

# SOUTHERN GRAMPIANS SHIRE COUNCIL

**Council Meeting Agenda  
Wednesday 9 August 2023**

To be held in the Balmoral Mechanics Hall,  
26 Glendinning Street, Balmoral at 5:30pm



## TABLE OF CONTENTS

1	Membership.....	3
2	Welcome and Acknowledgement of Country .....	3
3	Prayer .....	4
4	Apologies.....	4
5	Confirmation of Minutes .....	4
5.1	Confirmation of Minutes.....	4
6	Declaration of Interest .....	4
7	Leave of Absence.....	4
8	Questions on Notice .....	5
9	Public Deputations .....	6
10	Petitions.....	7
11	Informal Meetings of Councillors .....	8
11.1	Briefing Session 12 July 2023 .....	9
11.2	Briefing Session 26 July 2023 .....	10
12	Management Reports.....	12
12.1	Planning Application TP/104/2022 11 Collins Street, Hamilton.....	12
12.2	Annual Plan Report for the Council Plan - 1 July 2022 - 30 June 2023 ...	25
12.3	Community Satisfaction Survey Results.....	28
12.4	Art Gallery Climate Control Upgrade Contract Variation 07/23 .....	34
13	Notices of Motion.....	36
14	Urgent Business .....	37
15	Mayor, Councillors and Delegate Reports.....	38
16	Confidential Reports .....	39
17	Close of Meeting .....	40

## 1 Membership

### **Councillors**

Cr David Robertson, Mayor  
Cr Helen Henry, Deputy Mayor  
Cr Mary-Ann Brown  
Cr Albert Calvano  
Cr Fran Malone  
Cr Katrina Rainsford

### **Officers**

Mr Tony Doyle, Chief Executive Officer  
Mr Darren Barber, Director People and Performance  
Mr Rory Neeson, Director Wellbeing, Planning and Regulation  
Ms Marg Scanlon, Director Infrastructure and Sustainability  
Mrs Tania Quinn, Council Support Officer

## 2 Welcome and Acknowledgement of Country

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

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

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

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

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

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

### 3 Prayer

Cr Henry will lead the meeting in a prayer.

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

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

### 4 Apologies

Cr Bruach Colliton

### 5 Confirmation of Minutes

<b>RECOMMENDATION</b>
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That the Minutes of the Council Meeting held on 12 July 2023 be confirmed as a correct record of business transacted.

### 6 Declaration of Interest

### 7 Leave of Absence

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

## 8 Questions on Notice

There are no Questions on Notice listed on the agenda.

## **9 Public Deputations**

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

## 10 Petitions

There are no Petitions listed on tonight's agenda.

## 11 Informal Meetings of Councillors

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

If there is a meeting of Councillors that:

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

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

An Informal Meeting of Councillors record was kept for:

- Briefing Session – 12 July 2023
- Briefing Session – 26 July 2023

This agenda was prepared on 2 August 2023. Any Informal Meeting of Councillors between that date and the date of tonight's Meeting will appear in the agenda for the next Council Meeting.



## Informal Meeting of Councillors

ASSEMBLY DETAILS	
Title:	Briefing Session 12 July 2023
Date:	12 July 2023
Location:	MJ Hynes Auditorium
Councillors in Attendance:	Cr Brown Cr Calvano Cr Colliton Cr Henry Cr Rainsford Cr Robertson
Council Staff in Attendance:	Tony Doyle, Chief Executive Officer Darren Barber, Director People and Performance Marg Scanlon, Director Infrastructure and Sustainability Susannah Milne, Acting Director Wellbeing, Planning and Regulation Andrew Nield, Acting Manager Shire Strategy and Regulation

The Informal Meeting commenced at 2:20pm.

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Councillor and CEO Meeting	Nil
2	Matters Raised by Councillors	Nil
3	Melville Oval Redevelopment Planning Permit	Nil

The Informal Meeting concluded at 5:00PM

## Informal Meeting of Councillors

ASSEMBLY DETAILS	
Title:	Briefing Session 26 July 2023
Date:	26 July 2023
Location:	Mj Hynes Auditorium
Councillors in Attendance:	Cr Brown Cr Calvano Cr Colliton Cr Henry Cr Malone Cr Rainsford Cr Robertson
Council Staff in Attendance:	Tony Doyle, Chief Executive Officer Darren Barber, Director People and Performance Marg Scanlon, Director Infrastructure and Sustainability Rory Neeson, Director Wellbeing, Planning and Regulation Daniel Shaw, Economic Development Support Officer Anita Collingwood, Senior Strategic Planner
External Presenters	Angie Doulden, Coordinator Great South Coast DAMA Coordinator Stephen Hoy, Warrnambool City Council - Manager Economic Development and Tourism Nicola Booth, SpendMapp Jane Wong, SpendMapp

The Informal Meeting commenced at 2:00pm.

MATTERS CONSIDERED		CONFLICTS OF INTEREST DECLARED
1	Matters Raised by Councillors	Nil
2	Domestic Area Migration Agreement	Nil

3	Spendmapp	Nil
4	Glenthompson Swimming Pool Options	Nil
5	Planning Application – Function Centre – 11 Collins Street Hamilton	Nil

The Informal Meeting concluded at 4:50pm.

## 12 Management Reports

### 12.1 Planning Application TP/104/2022 11 Collins Street, Hamilton

<b>Directorate:</b>	Wellbeing, Planning and Regulation
<b>Report Approver:</b>	Andrew Nield (Planning Coordinator), Daryl Adamson (Manager Strategy and Regulation), Rory Neeson (Director Wellbeing, Planning and Regulation)
<b>Report Author:</b>	
<b>Presenter(s):</b>	Anita Collingwood, Statutory Planner - Contractor Anita Collingwood, Senior Statutory Planner
<b>Attachment(s):</b>	<ol style="list-style-type: none"><li>1. T P-104-2022 - Attachment 1 - Application Documents [12.1.1 - 113 pages]</li><li>2. T P-104-2022 - Attachment 2 - Redacted Submissions [12.1.2 - 48 pages]</li><li>3. T P-104-2022 - Attachment 3 - Original Submissions [12.1.3 - 43 pages]</li></ol>

#### Executive Summary

This report presents the town planning application for a proposed function centre at 11 Collins Street, Hamilton. The application aims to establish a function centre catering to formal events such as luncheons, high tea, weddings, and private gatherings. The proposed operating hours are from 11:00 am to 10:00 pm on Sundays to Thursdays and from 11:00 am to 12:00 am on Fridays and Saturdays. The function centre is proposed to accommodate up to 150 patrons and seeks an on-premises liquor licence. Live music is proposed to be allowed during functions such as weddings.

The proposed development involves the removal of six mature trees, minor internal changes to the building, the addition of a new pergola for outdoor dining, a brick pier front fence, and a redesigned parking and landscaping layout with formalised garden areas for guests.

The application received 15 objections during the consultation process with the key concern being noise impacts. A consultation meeting was held with the applicant, landowner and objectors and the key concerns were discussed. No resolution was reached within this consultation process, however, the applicant has since amended the application by reducing the number of patrons and modifying the hours of operation.

After careful evaluation, it is concluded that using the heritage building as a function centre would have minimal impact on its character. Furthermore, repurposing the old building is viewed as beneficial to Hamilton's economy and society. The objections raised during the planning process were primarily related to noise and it is determined that the proposal could be properly managed to minimise any negative effects on the community.

It is recommended to approve the proposal subject to permit conditions.

## Discussion

### Proposal summary

The proposal is to convert the former historic Catholic Convent known as the “Academy” building for a Function Centre.

For the purposes of the planning scheme, the proposal is as follows:

*Use of the land for a Function Centre, associated building and works, removal of vegetation, the display of business identification signage and an on-premises liquor license.*

Key elements included as part of the application received by Council were:

- The Function centre is to cater for formal functions such luncheons, high tea, weddings, and other private gatherings.
- Hours proposed:
  - Sunday to Thursday 11.00am – 10.00pm.
  - Friday and Saturday 11.00am to 12.00am the following day.
- 150 patrons.
- Proposed on-premises liquor license.
- Live music is proposed to be allowed in association with functions such as weddings.
- Removal of six (6) mature trees.
- Minor internal changes to building.
- New pergola structure for outdoor dining.
- New brick pier front fence.
- New parking and landscaping layout with formalised garden areas for guests.
- 45 car parking spaces are proposed on site.
- New signage to identify the centre.
- It is intended that the commercial kitchen is to provide on-site and off-site catering.

### Context of the site and surrounds

Eleven (11) Collins Street, Hamilton is approximately 3,341-square metres in size and is located on the corner of Collins Street and Pope Street. It is relatively rectangular in shape, with the exception of a splay to the corner of Collins and Pope Street as well as a small ‘cut out’ in the eastern corner which forms a separately owned lot. The property has a frontage of approximately 58.14 metres to Collins Street and 47.56 metres to Pope Street.

Collins Street itself is a well-established residential street within Hamilton. It is a tree-lined street, exhibiting a mix of architectural styles ranging from charming heritage buildings to modern structures. The street is typically characterised by low to medium-density development, with a mix of single-family homes, small businesses, and community facilities.

Pope Street is a portion of the highway and is managed by the Department of Transport and Planning, providing key vehicular access through Hamilton on the north-western side of the central business district (CBD).

The site is approximately 400 metres to the northwest of the Hamilton CBD.

The site is very much within a residential context as it is surrounded by residential development, with Pope Street acting as a buffer to the south and west.

#### Permit history

The subject site was part of a residential subdivision that created Chloe Mews (extending from Stephens Street). There are now sixteen (16) residential allotments situated on the former convent site, with the balance of the site being left to the 'Academy' building.

#### Restrictions

The land contains a Section 173 Agreement (AR519700J) on the certificate of title; however, this only relates to the provision of fencing and states that any front boundary fencing for this property must be complimentary to the heritage building.

#### Planning policy

The following policies within the Municipal Planning Strategy and the Planning Policy Framework are the most relevant to the planning application:

- Clause 02.02 Vision
- Clause 02.03 Strategic directions
  - Clause -2.03-1 Settlement
  - Clause 02.03-5 Built environment and heritage
  - Clause 02.03-6 Economic development
- Clause 11.03-1S Activity centres
- Clause 11.03-6L Hamilton
- Clause 13.05-1S Noise management
- Clause 15.01-1S Urban design
- Clause 15.03-1L Heritage conservation
- Clause 17.02-1S Business
- Clause 17.02-2S Out-of-centre development

#### Planning controls and permit requirements

The subject site is within the following zones and overlays:

- Clause 32.08 (General Residential Zone).
- Clause 43.01 (Heritage Overlay).

The proposal requires a planning permit under the following provisions of the Southern Grampians Planning Scheme:

- Clause 32.08-2 (Use).
- Clause 32.08-9 and Clause 43.01-1 (Buildings and works).
- Clause 43.01-1 (Vegetation removal).
- Clause 52.05 (Signs).
- Clause 52.27 (Liquor licence).

The proposal also requires assessment against the following provisions:

- Clause 52.06 Car Parking
- Clause 53.06 Live Music Entertainment Venues
- Clause 65.01 Approval of an Application or Plan

### Advertising and objections

The proposal was publicly advertised during the planning process under Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing two (2) signs on site.
- Publishing the application on the SGSC website.

The amended application was advertised by:

- Sending notices to the same group of owners and occupiers of adjoining land.
- Publishing the application on the SGSC website.

A total of 15 submissions were received from 18 objectors which relate to the following key issues:

- Inappropriate use within a residential area
- Noise
- Traffic/car parking
- Loss of privacy
- Patrons leaving the venue inebriated
- Vandalism/Crime/Safety
- Rubbish/litter within the site and surrounding area
- Devaluation of surrounding properties

A consultation meeting was held with the applicant and the objectors on 28 March 2023, and whilst no objections were resolved, the applicant subsequently opted to amend the application pursuant to section 57A of the *Act* to address some of the concerns. The amended application proposes a reduced number of patrons and hours of operation for the use. As a result of the reduced number of patrons, the car parking rate for the use is reduced and can now be accommodated within the site without a reduction under Clause 52.06.

The amended application was publicly advertised to ensure residents were aware of the changes and had the opportunity to provide further comments or withdraw their objections. Two further submissions were received, and no objections were withdrawn.

### Assessment

The key considerations of this application include:

- Is the proposal appropriate within the General Residential Zone?
- Does the proposal appropriately address the Heritage Overlay?
- Is the proposal able to respond to objections?

### Function centre, liquor license and live music

The General Residential Zone enables the consideration of non-residential uses in appropriate locations or to serve a community need.

Whilst the re-use of the heritage building is supported for this type of function centre, the property is still within a residential area and must demonstrate that it can reduce its impact via various noise attenuation or operational measures.

In order to appropriately respond to Clause 13.05-1S, Clause 52.27 and Clause 53.06, it is considered reasonable to require an acoustic report and appropriate protections for residents nearby through reporting and planning permit conditions. It is considered crucial to the wellbeing and amenity of residents that nighttime noise be managed through the implementation of noise-reduction measures which will be identified with the appointment of a suitably qualified noise technician. An acoustic report will be required to show measures to be implemented on-site for reducing sound emanating from the building. Ensuring live music is not played outdoors at nighttime, too, is considered essential to minimise noise nuisance to the surrounding residents. The enforcement and monitoring of these noise reduction measures will provide assurance for nearby residents and the operator that the site is managed appropriately and noise is maintained at a reasonable level.

Hours of operation and the number of patrons will also be controlled via planning permit conditions. The proposed hours of 11am to 10pm Sunday to Thursday will allow for evening events such as dinners and ensure the sensitive hours of the day and residential amenity are protected. A closing time of 11pm Friday and Saturday nights allows for evening events to occur and ensure the site is vacated for the duration of the night.

It is noted that despite any given planning permission, the proposed use must be controlled in accordance with the relevant *Environment Protection Regulations 2021* under the *Environment Protection Act 2017* and must obtain a liquor licence through the Victorian Commission for Gambling and Liquor Regulation (VCGLR).

The proposed car parking onsite is considered acceptable based on the planning scheme requirement of 0.3 spaces per patron and the layout of the carpark, despite being located in front of a heritage place, is considered practical. The landscaping and front fence will help soften the appearance of the car parking and provide a suitable entry to the function centre.

#### Pergola, fence, removal of vegetation and signage

Other matters such as the proposed pergola, fence and signage are considered acceptable within the heritage context of the street and the former 'Academy' building. The pergola structure follows the design cues of the existing building and will not adversely impact the integrity of the existing building. The proposal is therefore not considered to prejudice the purposes of the Heritage Overlay.

It is an improvement to see the site re-developed and re-landscaped. Several trees will be removed across the site, but this is deemed satisfactory for an overall design response. The larger gum tree has caused infrastructure damage in the past (footpath) and may continue to do so given its location on the boundary. The planning permit will ensure that the landscaping shown within the application will be carried out and maintained to the satisfaction of the responsible authority.

#### Response to objections

Due to the number of objections received, the social impact of the application has been considered under Section 60(1B) of the *Planning and Environment Act 1987*.



In order to address the majority of submissions, planning permit conditions have been recommended, particularly to deal with matters relating to noise. An Amenity Management Plan is also recommended so that the operator is required to outline how they are to adequately protect the amenity of the neighbourhood, ensuring the orderly arrival and departure of patrons. This document can and should include details of how staff are to be trained, how records of training – including Responsible Service of Alcohol (RSA) training – are to be kept, and a plan for managing patrons.

The site is located close to the CBD and therefore has access to taxi services and accommodation. Whilst the site is within a residential zone, it is located close to the CBD and is developed with a building that would unlikely be used for residential purposes given its size. A carefully managed commercial use, therefore, is considered acceptable and the overall impact on neighbours will be minimised.

### Conclusion

It is considered that the proposal could be appropriately managed, particularly with respect to noise, so that it does not have an unreasonable impact upon the community. It is recommended that the proposal is approved subject to conditions.

### **Financial and Resource Implications**

If an application for review is lodged at the Victorian Civil and Administrative Tribunal (VCAT), Council may be required to enlist the services of a lawyer to represent Council.

Council Planning officers will also have to provide further time away from their normal duties to assist the VCAT process.

### **Council Plan, Community Vision, Strategies and Policies**

#### ***Support Our Community***

- 1.1 An empowered and connected community
- 1.1.3 Provide opportunities for increased community engagement and participation in Council decision making and activities.
- 1.1.4 Ensure communication and engagement methods use inclusive practices and processes.

#### ***Grow Our Regional Economy***

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

### **Legislation**

Section 61 of the *Local Government Act 2020* sets out the requirements for Council meetings.

The *Planning and Environment Act 1987* provides that certain local government, responsibilities and functions can be delegated to Committees of Council or Council officers. This recommendation is consistent with those provisions.

## **Gender Equality Act 2020**

The application does not have any direction implications.

## **Risk Management**

It is recommended that a Notice of Decision to Grant a Permit be issued subject to conditions.

If Council determines to issue a Refusal to Grant a Permit the following process also applies. If a Notice of Decision or Refusal to Grant a Permit is issued, an application to the Victorian Civil and Administrative Tribunal for review of the decision of the responsible authority may be made by either the permit applicant or the objectors.

## **Climate Change, Environmental and Sustainability Considerations**

The development has been designed to have minimal impact on the surrounding environment.

## **Community Engagement, Communication and Consultation**

Council undertook public notification and received eighteen (18) objections to the proposal which have been detailed earlier in this report.

There was a consultation session with the permit applicant and the objectors. The amended application documents were circulated to the original recipients of the public notice, plus two other interested parties, and an opportunity provided for these parties to provide further comments to Council.

## **Disclosure of Interests**

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

Anita Collingwood, Senior Statutory Planner  
Andrew Nield, Planning Coordinator

## RECOMMENDATION

That Council having caused notice of Planning Application No. TP/104/2022 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 32.08-2, Clause 32.08-9, Clause 43.01-1 and Clause 52.05 of the Southern Grampians Planning Scheme in respect of the land known and described as 11 Collins Street, Hamilton, Lot 17 on PS743573F, for the Use of the land for a Function Centre, associated building and works, removal of vegetation, the display of business identification signage and an on-premises liquor license in accordance with the endorsed plans, with the application dated, 16 May 2023, subject to the following conditions:

### Amended plans

1. Before the commencement of the use and development, amended plans must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale and dimensioned and must be generally in accordance with the plans submitted with the application, but modified to show:
  - a. A north arrow to be included within the entire plan set as appropriate.
  - b. Elevation plans which show the details of the proposed pergola, including dimensions showing maximum height.
  - c. Elevation plans which show a typical section of the proposed front boundary fence, including dimensions showing maximum height.
  - d. Revised plans which account for the 3.36 x 3.36 metre area of land on Lot 17 of PS743573F. The permitted use/development must be located wholly within the boundaries of the subject site. This may result in the revision of landscaping and car parking within this area. The total number of car parking spaces within the site must be no less than 45.
  - e. A revised car parking layout which has regard to Conditions 22 and 23 includes the following:
    - f. Internal spaces and civil design to comply with AS2890.
    - g. The proposed driveway to have a minimum width of 6 metres.
    - h. The nomination of bin and recycling areas in accordance with Condition 18.
    - i. Any changes required to maintain consistency with the Car Parking Plan required by Condition 22.
    - j. Any changes that are required from the acoustic report in accordance with Condition 10.

### Amenity management plan

2. Before the commencement of the use hereby permitted, an Amenity Management Plan prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use

must comply with the endorsed Amenity Management Plan. The plan must include but is not limited to:

- a. Staffing and other measures which are designed to ensure the orderly arrival and departure of patrons;
- b. Signage to be used to encourage responsible off-site patron behaviour;
- c. The training of staff in the management of patron behaviour;
- d. Records of training, including Responsible Service of Alcohol (RSA) training
- e. Staff communication arrangements;
- f. Measures to control noise emissions from the premises;
- g. Litter management;
- h. Contact details for taxi services and other transport options for patrons.

### **Use and development not altered**

3. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
4. The licensed area as shown on the endorsed plans as approved by this permit shall not be altered except with the written consent of the Responsible Authority.
5. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

### **Hours of operation**

6. The use hereby permitted must operate only between the hours of:
  - a. 11am to 10pm from Sunday to Thursday
  - b. 11am to 11pm Friday and Saturday.

#### Operation of Commercial Kitchen

- c. The use as it relates to the commercial kitchen must only operate between the hours of 6am to 10pm on any given day

The commercial kitchen operating outside of the normal hours of operation must be for offsite catering purposes only.

### **Hours of liquor license**

7. The licensed trading hours authorised for the premises are:
  - a. 11am to 5pm from Sunday to Thursday
  - b. 11am to 11pm Friday and Saturday

### **Hours of deliveries**

8. Deliveries to and from the site (including private waste collection) must only take place between:
  - a. 7am to 10pm, from Monday to Friday inclusive
  - b. 9am to 10pm Saturday, Sundays or public holidays

### Maximum number of patrons

9. No more than 150 patrons may be present on the premises at any one time (including any external seating) unless otherwise approved in writing by the Responsible Authority.

### Acoustic report

10. Concurrent with the endorsement of plans, an acoustic report prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority, providing recommendations as to how the use may be controlled in accordance with the relevant Environment Protection Regulations under the *Environment Protection Act 2017*. This assessment should comply with Environmental Protection Authority Publication 1826.4: *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues*, particularly, how the noise levels from inside and outside of the Function centre can be reduced to limit the impact on the surrounding residential area.
11. Noise attenuation measures for the development must be in accordance with the acoustic report and associated endorsed plans. Any noise attenuation measures must be completed prior to the occupation of the building and maintained thereafter, all to the satisfaction of the Responsible Authority.
12. No amplified music is permitted outside the building (including open lawn and arbour areas) after 9pm on any day.
13. Noise levels emanating from the premises must comply with the requirements of the *Environmental Protection Authority Publication 1826.4: Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*.
14. Six (6) months after the commencement of the use, a suitable qualified acoustic consultant must provide Council with a report confirming that the venue (during a typical event) complies with the requirements of the *Environmental Protection Authority Publication 1826.4: Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*.

### Amenity

15. All plant and equipment used on site, or to monitor the performance of the development must be:
  - a. Maintained in a proper and efficient condition; and
  - b. Operated in a proper and efficient manner.
16. External lighting must be designed, baffled and located so as to ensure no loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority

## Waste

17. Waste and recycling storage areas must be provided on the site, to the satisfaction of the Responsible Authority. In this regard, a sufficient number of watertight receptacles with close fitting lids for the reception of garbage and reuse arising from the premises must be provided. This area must be screened from public view. The contents of such garbage receptacles are to be disposed of at least once in every seven consecutive days. The proprietor must not allow the garbage or refuse to become a nuisance at any time.
18. All waste material not required for further on-site processing must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no waste is spilled or dust or odour is created, to the satisfaction of the Responsible Authority.

## Landscaping

19. Within 3 months of the commencement of the use, or within the next applicable planting season, whichever is the earlier; the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping must thereafter be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

## Stormwater

20. Before commencement of the development hereby permitted, a detailed Stormwater Management Plan is to be submitted to, and endorsed by, the Responsible Authority. The works must be designed in accordance with the current Infrastructure Design Manual (IDM) and the Stormwater Management Plan must include:
  - a. Identification of any existing drainage infrastructure on the site;
  - b. Details of how the works on the land are to be drained and/or retarded;
  - c. Computations of the existing and proposed drainage volumes;
  - d. A layout plan showing the proposed underground stormwater network to the legal point of discharge;
  - e. Details which demonstrate stormwater runoff resulting from a 1 in 100 year storm event is able to pass through the development via reserves and/or easements, or be retained within development.
21. The endorsed Stormwater Management Plan is to be implemented prior to use or occupation of the development and must be maintained in good working order thereafter.

## Car parking

22. Before any works commencing on the development hereby permitted, a Car Parking Plan shall be prepared and submitted to the Responsible Authority for approval, clearly showing the layout, proposed method of surfacing and delineation of spaces, and how the car parking area will be landscaped.

This plan, when approved, shall be endorsed as forming part of the Permit and the parking area shall be constructed, maintained, drained and delineated in accordance with the endorsed plans to the satisfaction of the Responsible Authority.

23. Before the commencement of the use, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be: -
  - a. Constructed and drained to the satisfaction of the Responsible Authority;
  - b. Properly formed to such levels that they can be used in accordance with the plans;
  - c. Line-marked to indicate each car space and all access lanes;
  - d. Accessways clearly marked to show the direction of traffic;
  - e. Properly illuminated with lighting designed, baffled and located to prevent any adverse effect on adjoining land; to the satisfaction of the Responsible Authority.
24. Car spaces and access lanes must be maintained and kept available for use at all times.
25. Hard surface areas must be constructed and drained to prevent diversion of flood or drainage waters and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.

### **Signage**

26. The location, size, material of construction and details of the signage and any supporting structures, as shown on the endorsed plans, must not be altered without the prior written consent of the Responsible Authority, except where exempt under the Planning Scheme.
27. The sign(s) hereby permitted must not be animated or contain any flashing or intermittent lighting.
28. The signage must not be illuminated by external or internal light except with the prior written consent of the Responsible Authority.

### **Permit expiry**

29. This permit will expire if one of the following circumstances applies:
  - a. The approved development does not start within two (2) years of the issue of the permit; or
  - b. The approved development is not completed within four (4) years of the issue of the permit; or

- c. The approved use does not start within four (4) years of the issue of this permit, or
- d. The approved use of the land is discontinued for a period of two (2) years.
- e. The erection or display of the signage is not started within two (2) years of the date of this permit.
- f. The erection or display of the signage is not completed within four (4) years of the date of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.

**Notes:**

- The permitted use/development must be located wholly within the boundaries of the subject site.
- This permit does not authorise the commencement of any building works. Building approval must be obtained prior to the commencement of any approved works.
- Unless a permit is not required under the provisions of the Southern Grampians Planning Scheme, no other signs are permitted to be constructed or displayed without the written consent of the Responsible Authority.
- A liquor license must still be obtained via the Victorian Liquor Commission.
- Food Premises that sells food must comply with the following Victorian legislative requirements:
  - Food Act 1984;
  - Food Standards Australia and New Zealand Food Standards Code:
    - Food Safety Standards Chapter 3.2.2 Food Safety Practices and General Requirements; and
    - Food Safety Standards 3.2.3 Food Premises and Equipment



## 12.2 Annual Plan Report for the Council Plan - 1 July 2022 - 30 June 2023

<b>Directorate:</b>	Chief Executive Office
<b>Report Approver:</b>	Tony Doyle (Chief Executive Officer)
<b>Report Author:</b>	Karly Saunders, Governance Coordinator
<b>Presenter(s):</b>	Karly Saunders, Governance Coordinator
<b>Attachment(s):</b>	1. Council Plan Report - 1 July 2022 - 30 June 2023 [12.2.1 - 31 pages]

### Executive Summary

The Action and Task Progress Report for the period 1 July 2022 to 30 June 2023 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.

This is the final report on the Annual Plan for the 2022/2023 financial year.

There are 52 actions in the Annual Plan. Of these 52 actions:

- 34 of the 52 actions (65%) have been completed;
- 43 actions (83%) are on track - at least 90% of the target achieved;
- 7 actions (13%) require monitoring –between 70% and 90% of the target achieved;
- 2 actions (4%) are off track – less than 70% of target achieved; and
- 0 actions (0%) have no target set.

	Complete	On Track (includes completed)	Require Monitoring	Off Track	Total Actions
30 September 2022	11% (6)	81% (42)	2% (1)	17% (9)	52
31 December 2022	12% (6)	88% (44)	2% (1)	10% (5)	50
31 March 2023	22% (11)	86% (44)	8% (4)	6% (3)	51
30 June 2023	65% (34)	83% (43)	13% (7)	4% (2)	52

Although not all Actions in the Annual Plan have been completed, excellent progress has been made throughout the year.

The Actions that weren't completed in the 2022-2023 year of the Council Plan have been reviewed and 17 items will roll over into the 2023-2024 financial year, with reporting to commence at the end of the July – September quarter.

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

### **Financial and Resource Implications**

There are no financial or resource implications.

### **Council Plan, Community Vision, Strategies and Policies**

#### ***Provide Strong Governance and Leadership***

5.1 Transparent and accountable governance

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

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

#### ***Provide Strong Governance and Leadership***

5.2 Effective advocacy

5.2.2 Advocate on behalf of the community in line with identified and agreed priorities.

### **Legislation**

Council is required to adopt a Council Plan in accordance with Section 90 of the *Local Government Act 2020*. The Council 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.

### **Gender Equality Act 2020**

There are no gender equality implications.

### **Risk Management**

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

### **Climate Change, Environmental and Sustainability Considerations**

Not Applicable.

### **Community Engagement, Communication and Consultation**

Under Section 18 of the Local Government Act, it is a requirement for the Mayor to report to the municipal community, at least once each year, on the implementation of the Council Plan.

The Annual Plan is publicly available on the Council website.

### **Disclosure of Interests**

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

Karly Saunders, Governance Coordinator  
Tania Quinn, Council Support Officer

<b>RECOMMENDATION</b>
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The Action and Task Progress Report for 1 July 2022 to 30 June 2023 be received.

## 12.3 Community Satisfaction Survey

<b>Directorate:</b>	Chief Executive Office
<b>Report</b>	Tony Doyle, Chief Executive Officer
<b>Approver:</b>	Tony Doyle, CEO
<b>Report Author:</b>	Karly Saunders, Governance Coordinator
<b>Presenter(s):</b>	Karly Saunders, Governance Coordinator
<b>Attachment(s):</b>	2023 Community Satisfaction Survey

### Executive Summary

Results of the 2023 Community Satisfaction Survey carried out by independent market research consultancy, JWS Research, have been provided to Council.

Each year Local Government Victoria coordinates this Community Satisfaction Survey throughout Victoria. This coordinated approach allows for far more cost-effective surveying than would be possible if Councils commissioned surveys individually.

Participation in the Community Satisfaction Survey is optional and participating Councils have a range of choices as to the content of the questionnaire. However, some of the data required for the Local Government Performance Reporting Framework is only available through this survey.

The survey's main objectives are to assess the performance of Southern Grampians Shire Council across a range of measures and to seek insight into ways to provide improved or more effective service delivery.

The survey methodology includes:

- completing 400 interviews (as determined by the most recent ABS population estimates 16,488 which equates to 2.43% of the municipal population)
- Meeting minimum quotas of gender within age groups to ensure an accurate representation of age and gender profile within Southern Grampians Shire Council area
- Each interview takes about 9 minutes to complete
- Publicly available phone records, including up to 60% of mobile phone numbers to cater to the diversity of residents within Southern Grampians, particularly younger people.

This report outlines the relevant and significant survey results and recommends they be noted by Council.

### Discussion

Overall, Council's results were disappointing and consistent with a statewide trend that saw the sector significantly back track on 2022 results. In fact, the 2023 results confirm a three-year downward trend in survey results for Southern Grampians Shire Council, the Large Shire Group and the Statewide results.










JWS advised generally, government sentiment and its downward trend can be attributed to cost of living, floods damage including potholes, waste management and the number of councils entering into administration.

Council's Overall Performance has decreased by six points in 2023 from 55 to 49. The Overall Performance score of 49 is three points lower than the Large Rural average (52) which declined by 3 points.

Whilst Council's performance had been improving steadily from 2017 to 2021, last year's decrease is also reflected in the Large Rural and State-wide average which have both decreased over the past 2 years.

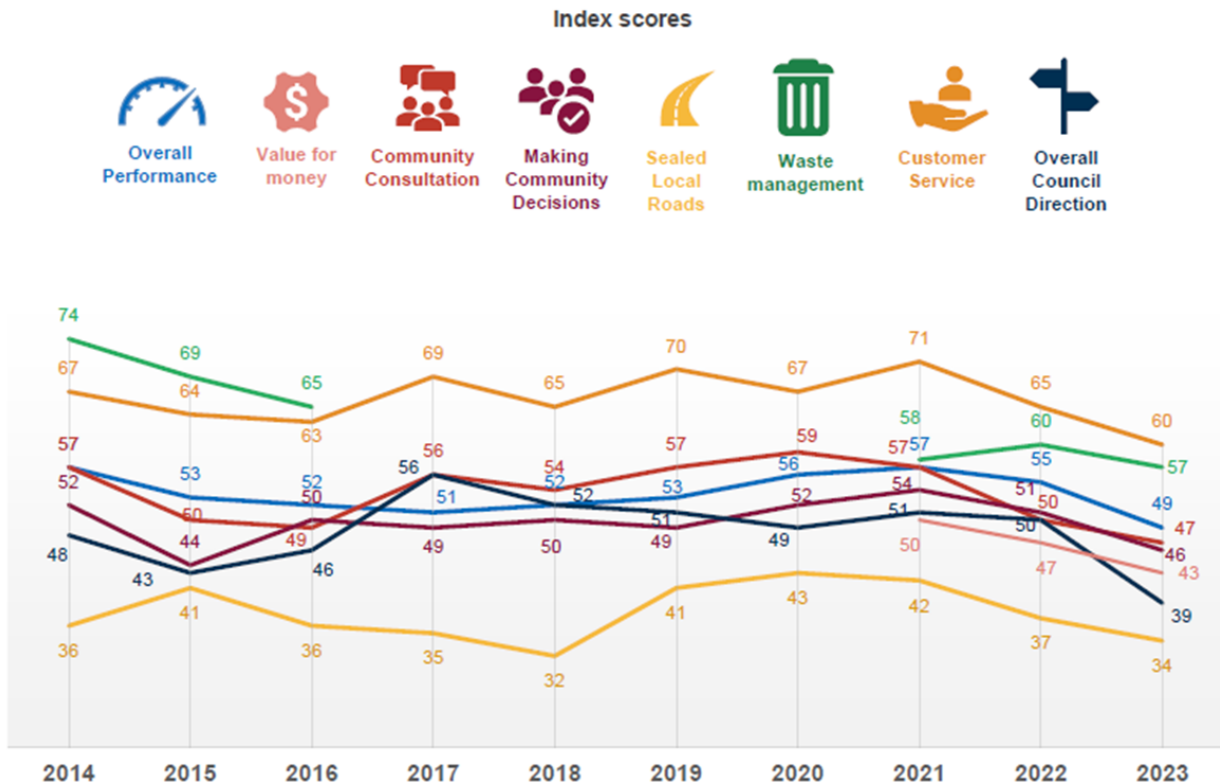
## Summary of Southern Grampians Shire Council performance



Services	Southern Grampians 2023	Southern Grampians 2022	Large Rural 2023	State-wide 2023	Highest score	Lowest score
 Overall performance	49	55	52	56	Aged 65+ years	Aged 35-49 years
 Value for money	43	47	45	49	Aged 65+ years	Aged 35-49 years
 Overall council direction	39	50	44	46	Aged 65+ years	Aged 35-49 years, Aged 18-34 years
 Customer service	60	65	65	67	Aged 65+ years, Aged 35-49 years, Women	Aged 50-64 years
 COVID-19 response	67	70	67	67	Women, Aged 65+ years	Aged 35-49 years
 Waste management	57	60	65	66	Aged 65+ years	Aged 35-49 years
 Appearance of public areas	51	61	65	67	Men	Aged 35-49 years
 Consultation & engagement	47	50	49	52	Aged 65+ years	Aged 35-49 years
 Community decisions	46	51	48	51	Aged 65+ years	Aged 35-49 years
 Sealed local roads	34	37	40	48	Aged 65+ years	Aged 35-49 years, Aged 18-34 years

Council's Performance Measures in Overall Council Direction (39), Customer Service (60) and Community Decisions (46) Consultation and Engagement (47) and Sealed Local Roads (34) have all decreased from the 2022 scores.

## Summary of core measures



About three in five Council residents (58%) have had contact with Council in the last 12 months, the second highest rate of contact after the 2020 rate of 59%.

Telephone remained the dominant method of contact with Council over the last 12 months (30%, up one point). In person contact increased slightly (26%, up 2 points), whilst contact in writing decreased 8% (down five points). Contact via email is the third highest method of contact (21%, up two points).

The area that stands out as being most in need of Council attention is Sealed Local Roads. With a score of 34, this is the area where Council is performing least well and is lower than the Large Rural and State-wide group averages (being 40 and 48 respectively).

Feedback from residents on what they consider Council most needs to do to improve its performance in the next 12 months supports this finding, with Sealed Road Maintenance mentioned by 22% of residents. This area of improvement has not changed since 2021, however the percentage of residents citing this as the area most in need of improvement has increased by 2 points.

The top five mentions from respondents for the 'Best Things about Council' and the 'Areas for Improvement' are as follows:

### What is the best thing about Council?

1. Customer Service 8%
2. Parks and Gardens 6%

- |   |    |
|---|----|
| 3. Community Engagement/Involvement/<br>Consultation/Approachable | 6% |
| 4. Recreation/Sporting Facilities                                 | 5% |
| 5. Location   | 4% |

**What does Council most need to do to improve its performance?**

- |                            |     |
|----------------------------|-----|
| 1. Sealed Road Maintenance | 24% |
| 2. Community Consultation  | 12% |
| 3. Financial Management    | 11% |
| 4. Waste Management        | 9%  |
| 5. Communication           | 8%  |

Staff will continue to review and analyse the report with a view to developing actions to work towards improving customer perceptions of council services.

Officers are investigating several options that may involve a mix of chatbots and direct personal surveys immediately after service provision.

Nevertheless, the current survey results are being responded to, examples of which are as follows:

- A new website which will improve the accessibility of information for the community.
- A new CRM system will support better reporting and mining of data.
- Community accessibility to roads programs.
- New customer service standards which are currently under development.
- The Better Planning Approvals project implementation.
- Better project communication
- Commencement of Community Podcasts on Council services, events and engagement.
- New business concierge position.
- Review of regulatory services processes (e.g. septic tank permits).

**Financial and Resource Implications**

The cost to carry out the survey by JWS Research was \$18,205.00 (GST inclusive)

There may be some resource implications based on the issues identified in this report. Resources in relation to communication, engagement and service planning may be focused differently to ensure that the issues identified in this Report are a focus of the organisation for the next 12 months.

**Council Plan, Community Vision, Strategies and Policies**

***Support Our Community***

- 1.1 An empowered and connected community
- 1.1.3 Provide opportunities for increased community engagement and participation in Council decision making and activities.

## **Legislation**

Some of the results from this survey are used as part of the reporting under the Local Government (Planning and Reporting) Regulations 2020.

The information is essential to future policy and strategy development and particularly service planning. It gives comparable data for several years over which Council can identify trends and areas which need attention.

## **Gender Equality Act 2020**

There are no implications.

## **Risk Management**

There is a risk to Council's reputation if attention is not paid to matters of community concern. Beyond the matters of specific services, the approach to the condition of local sealed roads is of clear concern. Whilst Council takes this feedback seriously regarding the local roads, we also have a strong advocacy role with the State and Federal road network which is arguably in a far worse condition than Council Local Roads and our residents cannot differentiate (nor should not) between local and other roads.

## **Climate Change, Environmental and Sustainability Considerations**

The adoption of the recommendations in this report do not have any environmental or sustainability impacts.

## **Community Engagement, Communication and Consultation**

A total of 400 completed interviews of residents were made in the Shire during the period 27 January 2023 – 19 March 2023.

The Community Satisfaction Survey results for 2023 will be released to the community together with an explanatory media release.

## **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.

Karly Saunders, Governance Coordinator  
Tania Quinn, Council Support Officer



**RECOMMENDATION**

That Council receive the 2023 Local Government Community Satisfaction Survey Southern Grampians Shire Council Research Report.

## 12.4 Art Gallery Climate Control Upgrade Contract Variation 07/23

**Directorate:** Infrastructure and Sustainability  
**Report Approver:** Marg Scanlon, Director Infrastructure and Sustainability  
**Report Author:** Vaibhav Gavande, Project Manager  
**Presenter(s):** Marg Scanlon, Director Infrastructure and Sustainability  
**Attachment(s):** Nil

### Executive Summary

The Hamilton Gallery Climate Control Project has incurred additional costs due to the identified insufficient power supply available to support the new system. This power supply issue was identified post tender award following the contractor's assessment.

It is recommended that Council approve the variation for Contract 07-23 Art Gallery Climate Control Upgrade to the value of \$60,928.00 ex GST.

### Discussion

During the tender phase, the contractor initially assessed the power availability based on the information provided in the Mechanical Service Switch Board (MSSB) legend, which indicated a power capacity of 160 amps. As construction progressed on site, it was discovered that the existing Level 1 mechanical board only had a 63-amp power supply, which was sourced from the distribution board which serves the Hamilton Library. The legend available in the MSSB was inaccurate. The supply and installation of new mechanical sub-mains from the main switch board is required to increase the power capacity for the additional load required to support the climate control upgrade works.

Works included in this variation specifically includes new mechanical 155A sub mains from the main switchboard, including switchboard connection, new mechanical services, sub-main circuit protection and enclosure as per regulatory standards.

### Financial and Resource Implications

It is proposed that the variation cost of \$60,928 will be funded through the reallocation of unspent funds listed in the 2022/2023 Capital Program. Specifically, the Hamilton Showgrounds Car Park and Pedestrian Crossing which is noted as a carry-forward item, had a budget allocation of \$85,000. With the Hamilton Showgrounds Master Plan progressing a detailed, costed implementation plan will form a part of the final Master Plan. This costed plan will inform future capital programs priority needs.

### Council Plan, Community Vision, Strategies and Policies

#### ***Grow Our Regional Economy***

2.4 Support local business and industry

2.4.1 Support and promote a collaborative approach to marketing and investment.

## Legislation

This report assists Council in meeting its obligations under the Local Government Act 2020.

This report also relates to the:

- Southern Grampians Shire Procurement Policy 2021-25
- Southern Grampians Shire Procurement Guidelines 2019 V13

## Risk Management

The project must be completed by the end of August 2023 to ensure temperature records of 3 months can be provided to NGV to secure future artwork and proceed with the committed exhibitions in December 2023.

## 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.

Vaib Gavande, Project Manager

Marg Scanlon, Director Infrastructure and Sustainability

## RECOMMENDATION

That Council approve the reallocation of unspent funds from the Hamilton Showgrounds Car Parking and Pedestrian Crossing to fund the variation for Contract 07-23 Art Gallery Climate Control Upgrade to the value of \$60,928.00 ex GST.

## 13 Notices of Motion

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

## 14 Urgent Business

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

## 15 Mayor, Councillors and Delegate Reports

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

## 16 Confidential Reports

### RECOMMENDATION

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

## **17 Close of Meeting**

This concludes the business of the meeting.