters and the implementation/installation of Next Generation Parking Meters to the Hamilton CBD. A Council resolution to receive the petition 'against' parking meters in the CBD was moved by Cr. Colliton and seconded by Cr. Rainsford.

On 10 July 2024, a report was presented to the Council, resulting in a resolution that tasked responsible officers with the development of a Hamilton CBD Parking Policy.

The purpose of this report is to present a Hamilton CBD Parking Policy for adoption by Council.

Discussion

The purpose of a parking policy is to manage scarce and priority parking resources within the Hamilton CBD. In determining the location of parking meters, the following criteria will guide Officers in their decision-making process:

- a) Demand is sufficient to justify the cost of ticket machines.
- b) Paid parking will stimulate greater turnover of parking.
- c) Restrictions in surrounding streets will ensure that the ticket machines are used and not simply encourage vehicles to park in less restricted or unrestricted areas.
- d) That parking generated by an Activity Centre (Hamilton CBD) is to be contained within the centre.

A key principle of managing parking in the Hamilton CBD is to ensure turnover of parking for increased business activity. Additionally, Council adopts the principle of 'user pays', and users of activity centres should contribute to the cost of maintaining and improving the parking infrastructure they use.

In addition to the revenue contribution there are other benefits from regulated paid parking. These include:

- a) The price mechanism and time restrictions support each other creating turnover critical for the success of business.
- b) Parking is difficult to enforce with restrictions alone due to the shunting behaviour of motorists seeking longer term parking.
- c) It allows for a consistent "grace period" which is set by Council.
- d) Clearly flags when a time limit has expired which encourages motorists to return to their vehicle prior to the time of expiry.
- e) Provides a certainty of detection which may act as a deterrent to non-compliance.

Paid parking can also bring about behavioural change and encourage the use of other more sustainable transport modes.

Where the demand supports the introduction of paid parking into an activity centre, officers need to conduct an area wide parking study to assess parking restrictions to ensure that vehicles do not park in surrounding less restricted or unrestricted areas.

Officers should consider the use of permit zones, ticket machines, pay by mobile phone or short-term time restrictions in adjoining side streets to ensure that parking generated is contained within the centre.

If parking restriction are associated with residential streets adjoining the centre, residents may apply for a permit and displaying a valid parking permit will be exempt from paying a fee.

Under the *Local Government Act 1989 Schedule 11 - Powers of Councils over Traffic*, Council may fix, rescind, or vary the days, hours, and periods of time for which vehicle may stand in a designated parking area and the conditions on which vehicles may stand in a parking area and the fees and manner of payment of those fees.

Officers under delegation may issue a special parking permit to any person to enable that person to leave a vehicle standing on different conditions to signed tariffs.

As part of the development of this policy, the only changes proposed from the existing parking conditions is a change to one hour parking limit time on a Friday night to 5:30pm instead of 8:00pm and that parking restrictions on Monday – Saturday will commence at 9:00 am instead of 9:30am.

The policy does also provide a provision to allow for long-term parking to be added if demand justifies, however a parking study and further consultation with the community would be completed if this was to occur.

Financial and Resource Implications

There are no direct financial or resource implications for endorsement of this policy except for the updating of signage across the CBD which would cost approx. \$20,000 and would require an additional allocation of funding from Council for this to occur.

Council Plan, Community Vision, Strategies and Policies

Grow Our Regional Economy

- 2.4 Support local business and industry
- 2.4.2 Support and facilitate business development and growth initiatives.

Provide Strong Governance and Leadership

- 5.1 Transparent and accountable governance
- 5.1.2 Ensure flexible and transparent decision making through open and accountable governance.

Provide Strong Governance and Leadership

- 5.4 Customer-focused services
- 5.4.1 Use digital solutions in service delivery to maximise efficiency of outcomes.

Legislation

- *Infringements Act 2006*
- *Local Government Act 1987*
- *Local Government Act 2020*
- Community Local Law No 1 of 2022

Gender Equality Act 2020

This report has no direct consequences relating to gender equality.

Risk Management

Upgrading the Hamilton CBD parking meters delivers key findings in the Hamilton CBD Masterplan and Council Plan by directly addressing service levels and financial sustainability of a key Council revenue stream and function.

Implementation and application of new parking technology allows for greater transparency and protects the sustainable operation and community expectations of the service into the future.

The safety of our Officers from a security and manual handling perspective has been mitigated through this initiative. Public discourse and debate in relation to parking will continue, however there is a greater risk to the Council's reputation by maintaining the status quo when there is a clear path to delivering a sustainable outcome.

Climate Change, Environmental and Sustainability Considerations

By adopting intelligent parking technology, Council has drastically reduced the amount of paper we consume and ongoing maintenance costs. Pay-by-phone applications mean that motorists can use Apple Pay, Android Pay and other digital wallets to minimise the circulation of cash and create a digital paper trail for all parking transactions.

Next generation parking meters are operated by solar. As a mitigation to panel shading or prolonged bad solar weather, the internal batteries of the units can be charged as required.

Community Engagement, Communication and Consultation

A significant community engagement was completed and recorded in the Hamilton CBD masterplan adopted by the Council in 2020.

During the new meters' implementation in 2024, a further significant communication strategy was developed. This has delivered significant education to our community on the role of parking meters and their operation and exemptions.

Subsequent Council meetings referenced in this report have addressed additional community concerns and implemented mitigation strategies in response.

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.

Daryl Adamson, Manager Shire Strategy and Regulation
Rory Neeson, Director Wellbeing Planning and Regulation

RECOMMENDATION

That Council adopt the Hamilton CBD Parking Policy and allocate an additional \$20,000 through retained earnings to allow the installation of new signage across the CBD.

MOTION

MOVED: Cr Rainsford
SECONDED: Cr Colliton

That Council put out for community consultation the Draft CBD Parking policy including the following three points:

1. No charge post 5:00pm Friday evening
2. Charging commences from 9:30am – 5:30pm Monday - Friday
3. Keep the existing Saturday time frames 9:00am – 12:00pm

The MOTION was PUT and LOST

MOTION

MOVED: Cr Brown
SECONDED: Cr Malone

That Council adopt the Hamilton CBD Parking Policy and allocate an additional \$20,000 through retained earnings to allow the installation of new signage across the CBD.

AMENDMENT

MOVED: Cr Colliton
SECONDED: Cr Rainsford

That Council adopt the Hamilton CBD Parking Policy and allocate an additional \$20,000 through retained earnings to allow the installation of new signage across the CBD and retain the commencement of charging from 9.30am Monday to Friday

The AMENDMENT was carried and became the MOTION

COUNCIL RESOLUTION

MOVED: Cr Colliton
SECONDED: Cr Rainsford

That Council adopt the Hamilton CBD Parking Policy and allocate an additional \$20,000 through retained earnings to allow the installation of new signage across the CBD and retain the commencement of charging from 9.30am Monday to Friday

CARRIED

12.7 Operation of Outdoor Pool Policy

Directorate:	Wellbeing, Planning and Regulation
Report Approver:	Rory Neeson (Director Wellbeing, Planning and Regulation)
Report Author:	Susannah Milne (Manager Community Wellbeing)
Attachment(s):	1. Operations of Outdoor Pools Policy 2024 [12.7.1 - 2 pages]

Executive Summary

This report outlines the proposed changes to the Southern Grampians Outdoor Pool Policy and recommends to Council that the revised policy be formally adopted. The current Policy was last formally reviewed in 2022 however has not been adopted since 2018.

In 2023, a community engagement survey was conducted regarding various aspects of the current Operations of Outdoor Pools Policy. This survey was conducted to gauge community responsiveness to changes that could be implemented to assist with some of the operational challenges currently faced and to assist in future planning for the pools.

These findings of this survey together with the observations from the 2023-24 season have formed the basis for the recommendation of the changes to the policy which are:

1. Early morning swimming to be reduced from three days a week to two days per week at both Hamilton and Coleraine Outdoor Swimming Pools in line with current practice.
2. Pool closure dates are aligned across the Shire closing the long weekend in March.
3. Amend policy wording to clarify when outdoor pools will be open from 12 pm – 7pm when weather is forecast to be above 35 degrees.
4. The opening temperature threshold be changed to an air temperature of 23 degrees and above for all pools.
5. Inclusion within the policy the ability to extend swimming season beyond the long weekend in March subject to temperature and lifeguard availability.

Discussion

Background

The current established level of service for outdoor pools is:

- Safe
- Open
- Reliable

This reflected the key elements raised by the community, in community consultation undertaken in 2018. As Councillors are aware the age and condition of our outdoor pools are making it increasingly challenging to operate our pools, with significant investment planned to ensure pools meet the basic service level. We have also seen a change in the service being accessed by our community as the demographics have changed, an increase of private swimming pools and access to transport where people travel to other water bodies during the summer period.

Recommended Changes

Attendance data from the 2023-2024 outdoor pool season has been used to clarify and validate survey responses to form recommendations of changes to the policy. The following recommendations are made from this process.

Recommendation 1. That early morning swimming to be reduced from three days a week to two days per week at both Hamilton and Coleraine Outdoor Swimming Pools.

Responses in the survey in relation to early morning swimming showed some discrepancies between responses and attendance data in the 2023-2024 season (table below), leading to a query in data received. 85 respondents noted that they attended early morning swimming, while attendance figures show an average of 12.93 and maximum of 19 attended at Hamilton, while an average of 5.30 and maximum of 10 attended at Coleraine throughout the season.

	November		December		January		February		March		
	Total attendance	Average attendance	Total attendance	Average attendance	Total attendance	Average attendance	Total attendance	Average attendance	Total attendance	Average attendance	Season average
HOSP	90	11.25	79	11.29	118	11.8	128	16	43	14.33	12.93
Coleraine			32	4	43	5.38	38	6.33	11	5.5	5.30

Due to the operational success of the temporary change in last year's policy it is recommended that this change be adopted ongoing. The changes in days and format also made providing lifeguards to the service more achievable and reliable.

Recommendation 2. That pool closure dates are aligned across the Shire closing the long weekend in March.

Survey responses and observations found that January proved to be most popular with December and February following. March received a very low response rate as people returned to work/school, while November was not surveyed due to Hamilton being the only pool that opens during this month.

Consideration has been given to recommend altering opening dates across all pools to the first weekend in December to make the season consistent across the Shire, however attendance data for HOSP indicates that the pool is well patronised. It is not possible to bring forward the opening dates of all pools as resourcing levels do not allow for the pools to be prepared or lifeguards to staff the pools.

Lifeguard availability during the months of November and March affects our ability to open all pools due to the number of lifeguards being university students. Lifeguard availability is reduced significantly in November and from mid-February until season end, due to end of year exams and return to studies in the new year.

Aligning the pool season closing date will allow for service levels to be clearer to the community and manage expectations around our ability to service pools.

	24/25 Season Open Date	24/25 Season Close Date*	Opening Hours*
Balmoral	Sun, 1 December 2024	Mon, 10 March, 2025	3pm – 7pm daily
Coleraine	Sun, 1 December 2024	Mon, 10 March, 2025	3pm – 7pm daily
Dunkeld	Sun, 1 December 2024	Mon, 10 March, 2025	3pm – 7pm daily

Hamilton	TBC, due to works schedule (normally first weekend in November)	Mon, 10 March, 2025	3pm – 7pm daily
Penshurst	Sun, 1 December 2024	Mon, 10 March, 2025	3pm – 7pm daily

*Please see recommendations 3 and 5 for adaptations that can be advised throughout the season.

Recommendation 3 – That the policy wording be changed to ‘during January when the when the air temperature forecast by the Bureau of Meteorology at 4:00pm for the next day is more than 35 degrees Celsius, all pools will open 12.00pm to 7:00pm;’ and,

‘On weekends from February through to the March Long weekend, when the air temperature forecast by the Bureau of Meteorology at 4:00pm for the next day is over 35 degrees Celsius, all pools will open 12.00pm to 7:00pm.’

This recommendation arises out of the question around opening hours of pools, particularly outside the standard operating hours when the temperature is over 35 degrees. The current policy indicates pools will open between 3pm and 7pm, but on days forecasted to be above 35 degrees pools will open from 12pm -7pm on weekends only and all of January.

The survey results and social media commentary indicated that further clarity was needed around opening hours when the weather was to be above 35 degrees would be beneficial.

Recommendation 4 – That the opening temperature threshold be changed to an air temperature of 23 degrees and above for all pools

Current policy states that unheated pools will open when the air temperature is 23 degrees or above while heated pools will open when the air temperature is 21 degrees or above. Attendance figures from the last two seasons show that when the air temperature for any location drops below 25 degrees attendance declines significantly.

While it is noted that survey results show 25 degrees and above being the most popular response, 23 and 21 degrees were within 10%. Considering survey results and attendance data from the 2022-2023 and 2023-2024 seasons, it is recommended to align all pools to open at a threshold of 23 degrees or above.

Recommendation 5 - Inclusion within the policy, the ability to extend the swimming season beyond the long weekend in March subject to temperature and lifeguard availability.

This inclusion will allow for flexibility to open outdoor pools beyond the long weekend dependent on weather conditions and lifeguard availability if we have unseasonably hot weather.

Policy Impact – Lifeguard availability

The current policy refers to the fact that all levels of service for outdoor pools are reliant on lifeguard availability. This clause within the policy remains unchanged as unless the required numbers of lifeguards can be provided at each pool, the pool cannot be opened.

Financial and Resource Implications

It is anticipated that there will be some operational savings with the changes to the policy with respect to wages by reducing the length of the season and increasing the opening temperature threshold. It is difficult to estimate this level of saving as it will be dependent on the seasonal temperatures.

Council Plan, Community Vision, Strategies and Policies

Support Our Community

1.3 Grow a diverse and inclusive community

1.3.4 Provide, promote, and support appropriate and accessible services, facilities, and activities for younger residents.

Maintain and Renew Our Infrastructure

3.3 Attractive Council-owned and managed community and open spaces

3.3.3 Improve and provide opportunities for shared community spaces.

Legislation

This report assists Council in meeting its obligations under the *Local Government Act 2020* and provides information based on the Guidelines for Safe Pool Operations through Royal Life Saving Australia.

Gender Equality Act 2020

There is not considered to be any negative gender impacts from the proposed changes to this policy.

Risk Management

The availability of lifeguards can impact the implementation of the policy as despite the service level detailed, lifeguards must be available to operate the pools.

The pools operation also still relies on the asset reliability and despite planned works, the assets age and condition make them unreliable.

Climate Change, Environmental and Sustainability Considerations

This report has no impact on climate change, environmental or sustainability considerations.

Community Engagement, Communication and Consultation

In September 2023, a community engagement survey was conducted asking about various aspects of the current Operations of Outdoor Pools Policy with 264 responses received. This survey was conducted through HILAC and Council social media channels, Brown Street Customer Service, a stand at Sheepvention and at HILAC Reception, to gauge community responsiveness to possible changes that could be implemented to assist with some of the operational challenges mentioned above and to assist in future planning for the pools.

Following this Council decision further consultation will be completed with the community in the lead up to the pools season around changes outlined in the policy.

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.

Please list all officers who were involved in providing advice or approving this Report.

Rory Neeson, Director Wellbeing, Planning and Regulation
Susannah Milne, Manager Community Wellbeing
Diana Dixon, Coordinator Leisure Facilities.

RECOMMENDATION

That Council:

1. revoke the Operations of Outdoor Pools Policy dated November 2018; and
2. adopt the Operations of Outdoor Pools Policy dated September 2024.

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr Colliton

That Council:

1. revoke the Operations of Outdoor Pools Policy dated November 2018; and
2. adopt the Operations of Outdoor Pools Policy dated September 2024.

CARRIED

12.8 Planning Scheme Amendment - Implement new draft local policy content into the Southern Grampians Planning Scheme

Directorate:	Wellbeing, Planning and Regulation
Report Approver:	Daryl Adamson (Manager Strategy and Regulation), Rory Neeson (Director Wellbeing, Planning and Regulation)
Report Author:	{author-name}, {position}
Attachment(s):	1. Attachment 1 - Planning Scheme Amendment [12.8.1 - 24 pages]

Executive Summary

The purpose of this report is to consider a proposed Amendment to the Southern Grampians Planning Scheme that seeks to insert new policy content derived from adopted Council strategies, specifically the Small Towns Strategy, Rural Land Use Strategy, and Plan for Nature 2023-2033. This report recommends that the Council request authorisation from the Minister for Planning to prepare an Amendment to the Southern Grampians Planning Scheme, generally in accordance with **Attachment 1**. Subject to authorisation, the Amendment will be placed on public exhibition in accordance with legislative requirements.

Discussion

The Southern Grampians Planning Scheme informs planning decisions within the Shire and includes State Policy - included in all schemes across Victoria, Regional Policy – derived from the Great South Coast Growth Plan, and Local Policy - policy which can reflect local conditions or desired outcomes. Councils can amend the local content of the scheme by undertaking a Planning Scheme Amendment subject to approval from the Minister for Planning.

Council has recently delivered and subsequently adopted the Southern Grampians Rural Land Use Strategy, the Southern Grampians Small Towns Strategy and the Southern Grampians Plan for Nature. These documents were prepared in consultation with the community and together, articulate the Council's vision for land use and development, settlement hierarchy and the municipality's relationship with its natural setting.

It is proposed to give effect to the objectives and strategies contained within the three adopted strategies (Southern Grampians Rural Land Use Strategy, The Southern Grampians Small Town Strategy, and the Southern Grampians Plan for Nature) by making an Amendment to the Southern Grampians Planning Scheme.

Proposed Amendment

The proposed Amendment seeks to replace Clauses 02.01 (Context), 02.03 (Strategic Directions) and 02.04 (Strategic Framework Plan) of the Municipal Planning Strategy (MPS) with new correspondingly numbered Clauses 02.01, 02.03 and 02.04. The Amendment also proposes to replace the local tourism policy at Clause 17.04-1L with a new Clause 17.04-1L. The new content has been derived from adopted Council strategies, specifically the Small Towns Strategy, Rural Land Use Strategy, and Plan for Nature 2023-2033.

In addition, it is proposed to replace the schedules to Clauses 72.08 (Background Documents) and 74.02 (Further Strategic Work) with new schedules.

Specifically, the Amendment proposes to make the following changes to the Southern Grampians Planning Scheme:

Purpose and Vision

1. Replace Clause 02.01 (Context) with a new Clause 02.01 (Context).
2. Replace Clause 02.03 (Strategic Directions) with a new Clause 02.03 (Strategic Directions).
3. Replace Clause 02.04 (Strategic Framework Plan) with a new Clause 02.04 (Strategic Framework Plan).

Planning Policy Framework

4. Replace Clause 17.04-1L (Facilitating tourism) with a new Clause 17.04-1L (Facilitating tourism – Southern Grampians).

Operational Provisions

5. Replace the Schedule at Clause 72.08 (Background documents) with a new Schedule. The new Schedule will insert the three new background documents from which this amendment is derived, which are:
 - *Small Towns Strategy (Niche Planning Studio, 2024)*
 - *Southern Grampians Plan for Nature 2022-2033 (RM Consulting Group, 2021)*
 - *Southern Grampians Rural Land Use Strategy (RM Consulting Group, 2024)*
6. Replace the local Schedule at Clause 74.02 (Further strategic work) with a new Schedule. The new Schedule updates the proposed further strategic work and makes changes to meet the requirements of the Ministerial Direction The Form and Content of Planning Schemes.

The relevant proposed changes to the Southern Grampians Planning Scheme are provided at **Attachment 1**.

Next Steps



We are at Stage 1 of the Amendment process. If Council resolves to seek Authorisation from the Minister for Planning, the tasks within Stage 1 will be undertaken and public exhibition of the Amendment will commence.

Financial and Resource Implications

Financial resource implications which may result from a Planning Scheme Amendment vary depending upon the level of submissions received and whether an Independent Planning Panel is required to consider submissions. The costs associated with processing the Amendment, including costs for any Panel hearing should it be required, can be accommodated within the 2024-2025 budget.

Council Plan, Community Vision, Strategies and Policies

Grow Our Regional Economy

- 2.1 Drive economic growth
 - 2.1.1 Research and implement economic initiatives that support new and existing businesses to establish and invest in the region.
 - 2.1.3 Support opportunities for intensification, diversification and value adding within the agricultural and primary industries sector.

Protect Our Natural Environment

- 4.1 Protect and enhance biodiversity including the health of waterways, wetlands, soil and air
 - 4.1.3 Protect endemic flora and fauna species throughout the Shire.

Protect Our Natural Environment

- 4.2 Balance environmental protection with Council's support for growth
 - 4.2.1 Ensure land use planning balances growth with appropriate levels of environmental stewardship.
 - 4.2.3 Identify and manage via the Planning Scheme, significant landscapes, key biodiversity assets and contaminated land.

Protect Our Natural Environment

- 4.4 Mitigate against and adapt to climate change
 - 4.4.3 Plan for climate resilience in Council and community infrastructure.

Legislation

The proposed Amendment complies with the Southern Grampians Planning Scheme and the *Planning and Environment Act 1987*.

Gender Equality Act 2020

There are no Gender Equality Act implications as a result of this briefing.

Risk Management

By preparing a Planning Scheme Amendment, the objectives and strategies of the Shire around land use and development are clear. This will assist with a more efficient and timely future planning permit application process.

Climate Change, Environmental and Sustainability Considerations

The proposed Amendment has considered and included policy content from several adopted strategies (Southern Grampians Rural Land Use Strategy, The Southern Grampians Small Town Strategy, and the Southern Grampians Plan for Nature) that relate to and responds to Climate Change, Environmental and Sustainability considerations. It is anticipated that the revised local content to the Southern Grampians Planning Scheme is more relevant and improves consideration of the environmental and sustainability implications for planning matters in the Shire.

Community Engagement, Communication and Consultation

If a Ministerial Authorisation is received for the preparation of a proposed Planning Scheme Amendment, public exhibition would be required in accordance with the provisions of Section 19 of the *Planning and Environment Act 1987*.

It is proposed that the Planning Scheme Amendment will be exhibited by providing direct notification to the following parties:

- every Minister, public authority and municipal council that are considered to be materially affected by the amendment;
- any Minister, public authority, municipal council or person prescribed;
- regular planning permit applicants, industry professionals (e.g. planning consultants, developers, industry bodies), and town progress associations.

It is considered impractical to provide notice to every owner and occupier of land about this proposed Planning Scheme Amendment as it can relate to all land across the municipality. Information about the amendment will be promoted and available through:

- a notice in the local newspaper (Spectator)
- a notice in the Victoria Government Gazette
- Council's Customer Service Centre
- information on both the Council and Department of Transport and Planning websites
- Council's Social Media platforms
- Council's Planning Unit, by phone or email.

Other engagement activities proposed include preparation of a plain English 'Frequently Asked Questions' information sheet.

Rather than exhibiting the Planning Scheme Amendment for a one-month period - the minimum requirement under the Act, the exhibition period is proposed to be extended to run for six weeks. This two-week extension provides more time for interested parties to become aware of the Amendment and will also provide additional time for people to familiarise themselves with the draft Local Policy content and prepare a submission. The exact dates will be determined subject to the Amendment being authorised by the Minister for Planning.

After the exhibition period is finished, a report will be provided to Council outlining the exhibition process and any submissions received.

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.

Andrew Nield – Planning Coordinator
Daryl Adamson – Manager Shire Strategy and Regulation
Rory Neeson – Director Wellbeing, Planning and Regulation

RECOMMENDATION

That Council:

1. Requests that the Minister for Planning grant Authorisation under Section 8A of the *Planning and Environment Act 1987* to prepare and exhibit a Planning Scheme Amendment to Southern Grampians Planning as identified in Attachment 1 to this report.
2. Upon receiving Authorisation of the Amendment, undertakes exhibition of the Amendment as directed by the Minister.
3. Receives a further report on the Amendment at the conclusion of the exhibition period, considering all submissions received in accordance with Section 22 of the *Planning and Environment Act 1987*.
4. Authorises the Director Wellbeing, Planning and Regulation to make minor editorial and administrative changes to the amendment documents if required.

COUNCIL RESOLUTION

MOVED: Cr Calvano
SECONDED: Cr Malone

That Council:

1. **Requests that the Minister for Planning grant Authorisation under Section 8A of the *Planning and Environment Act 1987* to prepare and exhibit a Planning Scheme Amendment to Southern Grampians Planning as identified in Attachment 1 to this report.**
2. **Upon receiving Authorisation of the Amendment, undertakes exhibition of the Amendment as directed by the Minister.**
3. **Receives a further report on the Amendment at the conclusion of the exhibition period, considering all submissions received in accordance with Section 22 of the *Planning and Environment Act 1987*.**
4. **Authorises the Director Wellbeing, Planning and Regulation to make minor editorial and administrative changes to the amendment documents if required.**

CARRIED

12.9 Endorsement of the Memorandum of Understanding between Hamilton Gallery Foundation and Southern Grampians Shire Council

Directorate:	Chief Executive Office
Report	Tony Doyle (Chief Executive Officer)
Approver:	Joshua White, Gallery Director
Report Author:	Joshua White, Gallery Director
Attachment(s):	1. Final Memorandum of Understanding SGSC and Hamilton Gallery Board [12.9.1 - 7 pages]

Executive Summary

This report seeks Council's endorsement of a Memorandum of Understanding (MoU) between SGSC Council and the Hamilton Gallery Board Ltd. (HGBL). The purpose of this entity and MoU is to raise capital funding to support the development of a new Hamilton Gallery.

Mr Allan Myers AC KC, Mr Gordon Dickinson and Dr Alison Inglis AM were endorsed at the July Council meeting to be the establishing Directors of the Hamilton Gallery Board company and trustees of the associated public ancillary fund. These parties have signed and returned the required documentation.

The Directors have reviewed and agreed to the MoU without change and we seek Council's authority to the CEO to execute and finalise the MoU on behalf of the Council.

Discussion

At the ordinary Council meeting on 10 July, the establishment of Hamilton Gallery Foundation was endorsed with one of the following requirements:

Endorse the draft Memorandum of Understanding between Council and the Hamilton Gallery Board to be taken back to Council for Endorsement.

At this council meeting, Councillors recommended on a specific change to the MoU:
Remove Clause 6 - refers to the Position of Director, Planning and Development – this position no longer exists.

This change has occurred.

Prior to sending to the establishing Directors of the company, Council Officers reviewed the MoU and made minor changes. These changes are outlined below in the table titled, *MoU Variations*.

The Directors, Mr Allan Myers AC KC, Mr Gordon Dickinson and Dr Alison Inglis AC have reviewed the MoU and have agreed to execute the documentation.

The recent history of the development of the Hamilton Gallery Foundation and the MoU.

- In July 2024 Council endorsed the establishment of the Hamilton Gallery Foundation
- In July 2024 Council endorsed the Design tender for the New Hamilton Gallery
- In June 2024 Council budget was endorsed for design of the New Hamilton Gallery
- In February 2024, legal advice was obtained by Officers from Russell Kennedy Lawyers, which determined the best practice and model for a legal entity to attain

private funds for the project, which is the structure recommended previously to Council with draft MoU.

MoU Variations

Several variations to the previous version of this document reviewed by Council were made by officers prior to presentation to the Hamilton Gallery Ltd Board. These are summarised below.

Draft MoU presented to Council July 2024	Alterations in finalised MoU
2. Objectives and intention	
<i>Operation of HG in the new building by the Council.</i>	<i>Operation of HG to be the responsibility of the Council prior to the construction stage of the new gallery, following which a skills-based Company will take responsibility for operations.</i>
4. Roles of the parties, Council will:	
<i>work with the Company to transition programming of HG over a reasonable timeframe to the Company;</i>	<i>Retain ownership of the Hamilton Gallery prior to the construction of the new building;</i>
Previously not stated	<i>will fund the design of the new building, in a two staged process that sees stage two (construction drawings) proceed when fund raising goals are met;</i>
Previously not stated (stated in prior Council report 10 July)	<i>will fund and allocate resources to support the board within their administrative duties;</i>
Previously not stated (stated in prior Council report 10 July)	<i>will fund and allocate resources to support the board in marketing, public relations and developing and delivering a fundraising strategy.</i>
4. Roles of the parties, Council will:	
Previously not stated	<i>Before the commencement of construction of the new building it is intended that a Company will undertake the operations of HG and the ownership of the building, collection and other assets will remain with the Council. Prior to this transition a more detailed agreement will be required.</i>
4. Roles of the parties, Company will:	
Previously not stated	<i>Provide quarterly report to Council on the progress of its fundraising activities.</i>
<i>After completion of the new building, it is intended that the Company will undertake the programming of the HG and the ownership of the building, collection and other assets will remain with the Council. Prior to this</i>	<i>Before the commencement of construction of the new building it is intended that a Company will undertake the operations of HG and the ownership of the building, collection and other assets will remain with the Council. Prior to this transition a more detailed agreement will be required.</i>

<p><i>transition a more detailed agreement covering the programming of HG will be entered into by the parties.</i></p>	
--	--

Financial and Resource Implications

The financial impact that is stated in the MoU is as follows:

Council:

- *will fund and allocate resources to support the board within their administrative duties;*
- *will fund and allocate resources to support the board in marketing, public relations and developing and delivering a fundraising strategy.*

Council will need to fund administrative/marketing support for the Foundation, and it is envisaged this would be a part-time contract role providing several hours per month to administer Board meetings as well as undertake marketing activities and development of Marketing collateral. Rather than seek Council approval for funding at this time, Officers propose we ask the Board to submit a budget proposal to Council for consideration once they are established.

At the July Council meeting the implications of the Foundation Directors compensation was outlined and endorsed.

Council Plan, Community Vision, Strategies and Policies

Support Our Community

1.1 An empowered and connected community

1.1.1 Facilitate opportunities for people to participate in community life, through volunteering, civic leadership, social programs, to enable inclusion, social connection and wellbeing.

Support Our Community

1.2 Support and promote a healthy community

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

1.2.4 Advocate for and work with external services that support our community and deliver outcomes.

Support Our Community

1.3 Grow a diverse and inclusive community

1.3.2 Encourage, support and celebrate a diverse, multicultural community, including celebrating, recognising and respecting our cultural heritage and engaging our Indigenous communities.

1.3.3 Support the increase of social, economic and digital connectedness.

1.3.4 Provide, promote and support appropriate and accessible services, facilities and activities for younger residents.

Support Our Community

1.4 A safe community

1.4.2 Demonstrate leadership in gender equality, cultural diversity and inclusiveness for all.

Legislation

Nil

Gender Equality Act 2020

Our Gallery programs specifically target all demographics. In the last 18 months this has included exhibitions to showcase local female artists, programming specifically targeting all demographics, and *Emerging from Darkness* which featured three female baroque artists.

A Gender Impact Assessment will be completed early in the design process.

Risk Management

The establishment of the Foundation mitigates the projects funding risk. Construction risk will be mitigated through ensuring our design is simple and materials are easily accessible, and also access to a significant contingency through our fund raising. Project Management would be outsourced to a firm experienced in managing major construction projects.

Climate Change, Environmental and Sustainability Considerations

The New Hamilton Gallery will be built to environmental standards and the National Gallery of Victoria has offered support to help limit carbon emissions as they are willing to share their studies and work for their new build in this area.

Community Engagement, Communication and Consultation

Council has undertaken significant engagement already with the development of our Arts and Culture Precinct Plan, and the development of the Hamilton Gallery Strategic Vision Document. Other than targeted engagement with a defined group of stakeholders during the co-design period, we will not undertake further consultation until conceptual plans are available.

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.

Tony Doyle, Chief Executive Officer
Joshua White, Hamilton Gallery Director

RECOMMENDATION

That Council:

1. Approve the Memorandum of Understanding between Southern Grampians Shire Council and the Hamilton Gallery Board Ltd:
2. Authorise the Chief Executive Officer to execute the Memorandum of Understanding and all relevant documentation.

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr Rainsford

That Council:

1. Approve the Memorandum of Understanding between Southern Grampians Shire Council and the Hamilton Gallery Board Ltd:
2. Authorise the Chief Executive Officer to execute the Memorandum of Understanding and all relevant documentation.

CARRIED

12.10 Award of Contract 2024238 Hamilton Transfer Station Bunker – Award of Contract

Directorate: Infrastructure and Sustainability
Report Approver: Juan Donis (Sustainable Community Lead), Marg Scanlon (Director Infrastructure and Sustainability)
Report Author: James Allen, Circular Economy Officer
Attachment(s): 1. 2024238-_ Tender Evaluation Report-_ AS SIGNED [12.10.1 - 7 pages]

Executive Summary

A requirement exists under the Environment Protection Authority (EPA) license for the Hamilton Transfer Station to contain all waste materials on site which is problematic at the Hamilton Transfer Station without enclosed infrastructure and subsequently suitable storage areas are needed to mitigate this immediate risk.

Currently kerbside recycling is transported from the Hamilton Transfer Station to Melbourne for processing via Warrnambool in 30m³ skip bins. This open storage of the lightweight material at the Hamilton Transfer Station contributes, together with wind and bird behaviour, to extensive litter debris on site. The transportation of this material costs Council between \$15,000 - \$20,000 per month or approximately \$200,000 per annum.

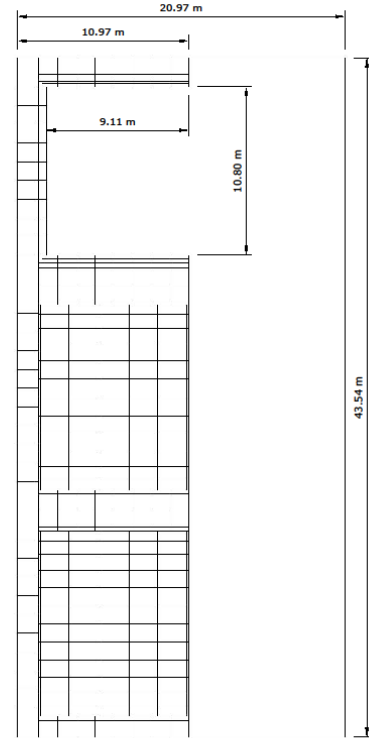
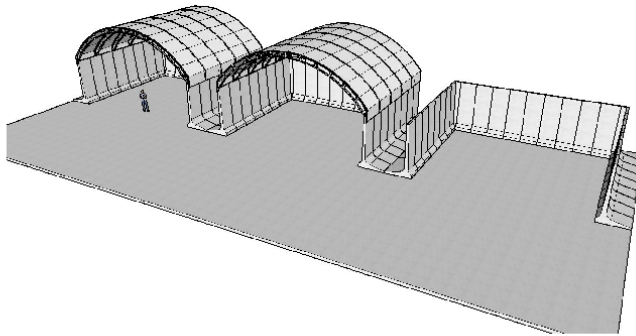
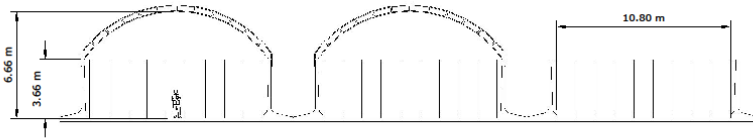
Council secured funding in June 2022 through the Department of Energy, Environment and Climate Action, Regional Recycling Fund Round 1 program for the construction of a 1000m² Waste Separation Shed which would alleviate the Hamilton Transfer Station waste containment issues. Following consecutive shed construction tenders' costs ranged from \$2,100,000 (tender process conducted in September 2023) and \$1,700,000 (February 2024) against a budget of \$1,100,000 (comprising \$600,000 Council and \$500,000 DEECA). A revised project scope was created to better meet budget constraints and rapidly rising construction costs. This project scope included the design and construction of undercover concrete bunker systems sitting on a hardstand.

Discussion

Officers proposed pursuing a separable portion tender for this project. Against an initial Council budget of \$600,000, a Stage 1 construction was proposed to satisfy the immediate need for undercover storage whilst meeting existing budget constraints. That being, three bunkers and hardstand area for loading with concept shown below.

**SOUTHERN GRAMPIANS SHIRE
TRANSFER STATION BUNKER CONCEPT FEB '24**

HUMES L WALL 3.66M PROFILES
BUNKER NOMINAL AREA: 100SQM
HARDSTAND AREA: 900SQM
FRONT CLEARANCE: 10M
APEX HEIGHT: <6.5M



This deliverable would be cost-neutral after three years due to the removal of waste transportation costs.

A Stage 2 construction of an additional three bunkers and hardstand was proposed, yielding a similar floor area specified in the original Waste Separation Shed structure design and therefore mirroring the original project deliverables. This stage will only be delivered pending reinstatement of the original DEECA funding.

A design and construction tender was put to market to select a suitable supplier to deliver both stages of this project. This tender has now closed, and the evaluation has been completed on the Hamilton Transfer Station Concrete Bunker Project.

Two companies submitted conforming bids which were evaluated against the following pre-set evaluation criteria:

Criterion	Percentage
Price	35%
Demonstrated Performance Including Available Resources	20%
Works Methodology	20%
Capacity to Complete in a Timely Manner	15%
Sustainable Procurement – Economic	10%

Results from the above evaluation for the two tender bids are shown below:

Companies	Qualitative Score (%)	Total Price (stage 1&2)	Quantitative Score (%)	Total Score
CivilVic	40.7%	\$1,254,000	50%	90.70%
Tenderer B	34.13%	\$1,389,500	45.12%	79.25%

A detailed confidential procurement report is attached to support this recommendation.

Financial and Resource Implications

Budget from 2023/2024 of \$60,387 was expended on the design development. With the remaining carried forward is \$539,613 for the bunker purchase and installation. This results in an additional \$107,387 to complete the supply and installation of three cells as defined within the report. This funding shortfall will be funded through capital works savings Mitchell Square Toilet and Outdoor Swimming Pool Renewal.

Council Plan, Community Vision, Strategies and Policies

Protect Our Natural Environment

4.3 Sustainable waste management services

4.3.2 Manage waste efficiently to limit costs, reduce waste and grow circular economy.

Legislation

The proposed design will meet all the EPA requirements for waste management and temporary storage.

Gender Equality Act 2020

A gender equity assessment was not necessary for this project.

Risk Management

The Hamilton Transfer Station Shed project has been an ongoing project for the last three years with two failed tender processes due to higher-than-expected costs. Over this time, the EPA have been made aware of Council's intention to deliver an undercover infrastructure project to adequately manage the municipal waste in a compliant manner.

Current municipal waste operations at Hamilton Transfer Station do not satisfy EPA regulations specifically with regard to the on-site containment of waste streams. This leads to waste debris across the site and into neighbouring properties therefore placing Council at high risk of receiving an improvement notice from the EPA.

Delaying this project further could result in more grave consequences as the EPA could serve Council with an improvement notice which could result in ceasing operations until Council contains the waste onsite; this would mean Council will not be able to offer kerbside services.

Climate Change, Environmental and Sustainability Considerations

Climate change, environmental and sustainability considerations have been closely considered in the design brief of this project and the subsequent operational changes. This project forms a critical part of Council's "Waste to Zero" pillar from the Sustainability Strategy

where Council will commit to sending zero recoverable waste to landfill by 2035. Expansion of infrastructure at Hamilton Transfer Station will allow the further separation of waste to create more valuable resource streams moving forward.

Community Engagement, Communication and Consultation

Community consultation and engagement will be undertaken as part of the project's construction phase.

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.

James Allen, Acting Sustainable Community Lead
Bill Scott, Manager, Project Management Office
Marg Scanlon, Director Infrastructure and Sustainability

RECOMMENDATION

That Council;

1. Award contract 2024238 for Hamilton Transfer Station Concrete Bunker Project to CivilVic Pty Ltd for the tendered lump sum price for stage 1 of \$647,000 (ex GST).
2. Authorise the Chief Executive Officer to execute Contract No 2024238 for Hamilton Transfer Station Concrete Bunker Project and any other documents required by or to give effect to the terms of the contract on behalf of Council.

COUNCIL RESOLUTION

MOVED: Cr Malone
SECONDED: Cr Colliton

That Council;

1. **Award contract 2024238 for Hamilton Transfer Station Concrete Bunker Project to CivilVic Pty Ltd for the tendered lump sum price for stage 1 of \$647,000 (ex GST).**
2. **Authorise the Chief Executive Officer to execute Contract No 2024238 for Hamilton Transfer Station Concrete Bunker Project and any other documents required by or to give effect to the terms of the contract on behalf of Council.**

CARRIED

12.11 Award of Contracts 2024171, 2024175, 2024143, 2024179 and 2024153- Supply and Delivery of Various Works Product and Equipment

Directorate: Infrastructure and Sustainability
Report Approver: Marg Scanlon (Director Infrastructure and Sustainability)
Report Author: {author-name} ({position})
Attachment(s): Nil

Executive Summary

Council has recently undertaken five separate procurement processes seeking tenders for the following;

- Contract No. 2024171 Supply and delivery of bitumen products
- Contract No 2024175 Supply and delivery to up to four 72-inch Deck Mowers
- Contract No 2024143 Supply and delivery of one Rear Loader Garbage Truck
- Contract No 2024179 Long Term Dry Hire Supply
- Contract No 2024153 Supply and delivery of one Patrol Truck with Emulsion Sealing Unit

The purpose of this report is to seek Council endorsement to award these respective contracts which provide necessary materials and equipment for the continued delivery of Council maintenance and capital works associated with waste collection, road and parks maintenance.

Discussion

These collective contracts contribute to the continued delivery of capital and maintenance works on Council owned and managed roads, parks and reserves and waste collection. Specifically, these contracts include the following.

Contract No. 2024171 is the supply and delivery of bitumen products for the following 2024/2025 capital works programs;

- Road Rehabilitations will be undertaken on 3 roads (3 road segments)
- Urban Road Reseals will be undertaken on 51 roads (124 road segments)
- Rural Road Reseals will be undertaken on 15 roads (27 road segments)
- Final Seals will be undertaken on 5 roads (7 road segments) and
- supplies for roads listed within the 2023/2024 financial year yet to be completed.

Contract No. 2024175 is the supply and delivery of up to four 72-inch Deck Mowers. These larger scale mowers are used within Council's regional reserves such as Lake Hamilton and the Hamilton Botanic Gardens as well as the outer township roadsides and are subsequently important elements of Council's light fleet.

The recent light fleet procurement did not receive any tenders for electric-powered zero turn mowers with all submitted mowers utilised diesel as the fuel source. As a result, a request for quote process will be undertaken to purchase 1 x 72 inch and 2 x 48 inch electric zero turn mowers

It is recommended that Council endorse the purchase of three 72-inch deck mowers through the tender process, two cab mowers and one zero turn mower, to meet the immediate grounds maintenance needs.

Contract No. 2024143 is the supply and delivery of one Rear Loader Garbage Truck which will be used for general waste collection from township street bins, parks, recreation reserves and roadside rest areas. This truck will be the first Hybrid Garbage truck in operation in Australia which aligns with the defined targets within Council's Draft Sustainability Strategy seeking to reduce Council's operational carbon emissions.

Contract No. 2024179 is the long-term hire of the following equipment which complements Council's heavy fleet and supports Council's continued road maintenance and capital works.

- Smooth Drum Rollers x 3
- Smooth Twin Drum Roller
- Pad Foot Roller
- Multi Wheel Rollers x 3
- Ride on Footpath Scrubber
- Rigid Water Tankers
- Truck Mounted Aggregate Loader/Trommel
- Tipper Truck with Remote Aggregate Spreader Box
- Haulage Tipping Truck & Trailer
- Wheeled Skid Steer Loader
- Grader with Mounted Multi Wheel Roller
- Street Sweeper

Contract No 2024153 is the supply and delivery of one Patrol Truck with an Emulsion Sealing Unit which is a required plant item for the road maintenance and capital works program delivery.

Detailed confidential procurement reports are attached which support the recommendations to award the following contracts.

Contract No. 2024171 Supply and delivery of bitumen products to a panel comprising all four tenderers, Sami Bitumen Technologies Pty Ltd, Sami Bitumen Technologies (Vic) Pty Ltd, Downer EDI Works Pty Ltd and Fulton Hogan Industries Pty Ltd based on a schedule of rates to the value of \$5,000,000 (excl. GST) over 2 financial years.

Contract No 2024175 Supply and delivery of three 72-inch Deck Mowers to John Deere Ltd – Hamilton Brandt to the value of \$201,100 (ex GST) comprising two 72-inch deck cab mowers and one zero-turn 72-inch mower.

Contract No 2024143 Supply and delivery of one Rear Loader Garbage to Bucher Municipal Pty Ltd to the value of \$263,887.71 (ex GST).

Contract No 2024179 Long Term Dry Hire Supply to Conplant Pty Ltd, Civihire Pty Ltd, DIG-R-UP Pty Ltd and Nigmel Pty Ltd based on a schedule of rates to the value of \$529,046 per year for two years (2024/2025 and 2025/2026), totaling \$1,058,092 (ex GST). The contract is to be awarded for two years for \$1,058,092.

Contract No 2024153 Supply and delivery of one Patrol Truck with an Emulsion Sealing Unit to Hino Motor Sales Australia Pty Ltd to the value of \$252,010 (ex. GST).

The respective qualitative scores are as follows;

Contract No. 2024171 Supply and delivery of bitumen products

Tenderer	Qualitative Score (%)
Sami Bitumen Technologies Pty Ltd	27.35%
Sami Bitumen Technologies (Vic) Pty Ltd	28.43%
Downer EDI Works Pty Ltd	29.42%
Fulton Hogan Industries Pty Ltd	32.14%

Contract No 2024175 Supply and delivery of three 72-inch Deck Mowers

Tenderer	Mower	Qualitative Score (%)	Price	Quantitative Score (%)	TOTAL SCORE
Tenderer 1	Mower 1	35.0%	\$74,562.80	20.1%	55.1%
Tenderer 2	Mower 2	39.0%	\$45,000.00	30.0%	69.0%
John Deere Ltd – Hamilton Brandt	Mower 1	45.0%	\$77,500.00	19.4%	64.4%
	Mower 2	45.0%	\$76,000.00	19.7%	64.7%
	Mower 3	45.0%	\$49,100.00	27.5%	72.5%
	Mower 4	45.0%	\$52,800.00	25.6%	70.6%

Contract No 2024143 Supply and delivery of one Rear Loader Garbage

Tenderer	Qualitative Score (%)	Price	Quantitative Score (%)	TOTAL SCORE
Tenderer 1	36.0%	\$279,000.00	37.8%	73.8%
Bucher Municipal	44.0%	\$263,887.71	40.0%	84.0%

Contract No 2024179 Long Term Dry Hire Supply
Conplant Pty Ltd

Plant Item	Unit Make and Model	Proposed Hire Period	Price per Period		Total Estimated Cost	Award Based
		Weeks	Year 1	Year 2		
Smooth Drum Roller	Wacker Neuson RC130-2	52	\$ 39,000.00	\$ 39,000.00	\$78,000.00	Highest Score
Smooth Drum Roller	Wacker Neuson RC130-2	20	\$ 15,000.00	\$ 15,000.00	\$30,000.00	Highest Score
Smooth Drum Roller	Caterpillar CS12GC	20	\$ 15,000.00	\$ 15,000.00	\$30,000.00	Highest Score
Smooth Drum Twin Roller	Wacker Neuson RD27-120	10	\$ 4,000.00	\$ 4,000.00	\$ 8,000.00	Highest Score
Pad Foot Roller	Wacker Neuson RC130-2P	6	\$ 4,500.00	\$ 4,500.00	\$ 9,000.00	Highest Score
Multi Wheel Roller	Hamm HP180	52	\$ 41,600.00	\$ 41,600.00	\$83,200.00	Highest Score
Multi Wheel Roller	Hamm HP180	52	\$ 41,600.00	\$ 41,600.00	\$83,200.00	Highest Score
Multi Wheel Roller	Hamm HP180	20	\$ 16,000.00	\$ 16,000.00	\$32,000.00	Highest Score
			\$176,700.00	\$176,700.00	\$353,400.00	

Civihire Pty Ltd

Plant Item	Unit Make and Model	Propose d Hire Period	Price per Period		Total Estimated Cost	Award Based
		Weeks	Year 1	Year 2		
Rigid Water Tanker	Hino FM2632	52	\$101,400.00	\$ 101,400.00	\$202,800.00	Highest Score
Rigid Water Tanker	Hino FM2632	52	\$101,400.00	\$ 101,400.00	\$202,800.00	Highest Score
Rigid Water Tanker	Hino FM2632	20	\$ 39,000.00	\$ 39,000.00	\$ 78,000.00	Highest Score
Haulage Tipping Truck and Trailer	Volvo FM540	20	\$ 52,000.00	\$ 52,000.00	\$104,000.00	Highest Score
			\$293,800.00	\$293,800.00	\$587,600.00	

DIG-R-UP Pty Ltd

Plant Item	Unit Make and Model	Propose d Hire Period	Price per Period		Total Estimated Cost	Award Based
		Weeks	Year 1	Year 2		
Tipper- Remote Aggerate Spreader Box	Mack CHR	16	\$ 38,400.00	\$ 38,400.00	\$ 76,800.00	Highest Score

Nigmel Pty Ltd

Plant Item	Unit Make and Model	Propose d Hire Period	Price per Period		Total Estimated Cost	Award Based
		Weeks	Year 1	Year 2		
Wheeled Skid Steer Loader	Case #58 SR150	52	\$ 20,146.00	\$ 20,146.00	\$ 40,292.00	Highest Score

Contract No 2024153 Supply and delivery of one Patrol Truck with an Emulsion Sealing Unit

Tenderer	Qualitative Score (%)	Price	Quantitative Score (%)	TOTAL SCORE
Hino	45.0%	\$252,010.00	40.0%	85%
Tenderer 2	45.0%	\$268,071.91	37.6%	82.6%

Financial and Resource Implications

The award of these contracts will be managed within the existing budget allocations, noting a total budget position of \$7,920,000 and the total award of \$6,716,997.71 across the five contracts resulting in a saving of \$1,203,002.29.

Item/s	Budget (Excl GST)	Tender (Excl GST)	Variance (Excl GST)
Contract No. 2024171 – Bitumen Products	\$2,500,000 (Per year x 2 years)	\$2,516,657.18 (1 st year)	\$0 (year one)

Contract No 2024175 – deck Mowers	\$320,000	\$201,100	+\$118,900 (Under budget)
Contract No 2024143 – Garbage Truck	\$250,000	\$263,887.71	-\$13,887.71 (Over budget)
Contract No 2024179 – Dry Hire	\$1,000,000 (Per year)	\$529,046 (Per year)	+ \$941,908 (Under budget)
Contract No. 2024153 - Patrol Truck	\$350,000	\$252,010	+\$97,990 (Under budget)

Council Plan, Community Vision, Strategies and Policies

Maintain and Renew Our Infrastructure

3.1 Plan and maintain sustainable assets and infrastructure

3.1.2 Maintain infrastructure to the agreed standard and ensure the principles of sustainability and universal design are considered in the planning and development of infrastructure to support community access and connection meeting the needs of the communities.

Protect Our Natural Environment

4.3 Sustainable waste management services

4.3.2 Manage waste efficiently to limit costs, reduce waste and grow circular economy.

Legislation

The key legislative requirement relating to Capital Works Program reporting is defined within the *Local Government Act 2020* and *Road Management Act Revised 2022*. Work in specific areas relate to various legislative requirements such as the *Environment Protection Act 2017*.

Gender Equality Act 2020

There are no implications for the *Gender Equality Act 2020*.

Risk Management

The risks associated with this work have been assessed and the predominant risk is hire plant breakdown and inability to replace them, however contractors have committed to supplied maintenance and service requirements.

Climate Change, Environmental and Sustainability Considerations

Council's Draft Sustainability Strategy has been an important guide for the development of these tenders and the recommendations present to Council. There are opportunities through the selection and operation of the nominated materials and plant to reduce Council's carbon emissions.

These recent procurement processes provided the opportunity for local providers to submit tenders and the recommendations include contract awards to two providers within the Southern Grampians Shire.

Community Engagement, Communication and Consultation

Council's maintenance and capital works are promoted through Council's standard media streams on a regular basis. These contracts were promoted and published through eprocure.

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.

The respective officers involved in providing advice or approving this Report are listed within the respective confidential Procurement Evaluation Reports.

RECOMMENDATION

That Council;

1. Award Contract No. 2024171 Supply and delivery of bitumen products to a panel comprising all four tenderers, Sami Bitumen Technologies Pty Ltd, Sami Bitumen Technologies (Vic) Pty Ltd, Downer EDI Works Pty Ltd and Fulton Hogan Industries Pty Ltd based on a schedule of rates to the value of \$5,000,000 (excl. GST) over 2 financial years.
2. Award Contract No 2024175 Supply and delivery of three 72-inch Deck Mowers to John Deere Ltd – Hamilton Brandt to the value of \$201,100 (ex GST) comprising two 72-inch deck cab mowers and one zero-turn 72-inch mower.
3. Award Contract No 2024143 Supply and delivery of one Rear Loader Garbage to Bucher Municipal Pty Ltd to the value of \$263,887.71 (ex GST).
4. Award Contract No 2024179 Long Term Dry Hire Supply to Conplant Pty Ltd, Civihire Pty Ltd, DIG-R-UP Pty Ltd and Nigmel Pty Ltd based on a schedule of rates to the value of \$529,046 per year for two years (2024/2025 and 2025/2026), totaling \$1,058,092 (ex GST). The contract is to be awarded for two years for \$1,058,092.
5. Award Contract No 2024153 Supply and delivery of one Patrol Truck with an Emulsion Sealing Unit to Hino Motor Sales Australia Pty Ltd to the value of \$252,010 (excl. GST) and
6. Authorise the Chief Executive Officer to execute Contract No's 2024171, 2024175, 2024143, 2024179 and 2024153 and any other documents required by or to give effect to the terms of these contracts on behalf of Council.

COUNCIL RESOLUTION

MOVED: Cr Calvano
SECONDED: Cr Rainsford

That Council;

- 1. Award Contract No. 2024171 Supply and delivery of bitumen products to a panel comprising all four tenderers, Sami Bitumen Technologies Pty Ltd, Sami Bitumen Technologies (Vic) Pty Ltd, Downer EDI Works Pty Ltd and Fulton Hogan Industries Pty Ltd based on a schedule of rates to the value of \$5,000,000 (excl. GST) over 2 financial years.**
- 2. Award Contract No 2024175 Supply and delivery of three 72-inch Deck Mowers to John Deere Ltd – Hamilton Brandt to the value of \$201,100 (ex GST) comprising two 72-inch deck cab mowers and one zero-turn 72-inch mower.**
- 3. Award Contract No 2024143 Supply and delivery of one Rear Loader Garbage to Bucher Municipal Pty Ltd to the value of \$263,887.71 (ex GST).**
- 4. Award Contract No 2024179 Long Term Dry Hire Supply to Conplant Pty Ltd, Civihire Pty Ltd, DIG-R-UP Pty Ltd and Nigmel Pty Ltd based on a schedule of rates to the value of \$529,046 per year for two years (2024/2025 and 2025/2026), totaling \$1,058,092 (ex GST). The contract is to be awarded for two years for \$1,058,092.**
- 5. Award Contract No 2024153 Supply and delivery of one Patrol Truck with an Emulsion Sealing Unit to Hino Motor Sales Australia Pty Ltd to the value of \$252,010 (excl. GST) and**
- 6. Authorise the Chief Executive Officer to execute Contract No's 2024171, 2024175, 2024143, 2024179 and 2024153 and any other documents required by or to give effect to the terms of these contracts on behalf of Council.**

CARRIED

12.12 Audit and Risk Committee Charter

Directorate: People and Performance
Report Darren Barber, Director People and Performance
Approver: Darren Barber, Director People and Performance
Report Author: Darren Barber, Director People and Performance

Attachment(s): 1. Audit Risk Committee Charter 2024 - 14 August 2024 [12.12.1 - 8 pages]

Executive Summary

The *Local Government Act 2020* (the Act) requires that Council must prepare and adopt an Audit and Risk Committee Charter.

Discussion

The requirement to provide this report was established under Division 8, Section 54 of the Act and specifies that the Audit and Risk Committee Charter must specify functions and responsibilities of the Audit and Risk Committee.

An Audit and Risk Committee must undertake an annual assessment of its performance against the Audit and Risk Committee Charter.

The current Audit and Risk Committee Charter was adopted by Council on 10 August 2022, this allowed for the Charter to be updated to include the changes under the Act. The Charter is scheduled to be reviewed at least once every two years.

The Committee provided feedback on the Charter which has been updated to reflect these changes:

- Addition of the word Compliance to Item f) under **the Authority heading**
- Removal of '*unless otherwise determined by the Chairperson of the Committee*' under **the Council Members heading**
- General formatting of the document.

Financial and Resource Implications

There is a budget provided for the Audit and Risk Committee and relating items.

Council Plan, Community Vision, Strategies and Policies

Provide Strong Governance and Leadership

- 5.1 Transparent and accountable governance
 - 5.1.1 Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting the role.
 - 5.1.2 Ensure flexible and transparent decision making through open and accountable governance.
 - 5.1.3 Build social policy and strategy to improve equity, inclusion and diversity within the Shire.

Legislation

The *Local Government Act 2020*, section 54(1) requires Council to prepare and approve an Audit and Risk Committee Charter and specify the functions and responsibilities as stated in section 54(2).

Gender Equality Act 2020

There are no Gender Equality Act implications as part of this Charter.

Risk Management

Risk management is an integral function of the Audit and Risk Committee. The Audit and Risk Committee Charter provides the governance framework for the committee to perform its functions under the Local Government Act

Climate Change, Environmental and Sustainability Considerations

There are no implications for Climate Change, Environmental and Sustainability considerations with the review of this survey.

Community Engagement, Communication and Consultation

Extensive consultation has been conducted with the committee and responses taken into consideration as part of this report.

Community engagement is not required for this report

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.

Juan Donis, Acting Director People and Performance

RECOMMENDATION

That the Council adopt the updated Audit & Risk Committee Charter.

COUNCIL RESOLUTION

MOVED: Cr Colliton
SECONDED: Cr Malone

That the Council adopt the updated Audit & Risk Committee Charter.

CARRIED

12.13 Audit and Risk Committee Bi-Annual Self Assessment

Directorate: People and Performance
Report Approver: Darren Barber (Director People and Performance)
Report Author: Nadine Rhook, Executive Assistant to Director People and Performance
Darren Barber, Director People and Performance

Attachment(s): 1. ARC Self Assessment Survey Results - May 2024 [12.13.1 - 51 pages]

Executive Summary

The *Local Government Act 2020* (the Act) requires that an Audit and Risk Committee undertake a bi-annual assessment of its performance against the Audit and Risk Committee Charter and prepare a biannual audit and risk report that describes the activities of the Audit and Risk Committee, including its findings and recommendations.

Discussion

The requirement to provide this report was established under Division 8, Section 54 of the Act 2020 and specifies that a copy of the biannual assessment be provided to the Chief Executive Officer for tabling at the next available Council meeting.

The survey results have been provided for the Audit & Risk Committee - 13 August 2024 meeting for discussion and will form the basis of the above mentioned report to the Chief Executive Officer as required by the Act.

Financial and Resource Implications

There is a budget provided for the Audit and Risk Committee and relating items.

Council Plan, Community Vision, Strategies and Policies

Provide Strong Governance and Leadership

- 5.1 Transparent and accountable governance
 - 5.1.1 Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting the role.
 - 5.1.2 Ensure flexible and transparent decision making through open and accountable governance.
 - 5.1.3 Build social policy and strategy to improve equity, inclusion and diversity within the Shire.

Legislation

The *Local Government Act 2020*, Section 54, Item (5) requires an Audit and Risk Committee to undertake a bi-annual assessment of its performance against the Audit and Risk Committee Charter.

Gender Equality Act 2020

There are no Gender Equality Act implications as part of this survey.

Risk Management

The Audit and Risk Bi-Annual Survey is a tool designed to assess the performance of the committee over 50 targeted questions including internal controls and compliance to regulatory obligations.

Climate Change, Environmental and Sustainability Considerations

There are no implications for Climate Change, Environmental and Sustainability considerations with the review of this survey.

Community Engagement, Communication and Consultation

This is an internal process and consultation has been undertaken with the committee in relation to the assessment results.

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.

Juan Donis – Acting Director People and Performance

RECOMMENDATION

That Council receive the Audit and Risk Committee Self Assessment survey results as required by the Act.

COUNCIL RESOLUTION

MOVED: Cr Malone
SECONDED: Cr Brown

That Council receive the Audit and Risk Committee Self Assessment survey results as required by the Act.

CARRIED

12.14 Audit & Risk Committee Meeting Minutes - 13 August 2024

Directorate: People and Performance
Report Approver: Darren Barber, Director People and Performance
Report Author: Nadine Rhook, Executive Assistant Director People and Performance
Attachment(s): 1. 13-08-2024 - ARC Minutes - Final [12.14.1 - 13 pages]

Executive Summary

The Minutes from the 13 August 2024 meeting as endorsed by the Audit and Risk Committee (ARC) are presented to Council for adoption.

Discussion

Under Section 53 of the *Local Government Act 2020* the Council must establish an Audit and Risk Committee, as an Advisory Committee of the Council. This Committee fulfils both a statutory and consultative function. It provides feedback, advice and direction to Council on both Risk and Financial matters in accordance with the committee charter.

Financial and Resource Implications

Preparation of reports, agenda and minutes of the Audit and Risk Meeting utilises Council resources. Council Officers and Chief Executive Officer attend the Audit and Risk Committee meeting to present reports and provide information to the committee.

Independent members of the Audit and Risk Committee are paid a sitting fee as members of the Committee and internal auditors are engaged to conduct audits in accordance with the endorsed audit schedule throughout the year.

Council Plan, Community Vision, Strategies and Policies

Provide Strong Governance and Leadership

- 5.1 Transparent and accountable governance
- 5.1.1 Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting the role.

Provide Strong Governance and Leadership

- 5.3 Committed and skilled staff
- 5.3.1 Encourage an organisation that values equality, diversity, workplace health, safety and wellbeing.

Legislation

The Audit and Risk Committee is established in accordance with the *Local Government Act 2020* (Section 53).

Gender Equality Act 2020

There are no *Gender Equality Act 2020* implications through the noting of the Audit and Risk Committee minutes.

Risk Management

The Audit and Risk Committee has clear function in review of Councils Risks as per the Committee Charter.

Climate Change, Environmental and Sustainability Considerations

Whilst there is no direct implication in this category associated with the report, it should be noted that Council and the committee are committed to producing documentation and data through systems that have the least impact in the environment. Agendas, reports and minutes are produced electronically and distributed via email. Presenters are encouraged to attend meetings virtually to reduce the need for travel.

Community Engagement, Communication and Consultation

Changes in membership will be communicated to the relevant stakeholders when a change in membership has occurred.

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.

Darren Barber, Director People and Performance
Nadine Rhook, Executive Assistant Director People and Performance

RECOMMENDATION

That Council note the Minutes for the Audit and Risk Committee Meeting held on 13 August 2024.

COUNCIL RESOLUTION

MOVED: Cr Malone
SECONDED: Cr Rainsford

That Council note the Minutes for the Audit and Risk Committee Meeting held on 13 August 2024.

CARRIED

12.15 Caretaker Delegation - S5 Instrument of Delegation

Directorate:	Chief Executive Office
Report Approver:	Tony Doyle (Chief Executive Officer)
Report Author:	Lisa Grayland, Acting Governance Coordinator
Presenter(s):	Tony Doyle, Chief Executive Officer
Attachment(s):	1. Instrument of Delegation Council to CEO Election Period 45068891 1 (1) [12.15.1 - 4 pages]

Executive Summary

Section 11 of the *Local Government Act 2020* (the Act) empowers Council to delegate various duties, functions and powers to the Chief Executive Officer (CEO).

The s5 Instrument of delegation has been reviewed to ensure business continuity for operations of Council could continue during the 2024 Election Caretaker Period. Caretaker period is from midday 17 September- to 6pm 26 October 2024.

Discussion

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

The Instrument of Delegation from Council to the Chief Executive Officer was made in March 2023. Through this Delegation, Council delegates all of its powers to the CEO with a few exceptions which are detailed in the attached Instrument. During the Election period, it is therefore essential to ensure that business continuity is maintained and continued and certain restrictions.

Under the Act during caretaker period Council cannot enter into a contract the total value exceeding the greater of 1 per cent of the Council's revenue from rates and charges levied in the preceding financial year.

The attached Instrument has been updated and is provided to Council for review and consideration for CEO delegations during the 2024 Caretaker period –

- The CEO financial delegation for awarding a contract or variations has been increased from \$150,000 to \$230,000

There are a number of contracts that will need to be monitored during this period for works and services. Delays in the awarding variations of contracts may result in additional cost to Council and delays to works and services for the community.

Details of contracts due for consideration during the Caretaker period are:

- 010-23 -Melville Oval Upgrade
- 15-21 - Cox Street Upgrade
- 50-22- Hamilton Industrial Park
- 068-23- CBD upgrade and renewal design
- 2023090- Council Flood asset restoration (REPA)
- 2021110- Hamilton Outdoor Pool renewal works
- 2024238- Hamilton Transfer Station bunkers

Following the Election Period, a report will be provided to Council at the next practicable Council meeting outlining any variations approved under this instrument of delegation.

Financial and Resource Implications

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

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

Council Plan, Community Vision, Strategies and Policies

Provide Strong Governance and Leadership

5.1 Transparent and accountable governance

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

5.1.2 Ensure flexible and transparent decision making through open and accountable governance.

Legislation

Section 11(1)(b) of the Act sets out the context in which Council and the Chief Executive Officer can, by Instrument of Delegation, delegate to members of Council staff any power, duty or function under the Act, other than certain specified powers. These delegations allow the relevant Council staff to undertake specific functions and duties in line with their positions

Gender Equality Act 2020

The adoption of this Instrument does not have any direct gender implications.

Risk Management

The approval of a revised Instrument of Delegation to the Chief Executive Officer ensures that the core operational functions of the Council are not impeded.

It is essential that in this unprecedented time, a variation to the Instrument is endorsed to ensure Council operations are maintained and continue during the caretaker.

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

Climate Change, Environmental and Sustainability Considerations

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

Community Engagement, Communication and Consultation

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

The Instrument is available for viewing on Council's website and is also available for public inspection.

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

Disclosure of Interests

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

Lisa Grayland, Acting Governance Coordinator
Tony Doyle, Chief Executive Officer

RECOMMENDATION

That Council resolves that:

- a) They be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached *s5 Instrument of Delegation to the Chief Executive Officer* subject to the conditions and limitations specified in that Instrument.
- b) The instrument comes into force immediately the common seal of Council is affixed to the instrument.
- c) On the coming into force of the instrument all previous delegations to the Chief Executive Officer under previous s5 Instruments are revoked and the CEO financial delegation for awarding a contract or variations will be increased from \$150,000 to \$230,000.
- d) The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
- e) It is noted that the instrument includes a power of delegation to members of Council staff in accordance with section 98(3) of the Act.
- f) This delegation is made specifically to address the unknown impacts of the 2024 Election Caretaker period.
- g) This delegation is referred back to Council following the Election Period at the next practicable council meeting outlining any variations approved under this instrument of delegation.

MOTION

MOVED: Cr Calvano
SECONDED: Cr Malone

That Council resolves that:

- a) They be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached *s5 Instrument of Delegation to the Chief Executive Officer* subject to the conditions and limitations specified in that Instrument.
- b) The instrument comes into force immediately the common seal of Council is affixed to the instrument.
- c) On the coming into force of the instrument all previous delegations to the Chief Executive Officer under previous s5 Instruments are revoked and the CEO financial delegation for awarding a contract or variations will be increased from \$150,000 to \$230,000.
- d) The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
- e) It is noted that the instrument includes a power of delegation to members of Council staff in accordance with section 98(3) of the Act.
- f) This delegation is made specifically to address the unknown impacts of the 2024 Election Caretaker period.
- g) This delegation is referred back to Council following the Election Period at the next practicable council meeting outlining any variations approved under this instrument of delegation.

AMENDMENT

MOVED: Cr Calvano
SECONDED: Cr Malone

That Council resolves that:

- a) They be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached *s5 Instrument of Delegation to the Chief Executive Officer* subject to the conditions and limitations specified in that Instrument.
- b) The instrument comes into force immediately the common seal of Council is affixed to the instrument.

- c) On the coming into force of the instrument all previous delegations to the Chief Executive Officer under previous s5 Instruments are revoked and the CEO financial delegation for awarding a contract or variations will be increased from \$150,000 to \$230,000.
- d) The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
- e) It is noted that the instrument includes a power of delegation to members of Council staff in accordance with section 98(3) of the Act.
- f) This delegation is made specifically to address the unknown impacts of the 2024 Election Caretaker period.
- g) This delegation revert back to the current s5 Instrument of Delegation dated 8 March 2023 at the first Council Meeting following the declaration of the poll outlining any variations approved under this instrument of delegation..

The AMENDMENT was included in the MOTION as an alteration.

COUNCIL RESOLUTION

MOVED: Cr Calvano
SECONDED: Cr Malone

That Council resolves that:

- a) They be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached *s5 Instrument of Delegation to the Chief Executive Officer* subject to the conditions and limitations specified in that Instrument.
- b) The instrument comes into force immediately the common seal of Council is affixed to the instrument.
- c) On the coming into force of the instrument all previous delegations to the Chief Executive Officer under previous s5 Instruments are revoked and the CEO financial delegation for awarding a contract or variations will be increased from \$150,000 to \$230,000.
- d) The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
- e) It is noted that the instrument includes a power of delegation to members of Council staff in accordance with section 98(3) of the Act.
- f) This delegation is made specifically to address the unknown impacts of the 2024 Election Caretaker period.

- g) This delegation revert back to the current s5 Instrument of Delegation dated 8 March 2023 at the first Council Meeting following the declaration of the poll outlining any variations approved under this instrument of delegation.**

CARRIED

12.16 Review of s11A Instrument of Appointment and Authorisation

Directorate: Chief Executive Office
Report Approver: Tony Doyle (Chief Executive Officer)
Report Author: Lisa Grayland, Acting Governance Coordinator
Attachment(s): 1. Draft - S 11 A - Instrument of Appointment (P E Act) - August 2024 [12.16.1 - 2 pages]

Executive Summary

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

The s11A Instrument of Appointment and Authorisation appoints Council staff to be authorised under the *Planning and Environment Act 1987* (the Act) and allows them to fully discharge their duties and responsibilities under that Act.

The s11A Instrument of Appointment and Authorisation has been updated to reflect recent staffing changes and is attached for Council consideration.

Discussion

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

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

S11A Instrument of Appointment and Authorisation

The s11A Instrument of Appointment and Authorisation:

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

The previous Authorisation needs to be updated due to staff changes in the Planning Team, two officers have been added and three officers have been removed.

As with the delegations under the Act these appointments and authorisations must be made by Council and are not delegated by the CEO.

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

Financial and Resource Implications

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

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

Council Plan, Community Vision, Strategies and Policies

Provide Strong Governance and Leadership

5.1 Transparent and accountable governance

5.1.2 Ensure flexible and transparent decision making through open and accountable governance.

Legislation

Section 147(4) of the *Planning and Environment Act 1987* appoints officers to be authorised officers for the purposes of the Act and regulations made under the Act.

Section 313 of the *Local Government Act 2020* authorises the officers either generally or in a particular case to institute proceedings for offences against the Act and regulations described in the s11A Instrument of Appointment and Authorisation.

Gender Equality Act 2020

The adoption of this Instrument does not have any direct gender implications.

Risk Management

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

Climate Change, Environmental and Sustainability Considerations

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

Community Engagement, Communication and Consultation

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

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

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.

Lisa Grayland, Acting Governance Coordinator

RECOMMENDATION

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

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

COUNCIL RESOLUTION

MOVED: Cr Brown
SECONDED: Cr Colliton

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

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

CARRIED

12.17 Christmas Holiday Closure - Council Offices

Directorate: People and Performance
Report Approver: Darren Barber, Director People and Performance
Report Author: Darren Barber, Director People and Performance

Attachment(s): Nil

Executive Summary

Council can elect to close workplaces during the period between Christmas and New Year. It is recommended that Council workplaces close for the Christmas/New Year break from 2:00pm on Tuesday 24 December 2024 and reopen 8:30am on Thursday 2 January 2025.

Discussion

Council's current Enterprise Bargaining Agreement states that if Council decides to close workplaces over the period between Christmas and New Year, at least one month's notice must be provided to staff. Staff can then elect to take leave over this time, or work on the non-public holiday days with permission from their Manager/Supervisor as agreed with their direct supervisor. The other three days of closure are public holidays.

As Council is aware, some services will continue to operate during the Christmas/New Year period. Operation days and times will be advertised through traditional media and social media closer to the time.

Financial and Resource Implications

Services required to operate during this time will have rostered staff to meet any demands over this period.

There are no financial implications as the budget provides for salaries and wages.

The office closure supports staff utilising their leave entitlements to minimise any outstanding staff leave balances. This reduces Council's leave liability and supports wellbeing.

Council Plan, Community Vision, Strategies and Policies

Provide Strong Governance and Leadership

5.3 Committed and skilled staff

5.3.1 Encourage an organisation that values equality, diversity, workplace health, safety and wellbeing.

5.3.2 Invest and shape Council as a learning and agile organisation to promote the region as a workplace of choice.

Legislation

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

Gender Equality Act 2020

There are no *Gender Equality Act 2020* implications as a result of this briefing.

Risk Management

Not applicable.

Climate Change, Environmental and Sustainability Considerations

Not Applicable.

Community Engagement, Communication and Consultation

Staff will be notified via email and Teams messages, and details will also be published in the staff Exchange Newsletter.

The Community will be notified via traditional media and social media.

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.

Juan Donis, Acting Director People and Performance

RECOMMENDATION

That Council notes the Christmas Holiday Closure of Council's Offices from 2:00pm on Tuesday 24 December 2024 and reopening at 8.30am on Thursday 2 January 2025.

COUNCIL RESOLUTION

MOVED: Cr Calvano
SECONDED: Cr Rainsford

That Council notes the Christmas Holiday Closure of Council's Offices from 2:00pm on Tuesday 24 December 2024 and reopening at 8.30am on Thursday 2 January 2025.

CARRIED

13 Notices of Motion

13.1 Notice of Motion #3/24 - Cr Rainsford - Southern Grampians VicGrid Submission

Councillor: Cr Rainsford

Attachment(s): Nil

I hereby give notice of my intention to move the following motion at the Council Meeting to be held on 11 September 2024

MOTION

MOVED: Cr Rainsford

That Southern Grampians Shire Council in partnership with landholders and communities prepare a submission to the State Government's VICGRID consultation developing the Victorian Transmission Plan and Renewable Energy Zones, with information on this project located on www.energy.vic.gov.au.

MOTION lapsed for want of a SECONDER

13.2 Notice of Motion #4/24 - Cr Rainsford - Hamilton CBD
Footpath Street Cleaning Machine

Councillor: {use-custom-field-councillor-do-not-remove}

Attachment(s): Nil

I hereby give notice of my intention to move the following motion at the Council Meeting to be held on 11 September 2024.

MOTION

That Southern Grampians Shire Council investigate utilising a footpath cleaning machine to manage street tree litter to improve the management of trees which provide shelter and beautification of our CBD.

This motion was withdrawn by Cr Rainsford

13.3 Notice of Motion #5/24 - Cr Rainsford - Hamilton CBD
Tree Lighting Extension

Councillor: Cr Rainsford

Attachment(s): Nil

I hereby give notice of my intention to move the following motion at the Council Meeting to be held on 11 September 2024.

MOTION

MOVED: Cr Rainsford

That Southern Grampians Shire Council investigate extending street tree lighting beyond the current section of Gray Street to include all Gray Street and sections of Thompson and Brown Streets in the Hamilton CBD.

MOTION lapsed for want of a SECONDER

13.4 Notice of Motion #6/24 - Cr Rainsford - Making
Technical and Condition Reports Public

Councillor: {use-custom-field-councillor-do-not-remove}

Attachment(s): Nil

I hereby give notice of my intention to move the following motion at the Council Meeting to be held on 11 September 2024.

MOTION

MOVED: Cr Rainsford

That Southern Grampians Shire Council make all the technical and condition reports relating to decisions on community assets public. These would include:

- 1. The November 2022 Public Amenities Report presented at a Briefing and quoted in the December 2023 Council Meeting decision to note the closure and demolition of the 45 Memorial Road Glenthompson Public Facility**
- 2. Any Southern Grampians Swimming Pool Technical and Condition Reports presented at Council Briefings which form the decision making of Council on these community assets. (ie JWC Swimming Pool Dec 2023 report and subsequent reports).**

MOTION lapsed for want of a SECONDER

14 Urgent Business

There was no Urgent Business listed on tonight's agenda.

15 Mayor, Councillors and Delegate 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 and delegates committees, advocacy on behalf of constituents and other topics of significance.

15.1 Cr Malone

No report provided.

15.2 Cr Brown

Cr Brown provided a verbal report which can be viewed in the livestream of the Meeting on Council's Facebook page.

15.3 Cr Calvano

No report provided.

15.4 Cr Colliton

No report provided.

15.5 Cr Rainsford

Cr Rainsford provided the following report:

'21 August Attended the Commemorative Service celebrating the life and work of local artist Beth Wilkinson who had a long history in local business, support for business, community and art. Fund raising. At times donating the excellent art work for raffles and selling tickets. Condolences to family and friends.

21 August Southern Grampians Council Briefing

23/24/25 August Dunkeld Writers Festival which was a well attended and extremely enjoyable and rewarding event. Congratulations to Dunkeld Community.

28 August Councillor Meeting CEO Review

1st September Brian and I attended a farming community event at the Bunyip Hotel Cavendish. Organised by local agricultural contractor Wayne Vearing with a large list of local contractors. Thanks to all. It was a great event and provided relief to local farmers experiencing this green drought.

2nd September Branxholme Public Hall Committee of Management meeting

4th September SGS Council Briefing

9th September Hamilton Showgrounds Advisory Committee meeting which accepted the resignation of a member Mr Patrick Holt and thanked them for their contribution. Identified small and larger priority projects from the Masterplan which included a permanent BBQ area for community groups and the multipurpose building within the development zone off Horner

Street. We received an update on the new P & A Big Build on Shakespeare Street and the success of this site with ongoing work required on occupancy. The committee received a report on parking during the recent Sheepvention Rural Expo which supported work outlined in the Masterplan to improve parking and access to events.

9th September attended the Lakes Edge Development project presentation and meet and greet reinforcing the potential of increasing our housing, childcare facilities and population.'

15.6 Cr Robertson - Report Given

Cr Robinson provided the following report:

*'12 August Opening of Corriedale lane mural
15 August Williamson Leadership presentation Warrnambool
16 August Meeting with Lake Edge developers
19 August Stand for council meeting
29 August Meeting with prospective developers of Quest Apartments
30 August Meeting with Senator Raff Ciccone
5 September Opening of Croquet Club new season'*

16 Confidential Reports

RECOMMENDATION

That the following items be considered in Closed Council as specified in section 66(2)(a) and referenced in section 3(1), (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

COUNCIL RESOLUTION

MOVED: Cr Colliton
SECONDED: Cr Brown

That the following items be considered in Closed Council as specified in section 66(2)(a) and referenced in section 3(1), (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

CARRIED

16.1 Melville Oval Facilities Upgrade Finance

16.2 CEO Performance Review

17 Close of Meeting

Meeting closed at 9:05 pm.

Confirmed by resolution 9 October 2024.

.....
Chairman