



**Southern Grampians**  
SHIRE COUNCIL

# Council Meeting Agenda

Ordinary Meeting  
9 December 2020

To be held virtually at 5:30pm.

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## 1. Membership

### **Councillors**

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

### **Officers**

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

## 2. Welcome and Acknowledgement of Country

Please note: All Council meetings will be audio recorded, and may be livestreamed to Council's social media platform, with the exception of matters identified as confidential items in the Agenda.

By participating in open Council meetings, individuals consent to the use and disclosure of the information they share at the meeting (including any personal and/or sensitive information).

Other than an official Council recording, no video or audio recording of proceedings of Council Meetings will be allowed without the permission of Council.

## 3. Prayer

## 4. Apologies

## 5. Confirmation of Minutes

### **RECOMMENDATION**

That the Minutes of the Council Meeting held on 14 October 2020 be confirmed as a correct record of business transacted.

That the Minutes of the Statutory Meeting held on 18 November 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 is one Public Deputations listed on tonight's agenda.

### 8.1 Petition – Recycling Charges

A petition has been received requesting that Council reconsider the decision to impose fees on recycling of commercial quantities of cardboard and paper by Hamilton businesses at the Hamilton Transfer Station.

**Attachment: 1. Recycling Charges Petition**

<b>RECOMMENDATION</b>
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That the petition be received by Council and Officers provide a report back to Council.

## 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:

- Council Briefing Session – 25 November 2020

This agenda was prepared on 2 December 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.

## Southern Grampians Shire Council

## ASSEMBLY OF COUNCILLORS

ASSEMBLY DETAILS	
<b>Title:</b>	Council Briefing Session
<b>Date:</b>	25 November 2020
<b>Location:</b>	MJ Hynes Auditorium and Virtual
<b>Councillors in Attendance:</b>	Cr Bruach Colliton, Mayor Cr David Robertson, Deputy Mayor Cr Mary-Ann Brown Cr Albert Calvano Cr Helen Henry Cr Greg McAdam Cr Katrina Rainsford
<b>Council Staff in Attendance:</b>	Michael Tudball, Chief Executive Officer Evelyn Arnold, Director Community and Corporate Services Andrew Goodsell, Director Planning and Development David Moloney, Director Shire Infrastructure Karly Saunders, Governance Coordinator Rohit Srivastava, Manager Assets Kirsty Miller, Manager Shire Strategy and Regulation Sherie Bain, Regulatory Services Coordinator Susannah Milne, Manager Community and Leisure Services Parvesh Siroha, Senior Strategic Planner

The Assembly commenced at 1:00pm

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
<b>1</b>	Matters Raised by Councillors	Nil
<b>2</b>	Local Roads and Community Infrastructure Program Round 2 Funding	Nil

<b>3</b>	Annual Plan Quarterly Report	Nil
<b>4</b>	S11A Instrument of Appointment and Authorisation and s6 Delegations	Nil
<b>5</b>	Rescind Councillor and Staff Interaction Policy	Nil
<b>6</b>	Hamilton and Coleraine Flood Amendments	Nil
<b>7</b>	Hamilton-Port Fairy Road Widening Tender	Nil
<b>8</b>	Transfer of Land from Estates	Nil
<b>9</b>	PAC Building Roof Tender	Nil
<b>10</b>	Neighbourhood Safer Places	Cr Brown declared a conflict of interest and remained in the Briefing.
<b>11</b>	Pedrina Park Inclusive Sports Hub	Nil
<b>12</b>	External Committees	Nil Cr McAdam left the Briefing at 4:20pm and was not in attendance for this item.

The Assembly concluded at 5:00pm.



## 10. Management Reports

### 10.1 Annual Plan Quarterly Report

**Directorate:** Evelyn Arnold, Director Community and Corporate Services  
**Author:** Karly Saunders, Governance Coordinator  
**Attachments:** 2. Action and Task Progress Report – 1 July 2020 – 30 September 2020

#### Executive Summary

The Action and Task Progress Report for the period 1 July 2020 to 30 September 2020 has been prepared to provide information regarding the performance of the organisation against the Annual Plan.

#### Discussion

The Annual Plan is developed each year to assist in the delivery of the Council Plan objectives and to demonstrate to the community the key projects to be delivered that year. The Annual Plan sets out the specific actions and includes a detailed list of Council's activities and initiatives for the upcoming financial year. These initiatives are projects that are undertaken over and above normal service delivery and are intended to attain important outcomes for Council and the community.

Reports on the progress of the Annual Plan are reported to Council quarterly. This allows Council to receive timely, relevant and measurable information about how the organisation is performing. This in turn allows Council an opportunity to raise concerns about performance in a timely manner. The Annual Plan reporting will also help formulate the Annual Report and support the reporting against the Council Plan each year.

There are currently 52 actions from the Annual Plan and Council Plan. Of these 52 actions:

- 41 actions (79%) are on track - at least 90% of the target achieved;
- 3 actions (6%) require monitoring –between 70% and 90% of the target achieved;
- 8 actions (15%) are off track – less than 70% of target achieved; and
- 0 actions (0%) have no target set

Details about the specific performance of the Annual Plan actions is detailed in the attached Action and Task Progress Report.

In light of the current environment relating to the impacts of COVID-19, when the annual plan report was prepared for this quarter, staff took into consideration any known or potential impacts of COVID-19 on existing annual plan actions.

#### Legislation, Council Plan and Policy Impacts

Council is required to adopt a Council Plan in accordance with section 125 of the Local Government Act 1989 and subsequently determine whether any adjustments are required. This Plan is supported by the development of an Annual Plan which details the actions that will be undertaken to achieve the strategic objectives in the Council Plan.

Reporting on the Annual Plan is to be presented to Council quarterly so that Council can regularly monitor the performance of the organisation.

### **Disclosure of Interests**

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

<b>RECOMMENDATION</b>
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That Council receive the Action and Task Progress Report for 1 July 2020 to 30 September 2020.

## 10.2 Review of Instruments of Delegation by Council (S6 and S11A)

**Directorate:** Evelyn Arnold, Director Community and Corporate Services  
**Author:** Karly Saunders, Governance Coordinator  
**Attachments:** 3. s11A Instrument of Appointment and Authorisation  
4. s6 Instrument of Delegation from Council to Council Staff

### 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*, which allows them to fully discharge their duties and responsibilities under that Act.

The s6 Instrument of Delegation delegated from Council to members of Council staff the powers, duties and functions set out in that instrument.

It is recommended that Council resolve to appoint and authorise the Council staff in accordance with the attached instruments.

### 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.

#### 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 generally to institute proceedings for offences against the *Planning and Environment Act 1987* and the regulations made under that Act.

#### S6 Instrument of Delegation from Council to Members of Council Staff

- Appoints staff holding, acting or performing the duties or positions referred to in the instrument, the powers, duties and functions set out in the instrument, subject to the conditions and limitations specified in that Instrument.

Both Instruments were last updated 12 August 2020 and include the following changes since:

- Updated to reflect the commencement of the Manager Shire Strategy and Regulation
- Updated to reflect the position of Senior Strategic Planner

### 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.

**Legislation, Council Plan and Policy Impacts**

Objective 5.1 – Provide transparent and responsible governance.

**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

**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 Consultation and Communication**

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

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

**RECOMMENDATION**

In the exercise of the powers conferred by the legislation referred to in the attached instruments of delegation, Council resolves that -

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *s6 Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
2. That Council, adopt the attached s11A Instrument of Appointment and Authorisation for the members of Council staff set out in the instrument.
3. The instruments come 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.
4. On the coming into force of the instruments, all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
5. On the coming into force of the instruments, all previous s11A instruments are revoked.
6. The duties and functions set out in the instruments 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.

## 10.3 Councillor and Staff Interactions - Rescission

**Directorate:** Evelyn Arnold, Director Community and Corporate Services  
**Author:** Karly Saunders, Governance Coordinator  
**Attachments:** 5. Councillor and Staff Interactions Policy

### Executive Summary

Council last adopted the Councillor and Staff Interactions policy on 14 November 2020.

As a result of changes to the Local Government Act, this policy is no longer the responsibility of Council and as such, it is recommended that the attached Councillor and Staff Interactions Policy be rescinded.

### Discussion

This Policy outlines the appropriate channels for interactions between Councillors and Council Staff. It deals with improper or undue influence, communication channels, and responses to Councillors, personal interaction between Councillors and Staff and contact contradictory to the Policy.

Section 46(3)(c) of the *Local Government Act 2020* reads:

*CEO is responsible for managing interactions between members of Council staff and Councillors and ensuring that policies, practices and protocols that support arrangements for interaction between members of Council staff and Councillors are developed and implemented.*

Therefore this policy will become operational and be approved by the CEO.

### Financial and Resource Implications

There are no financial and resource implications in relation to the drafting of the report or the implementation of the Policy. The Policy reflects the current practices at Southern Grampians Shire Council, making things clear for new Councillors and Council Staff.

### Legislation, Council Plan and Policy Impacts

Section 46 of the *Local Government Act 2020* contains provisions in relation to the Chief Executive Officer's responsibility to manage interactions between members of Council staff and Councillors.

The Local Government (Governance and Integrity) Regulations 2020 support this and it is stated in the Councillor Conduct Standards that Councillors must comply with any policy, practice or protocol developed and implemented by the CEO in accordance with section 46 to manage interactions between members of Council staff and Councillors.

### Risk Management

This Policy seeks to provide protection to Councillors and Council Staff by outlining what interactions are appropriate and what interactions may constitute improper or undue influence.

### Environmental and Sustainability Considerations

Not applicable.

**Community Consultation and Communication**

No community consultation is required in the development of this Policy.

Once adopted a copy of the Policy will be made available to all Councillors and Council Staff, and it will be uploaded onto Council's webpage and intranet.

**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.

<b>RECOMMENDATION</b>
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That Council rescind the attached Councillor and Staff Interactions Policy.

## 10.4 Tender 36-20 Pedrina Park Inclusive Sports Hub Pavilion

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



## 10.5 Planning Scheme Amendment C54sgra, Hamilton Flood Investigation

**Directorate:** Andrew Goodsell, Director Planning and Development  
**Author:** Parvesh Siroha, Senior Strategic Planner  
**Attachments:** None

### Executive Summary

The purpose of this report is to consider submissions received during the exhibition period of Planning Scheme Amendment C54sgra Hamilton Flood Investigation, to the Southern Grampians Planning Scheme. The proposed amendment seeks to amend the Scheme to incorporate the recommendations of the *Hamilton Flood Study 2012*, including changes to the flood mapping and to the planning scheme ordinances.

Council has an obligation to include overlays in its planning scheme to address flood risk. The proposed overlay mapping represents a snap-shot in time that measures the full extent of a 1% AEP (1 in 100 year) event. The proposed schedules accompanying the amendment also provides for permit exemptions in certain circumstances. In most other cases where an exemption does not apply, the overlay ensures that flood risk is considered as part of the overall assessment process rather than preventing development.

Amendment C54 was exhibited from 20 August 2020 to 21 September 2020. Two submissions were received during exhibition period objecting to the amendment. One submission received from Department of Transport. The submissions were referred to the Flood Investigation Consultants (the Consultants) and Glenelg Hopkins Catchment Management Authority (GHCMA) for their technical review.

An online meeting was undertaken on 4 Nov 2020 with the objectors, the Consultants, GHCMA and Council staff. Experts provided their reasoning and recommended changes to the flood mapping, which are discussed in the 'Submissions' section of the report. Both objectors are satisfied with the explanations and withdrawn their objections. There are no objections for Amendment C54sgra and consequently a panel hearing won't be required.

### Recommendations

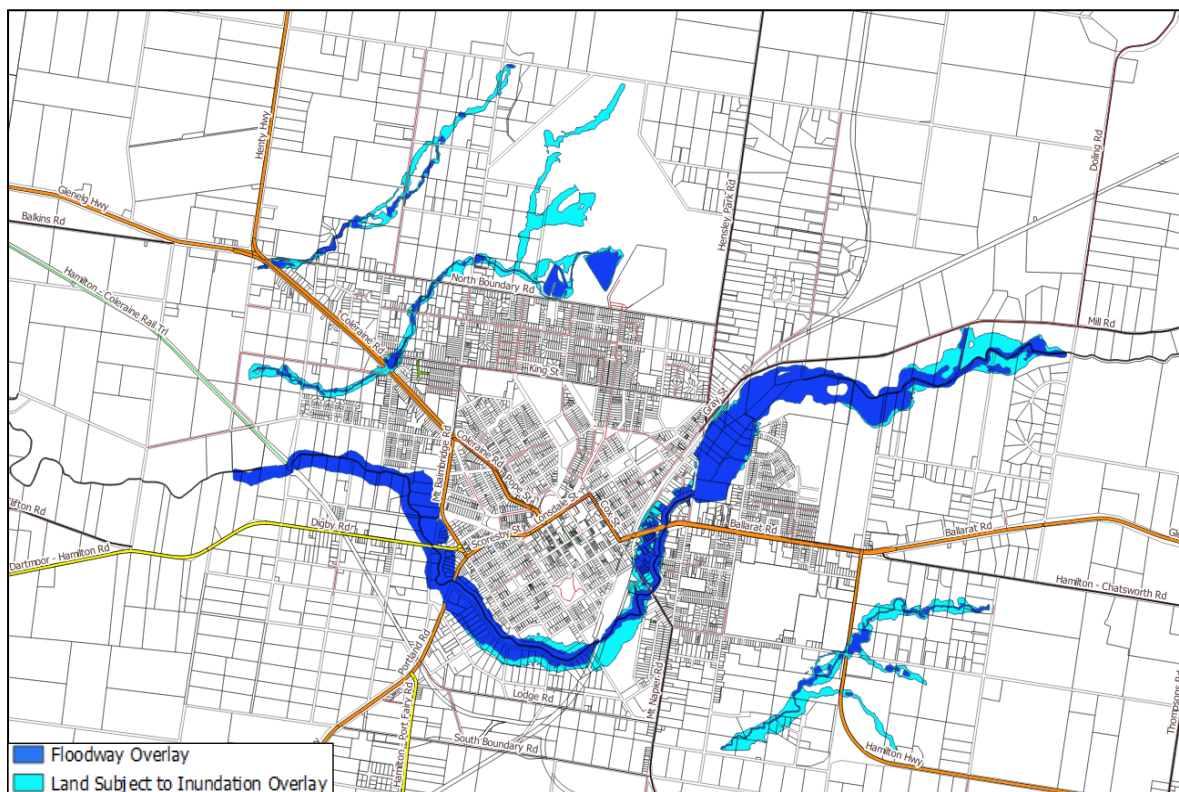
That Council:

1. Adopt Amendment C54sgra, Hamilton Flood Investigation to the Southern Grampians Planning Scheme pursuant to Section 29 of the Planning and Environment Act 1987.
2. Pursuant to section 22 (1) of the Planning and Environment Act 1987, consider all submissions received to Southern Grampians Amendment C54sgra, Hamilton Flood Investigation.
3. Pursuant to section 23 (1)(a) of the Planning and Environment Act 1987, make changes to Amendment C54sgra, Hamilton Flood Investigation to remove the Land Subject to Inundation Overlay, from 2 Handbury Blvd, Hamilton as detailed within the report.
4. Submit Planning Scheme Amendment C54sgra, Hamilton Flood Investigation, to the Minister for Planning for approval and gazettal pursuant to Section 31 of the Planning and Environment Act 1987.

## Discussion

Council at its ordinary meeting on 12 June 2019 resolved to proceed with the amendment C54sgra for Hamilton Flood Investigation and to obtain Minister for Planning authorisation to prepare and exhibit the Amendment. The Minister for Planning on 4 August 2020 authorised to prepare and exhibit Planning Scheme Amendment C54sgra.

Amendment C54sgra seeks to implement the findings of Hamilton Flood Investigations into the Southern Grampians Planning Scheme.



The Amendment is the culmination of the combined efforts of Council, the GHGMA and the Department of Environment Land Water and Planning (DELWP). It involved extensive investigations on the potential for flooding in Hamilton and surrounds. Flood investigations commenced in 2012 and included detailed flood modelling of the Hamilton catchments. A community drop in session was held as part of this study to provide the local community with the opportunity to share their knowledge of flooding and comment on the draft mapping available.

The final proposed mapping changes reflected the more precise methodology employed by the flood consultants as part of this project, as well as the catchment wide assessment. Flooding remains a significant risk which must be managed through the application of planning controls. The Study identified other areas where the flood mapping should be extended.

In terms of total numbers, 75 properties are covered by the current flood controls in Hamilton (as well as significant areas of Council and Crown land). This amendment as exhibited would result in a total of 330 properties being included in the Land Subject to Inundation Overlay (LSIO) and Floodway Overlay (FO). With regard to total area, currently 107 ha of land is included in the current flood controls. Amendment C54sgra as exhibited would result

in 283 ha of land being included in the LSIO and FO in Hamilton. While these figures would appear to represent a considerable expansion on the current flooding controls, it is noted that the application of the controls over the Hamilton catchments, within the Residential and Farming Zone, contribute to most of this expansion. Some of these areas were previously not mapped.

The schedules to the flood overlays contained within the Southern Grampians Planning Scheme were also rewritten as part of the amendment process. The revised schedules allow Council to tailor the requirements of the generic state wide overlays to individual requirements that meet local needs. At present, the Overlay triggers the need for a planning permit for virtually all development and works. The new Schedules establish or extend the broad range of works that do not require a planning permit in the Overlays, including some forms of replacement buildings, some extensions or external alterations to buildings, some forms of fencing and open sided agricultural sheds.

### Submissions

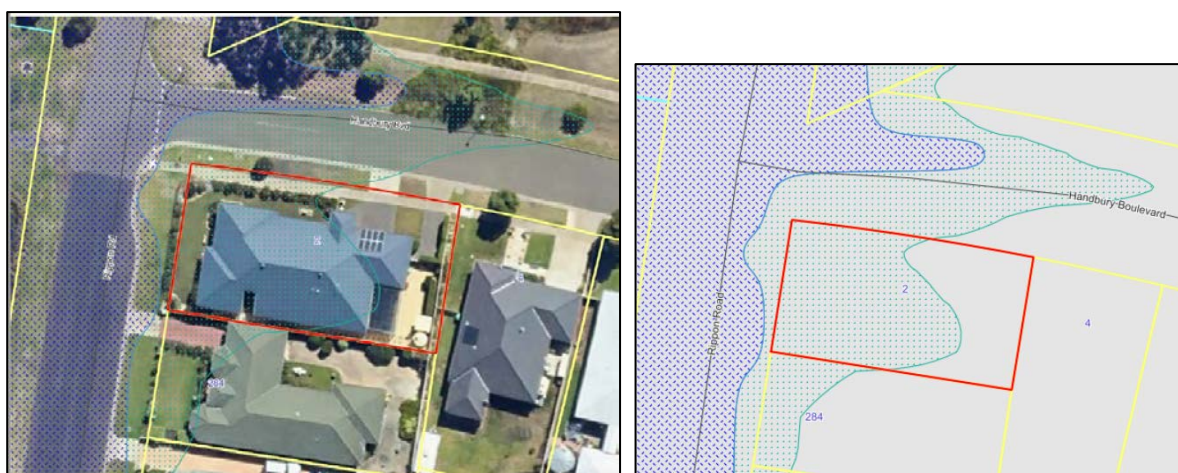
Two submissions were received from private landowners during the exhibition period objecting to the Amendment and one submission received from Department of Transport not objecting to the Amendment.

An online meeting was organized on 4 Nov 2020 with the objectors to address their concerns. Experts from Cardno, Pty Ltd (Flood Investigation consultant) and GHGMA were engaged to participate in the online meeting. Experts provided their reasoning and recommended changes to the flood mapping.

### Submission 1

The landowners of 2 Handbury Blvd, Hamilton objected on the following grounds:

1. There was no mention from the council of any flood overlay at the time of purchase in 2012 and the objectors have not experienced any flooding at our residence or in the area since 2012.
2. Lack of maintenance of waterways.



At the online meeting with the objectors the experts reassessed the situation at 2 Handbury Blvd and recommended to adjust the flood mapping on following grounds. Experts considers it appropriate to adjust the extent of the proposed LSIO in the context of 2 Handbury Blvd and also 282 and 284 Rippon Road.

The reasons for this adjustment are:

- It is clear that the dwelling on 2 Handbury Blvd, Hamilton was constructed soon after the completion of the 2012 flood study and that the surface of the property was raised such that the dwelling floor level is close to the neighbouring property at 284 Rippon Rd.
- As per the attached approved plans, the approved dwelling floor level is 179.83 m AHD. The estimated 1% AEP (Annual Exceedance Probability) flood level is 179.59 m AHD as per information provided by Venant Solutions. The dwelling therefore has in the order of 240 mm of freeboard over the 1% AEP flood level and the dwelling footprint at the very least should not be covered by the LSIO.
- Further to the above, the 2 Handbury Blvd parcel is full developed and any further development within the frontage to Rippon Road is unlikely. This is also the case for 282 and 284 Rippon Road.

Given the above points, the permit application trigger that would result from adoption of the LSIO mapping as exhibited is unwarranted in the context of these 3 parcels and it is recommended that the extent of the LSIO be brought back to the Rippon Road boundary fence for each of these lots prior to adoption of the mapping into the planning scheme.

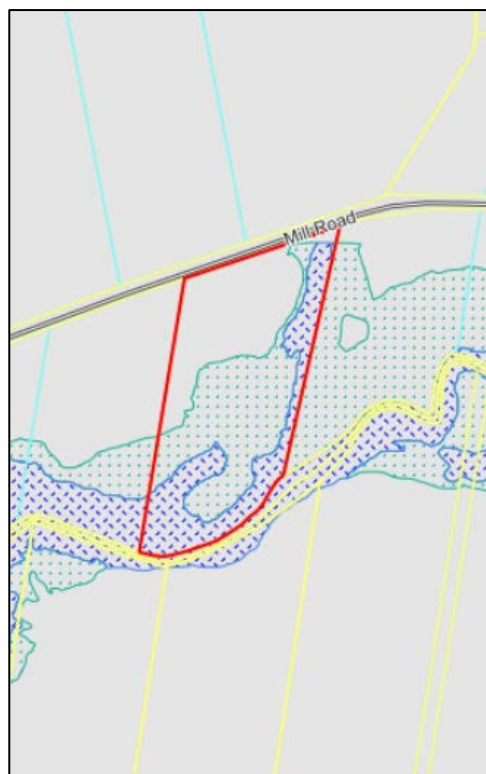
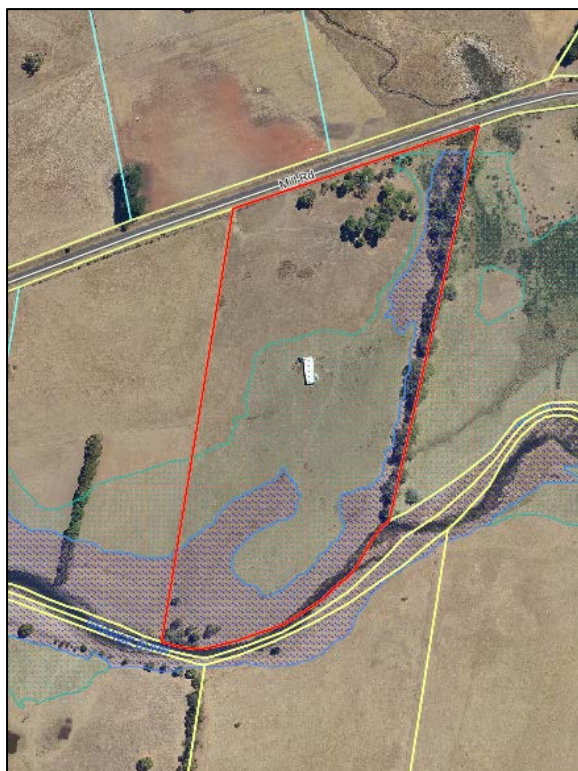
Consequently, 2 Handbury Blvd, Hamilton would not be affected by Amendment. The landowners are happy with the outcome and wish to withdraw their objection to the Amendment.

## **Submission 2**

The landowners of Lot 30 Mill Rd, Hamilton objected and fundamentally disputed the new planning controls introduced into the scheme and how it will affect the development on the their property. The objectors wanted know what they can or can't do on their property and they discussed building a new shed on the property.

It is considered that the application of the overlay will not prevent future development of the land, rather it will ensure that the siting and design of the development takes into account the potential for flooding. This could include siting a building away from the deepest waters or channels, and/or building the floor level above the flood level (i.e. stumps instead of a slab floor). In some cases, particularly where a Flood Overlay is being proposed, there may be some challenges in developing land (as this is where the deepest and fastest flowing waters have been modelled), however this simply reflects the flood risk that exists, and land owners would need to work with Council and the GHCMA to explore development options that may be acceptable.





The landowners of Lot 30 Mill Rd, Hamilton have confirmed in writing to withdraw their objection on the basis of explanations given by the experts.

**Submission 3**

Department of Transport

The Department of Transport provided the following response to the Amendment C54sgra:

*The flood mitigation works outlined within the Hamilton Flood Investigation report (Cardno Pty Ltd 2012) and the subsequent review of the Land Subject to Inundation Overlay, as well as the Floodway Overlay, must not increase the risk to or flow of flood water over the assets managed by the Department of Transport (DoT). Prior to any mitigation works commencing, it is expected that further consultation with DoT occurs where work abuts or impacts on these assets.*

The proposed overlays do not change the flow of water in any way across the land or change the flood risk of Department of Transport assets. The overlays ensure that any flood mitigation works will not adversely impact assets owned or managed by the DoT. Flood mitigation works that impacted DoT assets would be designed in consultation with the DoT as part of a separate process.

## Financial and Resource Implications

A \$30,000 grant for implementing a planning scheme update has been granted under National Disaster Resilience Grants Scheme.

## Legislation, Council Plan and Policy Impacts

The application of the *Planning and Environment Act 1987* relies on data from this investigation to apply flood overlays into the planning scheme.

Council Plan - Support our Community:

- Information from this investigation is intended to be used to support an empowered and resilient community.
- A safe community is contributed to by the urban design and regulatory services components of this investigation.

Plan for our built environment and infrastructure:

- The application of the overlay will not prevent future development of the land, rather it will ensure that the siting and design of the development takes into account the potential for flooding.

Promote our natural environment:

- By accurately reflecting the flood risk areas in the Planning Scheme, the amendment protects designated flood paths and the riverine areas from development and encroachment from other activities. It also contributes to minimising flood risks to people, assets and properties.

## Risk Management

Introducing the planning scheme amendment provides surety for landowners where developers are informed of flood overlay implications as early as possible in the development approval process.

Council has an obligation to the community to ensure that its planning controls accurately reflect risk. If Council does not pursue the mapping update, it could result in risks for Council and the community. These risks could be:

- The prospective buyers could buy land that they later learn has limited development potential
- Incorrect perception of reduced development potential
- Develop their land which is subject to flooding.

The introduction of flood overlay information in the planning scheme reduces Council's vulnerability to legal risk exposure. In practical terms, the risk is that if Council issues planning permits devoid of flood data that cannot be prosecuted in the building phase due to the late input of flood information. In essence the planning permit is flawed and cannot be implemented. This risk has been noted in other councils and has led to litigation.

## Environmental and Sustainability Considerations

Implementing the planning scheme recommendations will contribute to improved sustainability of future development by avoiding unnecessary increases in flood related damage to private and public property.

## Community Consultation and Communication

Engagement with community occurred with conduct of the flood investigation.

The local community was consulted in the preparation of the *Hamilton Flood Investigation Study 2012* and their comments were incorporated into the Study.

Amendment C54sgra was placed on formal public exhibition from 20 August 2020 to 21 September 2020. The amendment was advertised in the local newspaper and on Council's website. All affected landowners were directly notified in writing.

## Disclosure of Interests

Nil.

## RECOMMENDATIONS

That Council:

1. Adopt Amendment C54sgra, Hamilton Flood Investigation to the Southern Grampians Planning Scheme pursuant to Section 29 of the Planning and Environment Act 1987.
2. Pursuant to section 22 (1) of the Planning and Environment Act 1987, consider all submissions received to Southern Grampians Amendment C54sgra, Hamilton Flood Investigation.
3. Pursuant to section 23 (1)(a) of the Planning and Environment Act 1987, make changes to Amendment C54sgra, Hamilton Flood Investigation to remove the Land Subject to Inundation Overlay, from 2 Handbury Blvd, Hamilton as detailed within the report.
4. Submit Planning Scheme Amendment C54sgra, Hamilton Flood Investigation, to the Minister for Planning for approval and gazettal pursuant to Section 31 of the Planning and Environment Act 1987.

## 10.6 Planning Scheme Amendment C58sgra - Coleraine Flood Investigation

**Directorate:** Andrew Goodsell, Director Planning and Development  
**Author:** Parvesh Siroha, Senior Strategic Planner  
**Attachments:** 6. Amendment C58sgra Submissions Review

### Executive Summary

The purpose of this report is to consider submissions received during the exhibition period of Planning Scheme Amendment C58sgra to the Southern Grampians Planning Scheme. The proposed Amendment seeks to amend the Scheme to incorporate the recommendations of the *Coleraine Flood Study 2012*, including changes to the flood mapping and to the planning scheme flood schedules.

Council has an obligation to include overlays in its planning scheme to address flood risk. The proposed overlay mapping represents a snap-shot in time that measures the full extent of a 1% AEP (1 in 100 year) event.

The Amendment was exhibited from 20 August 2020 to 21 September 2020. One submission received during notification period objecting to the amendment. The submission was referred to the Flood Investigation Consultants (the Consultants) and Glenelg-Hopkins Catchment Management Authority (GHCMA) for technical review. Minor adjustments to Floodway Overlay were made as a result.

An online meeting was undertaken on 4 Nov 2020 with the objector, the Consultant, Glenelg Hopkins CMA (GHCMA) and Council officers however the concerns raised in the submission were not resolved.

It is recommended that the opposing submission to be referred to an Independent Panel appointed by the Minister for Planning.

### Recommendations

That Council:

1. Pursuant to section 22 (1) of the Planning and Environment Act 1987, consider all submissions received to Southern Grampians Amendment C58sgra.
2. Pursuant to section 23 (1)(a) of the Planning and Environment Act 1987, make changes to Amendment C58sgra to remove the Floodway Overlay from 66 Whyte Street, Coleraine affected by very minor encroachments at the extremity of the flood mapping extent as detailed within the report.
3. Pursuant to section 23 (1) (b) of the Planning and Environment Act 1987, refer the unresolved submission to an Independent Panel.
4. Authorise officers/suitable persons to represent Council at the Planning Panel hearing generally in accordance with the response to issues outlined in this report.

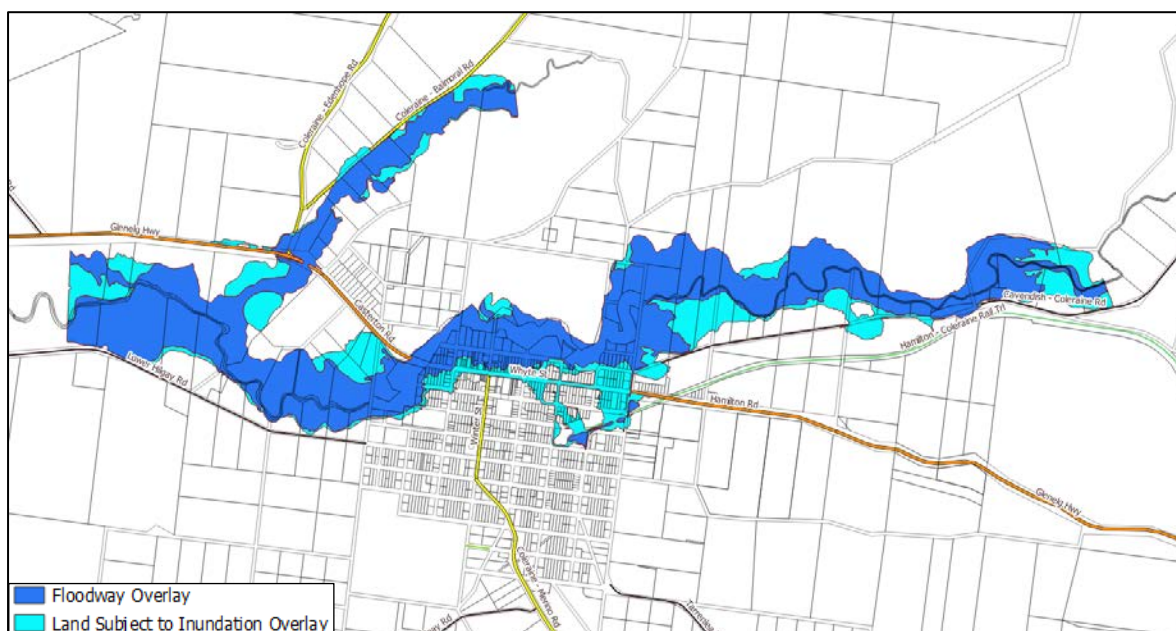


## Discussion

Council at its Ordinary Meeting on 12 June 2019 resolved to proceed with the amendment C58sgra for Coleraine Flood Investigation and to obtain Minister for Planning authorisation to prepare and exhibit the Amendments. The Minister for Planning authorised on 4 August 2020 to prepare and exhibit the Planning Scheme Amendment.

Amendment C58sgra seeks to implement the findings of Coleraine Flood Investigations into the Southern Grampians Planning Scheme.

The Amendment is the culmination of the combined efforts of Council, the GHCMA and the Department of Environment Land Water and Planning (DELWP). It involved extensive investigations on the potential for flooding in Coleraine and surrounds. Investigations commenced in 2016 and included detailed flood modelling of the Bryan Creek and Koonong Wootong Creek catchments. A community drop in session was held as part of this study to provide the local community with the opportunity to share their knowledge of flooding and comment on the draft mapping available.



The final proposed mapping changes reflected the more precise methodology employed by the flood consultants as part of this project, as well as the catchment wide assessment. The hazard mapping reveals that the risk of flooding in the Bryan Creek and Koonong Wootong Creek catchments is severe as current flood mapping in the Southern Grampians Planning Scheme indicates. Flooding remains a significant risk which must be managed through the application of planning controls. The Study identified other areas where the flood mapping should be extended.

In terms of total numbers, 43 properties are covered by the current flood controls in Coleraine (as well as significant areas of Council and Crown land). This amendment as exhibited would result in a total of 222 properties being included in the Land Subject to Inundation Overlay (LSIO) and Floodway Overlay (FO). With regard to total area, currently 34 ha of land is included in the current flood controls. Amendment C58sgra as exhibited would result in 238 ha of land being included in the LSIO and FO in Coleraine. While these figures would appear to represent a considerable expansion on the current flooding controls, it is noted that the application of the controls over the Bryan and Koonong Wootong Creek

catchments, within the residential and Farming Zone, contribute to most of this expansion. Most of these areas were previously not mapped.

The schedules to the flood overlays contained within the Southern Grampians Planning Scheme were also rewritten as part of the amendment process. The revised schedules allow Council to tailor the requirements of the generic state wide overlays to individual requirements that meet local needs. At present, the Overlay triggers the need for a planning permit for virtually all development and works. The new Schedules establish or extend the broad range of works that do not require a planning permit in the Overlays, including some forms of replacement buildings, some extensions or external alterations to buildings, some forms of fencing and open sided agricultural sheds.

### **Submissions**

One submissions received from private landowners during the exhibition period objecting to the Amendment. Two submissions were received from Wannon Water and Department of Transport.

An online meeting was organized on 4 Nov 2020 with the objectors to address their concerns. Experts from Cardno, Pty Ltd (flood Investigation consultant) and GHCMA were engaged to participate in the online meeting. Experts provided their reasoning and recommended changes to the flood mapping.

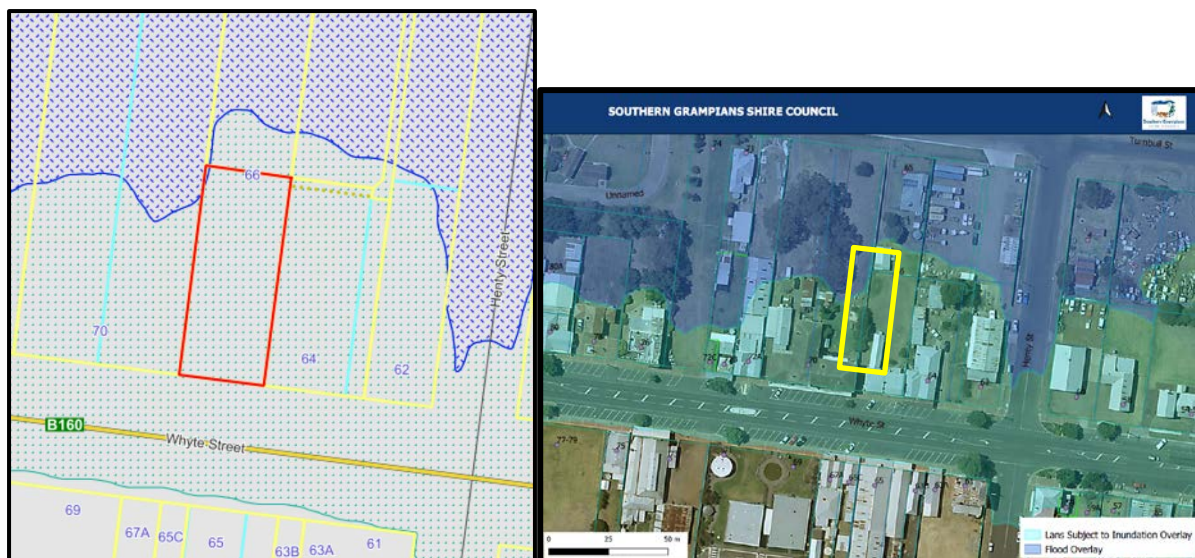
### **Submission 1**

One submission received from private landowner during the exhibition period objecting amendment.

The landowners of 66 Whyte St, Coleraine objected on the following grounds:

1. No form of compensation will be available to affected land holders;
2. Rates and Council charges will also not be altered to show the obvious loss of land value if this Amendment should proceed;
3. Why has the strong suggestions from many members of this community to clear the Creek of the choking reeds and weed to allow proper flow, not been listened to?
4. Is it not reasonable to suggest that the relatively low-cost of dredging and clearing work to the Creek be trialed first?

The submission which was referred to the flood investigation consultants and GHCMA for technical review. Please refer to the attachment for more details.



- Having regard to insurance premiums, it should be noted that insurance companies rely on GHGMA mapping and not the mapping contained in any individual planning scheme. It is therefore unlikely that the overlay mapping will create any significant change in premiums.
- Furthermore, with respect to land valuations, evidence suggests that where flood controls have been introduced elsewhere, there is little evidence that such controls have had an overall adverse impact. In any case, impact on land values is not a valid consideration for the amendment, which must be considered on its planning merits. It is noted that a number of land owners will benefit from the current overlays being removed from their properties.
- Objectors expressed their concerns for dredging and clearing work to Bryan Creek and increase property rates and effect on their property value due to the Amendment.
- Objectors requested to exclude minor incursions of Flood Overlay on the rear north-west corner of their property.
- The experts at the meeting agreed with the landowners and recommended to exclude the property from Flood Overlay extent; however the property will remain entirely within the extent of Land Subject to Inundation Overlay (LSIO).

It is recommended that this unresolved submission to be referred to an independent panel established by the Minister for review prior to the proposed amendment being referred back to Council for a final decision.

## Submission 2

### Wannon Water

Wannon Water requests that a “Minor Utility Installation” as per Clause 73.03 of the Southern Grampians Planning Scheme be exempt from requiring a planning permit for works within the Overlays to allow Wannon Water to install and replace underground pipes and other minor installation.

Clause 73.03 lists the following as a Minor Utility Installation:

- a) sewerage or water mains;
- b) storm or flood water drains or retarding basins;
- c) flow measurement device or a structure to gauge waterway flow;
- d) siphons, water storage tanks, disinfection booster stations and channels;
- e) gas mains providing gas directly to consumers;
- f) a sewerage treatment plant, and any associated disposal works, required to serve a neighbourhood;
- g) a pumping station required to serve a neighbourhood;
- h) power lines designed to operate at less than 220,000 volts but excluding any power lines directly associated with an Energy generation facility or Geothermal energy extraction; or
- i) an electrical sub-station designed to operate at no more than 66,000 volts but excluding any sub-station directly associated with an Energy generation facility or Geothermal energy extraction.

The flood consultant has provided following response to Wannon Water's concerns:

*Many of these installations have the potential to alter flood behaviour and hence potentially cause adverse impacts. Therefore it is recommended that an exemption to Clause 73.03 not be provided. The requirement for Wannon Water to undertake works within flood overlays would not be particular to Coleraine, and similar other water authorities would also face similar issues. Therefore it is recommended that further discussions be held with Wannon Water to identify if other mechanisms exist that may assist Wannon Water in undertaking their work efficiently without increasing the flood risk to other users of the floodplain.*

A further clarification was sought from GHCMA to affirm the situation where the Minor Utility Installations should or shouldn't be exempted. GHCMA provided following reasoning:

Contrary to the impression given by Flood Consultant's response - the overlays don't establish a permit trigger for the kind of works Wannon Water is concerned about. The exemption Wannon Water is seeking is built in to cl.44.03 (FO) and cl.44.04 (LSIO) and cl.62.02, and this cannot be changed without amendment of cl.44.03 and cl.44.04 themselves to expressly require a permit for "a pumping station required to serve a neighbourhood".

At present, the CMA is of the opinion that the existing planning permit exemptions for the type of buildings and works undertaken by water authorities are acceptable. The CMAs experience is that Water Authorities are typically cognisant of:

- flood risk associated with existing and proposed new infrastructure; and
- the CMAs Floodplain Management Authority function in providing advice on managing flood risk.

Water Authorities therefore typically seek advice directly from the CMA in relation to managing flood risk to their infrastructure. In addition, Works on Waterway approval from the CMA is often required for new infrastructure such as pump stations (often near waterways and therefore in the floodplain) and underground pipe crossings of waterways. These mechanisms also accounts for flood risk.

To sum up, Flood Consultant's comment isn't valid in CMA's opinion as:

- the exemption already exists and cannot be changed via this amendment; and
- the exemption is acceptable from a flood risk management perspective as the risks associated with such works are appropriately managed via the CMAs flood risk advice and Works on Waterways functions.”

Council staff liaised with Wannon Water to clarify whether the minor utility installation works adversely affect other properties in the catchment and/or change the flood behaviour. Wannon Water confirmed that minor utility installation works mainly comprise of very minor works on waterways and won't adversely affect other properties in the catchment and/or change the flood behaviour. Following response provided by Wannon Water:

Wannon Waters clarifies the concerns around the need for a planning permit when undertaking works under the banner of a minor utility installation within the new Flood/LSI overlays within Coleraine. Wannon Water works requirements under the banner of minor utility installation that we would like exempt from requiring a planning permit include:

- sewerage or water mains installation or maintenance;
- flow measurement device or a structure to gauge waterway flow;
- siphons, water storage tanks, disinfection booster stations and channels;
- a sewerage treatment plant, and any associated disposal works, required to serve a neighbourhood;
- a pumping station required to serve a neighbourhood;

Wannon Water also understands that the exemption would be on the basis that the installation/works would not impact the flood path or cause additional flood impacts to nearby properties.

In light of the above it is considered that existing exemptions for Minor Utility Installation is still applicable under cl.62.02-1 and including exemptions Minor Utility Installation in the Schedules is beyond the scope of this planning scheme amendment.

### **Submission 3**

Department of Transport

The DoT require that that the implementation of the LSIO and FO as well as any flood mitigation works do not increase the risk to or flow of flood water over assets managed by the DoT.

The Amendment seeks to incorporate the LSIO and FO into the Planning Scheme. The LSIO and FO identify existing flood risk and do not alter flood behaviour. Therefore their implementation into the Planning Scheme will not increase flood risk to DoT assets.

The Amendment does not contemplate the implementation of flood mitigation works identified in the Study, and hence there is no risk to DoT assets from mitigation works.

### **Financial and Resource Implications**

A \$30,000 grant for implementing a planning scheme update has been granted under National Disaster Resilience Grants Scheme.

## Legislation, Council Plan and Policy Impacts

The application of the *Planning and Environment Act 1987* relies on data from this investigation to apply flood overlays into the planning scheme.

Council Plan - Support our Community:

- Information from this investigation is intended to be used to support an empowered and resilient community.
- A safe community is contributed to by the urban design and regulatory services components of this investigation.

Plan for our built environment and infrastructure:

- The application of the overlay will not prevent future development of the land, rather it will ensure that the siting and design of the development takes into account the potential for flooding. This could include siting a building away from the deepest waters or channels, and/or building the floor level above the flood level (i.e. stumps instead of a slab floor). In some cases, particularly where a Flood Overlay is being proposed, there may be some challenges in developing land (as this is where the deepest and fastest flowing waters have been modelled), however this simply reflects the flood risk that exists, and land owners would need to work with Council and the GHCMA to explore development options that may be acceptable.

Promote our natural environment:

- By accurately reflecting the flood risk areas in the Planning Scheme, the amendment protects designated flood paths and the riverine areas from development and encroachment from other activities. It also contributes to minimising flood risks to people, assets and properties.

## Risk Management

Introducing the planning scheme amendment provides surety for landowners where developers are informed of flood overlay implications as early as possible in the development approval process.

Council has an obligation to the community to ensure that its planning controls accurately reflect risk. If Council does not pursue the mapping update, it could result in risks for Council and the community. These risks could be:

- The prospective buyers could buy land that they later learn has limited development potential
- Incorrect perception of reduced development potential
- Develop their land which is subject to flooding.

The introduction of flood overlay information in the planning scheme reduces Council's vulnerability to legal risk exposure. In practical terms, the risk is that if Council issues planning permits devoid of flood data that cannot be prosecuted in the building phase due to the late input of flood information. In essence the planning permit is flawed and cannot be implemented. This risk has been noted in other councils and has led to litigation.

## Environmental and Sustainability Considerations

Implementing the planning scheme recommendations will contribute to improved sustainability of future development by avoiding unnecessary increases in flood related damage to private and public property.

### Community Consultation and Communication

Engagement with community occurred with conduct of the flood investigation. The local community was consulted in the preparation of the Coleraine *Flood Investigation Study 2016* and their comments were incorporated into the Study.

Amendment C58sgra was placed on formal public exhibition from 20 August 2020 to 21 September 2020. The amendment was advertised in the local newspaper and on Council's website. All affected landowners were directly notified in writing.

### Disclosure of Interests

Nil.

## RECOMMENDATIONS

That Council:

1. Pursuant to section 22 (1) of the Planning and Environment Act 1987, consider all submissions received to Southern Grampians Amendment C58sgra.
2. Pursuant to section 23 (1)(a) of the Planning and Environment Act 1987, make changes to Amendment C58sgra to remove the Floodway Overlay from 66 Whyte Street, Coleraine affected by very minor encroachments at the extremity of the flood mapping extent as detailed within the report.
3. Pursuant to section 23 (1) (b) of the Planning and Environment Act 1987, refer the unresolved submission to an Independent Panel.
4. Authorise officers/suitable persons to represent Council at the Planning Panel hearing generally in accordance with the response to issues outlined in this report.



## 10.7 Neighbourhood Safer Place – Place of Last Resort

**Directorate:** Andrew Goodsell, Director Planning and Development  
**Author:** Sherie Bain, Regulatory Service Coordinator  
**Attachments:** None.

### Executive Summary

Neighbourhood Safer Places - Place of Last Resort (NSPs-PLR) are identified buildings or spaces within the community that may afford some protection from radiant heat, which is the biggest killer during a bushfire. They are a place of last resort and should be used if your Bushfire Survival Plan fails and you have nowhere else to go. There is currently nine registered NSPs-PLR in Southern Grampians Shire.

The recommendation is to designate the Balmoral Mechanics Institute and add it to the existing NSP- PLR sites. The hall is next to the open air bowling green area offering added protection. Maintaining the school location on the opposite side of Glenelg River is viewed as essential to the Balmoral community due to the river corridor dividing the township.

The recommendation is to designate the Dunkeld Community Centre and remove the Anglican Church Grounds as the designated NSPs-PLR.

### Discussion

Neighbourhood Safer Places - Place of Last Resort (NSPs-PLR) are identified buildings or spaces within the community that may afford some protection from radiant heat, the biggest killer during a bushfire. They are a place of last resort and should be used if a household Bushfire Survival Plan fails.

NSPs-PLR are municipal council designated buildings or open spaces within the community that may afford some protection from flames and heat through a separation distance from the fire hazard. They are not designed for all day relocation. They provide few amenities and will offer only limited protection from smoke and embers.

While NSPs – PLR are for a last resort circumstances in rural communities they have commonly been used as first resort areas. Therefore providing ample conditions for vulnerable residents is essential. These locations can then enable easier evacuations for community members when necessary.

Currently there are 9 (nine) registered NSPs-PLR in Southern Grampians Shire:

<b>Township</b>	<b>Location</b>	<b>Address</b>
<b>Balmoral</b>	Balmoral Community College Car parking adjacent to gymnasium/tennis courts	Harrow - Balmoral Road Balmoral
<b>Balmoral</b>	Balmoral Memorial Hall and Bowls Club Grounds	Corner Stirling Street (Natimuk-Hamilton Road) and Glendinning Street Balmoral
<b>Branxholme</b>	Unused Bowling Green Opposite Fire Station	Best Street (between Cox Street and Brown Street) Branxholme



<b>Cavendish</b>	Cavendish Town Square Memorial Park	Corner Barker Street and Scott Street Cavendish
<b>Coleraine</b>	Coleraine Railway Reserve	Pilleau Street (near corner of Read Street) Coleraine
<b>Dunkeld</b>	Anglican Church Grounds	Cnr Wills Street and Sterling Street Dunkeld
<b>Glenthompson</b>	Vacant land adjacent to Glenthompson War Memorial Swimming Pool	Corner Henry Street and Cameron Street (Maroona- Glenthompson Road) Glenthompson
<b>Hamilton</b>	Melville Oval	Cnr Lonsdale Street and Brown Street Hamilton
<b>Penshurst</b>	Grassed road reserve at rear of Penshurst Senior Citizens Centre	French Street between Bell Street and Watton Street Penshurst

Dunkeld Community Centre and Balmoral Mechanics Institute are community managed halls and in both townships the community and the local CFA brigades have been the driving force behind the desire to have these two locations as designated NSPS-PLR. The designation of these sites has been endorsed by the Municipal Emergency Management Planning Committee.

Structures (halls) are more favourable to community as compared with open spaces due to shade, toilets, water in hot weather for community members and other basic amenities.

In the event of an emergency NSPs-PLR become a CFA supported site. Sites can be both a designated Council Relief Center and NSPs-PLR.

- Relief Centers are for after an event or for an event a safe distance away
- NSP-PLR is for last resort when the fire is imminent

### **Financial and Resource Implications**

CFA in its annual audit recommends activities that could be undertaken to improve site safety and it is recommended over the coming 24 months Council work with the local Committees of Management to support these works:

#### **Balmoral:**

- Maintain painted surfaces to prevent flaky paint occurring
- Install an external Fire Hose Reel
- Appropriate signage be installed

#### **Dunkeld**

- CFA recommends that any gaps in the sub floor greater than two millimetres be reduced down to or less than two millimetres to prevent ember incursion
- Install mesh with a smaller than 2mm aperture on any vents fitted to external walls and on the vents in the end at the gable roof
- The wall vents fitted to the hall do not have mesh fitted to the back of the vent
- Install an external Fire Hose Reel
- Appropriate signage be installed

First priority is to install the signage and remove signage from decommissioned sites.

By not designating these sites Council face a reputational risk from not supporting sites lead by the community and determined to be valid locations from CFA assessments.

A nominal cost for appropriate signage is recommended, to the value of \$3,000.

### **Legislation, Council Plan and Policy Impacts**

Under Part 3A, Division 3 – Neighbourhood Safer Places of the *CFA Act 1958*

Municipal Emergency Management Plan 2018-2021

### **Risk Management**

Annual audits from the CFA ensure the sites remain compliant and allow Council to remove the designation if for some reason the sites do not comply.

### **Environmental and Sustainability Considerations**

As the buildings are Crown Land Committees of Management there is no environmental or sustainability considerations

### **Community Consultation and Communication**

Consultation has occurred through representation of community and local CFA brigades on the Municipal Fire Management Planning Committee and the Municipal Emergency Management Planning Committee.

Following the Council resolution the Council minutes will be registered on the Neighbourhood Safer Place portal with CFA. This will instigate the final stages of designation through the CFA and Emergency Management Victoria before being registered publically.

Consultation with the communities will occur via the local CFA brigades and through the hall committees. Approved signage will also be installed on the sites.

### **Disclosure of Interests**

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

## **RECOMMENDATION**

The recommendation is to:

1. Support the designation of the Balmoral Mechanics Institute and add it to the existing designated NSP- PLR. The hall is next to the open air bowling green area offering added protection. Maintaining the school location on the opposite side of the river is viewed as essential to the Balmoral community due to not being able to cross the river in the last fire.
2. Support the designation of the Dunkeld Community Centre and remove the Anglican Church Grounds as the designated NSP- PLR.

3. Allocate \$3,000 to the installation of new signage and decommission of old signage.

## 10.8 Proposed Sale of Land – Moodie Avenue, Hamilton.

**Directorate:** David Moloney, Director Shire Infrastructure  
**Author:** Tendai S. Mhasho, Property Officer  
**Attachments:** None

### Executive Summary

The vacant block in Moodie Avenue has recently been transferred to Council ownership. The block in Moodie Avenue measures approximately 2,439m<sup>2</sup>. According to the Southern Grampians Shire Planning Scheme the land is zoned General Residential Zone 1.

According to Council's Asset Disposal Policy, the sale of buildings and assets greater than \$150,000.00 must be approved by Council resolution. This block has been assessed by Officers as surplus to Council's needs. In order to sell this lot Council is legislatively required to give notice of its intention to sell in accordance with Section 114 of the Local Government Act 2020 and seek feedback on the proposal.

It is recommendation that:

- Council gives public notice by advertising for a minimum of 28 days, Council's intention to sell the vacant block located at Moodie Avenue, Hamilton under section 114(2)(a) of the Local Government Act 2020;
- Council undertakes a community engagement process in accordance with its community engagement policy in accordance with s114(2)(b) of the Local Government Act 2020;
- Council obtains a valuation of this land for sale, from a registered valuer in accordance with s114(2)(c) of the Local Government Act 2020; and
- A further report to be presented to Council at the end of the notice period.

### Discussion

In early 2017, neighbours in Moodie Avenue (a neighbouring block) wrote a letter to Council stating that for over a number of years they have been complaining about the gum trees on the vacant block next door to them in Moodie Avenue, Hamilton.

Council has over the years has maintained this block on the assumption that it was Council owned land. A General Law search conducted with the assistance of our solicitors at Melville Orton and Lewis (MOL) revealed that the block was not owned by Council. The land was privately owned and is subject to the Recreation Reserve status set out on Plan of Subdivision GL210.

Melville Orton and Lewis (MOL) advised us that this land was un-transferred out of conveyance and that the previous owners were now deceased. Following the probate of will Council determined the beneficiaries to this estate and the now legal owners.

The beneficiaries visited the block and they decided that they do not want this block of land and would like to donate it to Council. It was made clear to them that, if the land is transferred to Council, Council would likely declare it as surplus land to its requirements and sell the block. The process of transferring this land to Council is now complete.

This vacant piece of land measures approximately 2,439m<sup>2</sup>. According to the Southern Grampians Shire Planning Scheme this land is zoned General Residential Zone 1 (GRZ1), although it has been referred to as a Recreation Reserve under the General Law search.

Council officers are currently working to arrange for a new street number for this block to avoid confusion and duplication of street numbers. The neighbouring property is also number 16 Moodie Avenue.

Therefore, the process to complete the sale of this land is presented below:

- Council to give public notice of Council's intention to sell the vacant block located in Moodie Avenue, Hamilton under section 114(2)(a) of the Local Government Act 2020;
- Council to undertake a community engagement process in accordance with its community engagement policy in accordance with s114(2)(b) of the Local Government Act 2020;
- Council to obtain a valuation of this land for sale, from a registered valuer in accordance with s114(2)(c) of the Local Government Act 2020; and
- A further report to be presented to Council at the end of the notice period.

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



Site Plan showing the vacant block at (16) Moodie Avenue





Location pictures of the vacant block at (16) Moodie Avenue

### **Financial and Resource Implications**

Council has over the years trimmed trees and maintained this block through regular mowing and upkeep on the assumption that it was Council owned land. The transfer of this block to Council means that Council now has full responsibility for this land until sold. Council will bear all the costs associated with the sales.

Council will also receive a financial benefit from the proceeds of the sale of this block.

### **Legislation, Council Plan and Policy Impacts**

Section 114 of the Local Government Act 2020 relates to the restriction on Council's power to sell or exchange land.

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

### **Risk Management**

The risk to Council is that if the lot remains unsold long-term, regular maintenance and upkeep will need to be undertaken.

### **Environmental and Sustainability Considerations**

Council will have to maintain the lot through regular mowing so that there is no fire hazard for the neighbouring properties.

### **Community Consultation and Communication**

Under Section 114 of the Local Government Act 2020, Council will give public notice of its intention to sell the vacant block in Moodie Avenue for a minimum of 28 days by a Notice published on Council's website and in the Hamilton Spectator.

### **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. Council gives public notice by advertising for a minimum of 28 days Council's intention to sell the vacant block located in Moodie Avenue, Hamilton under section 114(2)(a) of the Local Government Act 2020;
2. Council undertakes a community engagement process in accordance with its community engagement policy in accordance with s114(2)(b) of the Local Government Act 2020;
3. Council obtains a valuation of this land for sale, from a registered valuer in accordance with s114(2)(c) of the Local Government Act 2020; and
4. A further report to be presented to Council at the end of the notice period.

## 10.9 Local Roads and Community Infrastructure Program - Round 2

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

### Executive Summary

As part of the response to COVID-19 in the Federal Budget, the second round of the Local Roads and Community Infrastructure Program (LRCIP) totalled \$1B. As part of this second round of funding Council received \$1,746,721.

Council is able to select the projects to be funded but they must meet the eligibility criteria of the program and be delivered by 31 December 2021.

This report looks at the program and recommends allocation of the funding.

### Discussion

In the Federal Budget an announcement of an additional \$1B Local Roads and Community Infrastructure Program (LRCIP) to support Councils in stimulating the economy was made. The program is administered by the Federal Department of Infrastructure, Transport, Regional Development and Communications.

The allocation from this program for Southern Grampians Shire Council is \$1,746,721 and needs to complete by 31 December 2021 or the funding will be lost. The program requires no co-contribution from Council.

Council is able to select the projects to be funded but they must meet the eligibility criteria of the program. The funding is available for local roads and community infrastructure projects that involve the construction, maintenance and/or improvements to Council-owned assets that are generally accessible to the public. Other conditions such as signage requirements, will be outlined in the program guidelines.

In order to develop projects for the program the following process was followed

1. Review of the previous projects considered under LRCIP - Round 1
2. Future capital works lists and masterplan works programs
3. Other funding sources/programs that Council currently has applications in for projects
4. The project is able to be delivered by 31 December 2021

One project considered was the Netball Courts renewal (\$1.6M). Previously an application was submitted under the Community Sports Infrastructure Stimulus Fund but was unsuccessful.

As this project is unable to secure any other funding source and is a key sporting facility and is nearing the end of its useful life, it is recommended that it is delivered under this program.

Another project that is part of the Pedrina Park Masterplan is the drainage on of the soccer pitch. An estimate from a third party design puts this works at \$442,000 (ex GST). This project would need to be confirmed as eligible under the guidelines.

While the netball courts does not require all the funding provided, the addition of the soccer drainage and associated work would put the program over the funding and would require some additional funding from Council.

- Pedrina Park Netball Courts (Improve accessibility of community facilities) (\$1.6M)
- Pedrina Park Soccer Pitch Drainage (Improve accessibility of community facilities) (\$442,000)

Total: \$2,042,000

Project Management Costs (\$50,000) to be levied over all projects above.

Total: \$2,092,000 against Funding \$1,746,721

This leaves a shortfall of \$345,279. The funding gap could be funded by committing to the project and funding the shortfall in the 2021-2022 Council budget. The other benefit of this approach is, should the netball courts come under budget, an application could be made to allocate the surplus funding to the drainage works and reduce Council's future contributions.

The proposed program is based on a high use facility utilised by a large section of the community and part of Council's Recreation and Leisure Strategy, the Pedrina Park Masterplan, and is deliverable by 31 December 2021.

### **Financial and Resource Implications**

- The funding provided under the LRCIP does not require a co-contribution from Council though the proposed program is \$345,279 over the program budget inclusive of project management costs
- By funding projects from within Council's asset management plans and future programs it will free up funds in the long term financial plan to complete other projects in the future
- Council's current project managers are at capacity. In order to deliver the LRCI program, a review of resources will need to be undertaken to determine if additional resources are required or can be delivered with the current resources of Council.

### **Legislation, Council Plan and Policy Impacts**

This report is in keeping with the following legislation and Council Policies:

- *Local Government Act (1989)*
- *Asset Management Policy (2019)*
- *Road management Plan (2018)*

This report is also consistent with the:

- *Recreation and Leisure Plan (2019)*
- *Pedrina Park Masterplan (2019)*

### **Risk Management**

This program will deliver on strategic plans of Council and enable funding for future of projects to reduce the financial risk to Council to fund these projects.

There is a risk that the program will not be delivered by 31 December 2021. This is being mitigated by ensuring appropriate project manage to deliver the program.



**Environmental and Sustainability Considerations**

Sustainable practices will be considered as part of the tender process including recycling of pavement materials.

**Community Consultation and Communication**

Internal consultation has been held with relevant staff and the Council.

**Disclosure of Interests**

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

**RECOMMENDATION**

That Council:

1. Under the Local Roads and Community Infrastructure Program allocate the \$1,600,000 to the Pedrina Park Netball Courts, and
2. Confirm eligible under the Local Roads and Community Infrastructure Program of the Soccer Pitch drainage works: and
3. If deemed eligible under the Local Roads and Community Infrastructure Program allocate the remaining \$146,721 to the Soccer Pitch Drainage Project and allocate the remaining \$345,279 in the 2021-2022 Council Budget.

## 10.10 Tender 42-20: Hamilton Performing Arts Centre (PAC) Maintenance Works & Roof Replacement

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

## 10.11 Tender 41-20 Hamilton-Port Fairy Road Widening Including Intersection & Slip Lanes

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

## 11. Notices of Motion

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

## 12. Delegated Reports

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

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

## 15. Close of Meeting

This concludes the business of the meeting.