

AGENDA

MEETING OF THE
HORSHAM RURAL CITY COUNCIL

To be held on

1 June 2020

at 5.30pm

This meeting will be held online and livestreamed

on the Horsham Rural City Council website

www.hrcc.vic.gov.au



Horsham Rural City
Council urban rural balance

COUNCILLORS are respectfully requested to attend the Council Meeting of the Horsham Rural City Council on 1 June 2020 at 5.30pm to be held online and livestreamed at www.hrcc.vic.gov.au

Order of Business

PRESENT

ALSO IN ATTENDANCE

1. PRAYER

Almighty God, we pledge ourselves to work in harmony for, the social, cultural and economic well-being of our Rural City. Help us to be wise in our deliberations and fair in our actions, so that prosperity and happiness shall be the lot of our people. AMEN

2. ACKNOWLEDGEMENT OF COUNTRY STATEMENT

The Horsham Rural City Council acknowledges the five Traditional Owner groups of this land; the Wotjobaluk, Wergaia, Jupagalk, Jaadwa and Jadawadjali people. We recognise the important and ongoing place that all Indigenous people hold in our community.

We pay our respects to the Elders, both past and present, and commit to working together in the spirit of mutual understanding and respect for the benefit of the broader community and future generations.

3. OPENING AND WELCOME

Welcome to Councillors, staff, members of the public and the media. The Council meeting will be recorded to maintain an audio archive, which will be available on the Horsham Rural City Council website as soon as possible.

Please note that this meeting is being streamed live on the internet.

This meeting is being held online and Councillors are attending via electronic means. As this meeting is being held online, there will be no-one present in the public gallery. The meeting will be conducted in accordance with Council's existing Local Law No 1 Governance (2016) Meeting Procedure, noting that, as indicated, in some parts of the agenda, procedures have been slightly modified to ensure the meeting remains compliant but can run effectively in the online environment.

Disclosure of conflicts of interest and rules relating to conflicts of interest remain. Councillors will be removed from the proceedings where required using the available technology.

Voting in relation to motions for decision will be taken by show of hands. If a division is requested, the Mayor will call for a show of hands by those Councillors voting for the motion, and then those Councillors opposed to the motion.

Where Council experiences technical difficulties and there is a disconnection in Council's livestreaming of the meeting, the meeting will be adjourned. If the livestream connection is working within 30 minutes, the meeting will recommence. If the livestream is not available for a period of longer than 30 minutes, the meeting will be postponed to another time and date.

Councillors participating in this meeting by electronic means will be taken to be present and part of the quorum for the meeting, provided that they can hear proceedings, they can see and be seen by other members in attendance, and they are able to speak and be heard by those in attendance. The audio-visual link with each Councillor will be monitored and any disconnection immediately identified for both quorum and participation purposes. If the disconnection is longer than five minutes, the Councillor will be identified as absent from the meeting and will not be counted for quorum purposes. This absence will be reflected in the minutes. If the number of Councillors connected to the livestream falls below the minimum required for the quorum, the meeting will be suspended. If the quorum is not achieved within 30 minutes of the suspension, the meeting will be posted to another time and date.

4. APOLOGIES

5. LEAVE OF ABSENCE REQUESTS

6. CONFIRMATION OF MINUTES

Recommendation

That the minutes emanating from the Council Meeting of the Horsham Rural City Council held online and livestreamed at 5.30pm on 11 May 2020 be adopted.

7. CONFLICTS OF INTEREST

Disclosure of Interest and Declarations of Conflict of Interest.

A Councillor who has a conflict of interest and is attending the Council meeting must make a full disclosure of that interest.

(a) by either –

- (i) advising the Council at the meeting of the details required under paragraphs (b) and (c) immediately before the matter is considered at the meeting; or
- (ii) advising the Chief Executive Officer in writing of the details required under paragraphs (b) and (c) before the meeting; and

(b) classifying the type of interest that has given rise to the conflict as either –

- (i) a direct interest under 77B; or
- (ii) an indirect interest and specifying the particular kind of indirect interest under:
Section 78 – close association
Section 78A – financial interest
Section 78B – conflicting duties
Section 78C – receipt of an applicable gift
Section 78D – consequence of becoming an interested party
Section 78E – impact on residential amenity; and

(c) describing the nature of the interest; and

(d) if the Councillor advised the Chief Executive Officer of the details under paragraph (a)(ii), the Councillor must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.

Members of Staff

Under Section 80C of the *Local Government Act 1989*, officers or people engaged under contract to the Council providing a report or advice to Council must disclose any conflicts of interests in the matter, including the type of interest.

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CLOSE


SUNIL BHALLA
Chief Executive Officer

9. OFFICERS REPORTS

9.1 DECLARATION OF ROADS AS UNUSED – ROAD U34 NEAR WORTHYS ROAD, TOOAN

Author's Name:	John Martin	Director:	John Martin
Author's Title:	Director Infrastructure	Directorate:	Infrastructure
Department:	Infrastructure	File Number:	F02/A01/000001

Officer Direct or indirect Conflict of Interest

In accordance with *Local Government Act 1989* – Section 80C:

Yes No

Reason: Nil

Status

Information classified confidential in accordance with *Local Government Act 1989* – Section 77(2)(c):

Yes No

Reason: Nil

Appendices

DELWP Application Form for Declaration of Road as Unused (**Appendix "9.1A"**)

Related correspondence to DELWP from 2017 (**Appendix "9.1B"**)

Purpose

To declare two sections of road reserve near Worthys Road, Tooan, as being unused, to enable them to be licensed for grazing by the Department of Environment, Land, Water and Planning (DELWP) to the adjoining landholder.

Summary

- An application has been received to declare two sections of road reserves as being unused, to enable them to be licensed by DELWP for grazing.
- A previous similar application was made in 2017, at which stage, consultation was undertaken.
- Based on the consultation at that time, the sections of road reserve sought to be licensed in the current application were not supported for licensing in 2017.
- This matter has been the subject of a series of communications between DELWP and the writer in the intervening period, including an inspection with a DELWP Officer in June 2019.
- Based on observations from the inspection, the availability of alternative roads in the area, and the surrounding land ownership, it is proposed that the application for licensing should be supported and the declaration of the road reserves as being unused, being signed.

Recommendation

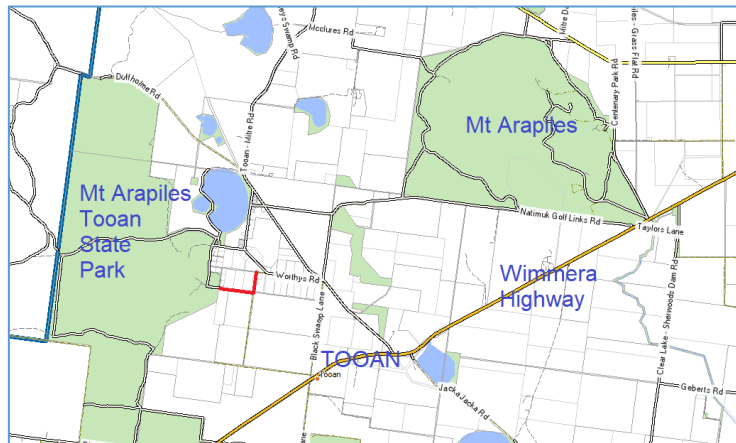
That Council approve the declaration of the sections of road reserves near Worthys Road, Tooan, as highlighted in the licence application from DELWP as being unused.

REPORT

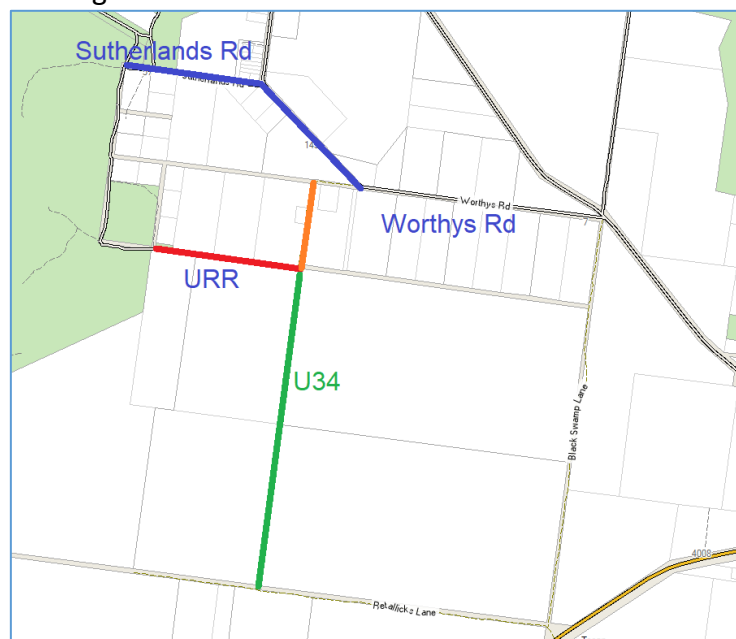
Background

An application has been received via DELWP, seeking Council to declare some sections of road reserves as unused under the *Land Act 1958*, so that they may be licensed to the adjoining landholder.

The first plan below shows the general vicinity of this application, with the road reserves being applied for, highlighted in red.



The second plan below shows greater detail of the area of the road reserves.



On this plan:

- The orange line is the northern part of unnamed road U34 that forms part of the application.
- The red line is an unnamed road reserve that is not identified in Council's Road Register, which is also part of the application.
- The green line is the southern part of U34 that is not part of the application.
- The blue line is Sutherlands Road.

Road U34 is listed on Council's road register as a "paper road". This means that there is a road reserve there, but Council does not consider it as part of the road network and undertakes no maintenance on it.

The unnamed road reserve shown as URR on the plan is not listed on Council's road register. This is, in effect, the same status as U34, i.e. a paper road.

An application to declare some roads as being unused in the vicinity of Worthys Road, Tooan, was received from DELWP in 2017. This was to enable the road reserves to be made available for grazing licences for the adjoining landholder. Public consultation was undertaken on the proposed declaration, with only one submission being received. That submission indicated that the sections of road that form part of the current application were used for access to the Mt Arapiles Tooan State Park at the western end of the unnamed road reserve (shown red in the above plan). The letter sent to DELWP at the time of that earlier application is included as an appendix to this report (**Appendix "9.1B"**).

One of the objectives of licensing these sections of road reserve, is to enable them to be better managed for fire risk. At present, there is no management of vegetation on the road reserves. Grazing of these reserves will reduce fuel, which reduces the risk of the reserves forming corridors for rapid fire movement from the adjoining area of the Mt Arapiles Tooan State Park.

Discussion

Subsequent to the 2017 application, further communication with DELWP has sought Council to review the earlier position. An inspection of the road reserves was conducted with a DELWP Lands Officer in 2019. The inspection showed that:

- The sections of U34 and URR have no formed road, and would be considered to be dry weather access only.
- This is reinforced by the presence of a minor waterway which was holding water across the reserve at the time of the inspection.
- There is no evidence of any material road traffic, i.e. vegetation was growing on the road tracks.
- There was no key destination in the Mt Arapiles Tooan State Park that needed to be accessed from this route.
- Access to Mt Arapiles Tooan State Park is more readily gained from Sutherlands Road.

Further to these points, the applicant for the grazing licences, Mr Bruce Potter, is the landholder for all of the lots that adjoin the road reserves that form part of this application.

In addition, the issue of a grazing licence does not preclude access to others through the road reserve. This is also important for emergency vehicles.

Financial Implications

Nil. Council undertakes no maintenance on these road reserves at present. This would not change as a result of this application.

Links To Council Plans, Strategies, Policies

2019-2023 Council Plan
Goal 3 – Asset Management

The relevant section of the *Land Act 1958*, section 400, is not delegated for action by Council Officers.

Consultation/Communication

Public consultation was conducted at the time of the original application in 2017.

Risk Implications

Declaration of the road reserves as unused to enable the licence to be issued will support better management of the road reserves to reduce the fire risk in this area.

Council is able to apply to DELWP for revocation of grazing licences on road reserves should a subsequent need for the road reserve become apparent.

Environmental Implications

Nil

Human Rights Implications

This report complies with the rights listed in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Conclusion

It is assessed that it is appropriate to declare the sections of road reserves near Worthys Road, Tooran as unused to enable them to be licensed to the adjoining landholder.

9.2 DRAFT BUDGET 2020-21

Author's Name:	Graeme Harrison	Director:	Graeme Harrison
Author's Title:	Director Corporate Services	Directorate:	Corporate Services
Department:	Corporate Services	File Number:	F18/A10/000001

Officer Direct or indirect Conflict of Interest

In accordance with *Local Government Act 1989* – Section 80C:

Yes No

Reason: Nil

Status

Information classified confidential in accordance with *Local Government Act 1989* – Section 77(2)(c):

Yes No

Reason: Nil

Appendix

Draft Budget 2020-21 (**Appendix “9.2A”**)

Business and Community Support Program Details (**Appendix “9.2B”**)

Purpose

To approve the Draft Budget 2020-21, Strategic Resource Plan 2020-24 and Proposed Rates and Charges for public exhibition in accordance with the *Local Government Act 1989*, Section 129 (3)(b) and (c) for a period of 28 days.

Summary

- The Draft Budget 2020-21 has been prepared through a process of consultation and discussion with Council Officers and Councillors, and aligns with objectives as set out in the 2019-2023 Council Plan.
- The Draft Budget 2020-21 is balanced on a cash basis.
- The Draft Budget 2020-21 has been greatly impacted by the COVID-19 Pandemic, and Council has responded by putting in place budget cuts of \$2.3 million and support/assistance to businesses and the community of \$1.147 million.
- The Draft Budget 2020-21 is now available for community comment and feedback until 5pm, Tuesday 7 July 2020.

Recommendation

That Council:

1. Approve the Draft Budget 2020-21 attached as **Appendix “9.2A”** and make it available for community comments and submissions until 5pm on Tuesday 7 July 2020.
2. Approve the Draft Strategic Resource Plan included within the budget documentation for the four year period 2020-24.
3. Propose the rate in the dollar and charges as set out in Section 4.1 of the draft budget document attached as **Appendix “9.2A”**.
4. Consider and hear any submissions on the Draft Budget 2020-21 on Thursday 9 July 2020 at 5.00pm.
5. Consider the Draft Budget 2020-21 for adoption at its meeting on Monday 27 July 2020.

REPORT

Background

This year's budget has been much more challenging than prior years as Council navigates through the impacts of the Coronavirus (COVID-19) Pandemic, together with a fifth year of rate capping.

The COVID-19 Pandemic has challenged our organisation, just as it has challenged all organisations within our community, and the world at large. In a very short period, Council has dealt with closing some community services and moving our operations to be home-based wherever possible, and helped to keep the community and staff safe.

Council has a range of both internal and external cost pressures to contend with, and still recognises the need to play an important role as the regional city for the western area of the state, with the provision of quality services to more than just our own residents. Council also needs to be mindful of the role that it plays in keeping economic activity happening and the importance of that within our community at these challenging times. Maintaining "business as usual" as much as is physically possible is also critical during these difficult times.

Discussion

A. DRAFT BUDGET DOCUMENTATION

The draft budget document is in an easy to read format made up of the following three sections:

(a) Mayors Introduction and Executive Summary (pages 3 to 13)

This provides a very high level "snapshot" view of the budget and is intended to be readable by members of the community that do not have any financial background. If only this section is read, it will give the reader an understanding of the key elements and issues within the budget.

(b) Budget Reports (pages 14 to 63)

This section includes all statutory disclosures of information and detailed budget numbers. It includes:

- Explanation of the linkages with the Council Plan
- Service summaries and indicators for Council's 40 service groups and 92 separate services including comparisons with last year's figures
- Service performance outcome indicators
- Financial statements, grants, borrowings, capital work and rates information
- Financial performance indicators.

(c) Appendices (pages 65 to 112)

This section provides additional supporting information on community grants, operational initiatives, fees and charges and a document highlighting key capital works.

B. BUDGET HIGHLIGHTS

I. Capital projects

Appendix D in the Draft Budget 2020-21 summarises the following highlights from the Capital Works Program:

Council Plan Goal 1 – Community and Cultural Development

- \$0.070 million - Town Hall Air Conditioning Works
- \$0.029 million - Town Hall Fly Lines
- \$0.545 million - Wesley PACC Refurbishment
- \$0.164 million - Skate Park Public Convenience Upgrade

Council Plan Goal 2 – Sustaining the Economy and Environment

- \$0.211 million - Aerodrome Airside Safety Works

Council Plan Goal 3 – Asset Management

- \$2.627 million - Renewal of Plant and Equipment
- \$0.120 million - Fleet GPS
- \$0.109 million - Rural Tennis Court Refurbishment Stage 1
- \$0.100 million - Wimmera River Pedestrian Bridge (Hamilton Street) Detailed Design/Scoping
- \$1.876 million - Urban Roads Reconstruction
- \$3.845 million - Rural Roads Reconstruction
- \$0.184 million - Rural Bridges Reconstruction
- \$0.429 million - Footpaths and Cycle-ways
- \$1.448 million - City to River Stage 1 implementation

Council Plan Goal 5 – Natural and Built Environments

- \$3.255 million - Waste Management
- \$0.055 million - Community Halls Solar Roofing
- \$0.109 million - Sustainability Projects – Energy Saving Measures

II. Initiative projects

This year there are a significant number of operational initiatives that are funded from one-off external sources that are outside of Council's usual initiative program, \$8.164 million. Council's usual initiative program has been cut this year but still totals \$2.113 million, of which, \$0.325 million comes from General Revenue and \$0.484 million specifically from the 2020-21 2% rate rise which has been tagged for support to businesses and the community in response to COVID-19.

Some highlights are as follows –

Items funded from general revenues:

- \$0.484 million for a business and community assistance program re COVID-19
- \$0.100 million for planning work for an alternative truck route
- \$ 0.105 million for a range of land use planning projects, Horsham City Urban renewal key development site plans and Horsham South Structure plan stage 2.

Initiative items that have largely been funded from reserves:

- \$0.050 million for implementation of the zero carbon plan
- \$0.100 million for Business Efficiency improvements
- \$0.120 million for implementation of property strategy
- \$0.491 million for Selkirk Road Depot decontamination works.

There are some large one-off/abnormal items that have all been funded externally:

- \$1.250 million from the State Government – Working for Victoria initiative providing resources to critical services as a stimulus measure in response to COVID-19.
- \$3.500 million for the final stage of the Grampians Peaks Trail.
- \$3.414 million in initiatives for the Rural Councils Corporate Collaboration (RCCC) project which has been funded by the state government, \$5 million over three years, to create a common shared service finance, payroll and procurement system across six Councils in the region in order to help facilitate the sharing of services into the future.

III. New ongoing allocations

There are a three ongoing budget allocations that have had increases that are not just one-off initiatives:

- Extra funds of \$0.122 million have been allocated to Community Facilities Building Maintenance to increase the ongoing maintenance of Council's community buildings.
- Building insurance recharges to community facilities will no longer be made saving community groups \$0.035 million (issue re how contents insurances will be managed for community halls still to be investigated further).
- Extra water allocation has been allowed for Green Lake - \$0.030 million.

IV. Cost savings

Generally, a hard approach has been taken to keep cost increases to just 1% of the previous year's budget, thereby generating a real savings of around 1.2% (CPI is 2.2%).

There have been a number of cost saving measures that require highlighting:

- The four Director structure has been reduced to a three Director structure.
- A new printing and copier system has been implemented reducing the number of devices, lease costs and paper usage.
- A new contract has been entered into for the supply of fuel.
- Supply agreements for a range of other products are leading to costs savings in a range of services.
- Solar panels have been installed on a range of municipal buildings to reduce energy usage and costs.

V. Cost increases

Cost increases generally have been contained to a 1% overall growth, so a reduction of around 1% in real terms. However, as well as the COVID-19 impacts, Council has had some abnormal cost increases as follows:

- Insurances have risen by \$0.081 million or 18%
- Changes to the Wimmera Library Corporation services have resulted in an increase to Council costs of \$0.030 million and a reduction in the recoup for administrative services \$0.010 million
- Software licensing and support costs have risen by \$0.077 million or 22% as new software solutions have been introduced and software services have moved to a subscription based approach
- Extra contractor payments have been budgeted for the Council elections - \$0.146 million
- Kerbside recycling costs have risen by \$0.104 million or 12%
- Gas costs have increased by \$0.032 million or 21%
- EPA Increase of \$0.100 million.

C. RATING AND DIFFERENTIALS

A separate independent process was run in 2018-19 to review the Rating Strategy and establish a separate Rating Policy, this resulted in a clear policy position to review the differentials if any sectors values increase or decrease by more than 3.5% above the general valuations (residential valuations).

The movement in values following the 2020 General Revaluation, has not triggered a requirement to review any differentials under this adopted policy. Differentials will remain at 67% for the Farm sector and 95% for the Commercial and Industrial sectors.

Type or class of land	2019/20	2020/21	Change	
	\$'000	\$'000	\$'000	%
Residential	2,404,806	2,475,648	70,842	2.95%
Commercial	330,402	333,234	2,833	0.86%
Industrial	168,950	170,400	1,450	0.86%
Culture & Rec. Land (0% rate)	20,986	20,929	(57)	-0.27%
Culture & Rec. Land (50% rate)	6,258	6,138	(120)	-1.92%
Farms	1,637,722	1,709,769	72,047	4.40%
Total value of land	4,569,123	4,716,117	146,994	3.22%

D. RESPONSE TO THE COVID-19 EMERGENCY

It is important to acknowledge, that whilst the COVID-19 Pandemic is impacting upon the entire community, it is not impacting evenly across all sectors and also all within each of the sectors. As a result, any response that Council may implement, needs to acknowledge these differences and be tailored accordingly.

In summary the impact of COVID-19 is as follows:

- There are losses in general revenues and revenues from services impacted of \$1.249 million.
- Council is providing support to businesses and the community through reduced parking fees, health permit fees, rent relief, interest relief, a financial hardship co-ordinator role and a business and community assistance program. These measures total \$1.147 million.
- In order to balance this, salaries and wages have been cut \$0.618 million by redeploying impacted staff to vacant positions within the organisation and cutting the use of casuals.
- Non-salary costs have been reduced by \$1.778 million from both services that have been closed or reduced through the direct and indirect impact of COVID-19, and also by reductions in capital and initiative programs.

The following table summarises these adjustments:

	Reductions in Revenue	Support and Assistance to Business & Community	Salaries & Wages (Budget Reductions)	Non-Salaries (Budget Reductions)	Net Impact on the Budget
Service Impacts:					
Directly Impacted Services	766,300		-533,640	-833,384	-600,724
Indirectly Impacted services	214,669		-85,000	-243,039	-113,370
Reductions in the Capital program					
				-512,000	-512,000
Reductions in Operational Initiatives					
				-190,000	-190,000
Business & Community Support:					
Health & Street trading permits		66,320			66,320
Parking Fees Reduced		195,000			195,000
Commercial Rent Relief		249,400			249,400
Community Rent Relief		101,852			101,852
Business & Community Assistance Program		484,916			484,916
Financial Hardship Co-ordinator		50,115			50,115
General Revenue:					
Reduced Supplementary Rate Income	48,492				48,492
Lost Interest Earned	120,000				120,000
Increased Provision for Bad Debts	100,000				100,000
	1,249,461	1,147,602	-618,640	-1,778,423	0
Overall Impact	2,397,063		-2,397,063		

E. BUSINESS AND COMMUNITY ASSISTANCE PROGRAM

A Draft Business and Community Assistance program has been developed to deliver support to business and the community through a combination of existing resources, grants, marketing and support programs to target those sectors most impacted by the COVID-19 restrictions.

The final support program is still in development. A component of this will be funded through existing Council resources and a component will be funded through the 2% rate rise \$0.484 million.

The overall proposed program is summarised in the following table:

Row Labels	COVID-19 Support	Existing Operational Budget	COVID-19 Fee Relief	COVID-19 Resourcing	Grand Total
Fee Reduction					
Footpath permits			27,000		27,000
Health Registration fees			39,320		39,320
On-street parking fees			195,000		195,000
Community Organisations			101,852		101,852
Commercial Tenancies			249,400		249,400
Fee Reduction Total			612,572		612,572
Marketing & Promotion					
Discover your own backyard	20,000				20,000
Horsham Accommodation	10,000				10,000
Grampians Way		12,000			12,000
Love your city	90,000				90,000
Conferences	20,000				20,000
Grampians Resident Attraction Strategy		30,000			30,000
Wimmera lakes (Funded Regionally)					
Marketing & Promotion Total	140,000	42,000			182,000
Training					
Digital Horsham	20,000				20,000
Forum		5,000			5,000
Training Total	20,000	5,000			25,000
Website Development					
Virtual Main Street	20,000				20,000
Website Development Total	20,000				20,000
Grant Program					
Community Grants program	50,000				50,000
Stronger Business	84,000				84,000
Shopfronts		30,000			30,000
Covid Safe	20,000				20,000
Business Sustainability	20,000				20,000
Community Wellbeing	30,000				30,000
Sports and Community	100,000				100,000
Grant Program Total	304,000	30,000			334,000
Staff Resources					
Hardship Co-ordinator				50,115	50,115
Shop local - #togetherwearestronger		0			0
Staff Resources Total		0		50,115	50,115
Capital					
City Centre Activation		60,000			60,000
Silo painting Horsham (Creative Vic Funding)		10,000			10,000
Capital Total		70,000			70,000
Grand Total	484,000	147,000	612,572	50,115	1,293,687

Note: All of the above programs are proposals at this stage and the dollar allocations are indicative. The final details of the exact program and any terms and conditions are still to be worked through with Council.

The list of projects and initiatives has been developed in discussion with Business and Community groups but it is the intention to consult with Business Horsham, Wimmera Development Association, Wimmera Sports Assembly and a range of other groups from across the municipality to identify priorities before Council finalises the overall package. More detail is provided on these programs in **Appendix "9.2B"**.

Financial Implications

All matters under discussion impact on the 2020-21 Council Budget and four-year Strategic Resource Plan.

Links To Council Plans, Strategies, Policies

The budget has been prepared with reference to the 2019-23 Council Plan. Preparation of the budget is a statutory requirement.

Consultation/Communication

Under the *Local Government Act 1989*, Section 129 (3)(b), Council must place the budget to be available for inspection for a period of at least 28 days after the publication of the Public Notice announcing that a budget has been prepared. The closing date for submissions is 5pm on Tuesday 7 July 2020.

Submission should be made in writing to the Chief Executive Officer, Mr Sunil Bhalla, PO Box 511, Horsham Vic 3402, or via email to council@hrcc.vic.gov.au. Community should indicate in their submissions if they or a representative of theirs, wish to be heard in person by Council on Wednesday 5 June 2020 at 5.00pm.

A community engagement plan has been developed and a number of planned engagement activities will occur during June 2020, but will be limited by the need to comply with COVID-19 restrictions for social distancing requirements and, as such, will utilise on-line tools to a greater extent than usual. The following actions are planned to take place during June 2020:

- On-line information will be provided on Council's website
- Flyers re "where \$100 of rates are spent" will be made available on-line and in appropriate public places
- A number of static displays will be established in the CBD
- A possible Service Poll on the OurSay website asking "what are your service priorities?"
- A drop-in shop to be investigated for one week, where the community may call in to discuss the budget under strict COVID-19 guidelines
- A social media question and answer session will be held
- A Zoom webinar will be held to summarise the budget and promote submissions
- The Community Map will be promoted as a graphical tool for the viewing of capital works
- An on-line forum will be setup for questions and answers to be provided
- Promotion of the capital works highlights document and budget flyers
- Media release
- Public notices
- Radio advertisements
- Facebook posts.

Risk Implications

The budget is a key document for the good governance and operations of Council and, as such, needs to be adopted by the 30 June each year, although due to the COVID-19 Pandemic this has been extended to 31 August 2020. It is, however, financially responsible to have an adopted budget in place as soon as possible from 1 July 2020.

Environmental Implications

Not applicable

Human Rights Implications

This report complies with the rights listed in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Conclusion

The Draft Budget 2020-21 is made available for community comments and feedback.

9.3 COMMUNITY GRANTS AND DONATIONS 2020-21

Author's Name:	Susan Surridge	Director:	Graeme Harrison
Author's Title:	Coordinator CRAT	Directorate:	Corporate Services
Department:	CRAT	File Number:	F20/A01/0000012

Officer Direct or indirect Conflict of Interest

In accordance with *Local Government Act 1989* – Section 80C:

Yes No

Reason:

At all levels of the assessment process, those on the assessment panels and at briefings have been requested to declare any conflict of interest and to not discuss or vote on any particular applications where there may be a real or perceived conflict of interest. Details of conflict of interest declarations made by Officers and others involved in the process is attached (**Appendix “9.3A”**)

Status

Information classified confidential in accordance with *Local Government Act 1989* – Section 77(2)(c):

Yes No

Reason: Nil

Appendix

Community Grants and Donations 2020-21 (**Appendix “9.3A”**)

Community Grants and Donations Conflict of Interest Declarations (**Appendix “9.3B”**)

Purpose

To approve proposed Community Grants and Donations for inclusion in the 2020-21 budget.

Summary

This report details approved community grant allocations and donations for the 2020-21 budget:

- Grant allocation to increase 2% from 2019-20 to \$381,756
- 97 applications received, 3 less than 2019-20
- 68 applications comprise 70% of the allocated funding
- Total dollar value requested was 20% more than in 2019-20
- \$180,760 allocated for Community Donations
- \$200,996 allocated for Community Grants.

Recommendation

That Council:

1. Allocate funding of \$381,756 in the 2020-21 Budget for approved community grants and donations.
2. Approve allocations to various community grant and donation recipients as detailed in **Appendix "9.3A"**, with the exception of allocations to Taylors Lake Hall, The Patch at the Salvation Army, Laharum Hall, Brimpaen Reserve, Natimuk and District Field and Game and Rotary Club of Horsham East.
3. Approve the community grant allocation to Taylors Lake Hall.
4. Approve the community grant allocation to the Patch at the Salvation Army.
5. Approve the community grant allocations to Laharum Hall, Brimpaen Reserve and Natimuk and District Field and Game.
6. Approve the community grant allocation to the Rotary Club of Horsham East.
7. Advise all successful and unsuccessful community grant applicants of the outcome of their applications during June 2020.

REPORT

Background

Council has annually allocated funding to support community and sporting groups in the municipality as part of its budget process. These funds cover both recurrent 'Donations' for sporting groups, halls, kindergartens, groups and events to assist them with their operations as well as 'Community Grants' for specific projects.

Applications for the 2020-21 Community Grants Program were invited in February, with a closing date of 28 February 2020.

Discussion

Following the closing date, applications have been considered by an interdepartmental working group of Council Officers, Council's Sport and Recreation Advisory Committee, Executive Management Team and at a Council Briefing meeting.

This year, Council received 97 community grant applications requesting total grants of \$382,935. There was a small decrease in the number of applications received (3) from the previous year, but a 20% increase in the total value of grants requested. In effect, there were less applications, but the total amount requested was significantly higher.

A ranking system used in previous years, has been used again in the assessment of applications for 2020-21 and reflects the assessment criteria in the grant guidelines. The objective of the ranking system is to provide some general guidance for assessors and greater transparency in the assessment process.

A final list of proposed Community Grants and Donations has been developed for the consideration and approval of Council (**Appendix "9.3A"**).

The Coronavirus (COVID-19) Pandemic may impact on the delivery of some of this program. Where a community group's program may be impacted, the grant will be carried forward for a future year. This will be assessed as the year progresses and there becomes more certainty around the exact impacts of COVID-19. For event funding, should the event be cancelled for 2020-21, the grant allocation will be withdrawn, and the organisation encouraged to apply for a grant in 2021-22 for the next scheduled event.

Financial Implications

Proposed allocations are \$180,760 to Community Donations and \$200,996 to Community Grants. This represents 52% of grant funds requested. The proposed total allocation of \$381,756 represents a 2% increase on the previous year's allocation. This allocation has been included in Council's Draft 2020-21 Budget.

Links To Council Plans, Strategies, Policies

2019-2023 Council Plan
Health and Wellbeing Plan 2017-2021
Community Inclusion Plan
Youth Strategy
Age-Friendly Communities Implementation Plan

Consultation/Communication

In line with previous practice, upon adoption of the Community Grants and Donations for 2020-21, it is proposed that groups be advised as soon as practicable to assist them in preparing for the implementation of their projects and budgets for the 2020-21 financial year.

Risk Implications

This is an established annual Council Program. There is a low level of risk in advising organisations that they are successful with a Community Grant before Council's Draft Budget is adopted.

Environmental Implications

Not applicable

Human Rights Implications

This report complies with the rights listed in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Conclusion

The 2020-21 Community Grants and Donations program will once again release over \$380,000 into the local community and economy. The local expenditure resulting from this Council support will provide an important stimulus to our not-for-profit sector on the 'other side' of the Coronavirus (COVID-19).

9.4 FEDERAL AND STATE GOVERNMENT GRANT FUNDING OPPORTUNITIES FOR INFRASTRUCTURE PROJECTS

Author's Name:	Susan SurrIDGE	Director:	Graeme Harrison
Author's Title:	Co-ordinator Community Relations and Advocacy	Directorate:	Corporate Services
Department:	Governance and Information	File Number:	F20/A01/0000012

Officer Direct or indirect Conflict of Interest

In accordance with *Local Government Act 1989* – Section 80C:

Yes No

Reason: Nil

Status

Information classified confidential in accordance with *Local Government Act 1989* – Section 77(2)(c):

Yes No

Reason: Nil

Appendix

Major Infrastructure Projects (**Appendix “9.4A”**)

Infrastructure Projects <\$1million (**Appendix “9.4B”**)

Road Infrastructure Projects (**Appendix “9.4C”**)

Purpose

To endorse a priority list of major and smaller infrastructure projects suitable for State and Federal COVID-19 recovery stimulus funding.

Summary

- Council has been asked by the State Government and Federal Government to provide a list of high priority infrastructure projects that are “shovel ready” and can commence construction within 6-9 months.
- Three lists have been developed by Council staff (**Appendix “9.4A”, “9.4B” and “9.4C”**) which provide potential major, minor (<\$1million) and road infrastructure projects.

Recommendation

That Council:

1. Endorse the major, minor (<\$1 million) and road infrastructure priority project listings as attached (**Appendix “9.4A”, “9.4B” and “9.4C”**).
2. Seek opportunities to access COVID-19 recovery stimulus funding from the State and Federal Governments for major, minor (<\$1 million) and road infrastructure priority projects as attached (**Appendix “9.4A”, “9.4B” and “9.4C”**).

REPORT

Background

Over the past two weeks, the Federal and State Governments have announced their intention to inject economic stimulus funding into the economy to support our nation's recovery from the COVID-19 pandemic and the impact it is having on economic output and jobs.

Discussion

There is now clear government intent to boost infrastructure spending across the country as we move out of the COVID-19 lockdown, to inject significant spending to "kick-start" our local economies. During the past two weeks the following announcements have made this clear:

- Federal Government Local Roads and Infrastructure fund – non-competitive grant allocation to all municipalities across Australia (Horsham Grant \$ 1,428,396)
- State Government Building Works Package - \$2.7billion for shovel ready projects across a range of areas (refer Warracknabeal Education project)
- State Government shovel ready sports grants (details to be announced shortly).

There is an opportunity for Council to progress priority projects that match the funding opportunities that arise through the COVID-19 recovery phase. Significant cash contributions from State and Federal Governments may help deliver some important local and regional projects, with small Council co-contribution that will boost our local economy. A key aspect of much of these funding programs will be the requirement to have the projects ready to commence in a short time frame, i.e. less than six months. It is vitally important to our region that Council has a confirmed list of priority projects that can be developed quickly to maximise external funding opportunities.

Financial Implications

The focus of this report is to maximise State and Federal Government funding to leverage against smaller Council contributions for priority capital infrastructure projects. Council contributions will be in-line with normal budgeting processes.

Links To Council Plans, Strategies, Policies

2019-2023 Council Plan
City to River Masterplan
Horsham Aquatic Centre Masterplan
Wimmera Intermodal Freight Terminal Masterplan
Open Space Strategy

Consultation/Communication

Priority projects that form part of the Council Plan and other key documents, i.e. City to River Masterplan, Aquatic Centre Masterplan, Wimmera Intermodal Freight Terminal Masterplan and the Open Space Strategy, have all been developed and endorsed by Council following public/stakeholder consultation.

Risk Implications

Nil

Environmental Implications

Nil

Human Rights Implications

This report complies with the rights listed in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Conclusion

This report and recommendation will provide Council with a list of priority projects that can be quickly developed as required to maximise funding opportunities that arise from COVID-19 recovery stimulus packages.

9.5 LOCAL GOVERNMENT ACT 2020 IMPLEMENTATION PLAN

Author's Name:	Diana McDonald	Director:	Graeme Harrison
Author's Title:	Co-ordinator Governance	Directorate:	Corporate Services
Department:	Governance	File Number:	F19/A10/000003

Officer Direct or indirect Conflict of Interest

In accordance with *Local Government Act 1989* – Section 80C:

Yes No

Reason: Nil

Status

Information classified confidential in accordance with *Local Government Act 1989* – Section 77(2)(c):

Yes No

Reason: Nil

Appendix

Transitional Arrangements for the *Local Government Act 2020* (**Appendix “9.5A”**)

Purpose

To receive and note the update on the implementation of the new *Local Government Act 2020*.

Summary

- The *Local Government Act 2020*, which received Royal Assent of 24 March 2020, will be rolled out progressively in four stages.
- The first stage commenced on 6 April 2020. This stage brings into operation the overall architecture of the new Act without any of the Council obligations, except those that relate to elections.
- The second stage was proclaimed on 1 May 2020, the third stage is due to be proclaimed by 24 October 2020, and the fourth stage on 1 July 2021.
- Details of the sections of the Act that will be proclaimed under each of these stages (**Appendix “9.5A”**)
- Key dates for implementation of new requirements are summarised in the table provided in section 5 of this report and a detailed implementation plan is being developed by the Governance Team.
- Transitional arrangements will be in place as the old *Local Government Act 1989* is progressively repealed.

Recommendation

That Council receive and note the *Local Government Act 2020* implementation dates for Horsham Rural City Council.

REPORT

Background

The new *Local Government Act 2020* (Act) is a significant piece of legislation and is the most ambitious and comprehensive reform of local government in Victoria for 30 years. It is anticipated that the Act will improve local government democracy, accountability and service delivery for all Victorians.

The Act received Royal Assent on 24 March 2020 and will be proclaimed in four stages, with the first of these reforms proclaimed on 6 April 2020. With nearly 400 provisions, a number of these provisions are now in force.

The staged commencement dates are (6 April 2020), (1 May 2020), (24 October 2020) and (1 July 2021). Full details are provided in **Appendix "9.5A"**.

The Act comes into operation progressively, and at the same time, various provisions in the *Local Government Act 1989* are repealed progressively. This means that for some time into the future the two acts will co-exist.

Under Section 87 of the *Local Government Act 2020*, the Minister for Local Government may issue Good Practice Guidelines for, or with respect to, any matter under the Act or the Regulations, and compliance by a Council with the Guidelines, can be used as evidence that the Council has complied with the corresponding requirement under the Act. Guidelines issued under Section 87 are not mandatory but provide guidance on how Councils can best meet their obligations under the Act.

The first of these guidelines were recently provided in regard to virtual meetings (Ministerial Good Practice Guideline 1: MGPG-1: Virtual Meetings) which provided information to support Councils implement virtual Council Meetings.

Discussion

The new Act replaces the *Local Government Act 1989* and will deliver on the Victorian Government's commitment to modernise how local government operates. It is a principles-based Act, removing unnecessary regulatory and legislative prescription.

To achieve this, the following five primary principles have guided the development of the Act:

1. Community Engagement

The *Local Government Act 2020* has, at its core, the aim of ensuring all Victorians have the opportunity to engage with their Council on local priorities and the future of their community.

As the level of government closest to the community, Councils have both the opportunity and the responsibility to enable participatory democracy. Many citizens now want a stronger voice in shaping their community's future. Community support for and involvement in consultation is only likely to intensify in coming years as technological advances provide a greater range of tools to enable engagement across a broader audience in each municipality.

Community engagement seeks to better engage the community to achieve long-term and sustainable outcomes, processes, relationships, discourse, decision-making, or implementation. To be successful, it must encompass strategies and processes that are sensitive to the community-context in which it occurs.

The principles for community engagement refer to deliberative engagement practices [s.55(2)(g)]. The Act does not prescribe what are deliberative engagement practices, however, a broad interpretation should be taken.

The key characteristics of deliberative engagement are considered to be: authentic engagement with the community; good representation of the community in engagement activities; clear demonstration of how all views have been considered; accessible and relevant information available to the community to ensure the decision-making process and the community’s level of influence is clear in each instance and that participants are fully informed. Transparency is key to an effective process.

Councils must, at a minimum, apply their community engagement policy in the development of the following:

- Planning and Financial Management
- Community Vision
- Council Plan
- Financial Plan
- Revenue and Rating Planning
- Asset Plan.

Many other Council requirements under this Act and other legislation would benefit from Councils considering the use of deliberative engagement activities.

2. Strategic Planning

The new *Local Government Act 2020* is designed to support Council autonomy. The detailed, prescriptive processes in the previous Act have been replaced with principles-based provisions setting outcomes that Councils must deliver. To support this, the Act requires Councils to develop an integrated, longer-term and transparent approach to planning, organised around a 10-year community vision.

One of the overarching principles of the new Act is that “the community is to be engaged in in strategic planning and strategic decision making” [s.9(2)(d)].

Council strategic planning framework:

Time horizon	Planning		Reporting
Long term (10 years)	Community Vision ✓ needs	Financial Plan ✓ assumptions ✓ resources ✓ financial statements	
		Asset Plan ✓ maintenance ✓ renewal	
Medium term (4 years)	Council Plan ✓ direction ✓ objectives ✓ strategies ✓ indicators ✓ initiatives	Workforce Plan ✓ structure ✓ staffing	
		Rating Plan ✓ principles ✓ structure	
Short term (1 year)		Budget ✓ services ✓ infrastructure ✓ initiatives ✓ rates ✓ financial statements	Quarterly Budget Report ✓ financial statements
			Annual report ✓ report of operations ✓ performance statement ✓ financial statements

Strategic planning is the process of defining an organisation's direction and priorities and deciding how to allocate resources to pursue these. A strong, transparent and inclusive planning process can ensure energy and resources are focused, operations are strengthened, and employees and citizens are agreed on common goals, outcomes and results.

Under the new Act, the four-year Council Plan is the key planning document of a newly elected Council. It will contain the Council's key strategic directions, informed by the Community Vision, and other strategic commitments to deliver services and infrastructure. The plan must include strategies for achieving a Council's objectives and indicators for monitoring the achievement of those objectives.

The plan must be developed and reviewed in accordance with a Council's community engagement policy. Importantly, these provisions within the Act are intended to clarify the role of Councillors in leading strategically rather than focusing on operational issues. The ability of Councillors to shape their Council's strategic directions is crucial to addressing future challenges.

3. Financial Management

Councils manage significant finances on behalf of their communities and have an obligation to manage these finances responsibly to ensure the delivery of important services and facilities. A significant percentage of a Council's revenue comes from rates, and the community has expectations that these rates will be used to deliver an array of services and significant infrastructure.

The services delivered by Councils contribute significantly to the quality of life of residents. Although they vary from Council to Council, these services often include childcare, primary health care, personal/home care services, sports facilities, public spaces and libraries. This is particularly true in rural and remote areas where the Council may be the only provider of some of these services. It is essential for the health and wellbeing of these communities that Councils manage their finances responsibly, sustainably and transparently.

Underpinning these expectations is need for financial sustainability. Although the previous Act did include principles for financial management, sustainability was not included. It is, however, vitally important that Councils undertake responsible spending and investment that ensures financial, social and environmental sustainability.

The new *Local Government Act 2020* is also intended to create a legislative environment that embraces innovation, modern business practices and microeconomic reform. The Act no longer contains provisions that may be considered to impede collaboration and innovation, particularly those needing elaborate corporate structures for simple service-sharing arrangements between Councils. The new Act is designed to actively encourage collaboration.

The Act says that a Council must prepare and adopt financial policies that give effect to the financial management principles at section 101 of the Act:

- Revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with a Council's financial policies and strategic plans.
- Financial risks must be monitored and managed prudently having regard to economic circumstances.
- Financial policies and strategic plans, including the Revenue and Rating Plan, must seek to provide stability and predictability in the financial impact on the municipal community.
- Accounts and records that explain the financial operations and financial position of the Council must be kept.

4. Public Transparency

Transparency is a fundamental tenet of democratic governance. Openness, accountability and honesty are essential to build high levels of accountability and trust amongst citizens and enable fully informed engagement in the democratic process. Without transparency, effective community engagement, planning, financial management and any number of other Council responsibilities cannot be properly performed.

One of the overarching principles of the new *Local Government Act 2020* is that “the transparency of Council decisions, actions and information is to be ensured” [s.9(2)(i)]. Various sections of the previous Act and regulations specified transparency and consultation requirements, including about the timing and location of Council meeting notices, Council websites, and the information to be published on them, documents a Council must make available for public inspection, amongst many other things. This will no longer be the case. Councils must develop their own policies, in line with these underpinning principles.

The use of prescription as the basis for a Council’s disclosure and engagement with their community has significant disadvantages. It encourages a compliance approach where entities may consider that it is sufficient to tick legal boxes. Sometimes compliance-based rules can encourage an attitude of avoidance.

Under the previous Act, certain matters were automatically considered confidential – this included personnel information, contracts, and matters that might prejudice the Council or any person. The new Act assumes, instead, that all matters must be public, except in very specific and limited circumstances. Detailed requirements included in the old Act are replaced as far as possible by high-level principles about transparency in decision making and community accountability.

It must also be noted that simply having Council information available to the public will not meet the requirements of the Act. Council information must be understandable and accessible to members of a Council’s community and public awareness of the availability of this information must be facilitated.

Transparency and accountability will strengthen governance and accountability across the sector, so that the community can have confidence in the way their Council works. The Act says that a Council must adopt and maintain a Public Transparency Policy.

The policy must, amongst other things, give effect to the public transparency principles listed at section 58 of the Act:

- Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act.
- Council information must be publicly available unless—
 - The information is confidential by virtue of this Act or any other Act
 - Public availability of the information would be contrary to the public interest.
- Council information must be understandable and accessible to members of the municipal community.
- Public awareness of the availability of Council information must be facilitated.

5. Service Performance

Victoria's Councils deliver infrastructure and services to meet a diverse range of planning, health and community services, economic development, waste and environmental management and emergency service needs. By law, Councils are obliged to provide some of these services, but others they choose to provide based on the needs of their communities and the resources available, which can vary considerably.

Therefore, Council responsibilities are complex and dynamic, but a number of universal principles can be applied to the planning and decision-making Councils undertake in order to provide services to their communities. For example, Councils must demonstrate to their communities that they have the right balance between the standard of service they aim for and the cost to ratepayers and residents of achieving these standards.

Delivering cost effective services requires Councils to plan effectively, understanding the current and future needs of their communities, identifying the resources available and make informed, rational decisions about how to best allocate their scarce resources. These decisions need to be transparent, they should engage the views of the community in their development.

There is evidence that innovative and collaborative arrangements deliver tangible benefits for Councils. Many have already joined forces on projects like libraries, road building, waste management and rates administration. These partnerships drive down costs to ratepayers and can raise the quality of services. The new Act sets out a series of new provisions that are intended to remove barriers to cooperation and the development of joint service agreements and assist Councils in meeting the service performance principles.

Under the new *Local Government Act 2020*, one of the fundamental roles of Councils is described "(to) plan for and ensure the delivery of services, infrastructure and amenity for its municipality, informed by deliberative community engagement." The service performance principles (s.106) underpin this overarching principle of the Act, but ensuring Councils consider equity, accessibility, quality, value and continuous improvement.

The Act says that a Council must plan and deliver services to the municipal community in accordance with these service performance principles:

- Services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community.
- Services should be accessible to the members of the municipal community for whom the services are intended.
- Quality and costs standards for services set by the Council should provide good value to the municipal community.
- A Council should seek to continuously improve service delivery to the municipal community in response to performance monitoring.
- Service delivery must include a fair and effective process for considering and responding to complaints about service provision.

The key implementation dates for document deliverables and requirements of the new *Local Government Act 2020* implementation are noted in the following table:

Date	Requirement	Comments	Responsible Team
1 September 2020*	Governance Rules	New to be developed	Governance
	Public Transparency Policy	New to be developed	Governance
	Expense Policy	Existing policy in place, will need revision	Governance
	Delegated Committees and Asset Committee's	Only two s.86 committees to review, others are advisory and can be reviewed as time permits	Governance
	Audit and Risk Charter and Committee	Existing charter is best practice, will need to revise	Governance
17 September 2020*	Mandatory Candidate Training	New requirement Council to manage, LGV will provide content	Governance / CEO Office
January 2021	Councillor Code of Conduct	Existing in place, will require review	Governance / CEO
1 March 2021	Community Engagement Policy	Existing in place, will require review	CRAT
30 April 2021	Gift Policy	Existing in place, will require review	Governance
30 June 2021	Councillor Induction Training	Within six months after the Oath is taken	Governance / CEO
	Annual Budget	Existing requirement	Finance
	Revenue and Rating Plan	Already have in place	Finance
31 October 2021	Financial Plan	10 Year financial plan is a new requirement	Finance
	Council Plan	Existing requirement	Governance
	Community Vision	New requirement, significant engagement required	CRAT
	Annual Report	Existing requirement	Governance
1 January 2022	CEO Employment and Remuneration Policy	New policy to be developed	People and Culture
	Workforce Plan	New requirement, plan will require significant work to develop	People and Culture
	Recruitment Policy	New requirement	People and Culture
	Staff code of Conduct	Existing in place, will require review	People and Culture
	Complaints Policy	Existing in place, will require review	Governance
	Procurement Policy	Existing in place, will require review	Governance
30 June 2022	Asset Management Plans	Existing in place, will require review	Infrastructure Services

Note - Grace Period for Councils- To allow Councils to comply with the above requirements there are several 'Grace Periods' that apply for some provisions:

**Requirements by 1 September 2020 - There is a grace period of 4 months. September 1 is the hard deadline and includes the 4 month grace period because it's an extension of when the provision commences.*

**Requirements by 17 September 2020 - There is a grace period of 6 months. September 17 is the hard deadline and includes the 6 month grace period because it's an extension of when the provision commences.*

Financial Implications

The financial impact of the *Local Government Act 2020* implementation is mainly limited to staff time. There may be additional costs for implementation of certain provisions, for example, the mandatory candidate training.

Links To Council Plans, Strategies, Policies

2019-2023 Council Plan

Goal 4 – Governance and Business Excellence

Consultation/Communication

Local Government Victoria is committed to a sector led, consultative and co-design approach for the requirements within the *Local Government Act 2020* where the materials developed are fit for purpose, scalable to each Council's circumstance and shared widely.

The *Local Government Act 2020* implementation was communicated to the Leadership Team and Executive Management Team on 12 May 2020 and other key stakeholders across Council. Further communication will be undertaken with the relevant staff in accordance with the provisional timelines.

The Governance Team has established a page on Council's Intranet to ensure all staff have easy access to relevant information about the new Act obligations.

Governance staff are in regular communication with Local Government Victoria.

Risk Implications

There is a significant risk to Council if this new legislation and requirements are not implemented in accordance with the legislative requirements of the new Act. This is a complex, multi layered implementation project that touches on many different areas of Council work.

Council is liaising closely with Local Government Victoria, Maddocks, LGPro and other local government Councils and organisations to ensure correct processes are followed, implemented and communicated, along with a detailed Implementation Action Plan for communication with the Leadership Team and key staff.

Environmental Implications

Not applicable

Human Rights Implications

This report complies with the rights listed in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Conclusion

This implementation report is provided to inform Council of key principles, timelines and documents required with the *Local Government Act 2020*.

9.6 CHIEF EXECUTIVE OFFICER (CEO) DELEGATION FROM COUNCIL

Author's Name:	Graeme Harrison	Director:	Graeme Harrison
Author's Title:	Director Corporate Services	Directorate:	Corporate Services
Department:	Corporate Services	File Number:	F19/A02/000001

Officer Direct or indirect Conflict of Interest

In accordance with *Local Government Act 1989* – Section 80C:

Yes No

Reason: Nil

Status

Information classified confidential in accordance with *Local Government Act 1989* – Section 77(2)(c):

Yes No

Reason: Nil

Appendix

Council to CEO Instrument of Delegation (**Appendix “9.6A”**)

Purpose

To update the delegation from Council to the CEO following the Royal Assent of the new *Local Government Act 2020*.

Summary

- The new *Local Government Act 2020* achieved Royal Assent on 24 March 2020.
- New provisions will be phased in over time and existing delegations remain valid until 1 September 2020, however, it is still prudent to update the Council to CEO delegation sooner, as this provides the authority for the CEO to then sub-delegate as required and as appropriate.
- The CEO delegation update has been prepared using the templates provided by Maddocks Lawyers.

Recommendation

In the exercise of the power conferred by s.11(1)(b) of the *Local Government Act 2020* (the Act), Horsham Rural City Council (Council) RESOLVES THAT –

1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer, the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer (Appendix “9.6A”)*, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. On the coming into force of the instrument, all previous delegations to the Chief Executive Officer are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

REPORT

Background

The new powers of delegation commence on 1 May 2020. However, unless sooner revoked, an existing delegation made by a Council or its CEO under the *Local Government Act 1989* (1989 Act) continues in force until 1 September 2020.

The Delegation to the CEO essentially delegates from Council to the CEO, all powers, duties or functions (other than those, listed in the schedule to the delegation). The CEO then in turn can sub-delegate as required to staff.

This power does carry potential for loss of control, however, the advantage for Council in taking this approach is that it then does not need to concern itself with many of the details of Council administration, allowing the CEO to issue and revoke instruments of delegation at regular intervals without the need to resubmit the issue to Council.

This is the practice undertaken across all local government Councils in Victoria.

Discussion

Within the CEO delegation are some general conditions and limitations that have been recommended by Maddocks Lawyers. These have been determined using powers conferred by the *Interpretation of Legislation Act 1984*. One of these limitations is the maximum dollar value for the awarding of a contract or making an expenditure. This dollar value tends to vary considerably between Councils, and in the previous 1989 Act there was a distinction made between contracts for goods and services and contracts for works, this is no longer in the 2020 Act.

Council's current value for the CEO is \$250,000. This new delegation lifts this value to \$275,000 to allow for a GST inclusive value as per Council's procurement thresholds that are now all GST inclusive.

The 2020 Act, section 11(1)(b) provides for a Council to delegate powers, duties and functions to its CEO. The updated Instrument provided by Maddocks Lawyers (**Appendix "9.6A"**) has been drafted to take into account the matters that cannot be delegated by the CEO pursuant to section 11(2) of the 2020 Act. These matters are listed as:

- Awarding a contract or making an expenditure exceeding the value of \$275,000
- Appointing an Acting Chief Executive Officer for a period exceeding 28 days
- Election of a Mayor or Deputy Mayor
- Granting of a reasonable request for leave under section 35 of the Act
- Making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer
- Approval or amendment of the Council Plan
- Adoption or amendment of any policy that Council is required to adopt under the Act
- Adoption or amendment of the Governance Rules
- Appointment of the chair or the members to a delegated committee
- Making, amending or revoking a local law
- Approval of the Budget or Revised Budget
- Borrowing money
- Subject to section 181H(1)(b) of the *Local Government Act 1989*, declaring general rates, municipal charges, service rates and charges and specified rates and charges
- If the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution

- If the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council
- If the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a policy; or strategy adopted by Council
- If the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 11(2)(a)-(n) (inclusive) of the Act or otherwise
- The determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

It is open to each Council to include additional matters if it so wishes. The following items have also been included that Council not delegate:

- The power to adopt the Community Vision
- The power to adopt the Financial Plan
- The power to adopt Asset Plans
- The power to adopt Revenue and Rating Plan.

The requirement to keep a public register of these delegations remains under section 11(8) of the 2020 Act.

Financial Implications

The financial impact of the review of this delegation is limited to staff time and the cost of the Maddocks Lawyers Delegation Service, which has been included in the 2019-20 budget. A database has been developed in-house to manage these delegations at no additional cost.

Links To Council Plans, Strategies, Policies

2019-2023 Council Plan
Goal 4 – Governance and Business Excellence

Consultation/Communication

The Council to CEO Instrument of Delegation has been updated through discussion with the Chief Executive Officer, Executive Management Team, and Governance Team and at a Council Briefing.

Risk Implications

The risk to Council of having inadequate instruments of delegation are that actions are carried out without appropriate authority and therefore are subject to be challenged in a court of law. The fact that a delegation has been made, does not affect the Council's powers in relation to the issue concerned. A delegate's decision (once made) is taken to be the decision of the Council itself. The Council can therefore find itself bound by a decision which it may not itself have made. This risk is mitigated by having in place appropriate policies and guidelines under which delegation should be exercised. Council has such guidelines in place although these now require review post the new 2020 Act.

Environmental Implications

Not applicable

Human Rights Implications

This report complies with the rights listed in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Conclusion

The update of delegations is likely to be a more regular occurrence as the new *Local Government Act 2020* is fully implemented. This update will help commence some of the alignment processes between the old and the new Acts.

9.7 HORSHAM NORTH URBAN DESIGN FRAMEWORK

Author's Name:	Kevin O'Brien	Director:	Kevin O'Brien
Author's Title:	Director Communities and Place	Directorate:	Communities and Place
Department:	Arts, Culture and Recreation	File Number:	F10/A04/000002

Officer Direct or indirect Conflict of Interest

In accordance with *Local Government Act 1989* –
Section 80C:

Yes No

Reason: Nil

Status

Information classified confidential in accordance
with *Local Government Act 1989* – Section 77(2)(c):

Yes No

Reason: Nil

Appendix

Horsham North Urban Design Framework (**Appendix "9.7A"**)

Horsham Rail Corridor Master Plan (**Appendix "9.7B"**)

Purpose

To receive and note the update on the implementation of the Horsham North Urban Design Framework (HNUDF) and the current place based approach to Council's work in Horsham North.

Summary

- Recap on the development of the HNUDF.
- Update on HNUDF implementation.
- Proposed future actions.

Recommendation

That Council:

1. Receive and note the update in relation to the implementation of the Horsham North Urban Design Framework.
2. Re-focus and deliver place making projects in Horsham North.
3. Continue to implement the Rail Corridor Master Plan.
4. Undertake revisions to the planning scheme to align zones to encourage appropriate development.

REPORT

Background

The HNUDF (**Appendix “9.7A”**) was developed in 2010 and adopted by Council on 16 September 2013. The Framework provided a high level strategic planning framework and action plan. It was an ambitious plan with a broad range of strategies with over more than seventy actions. Strategies ranged from physical improvements (improve footpath conditions) to the ambitious (work towards a zero emissions neighbourhood).



The study area for the Horsham North Urban Design Framework

Achievements

A number of actions from the HNUDF have been implemented including:

- The development of a master plan for the rail corridor
- The construction of the Kalkee Road Children’s and Community Hub
- The purchase of a property in Albert Street to widen the access to Dudley Cornell Park
- The marking of on road bike paths on the main connecting streets
- relocation of Horsham Community House to the former Robin Street Kindergarten facility
- Improvements to the rail underpasses
- Footpath and road improvements including the reconstruction of some streets
- Improved public transport services.

Discussion

The Framework contains some actions that are no longer relevant, been superseded, are unachievable and/or are actions that would be best carried out across the whole of the municipality. In addition, there are actions that contradict strategic directions identified in other plans and strategies. For example, the Central Activity District (CAD) Strategy aims to restrict commercial and retail development to areas within the existing CAD but the HNUDF seeks to encourage commercial and retail uses within Horsham North.

The Rail Corridor Master Plan (**Appendix "9.7B"**) implementation is constrained by land tenure and land contamination which are factors largely outside Council control. Council is working with VicTrack and the Department of Transport to advance this plan including what works can be achieved in the shorter term to continue to activate Horsham North and improve the amenity to the community. Council is in the process of engaging consultancy firm GHD to undertake an assessment of the rail corridor (land purchase and remediation) to ascertain the future costs associated with using this corridor as open space.

There is also a need for strategic planning work to be undertaken, as there are some planning zones that allow uses that are incompatible with Council's objectives. This will require resources to be committed to undertake planning scheme amendments and subsequent revision of the planning scheme.

It is proposed that Council re-focus and deliver place making projects in Horsham North. This includes, but is not limited to:

- Developing and implementing the Dudley Cornell Park masterplan
- Carrying out landscape treatment for Horsham North entrances
- Improving general amenity through road, footpath and landscape works
- Continue to advocate for the relocation of Rasmussen Primary School to be adjacent to the Kalkee Road Children's and Community Hub.

Financial Implications

There are funds allocated in this year's budget to carry out contamination assessment works of the railway corridor (VicTrack land only) and the completion of the development of Dudley Cornell master plan. Kerb and channel, roads and tree planting occur through the annual budget. There are funds allocated to Hamilton Lamb Hall, Kalkee Road Children's and Community Hub and Police Paddock.

Links To Council Plans, Strategies, Policies

2019-2023 Council Plan

Advocacy - Relocation of Horsham North School to the Kalkee Road Children's Hub area

Goal 1 – Community and Cultural Development

Four-Year Priorities:

- 1.1.01 – Pursue ongoing funding for a neighbourhood renewal program in Horsham North
- 1.1.02 – Pursue funding for implementation of the Horsham North Urban Design Framework and Railway Corridor Master Plan
- 1.1.05 – Complete construction of the Kalkee Road Children's and Community Hub and commence operations
- 1.1.08 – Review future use of all kindergartens and Maternal and Child Health, post the Horsham North Children's Hub
- 1.1.09 – Develop a master plan for Dudley Cornell Reserve following the construction of the Children's Hub
- 1.4.04 Work with VicTrack to improve underpasses between Horsham North and wider Horsham

Goal 2 – Sustaining the Economy

Four-Year Priority:

2.3.02 – Pursue opportunities for improvements at the Police Paddock Reserve/Horsham North including walking and bike tracks in the vicinity

Consultation/Communication

There was an internal working group established to oversee the HNUDF actions, made up of Director Community Wellbeing, Manager Arts, Culture and Recreation, Manager Operations, Manager Engineering, Strategic Planner, Grants Officer and Community Facilitator.

Risk Implications

Not applicable

Environmental Implications

Not applicable

Human Rights Implications

This report complies with the rights listed in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Conclusion

There have been a number of actions carried out in relation to the HNUDF. Some actions are now inconsistent with broader strategies of council that have recently been developed. It is proposed now to re-focus and deliver place making projects in Horsham North. Noting a number of projects have already been delivered.

9.8 CHIEF EXECUTIVE OFFICER'S OPERATIONAL REPORT

Author's Name:	Sunil Bhalla	Director:	Not applicable
Author's Title:	Chief Executive Officer	Directorate:	Not applicable
Department:	Chief Executive Office	File Number:	F06/A01/000001

Officer Direct or indirect Conflict of Interest

In accordance with *Local Government Act 1989* –
Section 80C:

Yes No

Reason: Nil

Status

Information classified confidential in accordance
with *Local Government Act 1989* – Section 77(2)(c):

Yes No

Reason: Nil

Appendix

Nil

Purpose

To receive and note the Chief Executive Officer's Operational Report for March to May 2020.

Summary

The Chief Executive Officer's Operational Report highlights issues and outcomes affecting the organisation's performance and matters which may not be subject of Council reports or briefings.

Recommendation

That Council receive and note the Chief Executive Officer's Operational Report for March, April and May 2020.

REPORT

Background

At the 24 June 2019 Ordinary Meeting of Council, it was resolved that the Chief Executive Officer provide an operational report to Council.

Discussion

Key items of interest for the report period are summarised below.

A. Advocacy/Funding Announcements

Mr Stuart Grimley MP, Member for Western Victoria: The Mayor and Chief Executive Officer met with Mr Grimley on 24 February 2020. Key items of discussion included availability of housing, mineral sands projects in the region, City to River Plan, Western Rail Advocacy, Mode Shift Incentive Scheme and recent Council resolution to work with State government to investigate an alternative truck route.

Regional Cities Victoria: The Mayor and Chief Executive Officer attended the Regional Cities Victoria meeting in Melbourne on 27 February 2020. Key topics of discussion/presentations included an update from fire affected Councils, Greater Victoria Commonwealth Games, Regional Rail update, Geelong Fast Rail Project, Local Government Bill update and RDV Bushfire Recovery update.

The Mayor and Chief Executive Officer attended a Regional Cities Victoria meeting on 21 May 2020 via zoom. The Hon Mark Coulton MP, Minister for Regional Health, Regional Communications and Local Government joined the virtual meeting. Stimulating infrastructure development is being viewed as the key to post COVID-19 economic recovery.

Regional Cities Victoria – COVID-19 Meetings: The Chief Executive Officer has been attending fortnightly Regional Cities Victoria meetings via zoom during March, April and May. Key topics have included: State Budget submission, COVID-19 pandemic impacts and response, rate relief, presentations from various agencies.

Rural Council's Corporate Collaboration (RCCC) Meeting: The Chief Executive Officers of Hindmarsh, West Wimmera, Buloke, Yarriambiack, Loddon and Horsham met on 11 and 26 March 2020 and 14 May 2020 to review the additional work on the Business Case. The Business Case addendum has been submitted to LGV as required under the funding agreement.

Wimmera Regional CEO Meeting: The Chief Executive Officer met via zoom with the CEOs of Buloke, West Wimmera, Hindmarsh, Yarriambiack and Northern Grampians on 9 April 2020 and 14 May 2020. Discussions included COVID-19 impacts and response, emergency management and Regional Innovation Project update.

Federation University Australia: The Mayor and Chief Executive Office met on 30 April 2020 via skype with Geoff Lord, Head of Campus, Wimmera for a University update.

Federation University Australia: The Chief Executive Officer met on 11 May 2020 via zoom with Professor Andy Smith, Deputy Vice-Chancellor (Academic) and TAFE Chief Executive Officer to discuss TAFE matters.

B. Community Engagement

Home Support Community Information Sessions: Over 120 people attended five information sessions for clients and families in relation to changes proposed to home support services. The sessions provided further details on the proposed changes and what it means for clients accessing these services. The Expression of Interest for the future provision of the Commonwealth Home Support Programme and HACC-PYP Program delivered by Horsham Rural City Council within the municipality, was recently advertised and closed on Monday 18 May 2020.

Wimmera Machinery Field Days: Council had a site at the Wimmera Machinery Field Days once again in the Moore Pavilion. Staff volunteered their time at the Longerenong site. Key topics available at the site were: Rural Roads Plan, City to River Masterplan, Merit, Community Map, Corella Management Plan, Business Assistance Program and Horsham South Structure Plan.

C. Projects and Events

Coronavirus: We continue to follow the guidance of the [Department of Health and Human Services](#), as the lead agency in responding to these issues.

Official Opening: Ms Danielle Green MP, Member for Yan Yean, Parliamentary Secretary for Sport officially opened the Horsham Olympic Pool Renewal Project, Dudley Cornell Female Friendly Change Facility and Sunnyside Horsham Bowling Club Synthetic Bowling Greens at the Horsham Aquatic Centre on Friday 13 March 2020.

Recycling Policy: The State Government has recently released its new waste policy “Recycling Victoria – A New Economy”. Key elements of this policy of relevance to our ratepayers are the implementation of a four-bin kerbside collection system and the introduction of a container deposit scheme. The kerbside collection service will see separate bins for glass, food and garden organics, other recyclables, and general waste. The timing of introduction of this service is yet to be determined, but won’t be until July 2021 at the earliest.

Governor of Victoria: The Hon Linda Dessau AC, Governor of Victoria, virtually visited the Horsham Rural City Council on Friday 8 May 2020. The virtual tour began with a briefing with the Mayor and Chief Executive Officer about the impact COVID-19 pandemic has had on the region’s residents and businesses and the ways in which the community is adapting to the current circumstances. The virtual tour then followed with visits to Sunnyside Lutheran Retirement Village and the Wimmera Base Hospital.

BIN-spiration Project: Council’s Public Arts Advisory Group invited the public to take their art out with the trash by encouraging residents to paint up, pimp their wheelie bin and embark on a town-enhancing colossal rolling monument to 2020 isolation until the end of June. The categories include: Best Individual Bins and Best Cluster of Bins.

Art Boxes Project: The Council Public Arts Advisory Group invited the public to make its mark and share art; cabinet-exhibition style. Council launched an Expression of Interest process encouraging proposals that put art and design on our utility boxes and walls. The Public Arts Advisory group will select a shortlist for the 2020 instalment of this ongoing project. The purpose of the project is to beautify our City and public spaces, and to engage our arts and broader community in meaningful public artwork. This is also a project that can be instigated from the safety of isolation, and remain as a profound marker of this time. This project is also aimed at lessening the impact and cost of graffiti. The sites include NBN boxes, traffic signal boxes, selected electricity boxes and selected walls.

National Reconciliation Week (NRW): Horsham Town Hall will show an outdoor screening of Indigenous film *Marngrook* as part of NRW from 27 May 2020 to 3 June 2020 and is a time for all Australians to learn about our shared histories, cultures and achievements, and to explore how we can contribute to achieving reconciliation.

The theme for NRW 2020 is *In This Together*. While the COVID-19 restrictions will limit the customary public events, Horsham Rural City Council and project partners Wimmera PCP and Federation University are committed to continuing the reconciliation conversation in 2020.

Marngrook will show every day during NRW between 5am and 7am and 6pm and 10pm. The best spot to view the five-minute film, which will be on a continual loop, is on Pynsent Street where the community can adhere to social distancing regulations.

Solar Panel Installation: Horsham Aquatic Centre, Mibus Centre, Dadswells Bridge Hall, Horsham Town Hall, Mitre Hall and Taylors Lake Hall have all received either LED lighting upgrades or solar installations as part of Sustainability Victoria's Local Government Energy Saver Program, which will result in significant energy savings.

D. Staff Matters

Leadership Wimmera: Leadership Wimmera kicked off its Business Leaders Group and Regional Leadership Skills in March with a weekend retreat. Three Council staff members are participating across the two programs.

Financial Implications

Not applicable

Links To Council Plans, Strategies, Policies

2019-2023 Council Plan
Goal 4 – Governance and Business Excellence

Consultation/Communication

Not applicable

Risk Implications

Not applicable

Environmental Implications

Not applicable

Human Rights Implications

This report complies with the rights listed in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Conclusion

That Council receive and note the Chief Executive Officer's Operational Report for March to May 2020.

10. COUNCILLOR REPORTS AND ACKNOWLEDGEMENTS

Cr Mark Radford, Mayor

- 1 May 2020 – Wimmera Southern Mallee Media and Council Liaison Meeting (Zoom)
- 4 May 2020 – Letter to ACM in support of the Wimmera Mail Times
- 4 May 2020 – Letter to the Australian Navy advocating for a ship to be named “Wimmera”
- 4 May 2020 – Council Briefing Meeting (Zoom)
- 5 May 2020 – AV Mayoral Forum (Zoom)
- 5 May 2020 – Haven Recreation Reserve Advisory Committee Meeting (Zoom)
- 6 May 2020 – COVID-19 Agencies Meeting (Zoom)
- 7 May 2020 – ABC Radio Interview –Overland Passenger Train
- 7 May 2020 – Business visits
- 8 May 2020 – Meeting with Victorian Governor Hon Linda Dessau AC (Zoom)
- 8 May 2020 – Regional Mayor’s Gathering (Zoom)
- 8 May 2020 – WSM Media and Council Liaison Meeting (Zoom)
- 11 May 2020 – Council Meeting
- 13 May 2020 – Teleconference with Rod Quinn ACM Editorial Director Canberra
- 13 May 2020 – COVID-19 Agencies Meeting (Zoom)
- 14 May 2020 – Regional Cities Mayors Meeting (Zoom)
- 14 May 2020 – Foster Care Promotion Meeting with Simone Dalton
- 14 May 2020 – Business visits
- 14 May 2020 – City to River Webinar
- 15 May 2020 – WSM Media and Council Liaison Meeting (Zoom)
- 18 May 2020 – Council Briefing (Zoom)
- 19 May 2020 – ABC Radio Interview
- 20 May 2020 – Letter to Hon Melissa Horne re Mode Shift Incentive Scheme
- 20 May 2020 – Business visits
- 20 May 2020 – COVID- 19 Agencies Meeting (Zoom)
- 21 May 2020 – Regional Cities Meeting with Minister Hon Mark Coulton MP (Zoom)
- 22 May 2020 – WSM Media and Council Liaison Meeting (Zoom)
- 25 May 2020 – Letter of encouragement to David Ward, Horsham Times
- 25 May 2020 – Letter of condolence to Villers-Bretonneux re former Mayor Patrick Simon
- 25 May 2020 – Council Briefing Meeting (Zoom)
- 26 May 2020 – Business visits
- 26 May 2020 – Letter of appreciation to Hon Jaclyn Symes re \$500K Grant
- 26 May 2020 – Teleconference with Anne Webster and Hon Michael McCormack Deputy Prime Minister
- 28 May 2020 – Regional Cities Mayors Meeting (Zoom)
- 29 May 2020 – North West Municipal Association AGM (Zoom)
- 29 May 2020 – WSM Media and Council Liaison Meeting (Zoom)
- 29 May 2020 – Art Is Festival Launch (Zoom)

11. URGENT BUSINESS

12. PETITIONS AND JOINT LETTERS

13. PROCEDURAL BUSINESS

13.1 ASSEMBLY OF COUNCILLORS – RECORD OF MEETINGS

Council Briefing Meeting held on Monday 18 May 2020 at 5.00pm via Zoom (Video Conferencing)

Council Briefing Meeting held on Monday 25 May 2020 at 5.00pm via Zoom (Video Conferencing)

Refer to **Appendix “13.1A”**

13.2 SEALING OF DOCUMENTS

Nil

13.3 INWARD CORRESPONDENCE

Nil

13.4 COUNCIL COMMITTEE MINUTES

Haven Recreation Reserve Advisory Committee Meeting held on Tuesday 3 March 2020

Sunnyside Park Advisory Committee Meeting held on Wednesday 4 March 2020

Dudley W Cornell Park Advisory Committee Meeting held on Thursday 12 March 2020

Horsham Racecourse Reserve Advisory Committee Meeting held on Tuesday 17 March 2020

Refer to **Appendix “13.4A”**

Recommendation

That Council receive and note agenda items:

- 13.1 Assembly of Councillors – Record of Meetings
- 13.2 Sealing of Documents
- 13.3 Inward Correspondence
- 13.4 Council Committee Minutes.

14. NOTICE OF MOTION