



Southern Grampians
SHIRE COUNCIL

Council Meeting Agenda

Ordinary Meeting
8 April 2020

To be held at 5.30pm in the Council
Chambers at 5 Market Place, Hamilton

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1. Membership

Councillors

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

Officers

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

2. Acknowledgement of Country

3. Prayer

4. Apologies

5. Confirmation of Minutes

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 11 March 2020 be confirmed as a correct record of business transacted.

That the Minutes of the Special Meeting of Council held on 1 April 2020 be confirmed as a correct record of business transacted.

6. Declaration of Interest

7. Questions on Notice

Questions from the public must be submitted prior to the commencement of Council Meetings.

All questions must be submitted through completion of the Public Question Time form, and be forwarded to the Chief Executive Officer at 111 Brown Street, Hamilton. All questions must be received by no later than 5pm on the Monday before the Ordinary Meeting of Council.

Questions must:

1. Not pre-empt debate on any matter listed on the agenda of the Ordinary Meeting at which the question is asked
2. Not refer to matters designated as confidential under the Local Government Act 1989.
3. Be clear and unambiguous and not contain argument on the subject.
4. Not be derogatory, defamatory or embarrassing to any Councillor, member of staff, ratepayer or member of the public, nor relate to a matter beyond the power of Council.

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

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

There are no Questions on Notice listed on tonight's agenda.

8. Public Deputations

Requests to make a Public Deputation to Council must be submitted prior to the commencement of the Council Meeting.

Anyone wishing to make a deputation to Council must complete the Request to Make a Deputation form and forward it to the Chief Executive Officer at 111 Brown Street, Hamilton by no later than 5pm on the Monday before the Ordinary Meeting of Council.

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

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

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

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

9. Records of Assemblies of Councillors

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

Pursuant to section 80A (2) of the Act, these records must be, as soon as practicable, reported at an ordinary meeting of the Council and incorporated in the minutes of that meeting.

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

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

which considers matters that are intended or likely to be:

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

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

An Assembly of Councillors record was kept for:

- Hamilton Regional Livestock Exchange Advisory Committee Meeting – 2 March 2020
- Hamilton Regional Livestock Exchange Workshop – 4 March 2020
- Briefing Session – 11 March 2020
- Hamilton Gallery Skills Based Board Workshop – 18 March 2020
- Briefing Session – 25 March 2020

This agenda was prepared on 1 April 2020. Any Assemblies of Councillors between that date and the date of tonight's Meeting will appear in the agenda for the next Ordinary Meeting of Council.

RECOMMENDATION

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

ASSEMBLY OF COUNCILLORS



Southern Grampians
Shire Council

ASSEMBLY DETAILS	
Title:	Hamilton Regional Livestock Exchange Advisory Committee Meeting
Date:	Monday, 2 March 2020
Location:	Martin J Hynes
Councillors in Attendance:	Cr Greg McAdam Cr Mary-Ann Brown
Council Staff in Attendance:	David Moloney, Director Shire Infrastructure Jonathan Chinomona, Project Engineer Kate Kennedy, EA to Director Shire Infrastructure

The Assembly commenced at 4.00pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	External Contractor – Michael Gobel	Nil
2	Terms of Reference	Nil
3	SGSC Code of Conduct	Nil
4	Appointment of Members	Nil
5	HRLX Project Update	Nil

The Assembly concluded at 5.10pm

As there was not a quorum there are no meeting minutes.

ASSEMBLY OF COUNCILLORS



Southern Grampians
Shire Council

ASSEMBLY DETAILS	
Title:	HRLX Workshop
Date:	Wednesday, 4 March 2020
Location:	Martin J. Hynes Auditorium
Councillors in Attendance:	Cr Sharples Cr Brown Cr Rainsford Cr McAdam Cr Dunkley
Council Staff in Attendance:	David Moloney, Director Shire Infrastructure Evelyn Arnold, Director Corporate Community Services Andrew Goodsell, Director Planning and Development StJohn Lees, Manager Works

The Assembly commenced at 2:00pm.

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Presentation from Contractor, Michael Gobel	Nil

The Assembly concluded at 4:00pm.

ASSEMBLY OF COUNCILLORS



Southern Grampians
Shire Council

ASSEMBLY DETAILS	
Title:	Council Briefing Session
Date:	11 March 2020
Location:	MJ Hynes Auditorium
Councillors in Attendance:	Cr Chris Sharples, Mayor Cr Colin Dunkley, Deputy Mayor Cr Cathy Armstrong Cr Mary-Ann Brown Cr Albert Calvano Cr Greg McAdam Cr Katrina Rainsford
Council Staff in Attendance:	Michael Tudball, Chief Executive Officer Evelyn Arnold, Director Community and Corporate Services David Moloney, Director Shire Infrastructure Andrew Goodsell, Director Planning and Development Darren Barber, Manager Organisational Development Karly Saunders, Governance Coordinator Lachy Patterson, Manager Community Relations Hugh Koch, Manager Economic Development and Tourism Daryl Adamson, Strategic Major Projects Coordinator

The Assembly commenced at 2:00pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Matters Raised by Council	Nil
2	Council Meeting Items	Nil
3	Review of 2010-2020 Sustainability Strategy	Nil
4	Privacy Policy	Nil

5	Conflict of Interest Policy	Nil
6	Greater Grants Round 2 – 2019/20	Nil
7	Melville Oval – Federal Funding	Nil

The Assembly concluded at 4:10pm.

ASSEMBLY OF COUNCILLORS



Southern Grampians
Shire Council

ASSEMBLY DETAILS	
Title:	Hamilton Gallery Skills Based Board Workshop
Date:	18 March 2020
Location:	Martin J Hynes Auditorium
Councillors in Attendance:	Cr Chris Sharples, Mayor Cr Colin Dunkley, Deputy Mayor Cr Cathy Armstrong Cr Mary-Ann Brown Cr Albert Calvano Cr Greg McAdam Cr Katrina Rainsford
Council Staff in Attendance:	Michael Tudball, Chief Executive Officer Andrew Goodsell, Director Planning and Development Evelyn Arnold, Director Corporate and Community Services David Moloney, Director Shire Infrastructure

The Assembly commenced at 4.00pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Discussion on Hamilton Gallery Skills Based Board facilitated by Robert Lane from SED Consulting	

The Assembly concluded at 5.30pm

ASSEMBLY OF COUNCILLORS



Southern Grampians
Shire Council

ASSEMBLY DETAILS	
Title:	Council Briefing Session
Date:	25 March 2020
Location:	MJ Hynes Auditorium
Councillors in Attendance:	Cr Chris Sharples, Mayor Cr Colin Dunkley, Deputy Mayor via phone Cr Cathy Armstrong via phone Cr Mary-Ann Brown Cr Albert Calvano via phone Cr Greg McAdam Cr Katrina Rainsford via phone
Council Staff in Attendance:	Michael Tudball, Chief Executive Officer via phone Evelyn Arnold, Director Community and Corporate Services via phone David Moloney, Director Shire Infrastructure via phone Andrew Goodsell, Director Planning and Development via phone Darren Barber, Manager Organisational Development Roslyn Snaauw, Planning Coordinator Rohit Srivastava, Manager Assets via phone Kylie McIntyre, Sustainability Coordinator via phone

The Assembly commenced at 1:20pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	CEO Performance Review	Nil
2	Great South Coast Economic Future	Nil
3	Capital Works Update	Nil
4	Passenger Rail	Nil
5	Public Acquisitions Overlay – Dunkeld Loop Walk	Nil

6	Asset Management Policy – Upgrades Discussion	Nil
7	Closed Landfill Assessments	Nil
8	State Government 10 Year Recycling Strategy	Nil
9	CEO Update – Covid 19	Nil

The Assembly concluded at 6:00pm

10. Management Reports

10.1 Greater Grants

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Lachy Patterson, Manager Community Relations
Attachments: None

Executive Summary

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

Discussion

The Greater 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 2017-2021 across the social, economic and environmental spectrum.

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

Greater 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 for each grant category taking into consideration strategic objectives within the Council Plan, other Council Strategies and Community Plans.

The current round of grants includes eight grants above delegation totalling \$64,800.00 and 23 grants under delegation across the following categories (Tourism and Events, Sustainability, Community Strengthening, Community Infrastructure and Arts and Culture) totalling \$46,269.00

Below is the summary of grant applications received in round one, which requested funds above \$2,500. The application's total is \$64,800.00

Category	Applicant	Project	Ask amount	Funding amount	Total Project Cost
Community Strengthening	Hamilton Fire Brigade	150th Celebration	\$ 4,000.00	\$ 4,000.00	\$ 12,000.00
Arts and Culture	Dramus Theatre	Costume Storage	\$ 7,900.00	\$ 7,400.00	\$ 14,800.00
Tourism and Events	Dunkeld Progress Assoc	3 Peaks Festival - Marquee	\$ 8,000.00	\$ 8,000.00	\$ 16,320.00
Tourism and Events	Hamilton Rowing Club	Hamilton Rowing Regatta	\$ 5,000.00	\$ 5,000.00	\$ 13,000.00
Heritage	Anglican Church	Hamilton Christ Church Restoration	\$ 15,000.00	\$ 15,000.00	\$ 68,400.00
Community Infrastructure	Hamilton Swim Club	Auto Coach Equipment	\$ 4,900.00	\$ 4,900.00	\$ 9,800.00
Community Infrastructure	Parklands Golf Club	Rough Cutter Replacement	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
Community Infrastructure	Balmoral Golf Club	Club Room Upgrade	\$ 5,500.00	\$ 5,500.00	\$ 11,000.00
Total			\$ 65,300.00	\$ 64,800.00	\$ 160,320.00

Below is the summary of grant applications received in round one, which requested funds under \$2,500. The application's total is \$46,269.00.

Category	Applicant	Project	Ask amount	Funding amount	Total Project Cost
Community Strengthening	Mulleraterong	Kitchen Garden Program	\$ 2,500.00	\$ 2,500.00	\$ 4,500.00
Community Strengthening	Rural Australians For Refugee - Hamilton	Cultural Celebration	\$ 2,500.00	\$ 2,000.00	\$ 2,500.00
Community Strengthening	Standing Tall	Hear Us Join Us	\$ 2,086.00	\$ 2,086.00	\$ 2,086.00
Community Strengthening	Hamilton Netball Assoc.	Hamilton Netball - All Abilities Comp	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00
Arts and Culture	Red Gum Festival	Gala Show	\$ 1,500.00	\$ 1,500.00	\$ 2,900.00
Tourism and Events	North Hamilton Kinder	Obstacle Race	\$ 2,500.00	\$ 2,500.00	\$ 10,010.00
Tourism and Events	Coleraine & District Development Association	Coleraine Art and Photography Show	\$ 1,500.00	\$ 1,500.00	\$ 9,000.00
Tourism and Events	Hamilton Basketball Association	Hamilton Basketball Tournament	\$ 2,500.00	\$ 2,500.00	\$ 18,388.00
Sustainability	Hamilton Field Naturalists	Hamilton Region Nature Guide	\$ 1,800.00	\$ 1,800.00	\$ 2,849.00
Sustainability	Gazette Landcare Group	Website Development	\$ 1,200.00	\$ 1,200.00	\$ 2,400.00
Community Infrastructure	Byaduk Progress Assoc.	Byaduk Storyboards Replacement	\$ 2,500.00	\$ 2,500.00	\$ 3,400.00
Community Infrastructure	Dunkeld Progress Assoc.	Dunkeld Pool Equipment	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Community Infrastructure	Hamilton Lawn Bowls	Solar Panels Project	\$ 3,500.00	\$ 3,500.00	\$ 7,000.00
Community Infrastructure	Hamilton Woodturners	Insulation Project	\$ 2,700.00	\$ 2,700.00	\$ 5,512.00
Community Infrastructure	Hamilton Pony Club	Jump Poles	\$ 2,480.00	\$ 2,480.00	\$ 2,480.00
Community Infrastructure	Coleraine FNC	Portable Stadium Seating	\$ 2,500.00	\$ 2,500.00	\$ 4,000.00
Community Infrastructure	Wannon Community Group	Historical Bridge Sign	\$ 820.00	\$ 820.00	\$ 820.00
Community Infrastructure	Byaduk Cricket Club	Cricket Net Upgrade	\$ 2,200.00	\$ 2,200.00	\$ 4,000.00
Community Infrastructure	Cavendish Townscape Assoc.	Community Logo Sign Restoration	\$ 1,600.00	\$ 1,600.00	\$ 2,035.00
Community Infrastructure	Hamilton Croquet Club	Tree Removal Project	\$ 2,300.00	\$ 2,300.00	\$ 2,300.00
Community Infrastructure	Dunkeld Museum	Website Development and Equipment	\$ 1,785.00	\$ 1,785.00	\$ 1,785.00
Community Infrastructure	Dunkeld Arboretum	Culvert	\$ 750.00	\$ 750.00	\$ 750.00
Community Infrastructure	Hamilton Model Railway	Security Upgrade	\$ 2,048.00	\$ 2,048.00	\$ 2,048.00
Total			\$ 46,769.00	\$ 46,269.00	\$ 94,263.00

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 or in-kind 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.

Legislation, Council Plan and Policy Impacts

The Greater Grants Policy was adopted in July, 2018.

Each Grant category requests that applicants ensure that their project or idea demonstrates a link to the Council Plan outcomes, or endorsed Strategic Plans of Council. Such plans include but are not limited to:

- Economic Development Strategy
- Tourism Strategic Plan
- Disability Action Plan
- Health and Wellbeing Strategy
- Sustainability Strategy
- Arts and Culture Strategy

The Greater Grants program assists Council to deliver on key outcomes of the Council Plan 2017-2021.

Outcome 1.1 Soundly Based Decisions:

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

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

Strategy 1.1.4 Work together to develop a highly responsive Council organisation

Outcome 1.3 Financial Responsibility and Security:

Strategy 1.3.3 Maintain a continuous improvement approach to all Council operations

Outcome 2.3 A strong, innovative and distinctive tourism sector:

Strategy 2.3.1 Attract conferences and events to the Shire and facilitate and enrich the local events program

Strategy 2.3.2 Enhance, facilitate and promote existing and new experiences

Outcome 3.2 Community appreciation of and participation in Arts and Cultural activities:

Strategy 3.2.4 Encourage and support innovation in the arts

Outcome 4.2 A Dynamic Community:

Strategy 4.2.1 Provide support and services to enable communities to flourish

Strategy 4.2.2 Support the growth, development and provision of training to volunteers and community organisations

Strategy 4.2.3 Providing the information and assistance that supports community empowerment

Strategy 4.2.4 Assisting all communities to realize their individual community identity, strengths and opportunities through the development and implementation of Community Plans

Outcome 4.3 An inclusive and diverse community:

Strategy 4.3.2 Provide opportunities for youth participation and development

Outcome 5.1 Waste Management and Minimisation

Strategy 5.1.1 Reduce the volume of waste going to landfill

Strategy 5.1.4 Increase the volume of recycled materials through continued community education programs

Outcome 5.2 Adaptation to climate change and reduced emissions:

Strategy 5.2.2 Reduce carbon emissions from Council facilities, equipment and plant

Risk Management

Each grant category has predetermined assessment criteria and a set weighting for each criteria 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 the successful and safe delivery

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

Environmental and Sustainability Considerations

No Environmental and Sustainability Considerations identified.

Community Consultation and Communication

Various Council staff engage with the community in relation to the Greater Grants program at a range of meetings (including Councillor Engagement, Progress Association, club and user groups, committee of management and, event organiser meetings, etc). Staff also engage with applicants on a 1:1 basis, to provide support through the Greater Grant 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 Annual Tourism and Events Forum, held in June each year, provides an opportunity for Greater Grants applicants to hear the latest updates about the program, provide feedback to grant owners, and learn how to get the best outcome from their application.

The decision will be communicated through a media release to the general public, via letters to the Grant recipients and through Council's Community 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 direct or indirect interests need to be declared in relation to any matters in this Report.

RECOMMENDATION

That Council:

1. Notes the \$46,269.00 for Greater Grants approved under delegation.
2. Resolves to allocate \$64,800.00 as per the projects outlined in the summary table below.

Category	Applicant	Project	Ask amount	Funding amount	Total Project Cost
Community Strengthening	Hamilton Fire Brigade	150th Celebration	\$ 4,000.00	\$ 4,000.00	\$ 12,000.00
Arts and Culture	Dramus Theatre	Costume Storage	\$ 7,900.00	\$ 7,400.00	\$ 14,800.00
Tourism and Events	Dunkeld Progress Assoc	3 Peaks Festival - Marquee	\$ 8,000.00	\$ 8,000.00	\$ 16,320.00
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Heritage	Anglican Church	Hamilton Christ Church Restoration	\$ 15,000.00	\$ 15,000.00	\$ 68,400.00
Community Infrastructure	Hamilton Swim Club	Auto Coach Equipment	\$ 4,900.00	\$ 4,900.00	\$ 9,800.00
Community Infrastructure	Parklands Golf Club	Rough Cutter Replacement	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
Community Infrastructure	Balmoral Golf Club	Club Room Upgrade	\$ 5,500.00	\$ 5,500.00	\$ 11,000.00
Total			\$ 65,300.00	\$ 64,800.00	\$ 160,320.00

10.2 Privacy Policy

Directorate: Evelyn Arnold, Director Community and Corporate Services
Author: Karly Saunders, Governance Coordinator
Attachments: 1. Privacy Policy

Executive Summary

The purpose of this report is to seek Council resolution to adopt the Privacy policy.

Discussion

The purpose of the Privacy policy is to outline how Council will meet its obligations under the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001* in regards to:

- The management of personal and health information collected by Council; and
- Compliance with the Information Privacy Principles (IPPs) and Health Privacy Principles (HPPs).

The original policy was adopted in 2002 and reviewed in 2014.

As a result of the most recent review, the following amendments have been made to the policy content:

- Provides detailed information regarding each of the IPPs and HPPs and examples of each to ensure clear guidance and understanding;
- Includes information regarding Council's Breach Management Procedure; and
- Includes information regarding the handling of privacy complaints.

Financial and Resource Implications

This report has no financial nor resource implications.

Legislation, Council Plan and Policy Impacts

Council Plan 2017 -21

5.1 Provide transparent and responsible governance

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

Meets the requirements of the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*.

Risk Management

N/A

Community Consultation and Communication

The policy will be made publicly available on the Council's website.

Disclosure of Interests

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

RECOMMENDATION

That Council adopt the Privacy policy.

10.3 Closed Landfills Risk Assessment

Directorate: David Moloney, Director Shire Infrastructure
Author: Kylie McIntyre – Sustainability Coordinator
Attachments: 2. Closed Landfills Risk Assessment - Draft Report

Executive Summary

Changes to the state *Environment Protection Act* will require Council to formally understand and manage environmental risks associated with closed landfills. Council is responsible for nine closed landfills across the Shire as well as the licenced Hamilton landfill.

Through the Barwon South West Waste Resource Recovery Group (BSWWRRG) project, funded by the Local Government Program, sites have been assessed and recommendations for future management ascertained. Council now has an improved understanding of the nine legacy sites and has enough information to proceed with the required steps to meet our obligations.

The new *Environmental Protection Act 2018* (coming into effect on 1 July 2020) which contains a General Environmental Duty (GED) that requires duty holders to be proactive in understanding their risks, identifying how these risks can be controlled, and implementing all reasonably practicable measures to mitigate risks. The new Act also requires entities to notify the EPA of their knowledge of contaminated land, including closed landfills.

Southern Grampians Shire Council currently Chairs the BSWWRRG Forum, which this report is presented to. With the change in the EPA Act (2018) imposing additional compliance on Council it is recommended that Council provide feedback to the Forum and the Minister for Environment. It is recommended that the following actions be undertaken:

1. The Closed Landfills Risk Assessment Draft Report be noted; and
2. Feedback be provided to the Forum:
 - a. The Waste Levy be used to provide full funding for the required works imposed on Councils under the new legislation and the Closed Landfills Risk Assessment including but not limited to Aftercare Managements Plans and associated works, installation and monitoring of groundwater and planning scheme amendments over closed landfill sites; and
 - b. The BSWWRRG prepare templates in consultation with Councils for Aftercare Management Policies and Plans; and
 - c. The BSWWRRG undertake a regional approach to planning scheme overlays; and
 - d. BSWWRRG and Council engage with the EPA to advise it of Council's aftercare management approach toward meeting the forthcoming General Environmental Duty obligation under the new Environment Protection Act which will come into effect in July 2020; and
3. A letter be written to the Minister for Environment requesting the Waste Levy be used to provide full funding for all required works imposed on Councils under the new legislation in regards to the General Environmental Duties and in particular Closed Landfills including but not limited to Aftercare Managements Plans and associated works, installation and monitoring of groundwater and planning scheme amendments over closed landfill sites.

Discussion

In 2019 the Barwon South West Waste and Resource Recovery Group (BSWWRRG) undertook a regional project to assist member Councils to understand their risk in relation to closed landfills. The project was funded by the Local Government Program to which member Councils contribute, based on their population.

The member Councils recognised a need for this project following the release of:

- The 2014 Victorian Auditor General Office (VAGO) 'Managing Landfills' report which recommended that councils work with the EPA and Waste and Resource Recovery Groups (WRRGs) to identify closed landfills and undertake risk assessments of these sites.
- The new Environmental Protection Act 2018 (coming into effect on 1 July 2020) which contains a General Environmental Duty (GED) that requires duty holders to be proactive in understanding their risks, identifying how these risks can be controlled, and implementing all reasonably practicable measures to mitigate risks. The new Act also requires entities to notify the EPA of their knowledge of contaminated land, including closed landfills.

The focus of the project was Council operated closed landfills that have not previously had an appropriate risk assessment undertaken. The project was intended to assist councils to plan and prioritise closed landfill aftercare, management and monitoring activities.

BSWWRRG and Council staff first undertook an initial risk assessment of sites utilising the EPA's Local Council Self-Assessment Tool for Closed Landfills Environmental Risk (EPA Publication 1671). This included:

- Confirmation of the site and location.
- Desktop assessment utilising publicly available data including GIS datasets, Council and EPA records and documentation and current aerial photographs.
- Onsite inspection and assessment by BSWWRRG staff in conjunction with Council officers.

Southern Grampians Shire's closed landfills were inspected on 8 May 2019. The site assessment included inspection of:

- Landfill cap, noting any erosion issues, depressions, exposed waste, cracks and engineering;
- Leachate collection and treatment system if present;
- Landfill gas management system if present;
- Surface water control structures if present;
- Adjacent areas for offsite waste/surface water impact/groundwater usage.
- Nearby sensitive receptors.

The sites assessed in Southern Grampians Shire were:

- Cavendish
- Glenthompson
- Balmoral

- Coleraine
- Glenisla
- Branxholme
- Dunkeld (2 sites – current transfer station sites and Wannon Water treatment plant site)
- Penshurst.

Using the EPA self-assessment tool (EPA Publication 1671) and the information collected during the desktop assessment and onsite inspections, each site received a risk rating score, ranking and advice for further action:

- ‘Low Risk’ (score of 37 or higher) - Based on the assessments, potentially low risk. Consider when future re-assessments should be undertaken.
- ‘Medium Risk’ (score of 31 to 36) - Contact EPA to discuss the future management of the site for the risks identified.
- ‘High Risk’ (score of 30 or less) - Contact EPA as an EPA site inspection may be recommended.

From the initial risk assessment the Southern Grampians sites were scored as follows:

Closed landfill location	Score	Risk rating
Balmoral	27	High
Branxholme	34	Medium
Cavendish	38	Low
Coleraine	28	High
Glenthompson	37	Low
Glenisla	31	Medium
Dunkeld – Transfer station site	39	Low
Dunkeld – Wannon Water site	35	Medium
Penshurst	37	Low

The BSWWRRG then contracted out a more detailed risk assessment to consultants EHS-Support who carried out further assessment on the following closed landfills:

- Balmoral
- Branxholme
- Coleraine
- Glenisla
- Dunkeld – Transfer station site
- Dunkeld – Wannon Water site
- Penshurst

The EHS-Support more detailed assessment provided the following information:

Risk rating	Sites
A	Coleraine - the site poses a risk and requires the development and implementation of a rehabilitation and aftercare management plan.

B	Balmoral, Branxholme, Dunkeld (Old-on Wannan Water land) - the sites pose a potentially significant risk and require monitoring and development of an aftercare management plan.
C	Dunkeld (Transfer Station site), Penshurst - the sites pose some risk and require the development of an aftercare management plan.
D	Glenisla - the site poses limited risk but requires the near-term development of an aftercare management plan.

The consultants' report also provided some estimated costs for meeting the obligations associated with managing the sites. The cost will depend on which specific actions are required with estimates ranging from \$5,000 (Glenisla and Penshurst) to \$790,000 (Coleraine).

Site-specific actions that may be incorporated into the aftercare management plans include:

- Site fencing
- Capping to address exposed waste
- Management of illegally dumped and surficial waste
- Regular inspection program
- Groundwater quality investigation
- Landfill gas investigation
- Site rehabilitation
- Ongoing maintenance requirements (e.g. erosion control, weed and vermin control).

There has been no indication that any state government funding will be provided to assist Councils with these costs.

Steps to ensure compliance with General Environmental Duty (GED)

Council currently has no aftercare management policy for closed landfills but this will be required to meet GED obligations. The BSWWRRG is in a very good position to provide a uniform approach across the region and has suggested that they develop regional templates for both an Aftercare Management Policy and an Aftercare Management Plan for member Councils to use. Council officers support this proposal.

Further, it will be necessary for Council to maintain a register of all of the closed landfills within the Shire and report these to the EPA as potentially contaminated sites. It was recommended in the Risk Assessment report that an environmental audit overlay (or similar overlay such as an Environmental Significance Overlay) be applied across each of the sites. This would ensure that any future planning provisions for the sites and adjacent sites have regard to the residual contaminated nature of each of the sites. Council officers have proposed to the BSWWRRG that the required Planning Scheme amendments be implemented in a coordinated manner across the Barwon South West region.

It is also recommended in the report that BSWWRRG and Council engage with the EPA to advise it of Council's aftercare management approach toward meeting the forthcoming General Environmental Duty obligation under the new Environment Protection Act which will come into effect in July 2020.

Council has already budgeted for rehabilitation of the Coleraine site in the current financial year and has forecast funds for works at other sites in the forthcoming years.

Legislation, Council Plan and Policy Impacts

The Environment Protection Act 2018 which comes into effect on 1 July 2020 is the key legislation in respect of this matter. In particular, the General Environmental Duty provision requires Councils as duty holders to be proactive in understanding their risks, identifying how they may be controlled, and implementing measures to mitigate risks. The new Act requires duty holders to notify the EPA of their knowledge of contaminated land.

Disclosure of Interests

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

RECOMMENDATION

That:

1. The Closed Landfills Risk Assessment Draft Report be noted; and
2. Feedback be provided to the Forum:
 - a. The Waste Levy be used to provide full funding for the required works imposed on Councils under the new legislation and the Closed Landfills Risk Assessment including but not limited to Aftercare Managements Plans and associated works, installation and monitoring of groundwater and planning scheme amendments over closed landfill sites; and
 - b. The BSWWRRG prepare templates in consultation with Councils for Aftercare Management Policies and Plans; and
 - c. The BSWWRRG undertake a regional approach to planning scheme overlays; and
 - d. BSWWRRG and Council engage with the EPA to advise it of Council's aftercare management approach toward meeting the forthcoming General Environmental Duty obligation under the new Environment Protection Act which will come into effect in July 2020; and
3. A letter be written to the Minister for Environment requesting the Waste Levy be used to provide full funding for all required works imposed on Councils under the new legislation in regards to the General Environmental Duties and in particular Closed Landfills including but not limited to Aftercare Managements Plans and associated works, installation and monitoring of groundwater and planning scheme amendments over closed landfill sites.

10.4 Review of Sustainability Strategy 2010-20

Directorate: David Moloney, Director Shire Infrastructure
Author: Kylie McIntyre – Sustainability Coordinator
Attachments: 3. Sustainability Strategy 10 Year Review D/20/10473

Executive Summary

The Southern Grampians Shire Council Sustainability Strategy 2010-2020 was developed in 2008-9 and adopted in 2010.

2020 marks the concluding year of the strategy and provides Council with the opportunity to recognise and celebrate the many achievements and improvements that have been made since 2009. Southern Grampians Shire has developed a very good reputation within the region and state for sustainability initiatives and has participated in a number of region-wide sustainability projects.

Of the 102 actions in the Strategy, 78 have either been started and are ongoing or have been completed.

A full report on Council's sustainability activities from the past ten years *Sustainability Strategy 10 Year Review* is attached.

It is recommended that:

The report *Sustainability Strategy 10 Year Review* is noted.

Discussion

The Southern Grampians Shire Council Sustainability Strategy 2010-2020 was developed in 2008-9. The Strategy was adopted by Council in April 2010. It incorporated ideas and visions from agencies, the community and Council and provided a ten year action plan for Council's environmental sustainability actions.

The Sustainability Strategy dealt with five areas of activity:

1. Land – invasive species, biodiversity, soil health, land use planning, roadside management, remnant vegetation
2. Water – water conservation, sustainable water use, water sensitive urban design, water quality, domestic waste water, wetlands and waterways
3. Waste – waste reduction, litter, recycling, organic waste diversion, tip-shop, waste to energy
4. Liveability - youth, community capacity and engagement, environmental groups, vulnerable populations, health & wellbeing, Council processes to improve sustainability
5. Climate change – emissions reduction, fleet, climate adaptation, renewable energy, bioenergy, offsetting, carbon management.

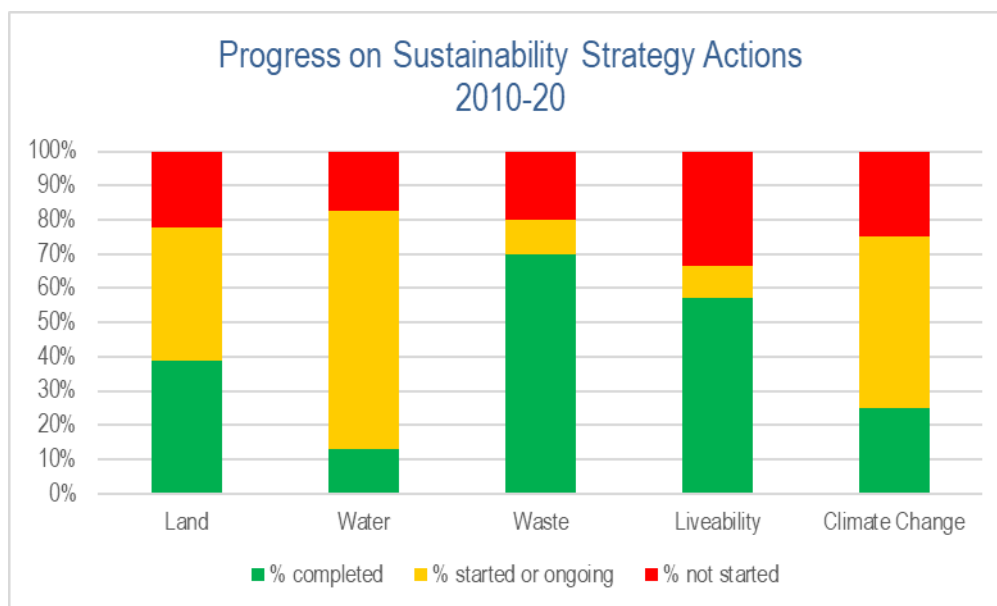


Figure 1. Progress on Sustainability Strategy Actions

Across the five areas of activity the Strategy contained 102 actions. Of the total, 78 or 76% have been either started and are ongoing or have been completed. Many are ongoing actions that have been embedded into day-to-day operations. Twenty-four actions have not been started. The reasons for this are detailed in the review but in most cases it was because resources available for community and educational activities had significantly reduced since the strategy was developed and because some of the actions are not local government responsibility.

2020 marks the concluding year of the strategy and provides Council with the opportunity to recognise and celebrate the many achievements and improvements that have been made since 2009. Southern Grampians Shire has developed a very good reputation within the region and state for sustainability initiatives and has participated in a number of region-wide sustainability projects.

There have been many significant changes within Council as a result of adopting the Sustainability Strategy. These include:

- Road side weeds and vegetation condition mapped for all Shire roads
- Links and cooperation with other agencies improved, in particular:
 - Wannon Water
 - Glenelg Hopkins Catchment Management Authority
 - Department of Environment, Land, Water and Planning
 - Other Councils in the region
 - Barwon South West Waste and Resource Recovery Group
 - Sustainability Victoria
 - Southern Rural Water
 - Southern Grampians and Glenelg Primary Care Partnership
- Sustainability principles embedded into a number of administrative processes
- Community grants program developed for Council to support community environmental activities

- Mandatory kerbside recycling and organic waste collection service introduced
- Installation of public place recycling facilities in many locations across the Shire
- Introduction of E-waste recycling
- Re-use Shop established
- Bin audits conducted regularly
- All towns now have a kerbside waste and recycling service
- Energy audits and carbon inventories completed
- Replacement of 1000 street lights with LEDs and plans to replace a further 500 cost-shared lights
- Energy efficiency in buildings significantly improved
- 216 kW of renewable electricity generation installed on Council buildings with more to come
- Development of a carbon management plan and implementation of many actions
- Development of a climate change adaptation plan and implementation of some actions
- Inclusion of environmental criteria in the purchase of fleet vehicles, the procurement policy, business cases and tenders
- Establishment of an effective network across the region of Councils' Sustainability officers who work together on projects that have a regional focus
- Improved metering and monitoring of water use and removal of redundant mains water supplies
- Improved monitoring of gas and electricity use
- Contract established to purchase 100% renewable electricity

All 102 targets and actions in the 2010-20 strategy have been reviewed and details of each one are discussed in the attached report (Sustainability Strategy 10 Year Review).

The following diagrams and photographs provide a snapshot of issues discussed in the review.

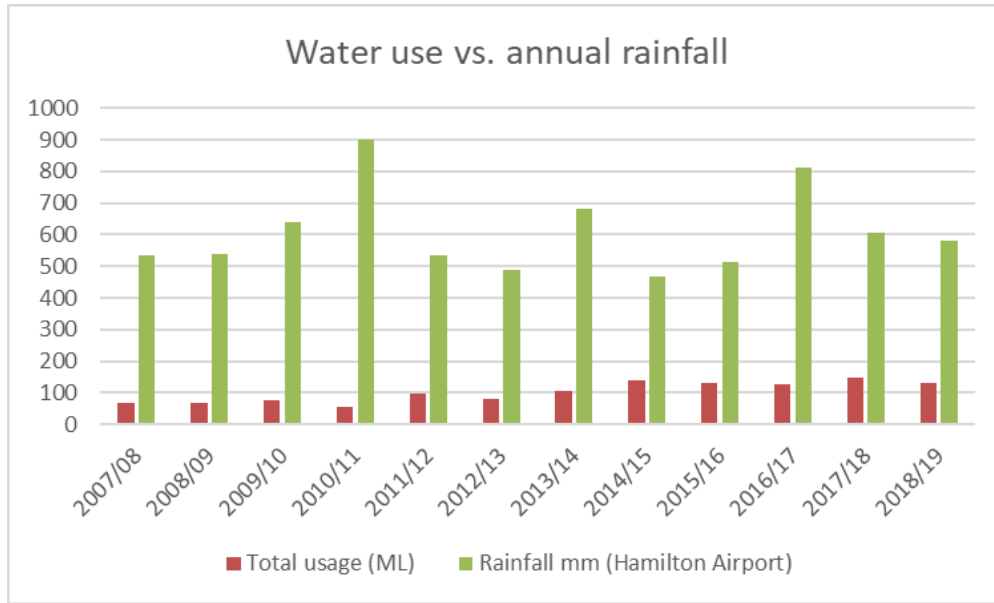


Figure 2. Water use (all sources) vs. Annual rainfall.

Water use - All Council water use has been monitored since the strategy started, most connections are now metered and a number of redundant connections have been removed. The cancellation of water restrictions in 2010 has allowed water use to increase, noting that a large proportion is from non-potable sources.

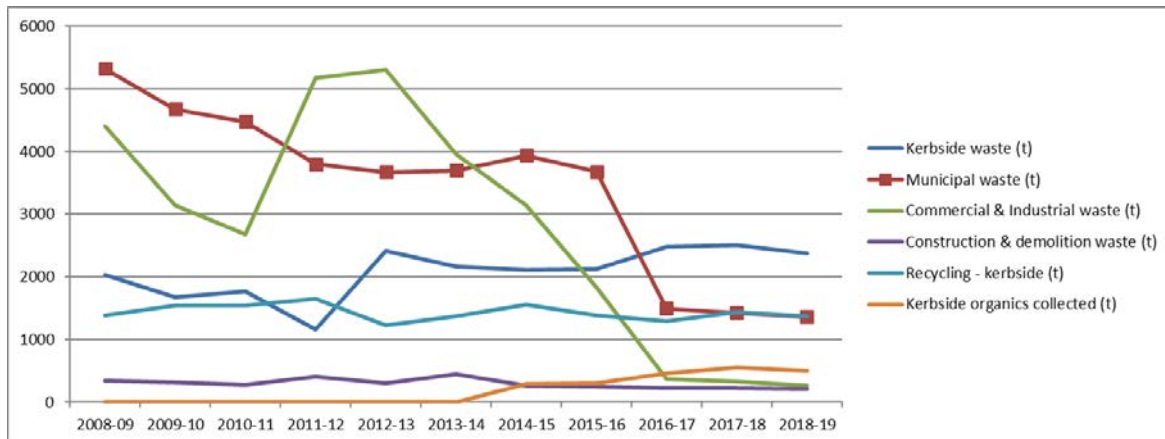


Figure 3. SGSC waste collection data 2008 to 2019

Waste - Accuracy of waste data collection has been improved significantly. The large decline in overall waste landfilled was due to a reduction in commercial waste received at the Hamilton landfill. The rate of kerbside waste generation has not declined, the recycling rate has remained steady and the amount of organic waste diverted has increased.

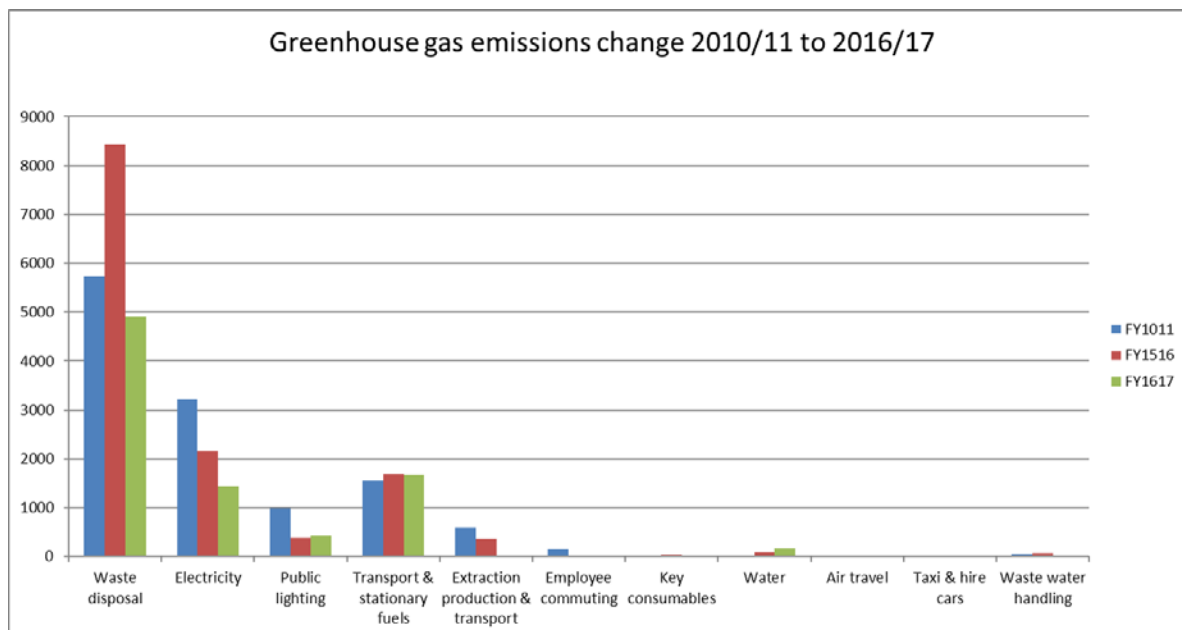


Figure 4. Change in Council Greenhouse Gas Emissions 2010/11-2016/17

GHG emissions - Corporate greenhouse gas emissions are monitored according to the NGRS protocol (National Greenhouse Energy Reporting Scheme). Emissions from electricity and street lighting have been reduced significantly. Emissions from waste disposal have also decreased but only because Council receives less commercial waste now than in the past. Emissions from transport and stationary fuels have increased slightly. Other sources of emissions are very small.



Figure 5. 60 kW solar PV generation at HILAC

Renewable energy - Council has installed 216 kW of solar PV generation in the past decade which reduces the grid electricity requirement by 300 MWh of electricity per year, offsetting around \$52,000 worth of electricity from the grid at 2019 prices.



Figure 6. Opening of Corriedale Lane Community Garden, partly funded by Council community grants program

Community gardens - The community garden in Corriedale Lane, Hamilton is used for community events and has become a popular local landmark and meeting place. The initial design and landscaping and construction of the shelter were funded by Council through the Greater Grants program.



Figure 7. Sustainable Living Expo at HIRL

Community education - A Sustainable Living Expo was held at the Hamilton Institute of Rural Learning in 2012, 2014 and 2016 and attracted up to 700 people. It showcased environmentally preferred products and services and included workshops and seminars, including beekeeping, renewable energy, cheesemaking, composting and vegetable growing.



Figure 8. National Tree Day planting

Biodiversity - Council links to the Glenelg Hopkins Catchment Management Authority have strengthened as a result of the Sustainability Strategy and Council continues to work with the CMA and community to improve biodiversity in the Shire.



Figure 9. Public Place Recycling facilities – Melville Oval

Recycling - Public place recycling facilities have been introduced in key locations, including Melville Oval, the Hamilton CBD, Whyte St Coleraine, Parker St Dunkeld and Pedrina Park to encourage the community to recycle when they are away from their homes.



Figure 10. Bin auditing

Bin audits - Bin audits were conducted in Hamilton and Coleraine in 2010 and 2018, and in Hamilton only in 2014 to assess general behaviour of residents in relation to their household waste disposal. Smaller scale audits were also done for specific reasons; to assess the organic bin trial in 2012 and to assess new bin lids in 2016.



Figure 11. Replacement of mercury vapour street lights with LED

Street lights - In 2014 and 2015 Council participated in a region-wide program of replacing 80 watt mercury vapour street lights with 18 watt LEDs, being amongst the first local government areas in Australia to do so.

Legislation, Council Plan and Policy Impacts

The Sustainability strategy was compliant with Council's obligations under the *Local Government Act (1989)* and *Environmental Protection Act*.

The actions completed from the Sustainability Strategy contribute substantially to objectives of the Council Plans since 2010.

Relevant elements of the 2017-21 Council plan are:

- 4.1.1 Promote and support natural resource management and community based initiatives
- 4.1.2 Advocate to and collaborate with State Government Departments and other agencies on managing natural assets
- 4.1.3 Work with and support waterway managers to improve water management strategies to support development and ensure the protection of waterways from adverse environmental impacts
- 4.1.4 Reduce Council's carbon and ecological footprint
- 4.2.2 Ensure land use planning balances growth with appropriate levels of environmental stewardship
- 4.2.3 Ensure protection of the environment and the community through appropriate regulations and collaboration with other government agencies

- 4.3.1 Examine and provide comprehensive waste collection services including incentives to maximise community awareness and participation in waste diversion strategies
- 4.3.2 Develop and implement education programs to increase waste diversion from landfill
- 4.4.1 Support community education to promote awareness and benefits of energy and water efficiency
- 4.4.2 Facilitate local investment in renewable energy projects, including in Council buildings and operations
- 4.4.3 Review Council's services and procurement practices to ensure that they are being planned and delivered in a way that supports climate adaption and resilience
- 4.4.4 Collaborate with State Government and regional agencies to ensure coordinated strategies and education in relation to climate change.

Disclosure of Interests

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

RECOMMENDATION

That the Review of Sustainability Strategy 2010-20 Report be noted.

10.5 Update on the Progress of the 2019-2020 Capital Works Program

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

Executive Summary

The capital program forms a significant proportion of Council's budget. In 2019-2020, over \$23M was allocated to capital works projects across the Shire with this being forecast to just over \$24M with deferred and carry forward projects. This report indicates the progress to date on the capital works program. Assessments of the capital program delivery is to the 29 February 2020 and compares actual and forecast targets.

Southern Grampians Shire Council has started 146 projects with 92 of those now complete. This equates to 93.6% of the capital works program started with 59% complete for the 2019-2020 FY.

This report is for noting by the Council.

Discussion

The capital program forms a significant proportion of Council's budget. In 2019-2020, over \$23M has been allocated to capital works projects across the Shire. Previous advice to Council has seen several projects deferred including Cox Street which was forecast to send \$3M in the FY. The works included:

- Road and Bridge Upgrades
- Footpaths
- Playgrounds
- Building Maintenance
- Culverts
- Kerb and Channel
- Recreation Centres and Facilities
- Cox Street Upgrade
- Industrial Land Project
- Landfill Projects
- Livestock Exchange Roof

Council has secured several funding sources to assist with the capital required to maintain its assets. These include:

1. Roads to Recovery (Federal Government) \$2.3M
2. Fixing Country Roads (State Government) \$1.35M
3. Black Spot Funding (Federal Government) \$260,000

These funding sources have enabled Council to undertake additional projects in order to minimise the increase in the asset backlog.

The aim of the capital program is to provide targeted funding on projects to maintain or improve Council's infrastructure, assets and services. The review of the progress is important to ensure that the projects are delivered. This report looks at the actual delivery of the 2019-2020 capital program to the end of February 2020.

After Council adopted the 2019-2020 budget, Council Officers forecast the capital program for the following criteria:

1. Forecast project start date
2. Forecast project finish date
3. Forecast expenditure

Each month staff update the progress of their projects and charts are developed to monitor the progress of the program.

Time

The 2019-2020 Budget listed 156 projects to be delivered across the range of areas listed above. These projects range from \$10,000 to \$4.5M.

Figure 1, Project Start Dates, shows a comparison between the forecast start date for projects and the actual start dates for projects.

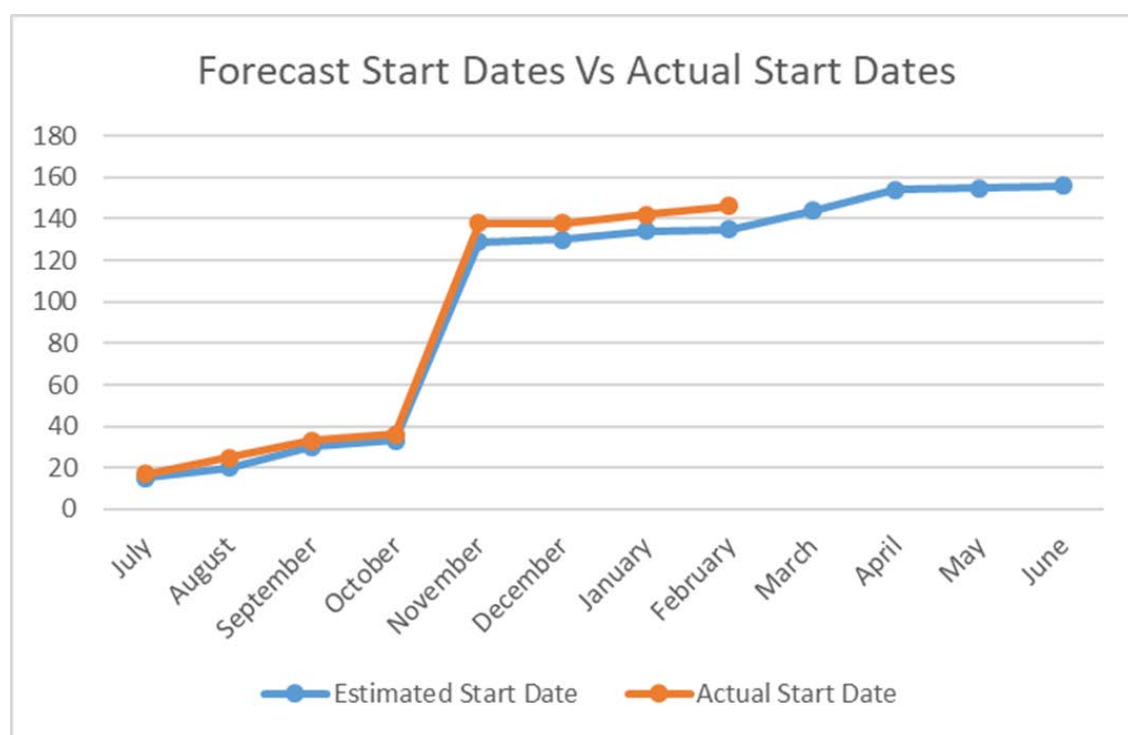


Figure 1 Project Start Dates

Figure 1 shows that Council is tracking to forecast on projects started. This figure is excluding those projects which were deferred.

Figure 2, Project finish dates, shows the forecast finish dates for projects against the actual finish dates. Figure 2 shows Council is tracking above on the completion of projects to forecast. Council forecast to complete 33 projects by February 2020 and actually completed 92. It is expected though there will be a return to forecast levels in completed projects in March.

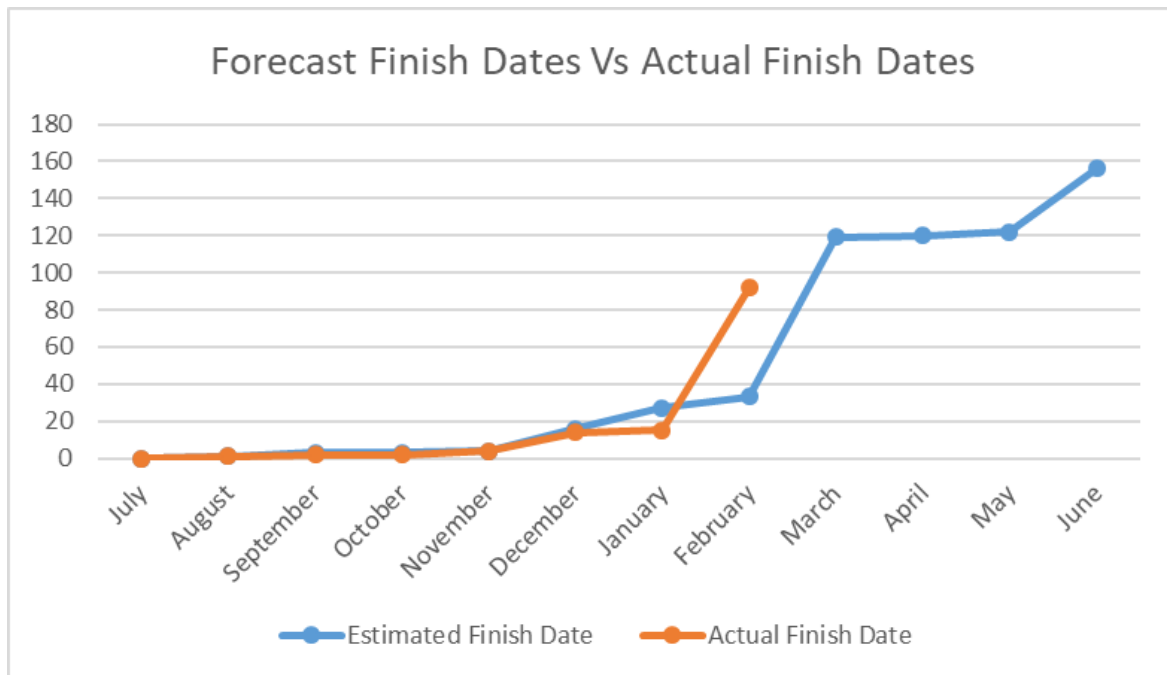


Figure 2 Project finish dates

Figure 3, Forecast Expenditure vs Actual Expenditure, shows the forecast expenditure vs the actual expenditure on projects. Figure 3 shows that expenditure is relatively low when compared to the budget forecast.

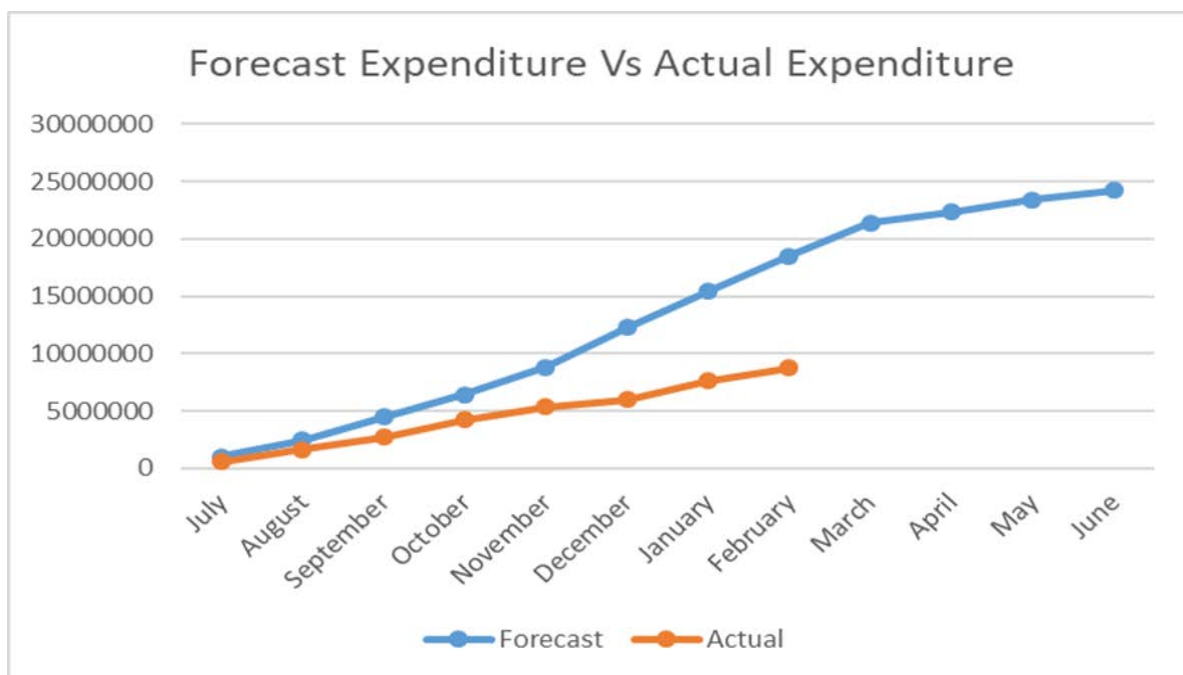


Figure 3 Forecast Expenditure vs Actual Expenditure

Figure 4, Project Status Summary, shows the program against the planned program delivery.

Project Status	Actual	Planned
Not Started	10	21
Started	146	144
Completed	92	33
Deferred	6	6

Figure 4 Project Status Summary

Overall, there has been significant progress made in the past 6 months with regards to delivering the capital works program. Council has put significant effort in to getting an early delivery of the capital program.

The major area of improvement has been in the early letting of contracts for works within the program. This has led to a significant uplift in projects being started earlier than previously done.

	Annual Budget	Proposed Budget	Actuals	Forecast to 29/2/2020
Budget Amount	\$ 23,445,707	\$ 24,202,972	\$ 8,765,477	\$ 18,492,471.6
		Actuals	\$ 8,765,477	
		Under Contract	\$ 6,248,719	
		Works Department	\$ 4,325,259	
		Ventures	\$ 2,043,552	
		Assets	\$ 1,496,208	
		Other Projects	\$ 1,229,377	
		Total	\$ 24,202,972	

Figure 5 Project Value breakdown

Figure 5 shows that while only \$8.76M has been expended to date there is another \$6.2M in contracts already let for works to be delivered along with a further \$4.3M from the Works department.

There has been significant projects started or about to start after the end of February 2020 including the Dunkeld Arboretum Dam Wall (\$1.2M), King St Roundabout (\$300K) and the HILAC Court renewal (\$410K).

Council has now let contracts for all the bridge renewals and major culvert that were required. Major projects such as the Industrial Estate continue to progress and a plan has been developed for delivery the heavy fleet program.

Below is a list of all the deferred projects to date.

Deferred Project	Budget
Cox Street` Front Door` Precinct Streetscape Design Project	\$ 3,180,000
Melville Oval Building Improvements	\$ 150,000
Pedrina Park - Hockey Clubrooms	\$ 100,000
Lake Hamilton - Dam Wall Reinstatement	\$ 1,100,000
Business Systems - Civica ACTUS Smartphone App	\$ 25,000
Urban Road Reseals - George St, Hamilton - Mt Napier Rd G70 to Ballarat Rd 814	\$ 46,807

Legislation, Council Plan and Policy Impacts

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

This report also relates to the:

- Southern Grampians Shire Council – 2017-2021 Council Plan and;
- 2019-2020 Southern Grampians Shire Council Budget.

Disclosure of Interests

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

RECOMMENDATION

The progress report into the delivery 2019-2020 Capital Program is received by Southern Grampians Shire Council.

10.6 Contract 59-18 Construction Works for Restoration of Flood Damaged Dunkeld Arboretum Dam Wall and Spillway – Contract Variation

Directorate: David Moloney, Director Shire Infrastructure
Author: Rohit Srivastava – Manager Assets
Attachments: None

Executive Summary

In 2017 the Department of Environment, Land, Water and Planning (DELWP) provided Council with a report indicating that the Dunkeld Dam was assessed as being a high risk dam, managed by Council. In order to reduce the risk DELWP had also secured \$1M in funding to assist with the repair of the dam wall.

The wall and spillway to the Dunkeld Arboretum Dam are located within the McArthur Street road reserve, and are the base upon which the road is built.

This contract will deliver a risk reduction to the dam by rebuilding the wall and spillway. The nature of these assets requires them to be repaired also to current engineering standards and guidelines for large dams, in order to reduce the risk associated with potential dam failure. As a result the reinstatement of the spillway for the dam required design

The State Government of Victoria made a budget allocation in the 2018/19 budget to reduce the risk rating on a number of regional dams, and the Dunkeld Arboretum Dam is part of this funding initiative. Works required to the dam wall in order to reduce the risk to community posed by the dam will be completed under this funding allocation to the Department of Environment, Land, Water and Planning (DELWP).

Council in its March 2019 meeting approved the award of the Contract to the value of \$1,969,257.00 (incl GST) to LincRoads Pty Ltd.

LincRoads completed the rehabilitation of McArthur Road to the value of \$465,383.70 (incl GST) in the last financial year by utilising funds under Department of Treasury & Finance (DTF).

Council had to engage SMEC to refine the Dam design. LincRoads submitted the revised quote to complete the rehabilitation of Dam wall on the revised design to the value of \$1,046,068.99 (excl GST).

Considering there were no as-built drawings available for the Dam and actual foundation level (Reduced Level– 239.7m, 6.1m from the crest of dam of Reduced Level 245.8m) is much deeper than the foundation depth 4m to 4.6m mentioned in geo-technical report and designer assumed depth 4m from the crest of dam wall. Furthermore, the designer assumed reservoir bed level at 4m from the crest is found at average height of 2.5m throughout the section. Moreover, there is unsuitable material found at the core of Dam wall. As a result, there is considerably much more excavation and backfilling with suitable materials required to make the Dam as per the latest standards.

Contractor has submitted a variation request to the value of \$450,000.00 (incl GST) as a consequence of an above mentioned unforeseeable geological conditions of the site without having any impact on project completion date.

Council has made savings on other capital works projects and managed to work with Fixing Country Roads to shift savings under that program to cover two extra projects which were on Council expenditure.

It is proposed to transfer savings from other capital works to cover unforeseen expenditure on restoration of Dunkeld Dam and raise the existing project expenditure by \$104,734.45 to a revised contract value of \$2,073,990.45 (incl GST).

Discussion

During the Flood and Storm events of 2016 the Dunkeld Dam wall was over topped. This means that the spillway was no longer able to discharge water in excess of inflows and there was water flowing over the dam wall outside of the spillway footprint. The spillway and discharge channel were significantly damaged, as was the dam wall, where the uncontrolled flow of water caused erosion and narrowing of the wall structure.

An investigative project was completed on the wall to understand the extent of the damage, map the hydrology and geotechnical information required to design the repairs to the spillway to current engineering construction standards. This investigation recommended that a complete re-build of the spillway was the only safe and effective way of repairing the damage to the spillway function of the dam. The reconstructed spillway will also repair and reinstate much of the erosion damage to the downstream face of the wall.

The State Government initiated a project to review the status and safety of government owned dams around the state, the Local Government Authority Dam Safety Program. DEWLP commissioned Southern Rural Water to review the dams within Southern Grampians Shire in August 2017. The report from that review in March 2018 provided the basis for a budget bid to improve the safety (through a reduction in the risk rating) to three regional dams, including the Arboretum Reservoir in Dunkeld.

LincRoads Pty Ltd have been working on the Dam wall and during excavation have discovered the actual foundation level is much deeper than the assumed (4.0m). There is considerable unsuitable material found on site.

To meet the design standards, the unsuitable material needs to be removed before specified material is compacted.

Design Team of SMEC have been working with Council staff and contractor to ensure design changes are reviewed and approved.

To meet the current design standards, we are required to replace unsuitable material, which will incur costs over the existing project budget.

A snapshot of the project financials are presented below:

Item	Description	Amount (incl GST)	Remarks
A	Contract Value as per Original Signed Contract	\$1,969,257.00	Approved as per Mar'19 meeting
B	Amount Paid for Road Reinstatement including downstream embankment	\$465,383.70	Paid & claimed from DTF
C	Amount available to spend under the Contract	\$1,503,873.30	
D	VO2 - Revised quote for Dam works	\$1,150,675.89	Quote from LincRoads after SMEC's re-design
E	VO1 – Variation to keep site fenced off since July'19	\$7,930.86	Site was under LincRoads possession
F	VO3 – Variation due to extra excavation and unsuitable materials	\$450,000	Variation due to unforeseen site conditions
G	Revised quote to complete Dam works	\$1,608,606.75	Addition of Items – (D+E+F)
H	Amount available to be spent under the Contract	-\$104,733.45	Item (C-G)

It is requested to increase the contract value by \$104,733.45 to make a new contract value as \$2,073,990.45.

Financial and Resource Implications

The majority of the works required on the dam related to the reinstatement of the dam to reduce the risk rating and therefore the potential for the dam to impact on the down-stream community within the Dunkeld Township. The State Government has allocated \$1,000,000 (excl of GST) for the completion of the works required.

The financials to fund the Dam works are presented below:

Item	Description	Amount (incl GST)	Remarks
A	Revised quote to complete Dam works	\$1,608,606.75	As per the Table under Discussion section
B	Agreed funding from DELWP	\$1,100,000	As per the agreement, we have received most of the funding
C	Gap in project funding	\$508,606.75	Item (B-C)

It is proposed that Council divert savings (508,606.75, incl GST) made under other capital works projects to cover the funding gap of the project.

Legislation, Council Plan and Policy Impacts

Costs associated with this contract will be claimed from either:

- The DELWP budget allocation for reducing the risk on regional dam infrastructure, or

- The National Disaster Relief and Recovery Arrangements for providing Natural Disaster Financial Assistance to Local Government.

Risk Management

The inspection by Southern Rural Water found the dam to be in an unsatisfactory condition with some serious issues identified, most notably relating to failure from piping, stability and lack of flood capacity. There were a number of issues that needed attention immediately, including a comprehensive consequence and options assessment to inform the extent of dam safety upgrade works required. Upgrade options identified by the report included:

- i. Removal of all vegetation from embankment.
- ii. Replace existing outlet pipe with a larger size for dewatering/level control.
- iii. Stabilisation of embankment including the addition of filters, crest widening and upgrade of capping.
- iv. Upgrade spillway.
- v. Removal of old swimming pool at embankment toe.

A structural integrity assessment was commissioned to fully understand the status of the damage to the wall and the requirements for ensuring that it met the current engineering standard for such a structure. The options indicated above are entirely consistent with the findings of the recommendations of the structural integrity assessment. Detailed design was commissioned for the works and conforms to the current construction standards for dams.

The design for these works will mitigate future risk to the downstream population in Dunkeld by ensuring that the risk of future overtopping of the dam is minimised and the risk of failure of the dam wall due to the damage caused by the floods and storms is eliminated.

Environmental and Sustainability Considerations

Contractor has been working with an approved construction environmental management plan and Dam dewatering plan from DELWP.

Community Consultation and Communication

Council staff have been updating on the project progress and will continue to do the same for public information. Property owners in the proximity of the works have been directly advised of the project.

Disclosure of Interests

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

RECOMMENDATION

That Council:

1. Re-allocate savings made under other capital works to the value of \$508,606.75 (incl GST) to the project;
2. Approve the new Contract value to \$2,073,990.45 59 (inc GST).

10.7 Dunkeld to Mount Sturgeon Loop Walk – Public Acquisition Overlay Report

Directorate: Andrew Goodsell, Director Planning and Development
Author: Roslyn Snaauw Coordinator Planning
Attachments: 4. Map Number 35PAO Showing Subject Land
5. Ordinance to the Public Acquisition Overlay Clause 45.01
6. Schedule 1 to Clause 45.01

Executive Summary

Council intends to compulsorily acquire privately owned land pursuant to Section 187 of the *Local Government Act 1989* which states that 'A Council may purchase or compulsorily acquire any land which is or may be required by the Council for or in connection with, or as incidental to, the performance of its functions or the exercise of its powers'.

Council is initiating this process to apply the Public Acquisition Overlay to privately owned land required for the Grampians Peak Trail/Dunkeld to Mount Sturgeon Loop Walk.

It is put before Council to adopt a resolution to proceed with planning scheme amendment C55sgra and obtain the Minister for Planning's authorisation to prepare and exhibit this amendment that seeks to introduce into the Southern Grampians Planning Scheme, Map Number 35PAO and include the Ordinance, Schedule 1 to the Public Acquisition Overlay. Council delegate to the chief Executive Officer:

- a) Pursuant to Section 8A of the Planning and Environment Act 1987, request the Minister for Planning to authorise Council to prepare and exhibit a Planning Scheme Amendment; and
- b) Upon receipt of authorisation, pursuant to Sections 12, 17, 18 and 19 of the Planning and Environment Act 1987, prepare and exhibit the Amendment.

Discussion

The Dunkeld Structure Plan (2014) identified the need for the Dunkeld-Mt Sturgeon walking trail. Council is creating a shared use path from the Dunkeld Visitor Information Centre to Mount Sturgeon (Dunkeld Loop linking to the Grampians Peak Trail).

The track follows crown land, unused road reserves and road reserves and is a key piece of infrastructure that will connect to the township of Dunkeld with the Grampians National Park.

It was identified through a site survey in 2016/2017 that an issue existed with the path design and the provision of the required separation distances from the edge of the roadway (Victoria Valley Road) to the proposed path/ trail.

After title boundaries were pegged, it was noted that an area of 4,142 square metres located adjacent to 178 Victoria Valley Road, that is currently privately owned, would need to be acquired to enable the construction of the Dunkeld-Mt Sturgeon Walk.

Council intends to compulsorily acquire the privately owned land pursuant to Section 187 of the *Local Government Act 1989* which states that 'A Council may purchase or compulsorily acquire any land which is or may be required by the Council for or in connection with, or as incidental to, the performance of its functions or the exercise of its powers'.

This amendment seeks to introduce into the Southern Grampians Planning Scheme, Map Number 35PAO and include the Ordinance to Clause 45.01, Schedule 1 to the Public Acquisition Overlay Clause 45.01.

Financial and Resource Implications

- The costs involved with preparing the amendment documents will be managed in the 2019/2020 financial budget.
- Payment of purchase of the acquisition of land to the private land owner

Legislation, Council Plan and Policy Impacts

Generally, the Amendment aligns the Council Plan 2017 – 2021 with the following Key Priorities being addressed.

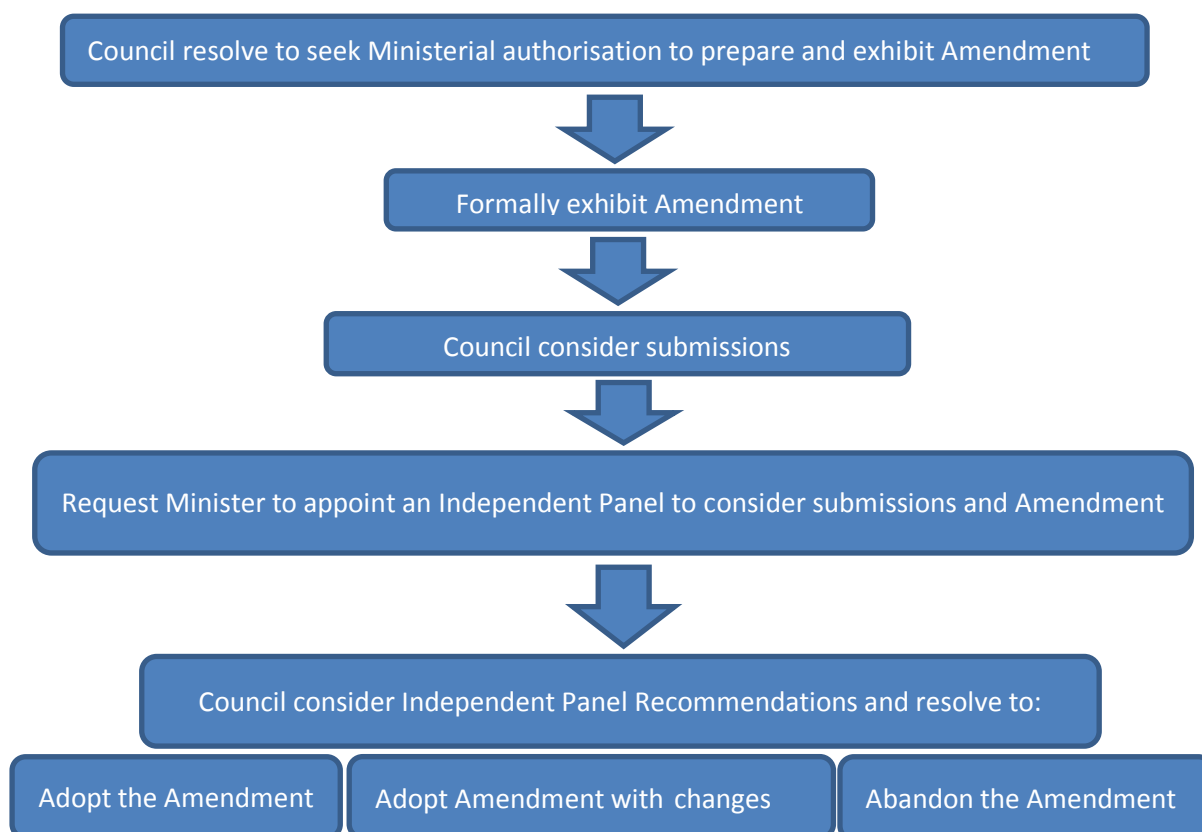
1. Support our Community
2. Develop our Regional Economy & Businesses
3. Plan for our Built Environment & Infrastructure
4. Promote our Natural Environment

Legislation required to be considered with regards to this amendment are:

- Council intends to compulsory acquire privately owned land pursuant to Section 187 of the *Local Government Act 1989*.
- The Planning Scheme amendment process is set out in Part 3 – amendment of Planning Schemes of the *Planning and Environment Act 1987*.

The Planning Scheme is the legal instrument to regulate land use planning within the Shire. The content of the Planning Scheme must be clear and unambiguous. The proposed amendment will achieve the objectives of section 4 of the *Planning and Environment Act 1987* as it aims to conserve and enhance places of scientific, aesthetic, historical interest and special cultural value and will comply with the Ministerial Direction on the Form and Content of Planning Schemes.

The Planning Scheme amendment process is set out in the *Planning and Environment Act 1987*. The Act requires Council to seek Ministerial Authorisation to prepare and exhibit an amendment. It also sets out the requirements to exhibit the amendment. If submissions are received in objection to the amendment, the Council is required to resolve the submissions or request the Minister for Planning to appoint an independent Panel to consider the amendment and submissions made to it. Figure 1 below gives an outline of the Planning Scheme amendment process.



Planning Policy Framework

The outcomes of the Amendment must be consistent with the objectives and strategies of the Planning Policy Framework (PPF) in the Southern Grampians Planning Scheme. Key clauses from within the SPPF relevant this proposal include:

- Clause 11 Settlement
 - Health, wellbeing and safety
 - Economic viability
 - Protection of environmental sensitive areas and natural resources
- Clause 12 Environmental and Landscape Values
 - Planning should protect, restore and enhance sites and features of nature conservation, biodiversity, geological or landscape value.
- Clause 13 Environmental Risks and Amenity
 - Planning should identify and manage the potential for the environment and environmental changes to impact on the economic, environmental or social wellbeing of society.
- Clause 15 Built Environment and Heritage
 - Planning should promote excellence in the built environment and create places that:
 - Accommodate people of all abilities, ages and cultures.
 - Contribute positively to local character and sense of place.
 - Enhance the function, amenity and safety of the public realm.

- Clause 17 Economic Development
 - Planning is to provide for a strong and innovative economy, where all sectors are critical to economic prosperity.
 - Planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strength and achieve its economic potential.

Local Planning Policy Framework:

The proposed Amendment will implement the strategic directions found in the existing Local Planning Policy Framework (LPPF) which include:

- Clause 21.01-3 'Key planning issues', by maintaining and enhancing the viability and liveability of the Shire's smaller towns and by facilitating new and expanding economic development opportunities.
- Clause 21.05-2 Heritage. 'Key issue' for the conservation, protection and maintenance of places with cultural significance has a strategy to recognise, promote and protect the Shire's significant Aboriginal heritage.
- Clause 21.07-2 Tourism is a significant economic generator for the Shire. These attractions draw domestic and international tourists to the Shire and it is essential that tourism development does not lessen the values and integrity of these assets.

Overlay

The Public Acquisition Overlay parent Clause 45.01 is to be introduced into the Southern Grampians Planning Scheme with Schedule 1 to Clause 45.01 introduced into the Southern Grampians Planning Scheme which will relate to the *Construction of Dunkeld to Mount Sturgeon shared path*.

Map 35PAO will also be introduced into 'Maps' of the Southern Grampians Planning Scheme which will detail where the area of PAO1 will be located.

Risk Management

There are no risks to Council in preparing and exhibiting this Planning Scheme amendment.

Benefits to the Community of establishing a track/path:

- Establish a new tourism attraction with a walking/cycling track;
- Deliver an accessible nature-based tourism experience with the total track having a variety of vistas and wildlife experiences;
- Improve the community's health and well-being;
- Create a safe and accessible walking/cycling track.

Benefit to the parties involved:

- Compensation to private land owner for acquisition of land

Environmental and Sustainability Considerations

Implementing the planning scheme amendment will ensure an accessible nature-based tourism experience with the total track having a variety of vistas and wildlife experiences

Potential economic provides for future tourism exposure, which is a significant economic driver within the Shire and wider region.

Community Consultation and Communication

Historically consultation has occurred on this project dating back to the Dunkeld Structure Plan, Dunkeld Walking Trail (Dunkeld Loop Walk) and the Grampians Peaks Trail Master Plan.

The statutory requirements for the period of notice and exhibition for a Planning Scheme amendment are dictated by Sections 18 and 19 of the *Planning and Environment Act 1987*.

The Act requires that a Planning Scheme amendment must undergo a formal exhibition process. As part of the consultation and exhibition process the amendment may be referred to the following:

- Prescribed Ministers
- Owners and occupiers of adjoining/adjacent land
- Notification on Council website and copies made available for inspection at Southern Grampians Shire Council offices at Market Place and Brown Street, Hamilton.
- Public notices published in the Government Gazette and The Hamilton Spectator;

Upon Council's decision, a letter will be sent to the Minister for Planning seeking authorisation to prepare the Amendment.

Disclosure of Interests

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

RECOMMENDATION

That in relation to introducing the planning scheme amendment c55sgra to the Southern Grampians Planning Scheme that Council delegate to the Chief Executive Officer:

1. Pursuant to Section 8A of the *Planning and Environment Act 1987*, request the Minister for Planning to authorise Council to prepare and exhibit Planning Scheme Amendment C55sgra; and
2. Upon receipt of authorisation, pursuant to Sections 12, 17, 18 and 19 of the *Planning and Environment Act 1987*, prepare and exhibit Amendment C55sgra.

11. Notices of Motion

11.1 Notice of Motion #3/20

Cr Rainsford

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 8 April 2020

MOTION

That Southern Grampians Shire Council

1. Investigate purchasing the lots located on Lonsdale St referred to as the Walkers building identified in the attachment to this motion.
2. Commence community consultation on the proposed Southern Grampians Shire Council purchase of the Lonsdale Street Walkers Building
3. Develop integrated plans of the impact of the purchase of the Walkers Building on the current CBD Melville Oval Revitalisation Plans.

Background

Southern Grampians Shire Council has had the opportunity to purchase a block adjacent to existing public buildings since the relocation of the Walkers business to Coleraine Road. The site has been listed for sale for many years.

The purpose of this motion is to formally engage councillors and the community in taking the opportunity to invest in a site central and adjacent to existing Council community assets for the benefit of future generations.

The 2012 Hamilton Masterplan included activating a laneway linking Melville Oval to Gray Street. Whilst there is an agreement with the Council for public access to Corriedale Lane off Gray Street, the Lonsdale Street access is on private land through a private carpark entrance.

The current Melville Oval CBD Revitalisation Plan include the development of Corriedale Lane as a core link between Melville Oval and Gray Street.

However this access is not secured and the extensive work on designs and plans including this laneway have been prepared based on continued access.

Uses for the buildings could range from community space, undercover car parking in the short term and a major redevelopment new building in the long term.

The current COVID-19 Pandemic is affecting all our lives and is a major health concern. The disease control is having financial impact to business and communities everywhere. There will be a recovery. Council, working with our community, can manage the current situation whilst looking forward and strategically planning to provide the best affordable community amenities.

Attachment 7. Map of Walkers Building, Lonsdale Street Hamilton

Officers Comments

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

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

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

Further:

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

12. Delegated Reports

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

13. Mayors and Councillors Reports

Address from the Mayor and Councillors in relation to matters of civic leadership and community representation, including acknowledgement of community groups and individuals, information arising from internal Committees, advocacy on behalf of constituents and other topics of significance.

14. Confidential Matters

RECOMMENDATION

That the following items be considered in Closed Council as it deals with Personnel Matters specified in Section 89 (2) (a) of the Local Government Act 1989.

14.1 CEO Performance Review

RECOMMENDATION

That the meeting go back into open Council.

15. Close of Meeting

This concludes the business of the meeting.