

MINUTES of the Ordinary Meeting of the Horsham Rural City Council held in the Municipal Chambers, Civic Centre, Roberts Avenue Horsham on 19 February, 2018 at 5.30pm.

PRESENT: Cr Pam Clarke, Mayor; Cr Alethea Gulvin, Cr Josh Koenig, Cr Les Power, Cr John Robinson, Cr David Grimble, Cr Mark Radford

ALSO IN

ATTENDANCE: Graeme Harrison, Acting Chief Executive; Kerrie Bell, Acting Director Corporate Services; Angela Murphy, Director Planning & Economic; Kevin O'Brien, Director Community Services; John Martin, Director Technical Services; Fiona Kelly, Executive Assistant.

1. Reading of prayer and the acknowledgement of country statement

The Prayer and Acknowledge of Country Statement were read by the Chairman, Cr P Clarke.

2. Welcome to distinguished guests or persons in the public gallery

Chairman, Cr Clarke welcomed those in attendance to the Council Meeting.

The Mayor advised the gallery that the Council meeting will be recorded to maintain an audio archive.

Rod Cowie	David Bowe	Cheryl Linke	Kath Dumesny
Bev Bell	Wendy Mitchell	Lauren Coman	Sue Frankham
Tim Coller	Di Bell		

3. Apologies and request for Leave of Absence

NIL

4. Confirmation of minutes and signing thereof

Moved Cr Radford, seconded Cr Koenig that the Minutes emanating from the Ordinary Meeting of the Horsham Rural City Council held in the Municipal Chambers, Civic Centre, Horsham at 5.30pm on 5 February, 2018 be adopted.

CARRIED

5. Disclosure of Conflict of Interest Sec 79, Local Government Act, 1989 (As Amended)

Cr Radford declared a Conflict of Interest, under Section 79(2)(C) at Item No. 10.3.2 (in open Council) relating to Council's draft Economic Development Strategy. Cr Radford is listed as submitting a response to the draft Strategy.

6. PUBLIC QUESTION TIME

NIL

7. OTHER BUSINESS

7.1 RESUMPTION OF DEBATE ON THE MOTIONS FROM PREVIOUS MEETING

NIL

7.2 RECEPTION AND READING OF PETITIONS, MEMORIALS, JOINT LETTERS AND DEPUTATIONS

7.2.1 PETITION RECEIVED FROM MRS DIANE COOK ON BEHALF OF 41 PEOPLE REQUESTING THE HORSHAM AQUATIC CENTRE OUTDOOR POOL OPEN ALL DAY DURING SUMMER.

File Ref: F04/A01/000001

A petition has been received from Mrs Diane Cook on behalf of 41 patrons of the Horsham Aquatic Centre requesting the outdoor pool open all day during summer.

Refer to **Appendix "7.2A"** for copy of petition.

Acting Chief Executive Officer's Comments

Clause F.2.1 of the Horsham Rural City Council's Local Law No.1 on Meeting Procedures reads:

A petition or joint letter presented to the Council will be tabled without discussion and received at the next appropriate Ordinary Council Meeting, unless the Council agrees by resolution to deal with it earlier.

Recommendation

That in accordance with Clause L8.55 of the Horsham Rural City Council's Local Law No 1 on Meeting procedures, that the petition from Mrs Diane Cook "lay on the table" and be considered as an "Order of the Day" at the next Ordinary Meeting of the Council on Monday 5 March, 2018.

Moved Cr Koenig, Seconded Cr Gulvin that the recommendation be adopted.

CARRIED

7.3 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NIL

7.4 COUNCILLORS QUESTIONS WITH NOTICE

NIL

7.5 ORDERS OF THE DAY

NIL

8. OTHER REPORTS

8.1 ASSEMBLY OF COUNCILLORS – RECORD OF MEETINGS

Council Briefing Meeting held on Monday 12 February, 2018 at 5.00pm in the Reception Room.

Refer to **Appendix “8.1A”**.

Recommendation

That Council note the Assembly of Councillors’ – Record of Meetings.

Moved Cr Radford, Seconded Cr Gulvin that the recommendation be adopted.

CARRIED

8.2 SEALING OF DOCUMENTS

NIL

8.3 INWARD CORRESPONDENCE

NIL

8.4 COUNCIL COMMITTEE MINUTES

8.4.1 Sunnyside Park Advisory Committee meeting held on Wednesday, 11 October, 2017 at 7.30pm at the Sunnyside Bowling Clubrooms

8.4.2 Dudley Cornell Advisory Committee meeting held on Thursday, 26 October, 2017 at 7.30pm at the Dudley Cornell Precinct

8.4.3 Horsham Sports and Recreation Advisory Committee meeting held on Thursday 9 November, 2017 at 4.30pm in the Committee Room.

Moved Cr Power, Seconder Cr Radford that Item No's 8.4.1, 8.4.2 & 8.4.3 be received.

CARRIED

8.4.4 Horsham Racecourse Reserve Advisory Committee meeting held on Tuesday, 14 November, 2017 at 7.30pm at the Central Park Tennis Club Pavilion

RECEIVED

Refer to **Appendix "8.4A"** for copy of minutes.

9. COUNCILLORS' REPORTS

Cr Power

- 9 February - Domestic Animal Management Advisory Group meeting followed by a meeting at the Horsham Art Gallery. Adam Harding did a fantastic job entertaining everyone. The group meandered through the Art Gallery and Performing Arts Centre. It was good to have a look through these facilities.
- Saturday 10 February - Blue Ribbon Foundation commissioner's dinner at the Horsham Town Hall. All the proceeds raised will go to Wimmera Base Hospital. It was a fantastic evening.
- 12 February – Horsham Aquatic Centre Committee of Management meeting followed by a Council briefing meeting in the evening.

Cr Grimble

- 6 February - Chaired the Waste Steering Committee meeting. There are issues around recycling and contamination. Councillors have been circulated a lot of correspondence in relation to these issues. Creates a lot of opportunities for people in Australia. It is business as usual.
- 15 February - Chaired the Horsham Regional Livestock Board meeting. There were a few members absent from this meeting. Council has seen the draft master plan. The board will discuss this at a future meeting before it comes back to Council. Discussed the roofing project, which is front and centre. Hamilton has recently roofed their facility. The thru put figures look good and on track for a reasonable year again. The livestock going quite well and they are getting ready for electronic tagging.
- Well done to Mr Martin and his staff for quickly dealing with the small change needed on Don John's seat plaque. Thank you for addressing this matter so quickly. The John's family were very happy with the quick action.

Cr Robinson

- I have received quite a few calls about the Melbourne Cup, the Economic Development Plan, the Wimmera Sports Stadium and about the Electronic Gaming Machines.
- Cr Robinson mentioned that there are no library documents on his iPad Docs on Tap program. There is a heading but nothing in the folder. There should be a library of documents.
- Cr Robinson provided advice and support to a family whose livelihood has been impacted by a fire.

Cr Gulvin

- Dinner with the new CEO and his wife. It was great to get to know them.
- 12 February - Council Briefing. It was very informative. The Art Gallery provided a presentation on a few of their exhibitions scheduled for this year.

- 14 February – Bicycle Advisory Committee meeting. We now have a strategic plan which will lead us to a very good place. The group discussed riverside tracks. Cr Gulvin encouraged people to come along to one of the Bicycle Advisory Committee meetings.
- Congratulations to the Horsham Apex Club for installing a pump track at the Apex Adventure Playground on the river. The youth will now have a pump track to use.
- 14 February - Sunnyside Park meeting. The group are definitely moving forward and have a plan to develop and be sustainable for the community. Community consultations coming out after April. It will be a very inclusive area.
- Congratulations to Rhonda McNeil and her team for what they have done for the committee, helping with the precinct plan.
- Horsham will receive three doctors this year. This has come about from the group that have been advocating for doctors. Lister House has advised this information.

Cr Radford

- 15 February - Wimmera Drug Action Taskforce. Vic Health has approved twelve months activities, encouraging young people to have fun without alcohol. Knowledge is power, an education program for years 5 & 6 to learn about drugs and the effect on their bodies as they grow. Questions have been asked for age suitability, which has been very well received from families.
- 9 February – Wimmera Regional Sports Assembly's Sport Star of the Year Awards. Received achievements from a wide variety of sports. Congratulations to those who won and who were nominated. Cr Radford sat next to Mr and Mrs Wavel McPherson. Wavel received the Veteran of the Year Award.
- 19 February - Cr Radford filled in for the Mayor at the Darwin Defenders Service at the Horsham College. A large gathering of service men and women attended. It was a pleasure to attend.

Cr Koenig

- 13 February – WDAF meeting. The hot topic was the roll out of NDIS and how it is affecting small municipalities. It is interesting to hear the success stories. There are concerns around mental health support and health insurers. We should be prepared to help the community.
- Presented an encouragement award for the Horsham College Alternative Programs to Eden Hawker. The programs helps kids stay engaged and to help achieve their best. Eden's attendance is great, plays football and has secured himself an apprenticeship at Mid City Meats. Horsham College should be applauded for this program.
- It was great to read about Emma Kealy and the river precinct. We have been left behind in this area. It was very promising to read the article.

- Received a lot of calls about Sports Stadium, Horsham Cup Public Holiday. It was really refreshing to also receive calls and emails not just hear the negative things.

Cr Clarke

- 6 February - Western Rail Project Control Group meeting in Ararat. This group is really proactive and are trying very hard to get rail back to Horsham. We need to hear the stories. Cr Clarke took the train again last week to go to Melbourne. Saw a man struggling to get onto the bus.
- 8 February - Mayoral Training, Developing an Action Plan and Managing CEOs. This was training for mayors and potential mayors. It was very valuable.
- 13 February - Tourism Advisory meeting. Talked about the Motocross event. This was a very good meeting.
- 15 February - RCV meeting in Melbourne. Hon Tim Pallas addressed the group and talked about lot of different issues. He thought regional Council's made money with recycling where in fact it costs Council a lot of money to provide recycling. The Minister is working very close with VISY to find a solution. John Martin will provide an up to date report on this matter. We will continue to find a solution. There was a presentation from Dr Mathew Butlin, Red Tape Commissioner. He advises government about red tape. Also received a presentation from Transport for Victoria. David Southwick, Shadow Minister for Energy and Resources talked about visions and plans for the energy sector and then a presentation from Benjamin White, Director Renewable Energy Strategy from DELWP about the renewable energy action plan. He understood what was happening with renewable energy.
- Cr Clarke commented on a letter to the editor published in the Wimmera Mail-Times Newspaper today about uniting communities. Ten years ago Cr Clarke sat around a table at Goolum Goolum surrounded by Koori people and listened to Kevin Rudd's apology to the aboriginal people. I can't believe someone could write this letter to the editor. We are doing everything we can to be inclusive. The letter was absolutely disgusting. I hope there are not many people that feel this way.
- Cr Clarke talked about the Darwin Defenders. This was a dreadful story about the soldiers who fought in Darwin. When they came home they weren't allowed to talk about the battle. Aboriginal people also fought in the battle but there are no aboriginal names on our war memorials. We are going to work with Goolum Goolum to include their names.

Moved Cr Radford, Seconded Cr Power that the Councillors' Reports be received.

CARRIED

10. OFFICERS REPORTS

10.1 ACTING CHIEF EXECUTIVE

10.1.1 MELBOURNE CUP ALTERNATIVE PUBLIC HOLIDAY

G Harrison

File Ref:

Purpose

To summarise discussions that have taken place with Business Horsham and Wimmera Racing concerning the public holiday in lieu of Melbourne Cup Day holiday for 2018.

Background

In 2011 the Public Holidays Act 1993 was amended to restore a regional Council's ability to make alternative local public holiday arrangements in lieu of Melbourne Cup Day. As a result Council is now able to nominate a full day public holiday or two half-day public holidays in order to observe one or more local agricultural and pastoral shows or regional race days. These local arrangements may be for the whole or part of the Council area. The request for a substitute holiday date must be received by the Minister at least 90 days prior to the Melbourne Cup.

In early 2017 Council received a request from the Horsham and District Racing Club for an alternative holiday to be considered for the Horsham Cup. In April 2017 after consideration of a range of information including reasonable public engagement, Council resolved to grant a public holiday for the Horsham Cup for a three year period from 2017 to 2019 with a review after the second year in order to determine how the holiday had helped contribute to the success of the Cup day races.

Other regional cities of Bendigo, Geelong, Warrnambool and Wodonga currently substitute Melbourne Cup holiday for their local cup race days which all occur during the week. Ballarat substitutes their local show date.

Council was mindful that the first year of the change may not bring the immediate benefits to the event and that a number of years would be necessary to determine if the day was to be successful.

Issues

In 2017, Council ran a tourism campaign for the period called Destination Horsham that attempted to establish a comprehensive approach to the whole of the extended weekend by attracting people initially to the races and then to other events that were taking place over the weekend.

In 2017 along with the races on the Friday there was a Horsham Rockers dance event, Nati Fringe Festival, Farm to Fork Market, Horsham Arts Council Musical "Rent" and Pop Up Restaurant in the Cattle Shed. The collaborative approach by event organisers to link and package a number of events for the weekend was positive, however, although Council provided a significant amount of information, press releases, public notices and coverage in the local papers there was confusion in the community principally because there was not a consistent approach in observing the day as a holiday within the business and education communities.

BUSINESS HORSHAM:

On 11 December 2017 Business Horsham provided a briefing to Council seeking a reversal of the decision to grant a public holiday to the Horsham Cup race day. In that briefing, Business Horsham outlined the consequences that the race day had for Horsham businesses.

The issues highlighted were:

- Confusion for customers who were uncertain which businesses were or weren't opening their doors over the weekend
- High cost to business with the penalty rates
- Other connections for freight etc created chaos and was incredibly disruptive for an extended period due to a large balance of the state taking Melbourne Cup day as a holiday
- Medical, banking and other appointments disrupted
- Families disrupted as some schools were open
- Community members took the opportunity to take a 3-5 day long weekend and left town so Horsham also missed out on that spending
- This additional Friday holiday consolidated an overall negative impact being held so soon after the Grand Final Public Holiday.
- Horsham as a major service centre for the region
- Vast majority did not attend the Horsham Cup. Attendees could essentially just take an annual leave day or similar without causing this massive disruption
- Friday being the busiest trading day in business – does not make economic sense when Horsham services an area of 51,000 people – if Horsham truly is the 'Hub or Heart' of the Wimmera then it is paramount that it is OPEN for business throughout the whole service area and beyond
- Confidence in HRCC declined
- Much of the feedback for trade on Melbourne Cup Day (Tuesday) indicated that trade was extremely quiet which supports the trend that interruption to business flow nationally and particularly on a state level occurs at this time and adding an additional local public holiday just a few days prior hurts business

Business Horsham concluded by saying they were advocating very strongly for reverting the Public Holiday back to Melbourne Cup day in 2018 and going forward. While they applauded Councils support of a local event over a non-local event this particular choice, on a Friday, is not in the best interests of Horsham as a major regional city.

Business Horsham also noted that two half day allocations would not be any less confusing, and in fact may well be more confusing to the general public and cause the same difficulties for business operations as a full day allocation.

HORSHAM AND DISTRICT RACING CLUB:

On 12 February 2018 the Horsham and District Racing Club also provided a briefing to Council regarding the issues and challenges that they experienced in this first year of the alternative public holiday for their event.

These issues were:

- there was a negative impact in 2017 as a result of the schools not aligning with the public holiday and the challenges that presented for businesses who had employees with school aged children
- the impact of some major businesses not observing the alternative day as a public holiday
- the impact on local sponsorship for their event
- there was reduced take-up of corporate marquees by businesses
- since losing the weekend race day, it has been challenging running the event on a week day
- only small increase in attendance numbers were experienced in 2017 and expect this to rise in 2018
- providing the public holiday helps support a local event in the municipality rather than another part of the state
- a successful race day provides local economic benefit
- without a public holiday the event could be lost to a bigger city
- a holiday on a Friday still allows people to take a long weekend
- the holiday provides an opportunity for a bigger regional event weekend attracting visitors to the municipality
- the holiday makes for a stronger vibrant event

Consultation/Communication

Council has received advice from the Horsham College, (on behalf of the public schools) that in 2018 they intend to align with the holiday decision that Council makes. However, it should be noted that schools have already scheduled in the Horsham Cup Holiday for 2018, and early advice of Council's decision is sought if there is to be a change to revert the public holiday to Melbourne Cup day.

Contact has been made with the GMMWater and the Hospital who have advised they have not made a decision at this point in time. GMMWater stated that they have many employees from outside of Horsham so they are likely to continue to take the Melbourne Cup day as the holiday.

Financial

The direct costs to council are largely incurred within the tourism and promotions budget and in staff input to the promotion of the Destination Horsham weekend.

Links To Council Plans, Strategies, Policies

Goal 1 – Community and Cultural Development

- 1.2 Develop a safe, active and healthy community, encouraging participation
- 1.3 Contribute to cultural activities that enhance our community
- 1.4 Develop the municipality as a desirable place to live, work and enjoy for people of all ages and abilities

Provided for information of Council.

Moved Cr Robinson, Seconded Cr Gulvin that the report be received.

CARRIED

Moved Cr Gulvin, Seconded Cr Radford that Council revert the Horsham Cup public holiday back to the Melbourne Cup which this year will be held on Tuesday, 6 November 2018.

CARRIED

Moved Cr Grimble, Seconded Cr Power that Council notify the Horsham Racing Club of our decision and invite them to meet with Council to discuss how best to support the Horsham Cup.

CARRIED

10.2 ACTING DIRECTOR OF CORPORATE SERVICES

10.2.1 COUNCIL PLAN – HALF YEARLY REPORT

L Haigh

File Ref: F19/A11/000001

Purpose

To provide a report on how Council has progressed against the Council Plan four-year priorities and strategic indicators over the period 1 July – 31 December 2017.

Background

The 2017-2021 Council Plan was formally adopted on 19 June 2017 therefore as a result, only two four-year priorities had been completed up to 30 June 2017.

- Goal 3, 3.2.03 Review and update Road Management Plan
- Goal 4, 4.4.09 Review need for more HR resources

Issues

1. Four-Year Priorities:

There are currently 119 four-year priorities listed in the Council Plan. Of these 119, three further priorities have been completed since the last report.

- Goal 1, 1.2.03 Complete a detailed feasibility study for a multipurpose/indoor sports and community facility
- Goal 2, 2.2.05 Review Municipal Parking strategy
- Goal 3, 3.1.01 Develop improved pedestrian access (bridges) across the Wimmera River in Horsham, in partnership with land developers

There are currently 44 priorities that are 50% or greater complete, 60 that have started but are under 50% complete and 29 with the status of not yet started.

2. Strategic Indicators:

The Council Plan defines a number of strategic indicators for each goal. These are listed in the plan as items under the heading “We’ll track progress in terms of”. Some of these indicators provide a yearly measure of our performance whilst others align to the completion of specific tasks.

There are 19 indicators in total and the following table summarises our achievements by goal:

Strategic Indicator	Status	Comments
Goal 1 – Community & Cultural Development		
100% completion of construction of the Kalkee Road Children's and Community Hub and commencement of operations by April 2018	Started 90%	95% construction completed at 31 December 2017. Council services to move in February 2018 subject to issuing Certificate of Occupancy
Completion of a detailed feasibility study for a multipurpose/indoor sports and community facility by December 2017	Achieved	To be considered by Council in March 2018
Work with the Horsham Historical Society to plan for and scope a new Heritage Centre by December 2017	Not Started	
Securing funding for CBD Revitalisation Project Stage 1 - improved urban design by 31 December 2017	Started 20%	Application lodged with the Dept. of Infrastructure 15/12/17 for the Building Better Regions Fund Round 2 for \$1.685m grant
Develop plans for a Town Square by 31 December 2017	Started 50%	Preliminary engagement process undertaken
Goal 2 – Sustaining the Economy		
Complete Stage 1 infrastructure development at the Wimmera Intermodal Freight Terminal Precinct by December 2018	Started 10%	Engaged consultants to prepare development plan for infrastructure, integrated water management and roads, following gazettal of the Planning Scheme Amendment. Still negotiating with owner on S173 agreement
Implement the outcomes from the Visitor Information Centre review by 30 June 19	Started 5%	Established working group to review needs of visitors, level of service, hours of operation and location
Goal 3 – Asset Management		
Develop a consultative process for community input into road construction and maintenance priorities for input to the 2018-19 budget, by December 2017	Not Started	
Finalise preparation of asset management plans for all main asset groups by June 2018	Started 10%	Buildings assets current main focus
Implement improved asset management and maintenance management systems by December 2017	Started 25%	Maintenance management system in place. Decision pending on asset management system

Complete, or commit via contracts, 90% of infrastructure works (by value) within the planned financial year	Started 40%	Works underway for the year
Goal 4 – Governance & Business Excellence		
Complete an engagement process by 30 Jun 18, with community, for the 2018/19 Council Plan and Budget cycle that is more deliberative and explains the “why” of council services	Started 10%	Service Overview document completed for internal use and for Councillors. Work has commenced on a web-based document to explain the "why" of all of Council's services and this will be launched as a component of the 2018-19 Budget and Council Plan engagement plan with the community
Maintain staff turnover rates at under 10%	Started 25%	Staff turnover figures for 6 months to 31 Dec 2017 were 7.47%
Increase overall score in the Community Satisfaction Survey	Data not available	Survey is a yearly occurrence - results available in April/May 2018
Implement a new HRCC External website	Started 80%	Website project has been delayed through departure of Media & Comms person who was leading the project. Project is back on track with an enthusiastic project team. Content and images are being finalised and testing of web page functionality is in the final stages. Aiming for a "go-live" date of March 2018
Goal 5 – Natural and Built Environments		
Update and promote our Sustainability Strategy by June 2018	Not Started	
Install solar panels on at least two Council buildings by June 2018	Achieved	Solar panels have been installed on the Council Civic Centre building and the newly constructed Children’s Hub
90% of planning permits issued within the 60 day statutory period	Not yet Achieved	Achieved 81% for first 6 months of 2017/18 year (compared with regional cities 69% and rural Councils 71%)
Complete at least one major strategic planning review prior to 30 Jun 18	Achieved	WIFT Planning Scheme Amendment gazetted in December 2017

Issues

A full and comprehensive report on all Council Plan 4 Year Priorities and Strategic Indicators is attached in **Appendix "10.2A"**.

Links To Council Plans, Strategies, Policies

Council Plan.

Provided for information of Council.

Moved Cr Robinson, Seconded Cr Koenig that the report be received.

CARRIED

10.2.2 QUARTERLY FINANCIAL REPORT (OCTOBER - DECEMBER 2017)

K Bell / H Proctor

File Ref: F18/A10/000001

Purpose

To provide Council with the quarterly financial report for the quarter ended 31 December 2017.

Background

Under Section 138 (1) of the Local Government Act 1989, a quarterly financial statement is to be provided to open Council comparing actual to budget for revenue and expenditure.

Issues

The attached report has been prepared to provide Council with an overview of finances year-to-date and comparisons to budget.

This report has been developed to provide a simple easy to read snapshot of how Council is performing against budget. **Appendix "10.2B"**.

Consultation/Communication

This report together with more extensive analysis and detail is provided to Council each month as part of the Finance and Performance Committee agenda and to the Audit Committee on a quarterly basis.

Financial

Staff time to compile and prepare this report is included in the 2017-18 budget.

Links To Council Plans, Strategies, Policies

Goal 4 – Governance and Business excellence

Four Year priority - 4.4.5 Improve performance reporting and regular management reporting across all areas of Council

Provided for information of Council.

Moved Cr Grimble, Seconded Cr Power that the report be received.

CARRIED

10.2.3 APPOINTMENT OF NEW CHIEF EXECUTIVE OFFICER

Tony Schneider File Ref: F21/A17/000001

Recommendation

That Council refer this item to the confidential briefing part of the meeting to consider the report from the Director Corporate Services in accordance with Section 89(2) (a) personnel matters of the Local Government Act, 1989.

Moved Cr Koenig, Seconded Cr Radford that Item No. 10.2.3 be moved to open Council and be heard at this time.

CARRIED

THE REPORT WAS BROUGHT TO OPEN COUNCIL

Purpose

To appoint a new Chief Executive Officer for the Horsham Rural City Council.

Background

The previous Chief Executive Officer, Peter Brown tendered his resignation on 17 October 2017 and completed his service with Council on Friday, 22 December 2017. In accordance with Section 94 (1A) of the Local Government Act 1989 Council must make a permanent appointment to the position of Chief Executive Officer as soon as is reasonably practicable after a vacancy in the position occurs.

During the recruitment period Council appointed Graeme Harrison, Director Corporate Services, to the Acting Chief Executive role until 31 March 2018.

At its meeting on 6 November 2017 Council formally resolved to appoint employment consultants, Fisher Leadership, to work with Council and manage the search for a new Chief Executive Officer. Fisher Leadership consulted with Council to develop key selection criteria and to review and finalise the position description. The position was subsequently widely advertised from 18 November 2017 onward and interest sought from suitable candidates. Applications closed on Monday, 4 December 2017. Council was then involved in the review of all applications with Fisher Leadership and a short list of candidates for interview was developed. Owing to the Christmas/New Year and holiday period interviews with six candidates were not conducted by Council until Wednesday, 31 January 2018.

Decision

Further to interviews and reference and qualification checks, Council has discussed and informally settled upon the appointment of Mr Sunil Bhalla as Chief Executive Officer of the Horsham Rural City Council. Mr Bhalla is currently Director Infrastructure Services at the City of Maribyrnong with financial and operational responsibility for over 120 permanent staff and the delivery of \$60 million of services and programs each year. Before relocating to Maribyrnong in February 2016 he worked at Surf Coast Shire for just over fifteen years in a range of positions: General Manager Governance and Infrastructure, Director Corporate Services, Director Infrastructure, and Infrastructure Manager. In his positions at Surf Coast he led the Governance Information Management and Infrastructure function, 110 permanent staff and had a \$40 million budget. He was also involved in the development and implementation of a \$45 million community and civic precinct at Torquay.

Prior to November 2001 Mr Bhalla was with Hume City Council for six years (1995-2001) and prior to that with the Shire of Bulla for over two years (1993-1995). He therefore has a local government experience spanning over 24 years, with the last twelve at an executive management level.

Mr Bhalla is highly qualified and has a Bachelor of Civil Engineering, Master of Technology in Construction and Master of Business Administration – Finance. He is a member of the Institution of Engineers Australia and a graduate of the Australian Institute of Company Directors.

In submitting his application Mr Bhalla advised:

I will bring to the role:

- *track record of leading change and achieving successful outcomes through open and inclusive leadership.*

- *extensive experience in facilitating major commercial and industrial developments, directly contributing to significant economic growth in Melbourne's Hume Highway corridor.*
- *strong background in effective development and delivery of new services, infrastructure and facilities in fastest growing Councils in Victoria, including the \$45 million Torquay Community and Civic Precinct through active engagement and partnership with the community, and state and federal governments.*
- *extensive experience in prudent financial management and good governance, gained over number of years in Local Government.*

I will bring to the role my strong personal values including respect, integrity and fairness.

Consultation/Communication

The Council Vision, Mission and Values were forefront in the process to identify and select a new Chief Executive Officer. They were referenced in preliminary discussions with Fisher Leadership to help determine the type of person Council was looking for, played a prominent role in the advertising process, and guided questioning of candidates at interview.

Financial and Contractual issues

A contract document has been prepared and its contents previously reviewed by Councillors. The document includes performance criteria which will be further refined and developed by Council in conjunction with Mr Bhalla upon his commencement. A maximum five year contract term, starting Tuesday, 3 April 2018 has been determined in negotiations with Mr Bhalla.

Recommendation

1. That Mr Sunil Bhalla be appointed as Chief Executive Officer of the Horsham Rural City Council with commencement on 3 April 2018 and that Council sign and seal the contract of employment previously prepared and reviewed by Councillors, and signed by Mr Bhalla.
2. That Mr Bhalla's appointment by Council as Chief Executive Officer be released to the public.
3. That Council extend the appointment of Mr Graeme Harrison as Acting Chief Executive from 31 March 2018 until the commencement of Mr Sunil Bhalla on 3 April 2018.

Moved Cr Koenig, Seconded Cr Gulvin that the recommendation be adopted.

CARRIED

Cr Grimble called for a division of Council

In favour of the motion:

Cr Grimble
Cr Koenig
Cr Robinson
Cr Power
Cr Radford
Cr Gulvin
Cr Clarke

10.3 DIRECTOR OF PLANNING AND ECONOMIC

10.3.1 REVIEW OF COUNCIL POLICIES

N Carey

File Ref: F04/A04/000001

Purpose

To update Council on the policy review work undertaken on the Central Activity District (CAD) Car Parking Policy for shop/food and drink premises/office and Liquor Licence Applications Policy and to propose the revocation of both of these policies following this review.

Background

Following a major review of Council policies undertaken in the two years prior to 2016, a report was presented to Council on the 18 April 2016 recommending the revocation of a number of policies which were no longer considered relevant.

This report seeks to provide a more detailed rationale as to why the CAD car parking policy for shop/food and drink premises/office should be revoked along with findings of a review of the Liquor Licence Applications Policy.

A copy of the policies is attached as **Appendix "10.3A"**.

Issues

CAD car parking policy for shop/food and drink premises/office

The purpose of introducing this policy in 2012 was to give guidance for applications seeking to reduce car parking requirements of the Horsham Planning Scheme. At the time the policy was introduced the Horsham Planning Scheme required 8 car parking spaces per 100 square metres of leasable floor area. The policy allows for a reduction to 3 car parking spaces per 100 square metres of leasable floor area.

Planning Scheme Amendment VC90, gazetted in June 2012, introduced the Parking Overlay and changes to the car parking requirement for specific land uses. These changes significantly reduced car parking requirements for shop/food and drink premises to 4 car parking spaces per 100 square metres of leasable floor area. The current car parking requirement as specified in the Horsham Planning Scheme are therefore now similar to those rates outlined in the CAD car parking policy for shop/food and drink premises/office.

It is important to note that the policy states that it does not exempt the requirement for a planning permit to reduce car parking. It is also important to note that as the policy sits outside of the Horsham Planning Scheme it has limited statutory weight. This is specifically noted in the policy. To give effect to a Council planning policy it needs to be incorporated in to the Horsham Planning Scheme through a Planning Scheme Amendment. In addition to enabling planning policy to be given sufficient weight in the decision making process, the Planning Scheme Amendment process provides for engagement with stakeholders, public consultation and scrutiny by an independent planning panel.

The policy also specifies the supporting information required to justify a reduction in car parking. Irrespective of the supporting information to be provided by the policy, the Horsham Planning Scheme requires a Car Parking Demand Assessment to be undertaken for any application seeking to reduce car parking. The matters to be considered in the assessment are outlined in Clause 52.06-7 and in broad terms reflect the requirements in the policy.

The Policy requires cash payment in lieu when car parking cannot be supplied at the required rate. The validity of requiring a cash payment by a planning condition is questionable given that section 62 of the *Planning and Environment Act 1987* (the Act) specifies the circumstances when a financial contribution can be required by a planning condition. Section 62 (5) of the Act states:

(5) In deciding to grant a permit, the responsible authority may—

- (a) include a condition required to implement an approved development contributions plan (within the meaning of Part 3B) or an approved infrastructure contributions plan (within the meaning of Part 3AB); or*
- (b) include a condition requiring specified works, services or facilities to be provided or paid for in accordance with an agreement under section 173; or*
- (c) include a condition that specified works, services or facilities that the responsible authority considers necessary to be provided on or to the land or other land as a result of the grant of the permit be—*
 - (i) provided by the applicant; or*
 - (ii) paid for wholly by the applicant; or*
 - (iii) provided or paid for partly by the applicant where the remaining cost is to be met by any Minister, public authority or municipal council providing the works, services or facilities.*

This needs to be read in conjunction with sec 62 (6) which states:

(6) The responsible authority must not include in a permit a condition requiring a person to pay an amount for or provide works, services or facilities except—

- (a) in accordance with subsection (5), section 46N or 46GG; or*
- (b) a condition that a planning scheme requires to be included as referred to in subsection (1)(a); or*
- (c) a condition that a determining referral authority requires to be included as referred to in subsection (1)(a).*

In summary the Act states that a financial contribution can only be required by a condition on a planning permit if it is to implement an approved development contributions plan, is in accordance with an agreement under section 173 of the Act or is required by the planning scheme (e.g. a schedule to the Parking Overlay).

It should also be noted that the Municipal Parking Strategy adopted by Council in December 2017 recommends that Council consider implementation of the Parking Overlay as part of the next review of the CAD Strategy as the means to facilitate cash in lieu payments.

Clause 52.06-7 allows for an application to be made to allow for some or all of the car parking spaces to be provided on another site. Before granting a permit the responsible authority must consider the following as appropriate;

- *The proximity of the car parking on the alternate site to the subject site.*
- *The likelihood of the long term provision and availability of the car parking spaces.*
- *Whether the location of the car parking spaces is consistent with any relevant local policy or incorporated plan.*
- *Any other matter specified in a schedule to the Parking Overlay.*

As with any application for a planning permit, should the responsible authority not be satisfied that a proposal meets those matters it is required to consider under the *Planning and Environment Act 1987*, including the decision guidelines, then it must refuse the application for a planning permit. This would include an application to reduce the number of car parking spaces required under Clause 52.06-5 (Table 1 – Car parking requirements).

Should an applicant choose to provide more than the required number of car parking spaces nothing in the Horsham Planning Scheme prevents this however, the responsible authority cannot require a greater number of car parking spaces than required under Clause 52.06-5.

Liquor Licence Applications

This policy relates to notifications received from the Victorian Commission for Gambling and Liquor Regulation (VCGLR) for applications to the VCGLR for liquor licences. These may include limited licences for which no planning permit is required or for licences such as an on premises licence for which a planning permit is required. As these notifications are made under the Liquor Control Reform Act any comments that Council may make are limited to amenity impacts.

This policy was adopted in September 1999 and it is unknown whether it has been reviewed since. Notwithstanding that a review may or may not have occurred, Council's current delegations in effect, allow for Council's delegated officers to comment on any notification received. The current delegations are:

s.40(1) power to advise Council has no objection to the grant of a temporary licence or variation or relocation of a licence, if it is reasonably assumed that it will not affect the amenity of an area.

- *DPE - Director Planning & Economic (Murphy, Angela) CEO to Staff*
- *MRS - Regulatory Services Manager (Coman, Lauren) CEO to Staff*

s.40(1A) power to object to grant variation or relocation of packaged liquor licence or late night (packaged liquor) licence

- *DPE - Director Planning & Economic (Murphy, Angela) CEO to Staff*
- *MRS - Regulatory Services Manager (Coman, Lauren) CEO to Staff*

It should also be noted that the manner in which notifications from the VCGLR were previously processed was they were viewed as if they were an application to Council. This is reflected in the language used in the policy such as: "refuse" and "approve".

It is also understood that previous practices of Council were to notify such notifications as would occur for a planning permit application notwithstanding that Council had no statutory requirement to do so.

As Council's delegated officers have delegation to make decisions on notifications received from the VCGLR it is considered the policy is no longer relevant.

Financial

Since the Planning Scheme Amendment in 2012 which reduced the requirement to provide onsite car parking for retail premises and offices there have been no financial impacts for applicants or Council.

Links to Council Plan

2.1 Cultivate opportunities for the municipality to prosper and pursue possibilities for new development

Consultation

Internal advice has been sought from Officers responsible for the policies.

Recommendation

That Council revokes the following policies:

1. Central Activity District Car Parking Policy for shop/food and drink premises/office.
2. Liquor Licence Applications.

Moved Cr Robinson, Seconded Cr Radford that the report be received.

CARRIED

Moved Cr Radford, Seconded Cr Koenig that the recommendation be adopted.

CARRIED

Cr Radford declared a Conflict of Interest, pursuant to Section 79 of the Local Government Act, 1989 in respect of item 10.3.2 and left the Council Chamber at 7.26pm.

10.3.2 ECONOMIC DEVELOPMENT STRATEGY 2017-2021

A Murphy File Ref: F15/A10/000001

Purpose

To endorse Horsham Rural City Council's Economic Development Strategy (EDS) 2017 to 2021.

Background

Horsham Rural City Council has had an economic development function for some years but it has previously sat within key senior roles that have had broader multi functions across Council.

From 2012, Council engaged a Business and Economic Development Manager to work closely with and address any gaps on service delivery to the business community. Developing an EDS was seen as an important process to align the future directions of broader Horsham Rural City Council planning with the Planning and Economic Department staffing and resources. Urban Enterprise were engaged to develop the Strategy.

Issues

A work plan was developed with Urban Enterprise and the EDS Working Group which included consultation across the community, business, government and industry. The final draft of the EDS has focused on six key action areas to deliver on outcomes over the four years. They are: Best Practice In Economic Development; Primary Industries; A Vibrant Central Activity District; Public Sector Industry; Destination Horsham and Economic Infrastructure.

Attached as **Appendix "10.3B"** is the Final Horsham EDS and Background Discussion Paper.

Consultation

The stakeholders that contributed to the consultation process were:

- Online Surveys: Community Survey (320 Responses)
 Business Survey (81 responses)
- Tourism Advisory Committee Workshop
- HRCC Executive Management Group, Department Managers and Councillors Workshops
- Wimmera Development Association Workshop
- One on One meetings with 16 business and industry stakeholders

The consultation process following Council adopting the draft plan for consultation included issuing a media release, notification via social media and website, meeting with Business Horsham and having the plan available at the listening post held on 29 October 2017.

The plan was circulated to Business Horsham as a key stakeholder.

Ten submissions were received in response to the draft Strategy, with submitters being:

- Wimmera Business Centre
- Parks Victoria
- Business Horsham
- Robin Barber
- DELWP
- Kevin Dellar
- Mark Radford

- Anne Donovan(Community Development Manager)
- Susan Surrige(Grants Officer)
- Chris McClure(Tourism and Events Co-ordinator)

The “tracked changes” document is attached together with the submission summary and submissions as **Appendix “10.3C”** and indicates the changes incorporated in the final document following the submission process.

Of particular note is the inclusion of a monitoring and review process to review the Economic Development Strategy. Following adoption of the Strategy, an action plan will be developed, and then reviewed annually in conjunction with business sentiment, stakeholder and visitor surveys. This process will assist in informing the next annual action plan in consultation with key stakeholders.

Financial

The Economic Development Strategy had a budget of \$60,000 in the 2016-17 budget and the final draft was completed using a combination of in house resources, a working group and the external consultants to drive the consultation.

Links To Council Plans, Strategies, Policies

The HRCC Health and Well Being Plan 2017 – 2021 contains actions under “Strengthening Education and Economic Development” including Action #31 “Implement HRCC Economic Development Strategy and ensure health and wellbeing priorities are reflected”.

The HRCC Council Plan 2017 – 2021 under Goal #2 “Sustaining the Economy” contains a series of actions tied to an Economic Development Strategy document, including the specific Council 4 Year Priority 2.1.03 Develop an Economic Development Strategy.

Recommendation

That Council endorse the final Draft of the Horsham Rural City Council’s Economic Development Strategy 2017-2021.

Moved Cr Grimble, Seconded Cr Robinson that the recommendation be adopted.

CARRIED

Cr Radford returned to the Council Chamber at 7.33pm.

10.3.3 APPLICATION TO INCREASE ELECTRONIC GAMING MACHINES – HORSHAM SPORTS AND COMMUNITY CLUB

A Moar File Ref: 99/01/00338A

Purpose

To seek Council's position on making a submission to the Victorian Commission of Gaming and Liquor Regulation (the Commission) regarding an application received from the Horsham Sports and Community Club to increase the number of electronic gaming machines from 78 to 83.

Background

In 2012 Council adopted the "*Horsham Rural City Council Policy on Electronic Gaming Machines*" (the policy). The policy acknowledges that Council does not issue licences for Electronic Gaming Machines (EGM), as that is the responsibility of the Commission, however will advocate for no further EGM licences to be made available in the municipality, and encourage a reduction in the number of licences being used if that opportunity arises. A copy of the policy is attached as **Appendix "10.3D"**.

The maximum permissible number of gaming machine entitlements under which gaming may be conducted for each municipal district in Victoria were gazetted in the Special Government Gazette on 20 September 2017. This permissible number increased the available entitlements in the Horsham Rural City Council municipality. The maximum number of entitlements changed from 148 to 153.

At 30 June 2012 there were four venues in Horsham (the Horsham RSL, Horsham Sports and Community Club, the Royal Hotel Horsham, West Side Horsham) with a total of 147 EGMs. Currently there are 3 venues (the Horsham RSL, Horsham Sports and Community Club, West Side Horsham) with a total of 148 EGMs.

Issues

The Horsham Sports and Community Club has applied to the Commission for an increase in their gaming machine numbers by five, from 78 to 83 (the application). As part of the application process Council has been provided with a copy of the application and has the opportunity to make a submission to the Commission on the proposal. A copy of the application can be found at:

<https://www.vcgr.vic.gov.au/CA256F800017E8D4/VCGLR/775C37E1F7909A1DCA257B320078027A?OpenDocument>

Within 37 days (11 February 2018) of receiving the application Council has to notify the Commission if it intends to make a submission. Council officers have notified the Commission that a submission will be made by Council. This has been undertaken to allow Council to consider the matter.

Any submission must be received by the Commission within 60 days of receiving the application (6 March 2018). If Council chooses not to make a submission, Council officers will notify the Commission.

The submission to the Commission on this application would need to be on economic and social impact grounds. There is a template that is required to be completed for a submission. A blank version of the template is provided as **Appendix "10.3E"**. Council officers are currently in the process of completing the document.

The Policy data

As previously mentioned the policy was created in 2012, therefore the data is now relatively old. Below is an update of current data relating to EGMs in Horsham. The data has been collected from the Commission website on 23 January 2018.

Table 1 below outlines the expenditure in Horsham since 2010 – 2011 financial year, as previously documented in the policy.

Expenditure							
Venue	2010 - 2011	2011 - 2012	2012 - 2013	2013 - 2014	2014 - 2015	2015 - 2016	2016 - 2017
Horsham RSL	\$2,048,985.89	\$2,069,689.77	\$2,216,298.58	\$2,082,809.82	\$1,940,975.23	\$1,960,736.33	\$1,972,730.41
Horsham Sports and Community Club	\$4,266,190.08	\$4,417,635.62	\$5,175,060.50	\$5,556,389.63	\$5,730,912.22	\$5,452,837.74	\$5,453,372.24
Royal Hotel (Horsham)	\$1,239,589.13	\$1,047,252.27	\$84,559.88	\$0.00	\$0.00	\$0.00	\$0.00
West Side Tabaret	\$1,829,622.71	\$1,761,287.04	\$1,815,309.33	\$1,858,845.88	\$1,859,243.30	\$1,856,345.79	\$1,776,684.24
Total	\$9,384,387.81	\$9,295,864.70	\$9,291,228.29	\$9,498,045.33	\$9,531,130.75	\$9,269,919.86	\$9,202,786.89
Number of EMGs	147	147	148	148	148	148	148

Table 2 below provides a comparison of expenditure per EGM.

Expenditure Data Comparison							
	2010 - 2011	2011 - 2012	2012 - 2013	2013 - 2014	2014 - 2015	2015 - 2016	2016 - 2017
Expenditure per machine in HRCC	\$63,839.37	\$63,237.17	\$62,778.57	\$64,175.98	\$64,399.53	\$62,634.59	\$62,180.99
Average Country Expenditure per machine	*	*	*	*	\$72,291.40	\$74,113.41	\$74,384.32
Average Victorian Expenditure per machine	\$99,833.13	*	*	*	\$97,925.91	\$99,381.07	\$98,977.06

* = data has been omitted as figures were not easily obtained for calculation.

Table 3 compares the Horsham Rural City Council area with some of the neighbouring Councils.

LGA	Adult population 2012	EGMs 2012	Max EGMs 2012	Adult population 2017	EGMs 2017	Max EGMs 2017
Horsham Rural City Council	15710	148	148	15399	148	153
Hindmarsh Shire	4755	0	48	4194	0	47
Yarriambiack Shire	5966	0	59	5252	0	53
West Wimmera Shire	3526	0	35	2978	0	31
Total	29957	148	290	27823	148	284

Table 4 below outlines a comparison of the population statistics for Horsham Rural City Council area and Victoria as a whole.

Population Stats - Horsham Rural City Council

2012

Adult population	15,710	Adults per venue	3,927
EGMs Per 1000 Adults	9	EXP Per Adult	591.72

2017

Adult population	15,399	Adults per venue	5,133
EGMs Per 1000 Adults	10	EXP Per Adult	597.61

Population Stats - Victoria

2012

Adult population	4,456,675	Adults per venue	8,860
EGMs Per 1000 Adults	6	EXP Per Adult	601.67

2017

Adult population	4,815,889	Adults per venue	9,690
EGMs Per 1000 Adults	5	EXP Per Adult	541.86

SEIFA index of Disadvantage

2012 (Current)

Score	987	Score	970.8
Rank in Victoria (out of 79)	36	Rank in Victoria	35
Rank for Country LGAs out of 48	32	Rank for Country LGAs out of 48	28

**SEIFA index of Advantage
Disadvantage**

Unemployment - Horsham Rural City Council

Workforce 2012	11,238	Unemployment Rate 2012	4.08%
Workforce 2017	10,313	Unemployment Rate 2017	3.85%
Unemployed 2012	458		
Unemployed 2017	397		

Comparisons

The City of Greater Dandenong compiles information regarding gambling and social effects created annually. Provided below are some charts produced by City of Greater Dandenong using the data provided by the Commission.

Chart 1 provides a comparison of the number of EGMs per 1000 adults in the financial year 2016/2017. Horsham is ranked 7 on this chart.

Chart 2 provides a comparison of total losses through the use of EGMs in the financial year 2016/2017. Horsham is ranked 44 on this chart.

Chart 3 provides a comparison of losses per adult through the use of EGMs in the financial year 2016/2017. Horsham is ranked 26 on this chart.

Chart 4 provides a comparison of the percentage change in losses between the 2015/2016 financial year and 2016/2017 financial year. Horsham is ranked 57 on this chart.

Attached as **Appendix "10.3F"** are Charts 1 to 4.

The change to the municipal limit

In the 20 September 2017 Government Gazette the municipal limits for EGMs was changed. Table 3 above outlines how the municipal limits changed for Horsham, Hindmarsh, Yarriambiack and West Wimmera Shires.

The changes occurred after a consultation paper was released by the Office of Liquor, Gaming and Racing in December 2016 titled "Gaming Machine Harm Minimisation Measures". Submissions on this consultation paper closed on 16 January 2017. Three questions were posed in relation to regional caps and municipal limits. These were:

1. *Do you think regional caps and municipal limits should be maintained? Why?*
2. *Should regional caps be extended beyond the existing capped areas and if so, why?*
3. *Are the current regional cap and municipal limit levels appropriate?*

It is understood that the Horsham Rural City Council was not specifically notified of the consultation paper, however peak bodies like the Municipal Association of Victoria, the Victorian Local Governance Association, RSL Victoria, Clubs Australia amongst others made a submission. A media release was also made.

The submissions on the consultation paper are available on the engage Victoria website (<https://engage.vic.gov.au/gaming-machine-harm-minimisation-measures>).

The potential for further changes to the municipal limits is likely as they are reviewed on a 5 yearly cycle, however can be reviewed earlier. In this case, Council, could if it chooses, make a submission to the Minister for a reconsideration of the limits set for the Horsham Rural City Council municipality. Any submission would need to be made with suitable justification to support the review or a change.

The proposal

The proposal by the Horsham Sports and Community Club is to increase their EGMs from 78 to 83. The application documentation outline the proposal in full in relation to the justification the Commission requires for any application.

The supporting documentation identifies the following information:

- *The additional 5 EGMs will generate minimal increase in gaming revenue for the Club. It is anticipated by Mercury that there will be an annual increase in net machine profit of \$33,000.*
- *The annual tax saving for the Club from the additional 5 EGMs will be \$90,649 for the 4.5 years to the expiry of the current gaming machine entitlements (GMEs) or a total of \$407922.64. After accounting for the cost of the application, the new fit out and the costs of accommodating the 5 additional EGMs, it is estimated that the Club will gain an extra \$149484 over the term of the EGM's.*

The proposal vs the policy

The proposal by the Horsham Sports and Community Club to increase their EGM, in general is not consistent with the policy as the policy position states Horsham Rural City Council will *advocate for no further EGM licences to be made available in the municipality.*

The policy, while discouraging the increase of EGM licences, does identify Council's preference to have EGMs housed in community clubs, such as the Horsham Sports and Community Club *which can have a positive recreational, social and economic impact on the community.*

Options

Council will have three options available on responding to the application by the Horsham Sports and Community Club.

Option 1 – Support the application.

In supporting the application it provides the Commission the advice the Council supports the approval of the increase in EGMs at the venue. If supported it is highly likely that the Commission will approve the Horsham Sports and Community Clubs application.

Option 2 – Do nothing.

By not responding to the application the Council does not support nor does it support the applicant. If Council does nothing, it is likely that the Commission will approve the application.

Option 3 – Object to the application

If Council was to object to the application the Commission will list the matter for a hearing to be held at by the Commission. Council can choose whether it attends the hearing, otherwise the application could be considered on the papers. If approved/refused by the Commission there is the ability to appeal to VCAT.

It should be noted that the application by the Horsham Sports and Community Club and the issue of the increase in the municipal limits are two different issues and must be considered separately. The application is considered by the Victorian Commission for Gaming and Liquor Regulation, while the municipal limits are considered and prepared by the Office for Racing, Liquor and Gaming at a higher level.

Risks

If Council chooses to object to the granting of the application, the Commission refuses the application, and the applicant seeks to appeal the Commission's decision from VCAT, Council should be aware that prospects of success are low.

A desktop review of previous VCAT decisions relating to challenges to the Commission decisions has indicated that most of the applications reviewed had the decision to allow the gaming licence be approved and the gaming licence extended to include new machines.

In all of the cases both sides were represented by a mix of solicitors, and experts such as economists, planners, gaming consultants, chartered accountants, community researchers, architectural designers, heritage architects, social planners, and forensic accountant. Even engaging any or some of these experts still will not guarantee success. This desktop review was undertaken internally by Council officers and external legal advice will be sought if required, in the next phase (post submission process).

If the Horsham Sports and Community Club application is refused, then there is potential that Council could receive an application from another existing venue or a new site for the entitlements that exist. In this case, further approvals such as planning permit, may be required.

Consultation/Communication

This briefing report has been prepared following discussions with Councils Planning staff and the Director Community Services and the Community Development Manager.

The Horsham Sport and Community Club presented to Council at a briefing session on 30 January 2018.

Financial

Funding may be required if the *Horsham Rural City Council Policy on Electronic Gaming Machines* is to be reviewed and implemented into other Council documents.

Links To Council Plans, Strategies, Policies

Horsham Rural City Council Policy on Electronic Gaming Machines

Conclusion

The Horsham Rural City Council policy on electronic gaming machines clearly identifies that Council does not support the increase of electronic gaming machines within the municipality and would advocate for further reductions.

It is considered that the policy should be reviewed to incorporate the most recent data that is available.

Recommendation

That Council:

1. Request a submission to be prepared, by Council officers under delegation, to the Victorian Commission of Gaming and Liquor Regulation based on the Policy Position set by the *Horsham Rural City Council Policy on Electronic Gaming Machines* objecting to the application by the Horsham Sports and Community Club to increase their electronic gaming machines from 78 to 83.
2. Review the Horsham Rural City Council policy on electronic gaming machines.
3. Actively engage with the Office of Liquor, Gaming and Racing either directly or through the MAV and the VLGA to advocate for the reduction of electronic gaming machines with the municipality.

Moved Cr Grumble, Seconded Cr Robinson that Council support the application by the Horsham Sports and Community Club to increase their electronic gaming machines from 78 to 83 and review the Horsham Rural City Council policy on electronic gaming machines.

MOTION LOST

Moved Cr Koenig, Seconded Cr Gulvin that -

1. The Horsham Rural City Council neither accepts nor opposes the application by the Horsham Sports and Community Club to increase their electronic gaming machines from 78 to 83.
2. Council review the Horsham Rural City Council policy on electronic gaming machines.
3. Council actively engage with the Office of Liquor, Gaming and Racing either directly or through the MAV and the VLGA to advocate for the reduction of electronic gaming machines with the municipality.

CARRIED

10.4 DIRECTOR OF COMMUNITY SERVICES

10.4.1 COMMONWEALTH GOVERNMENT CONTRIBUTION TO 15 HOURS OF KINDERGARTEN

K O'Brien File Ref: F08/A04/000001

Purpose

To advise Council that funding of the 15 hour Kindergarten program by the Commonwealth Government has been extended to the end of 2019, and the Commonwealth's commitment to pursue an enduring agreement.

Background

In November 2008 the Council of Australian Governments (COAG), as part of its early childhood reforms, endorsed the national agenda of universal access to 15 hours of kindergarten a week for four year-olds from 2013. Since July 2013, the vast majority of Victorian preschoolers have had access to a 15 hour program. The Victorian kindergarten participation rate for 2015 was 98.1 per cent, up 1.7 per cent from 2014. This represents more than 74,000 children reaping the lifelong benefits of a quality early years education.

Under the National Partnership Agreement, the Commonwealth Government provides about one-third of the funding for 15 hours of preschool and the Victorian Government contributes two thirds. There have been four separate National Partnership Agreements. In addition to the funding from the Commonwealth and Victorian Governments, the community and local government provide a further 35 per cent through parent fees, fundraising and Council support to meet the government shortfall.

Issues

The Commonwealth Government has announced an extension of funding under the National Partnership for Universal Access to Early Childhood Education for Victorian children to receive early childhood education through to 2019, with \$440 million nationally for 15 hours kindergarten each week for four-year olds.

Hon Simon Birmingham, Minister for Education and Training has for the first time committed the Commonwealth to work with State Governments on an enduring policy beyond 2019. Extension of Commonwealth funding to continue providing 15 hours of kindergarten for Victoria's children was strongly supported in the *'Lifting our Game'* report released last week. *Lifting Our Game* is the final report of a national education review on early childhood services – and backs continued investment in the early years to ensure Australian children do better at school and later in life. The report highlights that short-term funding arrangements – like the funding for 15 kindergarten hours for Victorian children – are causing uncertainty and hampering future planning.

Future work announced by the Minister includes improving the quality of data collected and ensuring children, particularly vulnerable children, are enrolled and attending the full 15 hours. This is what councils have been supporting for years through kindergarten planning, facility provision and central enrolment.

The Municipal Association of Victoria (MAV) has acknowledged the considerable contribution Victorian councils have made in their advocacy to the Commonwealth since 2013 to achieve this Commonwealth commitment.

Without continued Commonwealth funding, families of 74,000 Victorian pre-schoolers will face untenable fee increases of up to 100 per cent if they continue to deliver a 15 hour Kindergarten program.

Consultation/Communication

In 2017 Council advocated for continued funding from the Commonwealth Government for 15 Hours of Kindergarten funding.

- Council wrote to Prime Minister, Hon Malcolm Turnbull, Minister for Education and Training, Hon Simon Birmingham and Minister for Social Services Hon Christian Porter in 2017.
- Attended a meeting with relevant Ministers and/or senior staff when Wimmera councils take a deputation to Canberra in late March 2017.
- Met with local member Andrew Broad MP as part of the deputation to Canberra in late March 2017
- Highlighted this issue through local media.

Financial

Beyond State and Federal funding, Victorian communities contribute 35 per cent of the cost of pre-school through fees, fundraising and local government support, including over \$300 million of ratepayer funds invested by councils.

Links To Council Plans, Strategies, Policies

Council Plan

Advocacy: Improved education and health outcomes for our community

Provided for information of Council.

Moved Cr Radford, Seconded Cr Gulvin that the report be received.

CARRIED

Moved Cr Radford, Seconded Cr Power that Council forward a letter of thanks to the Hon Simon Birmingham, Minister for Education and Training for the 15 hour kindergarten program funding and to Andrew Broad, Member for Mallee thanking him for advocating on behalf of Council for the additional funding of the 15 hour kindergarten program.

CARRIED

10.4.2 DEAF ACCESS PROGRAM

M Bridgewater

File Ref: F10/A04/000006

Purpose

To provide Council information on the Deaf Access Program. A 12 month project that has recently commenced.

Background

The Deaf Access Program is a 12 month project grant position funded through the Department of Health and Human Services (DHHS).

The Wimmera was previously serviced by the City of Ballarat Deaf Access worker who covered Central Highlands to Bordertown, Bacchus Marsh and Golden Plains. Upon review, it was determined that one worker was unable to satisfactorily provide services to such a large and diverse geographical area, and the project was split between the two areas.

Horsham Rural City Council has entered into an agreement with the City of Ballarat to deliver the program in the following five Local Government Areas:

- Horsham
- Northern Grampians to Stawell
- Yarriambiack
- Hindmarsh
- West Wimmera

The position is based at the Horsham Rural City Council Civic Centre and reports to the Community Development Manager. A high level of outreach to the community and partner Councils is expected to be undertaken.

Project Aims

The Deaf Access program is tasked with increasing the range of opportunities available to those that are deaf or hard of hearing in our community to:

- enable participation in and benefit from the same community activities and mainstream services as everyone else
- work to ensure that they are connected and have the information they need to make decisions and choices
- enhance and build the skills so that they have the confidence and capacity to participate and contribute to the community and to protect their own rights
- enable them to actively contribute to leading, shaping and influencing the community

Consultation/Communication

Community engagement and stakeholder management are critical to the success of the Deaf Access project. Council is working with partner Councils and key stakeholders to ensure that the principles of universal access are met, and that there are meaningful opportunities for the hard of hearing and deaf communities to be able to contribute to civic and community life.

Current Actions

- Letters of introduction of the project to partner councils
- Introductory meeting with partner councils
- Promote the project internally and externally – media release, social media, project updates
- Collaborate with Rural Access Workers in the region
- Audit the five councils' webpages, social marketing sites and contact details to ensure they list the teletype (TTY) telephone contact details
- Continue to research the extent of the deaf and hard of hearing community profile
- Complete the Hearing Loop installation at Horsham Town Hall and begin to develop a marketing strategy to promote the accessibility of the venue and how to use the technology
- Work with Council to review key buildings to audit hearing accessibility

Risk considerations

As the position is a grant funded time limited project, it is important to embed systematic change quickly. This will position Council well to be able to meet the requirements of community engagement foreshadowed in the revised *Local Government Act*.

Links to Council Plans, Strategies, Policies

Deaf Access Project aligns with:

Council Plan:

- Goal 1: Contribute to building a vibrant, diverse and resilient community

Health and Wellbeing Plan

- Goal 3: Improving Mental health :Support and promote activities and event that build community resilience and social network for all groups

Financial

Council has received \$60,000 (ex GST) from the City of Ballarat for the project. Council is providing in-kind support to the project.

Provided for information of Council.

Moved Cr Robinson, Seconded Cr Radford that the report be received.

CARRIED

10.5 DIRECTOR OF TECHNICAL SERVICES

10.5.1 RECYCLING ISSUES

J Martin File Ref: F29/A01/000001

Purpose

To provide Council a further update on the status of the recyclable materials processing issue, and the implications for our recycling collection contract.

Background

A briefing to the 5 February 2018 meeting provided background to this subject, including:

- That Visy had initially advised that it would not receive bulk deliveries of unprocessed recycling material as of 10 February.
- A range of options were under consideration to ensure collection of recycled materials.

Further updates have been provided to Councillors between Council meetings.

Issues

- **Short Term**

This subject has attracted considerable input from Council, the Grampians Central West Waste and Resource Recovery Group (GCWWRRG), the Municipal Association of Victoria (MAV) and Government over the past few weeks.

MAV has been coordinating input from Councils to facilitate Government's discussions with waste contractors and processors aiming to resolve this matter.

At a local level, Council's recycling collection contractor, Wheelie Waste, has continued recycling collections as per normal. This has led to some temporary storage of collected material, and importantly, no material has been disposed to landfill.

A significant change in position has also been flagged by Visy Recycling. Previously, it had advised that it would no longer be able to receive materials from our contractor, and several others. Under previous arrangements, Visy paid to receive recycled materials, recognising the value of this resource, and their potential to add value to it for end markets. Now, while Visy had initially indicated it would not be able to receive materials at all, it is now indicating that it is prepared to receive these materials, but at a cost of \$60 (+GST) per tonne. Other processors are giving similar indications of increased costs of processing these materials.

This represents a turnaround in cost in the order of \$120 per tonne. This is only an estimate, as the actual payment received by recycling collection contractors from Visy is a separate contractual matter between Visy and the collectors.

If this cost increase is passed on directly to Councils, for Horsham it would mean an additional cost of perhaps \$228,000 for the 1900 tonnes of recyclable material collected each year. This could lead to an increase in waste charges of several percent beyond CPI.

It is unclear what the basis of this new charge by Visy is. If it relates to the cost of additional processing to meet China's stringent quality requirements then there may be some justification for it.

- **Long Term**

There is an adage that "crisis leads to opportunity".

The current situation is likely to see a reset to the dynamics of the recycling market. The higher prices charged by recycling processors creates a window for other industries to step in.

These responses are likely to take a longer time to become established, and may require significant investment.

At this stage only preliminary discussions have occurred regarding these longer-term options, the focus being on resolving the short term issues.

Consultation/Communication

Regular communications have been occurring with the following stakeholders:

- Council's recycling contractor, Wheelie Waste.
- The GCWWRRG.
- Neighbouring Councils.
- The Municipal Association of Victoria.

Financial

This report indicates the likely potential impact on costs of recycling collection / processing based on the extent of information known at present. There is still uncertainty about the exact costs to resolve this matter.

Conclusion

The status of this issue is changing very quickly at present. An update will be presented as a report in Urgent Business at the Council meeting.

Provided for information of Council.

Moved Cr Grumble, Seconded Cr Radford that the report be received.

CARRIED

11. URGENT BUSINESS

NIL

The time being 8.22pm the Council meeting closed.

The Mayor, Cr P Clarke
Chairperson