

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

PRESENT: Cr Pam Clarke, Mayor; Cr Alethea Gulvin, Cr Les Power, 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; Rob Moir, Acting 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

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

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

David Bowe	Cheryl Linke	Kath Dumesny
Robbie Somers	Kevin Lane	Norm Griffin

3. Apologies and request for Leave of Absence

Apologies were received from Cr Koenig, Cr Grimble and Cr Robinson for today's Council meeting.

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

CARRIED

4. Confirmation of minutes and signing thereof

Moved Cr Radford, seconded Cr Power 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 March, 2018 be adopted.

CARRIED

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

Cr Power and Cr Radford declared a Conflict of Interest, under Section 79(2)(C) at Item No. 10.4.2 (in open Council) because of their involvement with the YMCA Community Action Group.

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

NIL

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 Tuesday 13 March, 2018 at 5.00pm in the Reception Room.

Refer to **Appendix “8.1A”**.

8.2 SEALING OF DOCUMENTS

Documents Signed and Sealed by Council under Delegation

Farm Lease, Western Highway, Burnt Creek between Horsham Rural City Council and Gavin Laurence O’Sullivan and Peter Eugene O’Sullivan

Farm Lease off Kenny Road, Horsham between Horsham Rural City Council and Geoffrey and Christine Rethus.

Recommendation

That -

1. Council note the Assembly of Councillors’ – Record of Meetings,
2. Council note the documents signed and sealed under delegation.

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

CARRIED

8.3 INWARD CORRESPONDENCE

NIL

8.4 COUNCIL COMMITTEE MINUTES

NIL

9. COUNCILLORS' REPORTS

Cr Radford

- 15 March – Sport and Recreation meeting and discussed community grants.
- 13 March - Haven Recreation Reserve Meeting. They are a very active community. Mandy Kirsopp took the committee through various projects.
- Filled in for the Mayor at the 49th Square Dancing Convention. This was a gathering from all around Victoria and other States. There was a very wide age group doing dosido's and promenades. It was good to view everyone having fun and exercising in this way from up on the stage. It would be good to hold a square dance at the Town Hall next year and I look forward to that. Thank you for the opportunity to attend.
- Helped at the Council stand at the Wimmera Machinery Field Days and talked to people about many different issues. It was good for Council to be seen at the Field Days and we were kept busy. A lot of people talked about the Wimmera Sports Stadium and there was overwhelming support for what Council want to do at the site. The Field Days committee members came to talk to us.
- ABC Radio interview about the Wimmera Sports Stadium last week. Cr Radford will be attending a meeting on Wednesday night at the Horsham College School Council to talk to them about the project.
- It is disappointing to hear that trains are not coming to Horsham as soon as we would like.
- Cr Radford talked about the fire situation in the south of Victoria and NSW. Last week we talked about how it has been a fairly quiet summer. We need to think of the families, farms and loss of homes. Well done to all the CFA volunteers. A strike team of 12 vehicles headed there Saturday night and then a changeover of shift on Sunday.

Cr Power

- 6 March – It is pleasing to see the Mobile Red Cross Blood Bank will be in Horsham for a month. They are located in Hocking Street which is not an appropriate site for them. They should be located in a well-lit area and in a more prominent position. It is difficult to get a booking and people are coming from Donald, Hopetoun, and Edenhope, people travelling 60kms just to give blood.
- 7 March – Wimmera Machinery Field Days Presidents lunch with the Mayor and Councillors and Federal and State politicians. The Field Days are rolling along nicely and appear to be getting bigger, it is a huge site. Cr Power stood at the council site and talked to people. He also stood at the Blue Ribbon Foundation site in the big police van, not to just talk about policing, but also talk about council issues.

- 8 March – Wimmera Machinery Field Days and also the International Women's day lunch at the Town Hall. Cr Power was one of four men at the event. He thought there would've been more men attending. The speakers were very good.
- 10 March - Horsham Greyhound Cup VIP event. This was well organised with a lot of people attending. Congratulations to the club for putting on a good event.
- 11 March – Horsham Fishing Competition. Cr Power didn't get to the river because he was working, but he was surprised however that after the competition all the rubbish had been cleaned up after the fishing competition. This was a fantastic outcome. Congratulations to all those people who supported Horsham and the competition.
- 13 March - Council Briefing Meeting. Talked about ideas for the next Tidy Towns awards after the trip to Barmera.
- 14 March – Memorial Service for William (Wally) Hobbs who passed away at the age of 77 years. William worked and served for the Horsham community for about 50 years.
- 14 March – In the evening attended a Horsham Football and Netball Club meeting and discussed the upcoming season. Cr Power asked how Council are going with the Quantong netball courts.

Cr Gulvin

- Council Briefing meeting on 13 March.
- 15 March – Sport and Recreation meeting and discussed community grants. It is good to see that people are applying for grant money.
- 19 March - Along with the Mayor, watched the vintage cars depart from the Lutheran School oval. The students were so excited to see the vintage cars and were really interested. It was fantastic to see all the cars.
- Cr Gulvin talked about the new Council website which was so easy to navigate around.
- Cr Gulvin's husband had appendicitis last week. Cr Gulvin congratulated the doctors in Horsham for helping her husband. We should be grateful for the doctors we have in our community.

Cr Clarke, Mayor

- The Mayor thanked the Councillors for their support and for what they do for the community.
- 7 March – Wimmera Machinery Field Days, President's lunch which Council sponsored. Prior to lunch Cr Clarke attended the Council site. It was good to see people interest in the Horsham Community Map.
- 8 March - Four amazing women spoke at the International Women's Day luncheon. They have achieved great things with their chosen careers.
- 13 March - Tourism Advisory Committee Meeting – Talked about the Tourism Master Plan, Horsham being RV friendly and the new Council website.

- Wimmera Mallee Sustainability Alliance meeting. We had a long discussion about recycling issues.
- 13 March - Council Briefing Meeting.
- 13 March - Courage to Care travelling exhibition at the Wimmera Events Centre. Cr Clarke said this was one of the best exhibitions she has been to. They had an interactive board with personal stories of people that were in the holocaust. It is all about courage to care and to encourage teenagers to stand up for what they believe. Darcy Hogan, a year 11 student at St Brigid's College received a Courage to Care award for helping others. Prof Henry Ekert AM talked about the family who protected him during the holocaust. A lot of his family were killed. It is not about the holocaust; it is about the people that helped Jews risk their lives.
- 16 March - Art Gallery exhibition morning tea.
- 18 March – All British Classic Cars Club (ABCCC) Fly the Flag Friendship Tour dinner with 385 people at the Lutheran Hall. They are an amazing group of people. Their cars were beautiful with over 185 cars in the tour and not just British cars but from all over the world. We had breakfast with the group this morning and then the school children waved the cars on. The car club were shouting out that this is the best town that have been to. The children thoroughly enjoyed it. The organiser of the event praised the Council for getting things done.

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

CARRIED

10. OFFICERS REPORTS

10.1 ACTING CHIEF EXECUTIVE

No Reports

10.2 DIRECTOR OF CORPORATE SERVICES

10.2.1 REVIEW OF DELEGATED POWERS

G Harrison File Ref: F19/A02/000001

Purpose

To update Council's delegations to staff with changes arising from the Maddocks Delegation Service.

Background

Powers to Council are granted through Part 1A of the Act which defines the charter for Local Governments. This states the purpose of Local Government, its objectives, role, functions and powers. Under Section 3F Council's powers are defined and are essentially very wide in nature. Section 3F (1) states *"Subject to any limitations or restrictions imposed by or under this Act, a Council has the power to do all things necessary or convenient to be done in connection with the achievement of its objectives and the performance of its functions"*.

Because these powers are very wide Council cannot operate by means of passing a resolution every time that it wishes to act. So for day to day operations Council needs others to make decisions and act on its behalf.

Under Section 98 (1) a Council may by instrument of delegation delegate to members of its staff any power, duty or function of a Council under the Act "or under any other Act". Other Acts, however, may also have provisions relating to delegation also. If there is any conflict in delegation or authorisation between Acts then those relevant to the more Specific Acts will prevail over the General Acts.

Council cannot, however, delegate the following:

- the power of delegation,
- the power to declare a rate or charge,
- the power to borrow money,
- the power to approve expenditure not contained in a budget approved by Council,
- the power, duty or function of the Council under Section 223 of the Act,
- any prescribed power

Any delegation made under Section 98(1) to a member of staff or to the Chief Executive (CE) must be made by a resolution of Council.

Under Section 98(2) & (3) of the Act, the CE is specifically given the power to delegate to any member of the Council staff any power, duty or function of their office other than the power of delegation.

Delegations made by the CE to members of staff do not, however, need to be made via a resolution of Council. They do, however, need to be maintained in a register. Under Section 98 (4) of the Local Government Act 1989 (the Act), Council must keep a register of delegations to members of Council Staff. As new legislation is adopted or amendments made to existing legislation delegations will change.

Under Section 98(5) delegations may be made to individual persons or to the holder of an office or position. Council has always taken the approach to delegate to the position wherever possible rather than the individual staff member.

Section 98 (6) of the Act requires Council to review delegations within 12 months of a general election. However, regardless of this statutory requirement delegations should be made carefully and reviewed regularly to ensure:

- Decision-makers are clearly identified
- Accountability and responsibility is clearly identified
- Conditions, limitations and guidelines are well documented
- Precision in the making of decisions that will be defensible under legal scrutiny

Some Acts contain specific powers of delegation to persons other than the CE. In these cases, there is a presumption that a power of delegation cannot be sub-delegated in the absence of express authority to do so, hence Council must delegate these items direct to individual staff members.

Under the Building Act 1993, Municipal Building Surveyors (MBS) may also delegate their powers to other officers. This is therefore not a delegation by Council but by the MBS to staff and is signed-off by the MBS.

Council may also delegate powers to Special Committees established under Section 86 of the Act or Section 188 of the Planning and Environment Act 1987. Each committee must have an Instrument of Delegation that clearly articulates the nature of the delegation, and any conditions or limitations under which the delegation is to be exercised.

In summary there are five delegation types:

- A. Delegations of Council:
 - 1. Council to CE
 - 2. Council to Staff
 - 3. Council to Special Committees
- B. Delegation by Others:
 - 4. CEO to staff*
 - 5. Municipal Building Surveyor to Staff

* the CEO to staff delegation also includes a section on Miscellaneous and Administrative powers which are best described as operational in nature and do not arise out of specific legislation.

Council has put in place detailed guidelines that help staff understand their obligations and responsibilities when it comes to exercising a delegated power. Each staff member receives a copy of their individual delegations and they are reminded to read and understand the guidelines for the exercising these delegated powers.

Issues

Council manages its delegations by subscribing to a service from Maddocks Lawyers which provides Council with amendments to existing legislation and updates on new legislation. These updates are usually received on a six monthly basis, and as such an update was received in December 2017 and a mini-update in February 2018.

A. DELEGATIONS OF COUNCIL

1. Delegation to the Chief Executive

The delegation to the CEO was updated in Oct 17 and there were no further updates at this point in time.

2. Delegations from Council Direct to Staff:

There is only one amendment that impacts on delegations from Council to Staff and that is the changes to the Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Act 2017 which impacts on S173 (1A) of the Planning & Environment Act 1987.

Details of all of the delegations from Council to Staff are shown in **Appendix "10.2A"**. The delegation in relation to the determination of planning permit applications Section 61 (1) of the Planning and Environment Act 1987, was identified as a delegation requiring a review at a future point in time.

3. Delegation to Special Committees

There are no changes to the delegations to special committees.

B. DELEGATIONS BY OTHERS

1. Delegations from CEO to Staff

Under Section 98 (2) & (3) of the Act, the Chief Executive Officer is specifically given the power to delegate to any member of the Council staff any power, duty or function of their office other than the power of delegation. These delegations have also been updated but do not need to be made by resolution of Council, so have not been attached to this report.

The Acts/Regulations that have had some amendment are as follows:

- Planning and Building Legislation Amendment (Housing Affordability and Other matters) Act 2017
- Child Wellbeing and Safety Act 2005
- Climate Change Act 2017
- Domestic Animals Amendment (Restricted Breed Dogs) Act 2017
- Fines Reform Amendment Act 2017
- Gambling Regulations Act 2003
- Heritage Act 2017
- Infringements Act 2006 has been amended by the Fines Reform Amendment Act 2017
- Subdivision Act 1988
- Summary Offences Act 1966
- Land Legislation Amendment Act 2017 re Transfer of Land Act 1958
- A new Act commenced on December 2017, the Victorian Data Sharing Act 2017
- Freedom of Information Amendment (Office of the Victorian Information Commissioner) Act 2017 and related Acts the Freedom of Information Act 1982 and the Data Protection Act 2014
- Building Act 1993

2. Delegation Municipal Building Surveyor to Staff

There was a significant amendment of the Building Act 1993 that came in to force on 31 January 2018. This has resulted in the change that Councils can no longer appoint authorised persons under the Building Act, this is now only possible by the Municipal Building Surveyor (MBS). The MBS must ensure that the authorised person has the appropriate qualifications or has successfully completed training.

As a result of these changes a detailed review of all Authorisations will be undertaken to ensure that they comply with these changes.

Consultation/Communication

The attached delegations have been updated using the Maddocks Lawyers delegation service and with consultation with relevant Council officers.

Financial

The financial impact of the review of delegations is limited to staff time and the cost of the Maddocks Delegation Service which has been included in the 2017-18 budget.

Links To Council Plans, Strategies, Policies

Goal 4 – Governance and Business Excellence

Risks

The risk to Council of having inadequate instruments of delegation is that actions are carried out without appropriate authority and therefore are subject to be challenged in a court of law.

Also 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. Guideline G04/004 has been put in place to address this issue and was recently reviewed by the Executive Management Group.

Recommendation

Delegation to members of Council staff

In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of delegation (**Appendix "10.2A"**).

Horsham Rural City Council (Council) RESOLVES THAT -

- 1) There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
- 2) 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 members of Council staff (other than 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.

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

CARRIED

10.2.2 REVIEW OF COMMUNITY DEVELOPMENT GRANTS AND COMMUNITY DONATIONS POLICIES

S Surridge

File Ref: F20/A01/000003

Purpose

To review and update the following Council policies:

- Community Development Grants Policy
- Community Donations Policy

Background

In March 2014, Council adopted two new policies that established clear protocols for the allocation of Community Development Grants and Community Donations as part of the annual budget process. These policies are reviewed each year as part of the annual budget process.

Issues

Community Development Grants Policy

This policy provides the framework for the delivery of Council's Community Development Grants Program. The policy outlines the:

- Funding priorities
- Eligibility
- Application process
- Assessment criteria and process
- Timelines and reporting

Minor changes have been made to this policy (refer **Appendix "10.2B"** – tracked changes). These changes are as follows:

- Changes to funding priorities – to reflect new Council Plan and Health and Wellbeing Plan
- Change in title for Planning and Economic Group

Community Donations Policy

This policy provides the framework for Council's annual Community Donations program, that assist some groups with ongoing recurrent funding assistance. The policy provides the rationale for community donations, eligibility, donation requests, assessment criteria, donation approval and payment processes.

Minor changes have been made to this policy (refer **Appendix "10.2C"**) as follows:

- Change to Council Plan Goal 1 wording

- Clarification of Section 5.1 A. dealing with Recreation Reserve – maintenance of grass playing surfaces. Allocation will be made on the basis of maintaining a watered grass playing surface for competition during Summer/Winter. This ensures that funding is provided to recreation reserves with higher maintenance expenses in terms of maintaining watered infrastructure, water supply costs and mowing (refer **Appendix “10.2D”**).

Consultation/Communication

All key internal stakeholders have been consulted in the review of these Council Policies including: Director of Corporate Services, Finance Manager, Manager Recreation and Sustainability, Manager Information and Rating Services and the Risk Management Co-ordinator.

Financial

There are no overall budget implications relating to proposed policy changes. The two policies provide the framework for the allocation of community development grants and donations as part of the annual budget process.

Links To Council Plans, Strategies, Policies

Community Development Grants Policy aligns with the Council Plan and Health and Wellbeing Plan.

Recommendation

1. That Council adopt the amended Community Development Grants Policy
2. That Council adopt the amended Community Donations Policy

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

CARRIED

10.3 DIRECTOR OF PLANNING AND ECONOMIC

10.3.1 REQUEST FOR APPROVAL OF STREET NAMES – “BRADY” AND “GRIFFIN”

S Brown

File Ref: F15/A07/000135

Purpose

To request Council approval of two street names for new streets in the subdivision at 99 Robinson Street, Horsham.

Background

Mr Tim Hopper on behalf of Crest Pty Ltd has requested Council approval for the names “Griffin Court” and “Brady Court” for the two new courts off Hamilton Street in their subdivision at 99 Robin Street, Horsham.

The street layout plan is attached as **Appendix “10.3A”**.

“Griffin” and “Brady” are on Council’s approved street naming list.

Issues

Mrs Kerrie Bell, Manager Property and Rates has provided the following comments:

Griffin:

Norm Griffin has submitted the name Griffin in honour of his father, Charles Edward Griffin. Charles worked in Horsham for many years as an Inspector for the State Rivers and Water Supply Commission. He was also President of the Horsham Homing Pigeon Club during the 1940’s and an active member of this club for many years. Charles married Alice Elizabeth Overall from Quantong in 1932 and they raised their five children in Horsham. Charles Edward Griffin died in 1954.

Brady:

Robert Henry Brady (deceased) was a returned soldier who served in the Middle East and New Guinea. Robert and his wife, Joyce Emily Brady, established their property, a soldier settlement block, at Drung Drung in 1947. Robert and Joyce raised five children. They sold the farm and moved into Horsham where Robert was employed for a period of time at Horsham City Council as a maintenance worker with the technical services department.

Consultation/Communication

Griffin and Brady are on Council’s approved street naming list.

Financial

This proposal has no financial implications.

Links to Council Plans, Strategies, Policies

Goal 2 Sustaining the Economy

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

Recommendation

That Council approve the street names “Griffin Court” and “Brady Court” for the two new streets off Hamilton Street in the subdivision at 99 Robinson Street, Horsham.

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

CARRIED

10.3.2 EXEMPTION FOR FARM BUILDINGS FROM REQUIREMENT TO OBTAIN A BUILDING PERMIT POLICY

A Murphy File Ref: F04/A04/000001

Purpose

To rescind the Exemption for Farm Buildings from requirement to obtain a building permit policy.

Background

The exemption for farm buildings from requirement to obtain a building permit policy was adopted by Council on 15 December 2003. This policy is now due for review. A copy of the policy is attached as **Appendix “10.3B”**.

Issues

The exemption for farm buildings from requirement to obtain a building permit policy provides an exemption from certain farm buildings having to obtain a building permit.

Since the implementation of this Policy over a decade ago, the National Construction Code and Building Code of Australia has been amended, and now specifically covers Farm Buildings and Sheds in their definitions.

Building Interim Regulation 2017 - R1804 states that Council may exempt a Class 10 building on a farmland used for farming to be exempt from obtaining a building permit. This however is a conflict with the Building Code of Australia where farm buildings and sheds by definition are now classed as Class 7 and Class 8 buildings. They were previously considered to be Class 10. A description of the definitions is included in **Appendix "10.3C"**. A class 10 building is now a private garage, carport or shed.

As a result, in the change of legislation, Council no longer has the power to grant this exemption, and thus, the Policy is voided.

Consultation/Communication

This Policy is no longer relevant due to a change in State Government legislation. A media release will be prepared and distributed as part of this proposed rescission of Council policy.

Financial

This proposal has no financial implications.

Links to Council Plans, Strategies, Policies

Goal 2 Sustaining the Economy

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

Recommendation

That Council rescind the exemption for farm buildings from requirement to obtain a building permit policy.

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

CARRIED

10.4 DIRECTOR OF COMMUNITY SERVICES

10.4.1 DRAFT WIMMERA REGIONAL LIBRARY CORPORATION BUDGET 2018/19 AND FIVE YEAR INDICATIVE BUDGET

K O'Brien

File Ref: F11/A02/000001

Purpose

To inform Council of the proposed 2018/19 budget for the Wimmera Regional Library Corporation including Horsham Rural City Council's contribution to the library service.

Background

The Wimmera Regional Library Corporation Board considered its draft budget for 2018/19 on 18 February 2018 and requested that the budget be referred to member Councils for consideration in accordance with the Regional Library Agreement.

Issues

A copy of the draft budget is attached (see **Appendix "10.4A"**) and includes:

- Maintaining current opening hours and staffing levels at Horsham Library, and the mobile service to Laharum and Natimuk;
- Collections budget, including e-resources of \$304,986;
- Wi-Fi environment that enables patrons and visitors 24/7 internet access at Horsham Library;
- Wage increases of 2.50% as per WRLC Agreement;
- Continuation of the Swift shared library consortia arrangements; and
- Continuation of State government library grant.

Consultation/Communication

The Wimmera Regional Library Corporation Board comprises six member Council representatives who have participated in the draft budget discussions. Cr Koenig and Kevin O'Brien (Director Community Services) represent Horsham Rural City Council and are Wimmera Regional Library Corporation Board members.

Financial

The proposed Council contribution for 2018/19 is \$494,963, an increase of 0.69% from the current year's contribution of \$491,576. This proposed Council increase falls within the proposed CPI. This increase is less than the rate cap for the 2018/19 financial year.

Links to Council Plans, Strategies and Policies

2017 -2021 Health and Wellbeing Plan
2014 Early Years Plan

Recommendation

That the proposed Wimmera Regional Library Corporation Budget for 2018/19 be referred to Council's budget process, and that the Library Board be advised accordingly.

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

CARRIED

Cr Power and Cr Radford declared a Conflict of Interest, pursuant to Section 79 of the Local Government Act, 1989 in respect of item 10.4.2.

Item No. 10.4.2 will "lay on the table" until the next Ordinary Meeting of Council to be held on Tuesday 3 April as there was not a quorum for this report.

10.4.2 YMCA CONTRACT EXTENSION PROPOSAL

K O'Brien

File Ref: 55/01/0921

Purpose

To provide a report with a recommendation to finalise contract extension negotiations with the YMCA in relation to Contract 12/046: Management and Operation of Horsham Aquatic Centre.

Background

Council entered into a contract with the YMCA in July 2012 for management of the Horsham Aquatic Centre for a three-year term, with two further options, each for an additional three years. The first of these options was taken up by the YMCA, which extended the original contract until 30 June 2018.

In December 2017, the YMCA submitted an initial contract extension proposal for the second three-year option as per the conditions of the contract. Since then discussions have taken place with the YMCA regarding the proposal, in particular regarding the new contract cost and the proposal to introduce a 24/7 Gymnasium.

Negotiations have taken place with the YMCA, Acting CEO (Graeme Harrison) and Director Community Services (Kevin O'Brien) after more detailed financial information and proposed Key Performance Indicators (KPIs) were provided by the YMCA. A detailed analysis was undertaken of the gross margins associated with each of the service activities and the changes in key items of expenditure such as salaries and YMCA overheads. From that analysis it was accepted that the figures reflected a reasonable position going forward. Following these negotiations, we have reached what officers consider to be an acceptable position.

The contract documentation states the following aims:

To engage a management agency for the Horsham Aquatic Centre who will develop an effective and accountable management relationship with Council to provide sporting and recreational facilities of the highest standard that:

- Seek to cater for the needs of all sections of the local community and visitors as far as practicable;
- Are utilised for fun and enjoyment, social connection, health and fitness, education and training, relaxation and competition;
- Are innovative and creative in the range of leisure opportunities available to users;
- Encourage and support residents, local organisations and groups to participate in a range of recreational activities;
- Demonstrate sound business acumen, industry best practice and a focus on quality services;
- Deliver on Council's goals as included within the Council Plan;
- Recoup the operational cost of the facility while maintaining a high quality, affordable service; and provide an environment that is functional and safe.

Discussion

If approved by Council the YMCA contract extension proposal increases the current annual contract payment of \$100,848 to the following:

2018/19	2019/20	2020/21
\$250,000	\$255,000	\$260,100
Profit share – YMCA 100%	Profit share – YMCA 100%	Profit share – YMCA 100%
Loss share – YMCA 100%	Loss share – YMCA 100%	Loss share – YMCA 100%

The YMCA has also agreed to the following conditions:

- No business changes to the current operation
- YMCA to fund a 24/7 fit out of the facility including enhanced facility surveillance systems (\$65,000 approximate upfront capital investment)
- Council will own the assets at the end of the end of the three year contract.
- Upgraded facility surveillance system
- Three-year extension period concluding 30th June 2021

The justification for the profit/loss share arrangement is that YMCA is taking the risk of the 24/7 Gym model by making the capital investment; therefore, it is fair that the YMCA should take any profit that occurs through this investment. The 100% contractor profit/loss share arrangement reduces Council financial exposure.

Issues

Increase in Local Competition

A recent shift in local competition has seen the rise of private fitness and swimming lesson providers allowing increased options at lower price points for the community. As such, the YMCA has experienced significant and unanticipated financial shortfalls over the previous three years.

On average, there have been 116 less members per month in the 2016/17 financial year compared to the average number of members in the previous three years (2012/13, 2013/14 and 2014/15 financial years). This has resulted in a loss of income. A similar story with swimming memberships with an average reduction of 117 per month in 2016/17 financial year compared to the average of the previous three years (2012/13, 2013/14 and 2014/15 financial years), which also resulted in a significant loss of income in the 2016/17 financial year.

Current Service Delivery Model

The contract extension proposal was discussed at the December and January Council Briefing. Council indicated it did not want to reduce the current service levels as per the current contract.

24/7 Gym Model

At the December Council Briefing there was a request for more information to be provided in relation to a proposed 24/7 Gym model, in particular as to whether it would bring former members back to the facility. The YMCA subsequently carried out a survey of ex members, casuals and the general community. In summary, in relation to the 24/7 Gym model, overall 58% of 327 respondents to the survey would welcome the increase in hours.

The YMCA sees the introduction of the 24/7 model as more of a membership retention strategy rather than leading to increased memberships (which may also occur). The YMCA argues that by introducing the 24/7 model it will meet the broader needs of the community, which are changing constantly requiring more flexibility in the way current services are delivered. The YMCA are willing to fund the capital amount required to set up the 24/7 Gym.

Financial Analysis

A detailed analysis was carried out of the YMCA financial model for the final contract extension period. Overheads are budgeted to increase by an average of 2.33% per annum. There is expected to be a significant increase in Aquatic Education revenue as a result of changes in the structure of the program and additional marketing. Also casual aqua aerobics, recreational swim and group fitness attendances are expected to increase

Development of new Key Performance Indicators

The YMCA has agreed to develop new KPIs, which would be reported on a monthly basis to the contract manager. Targets are to be finalised before the contract commences.

Consultation/Communication

- Monthly reports are provided to Council in relation to YMCA's performance.
- There is an Advisory Committee meeting bi-monthly that provides feedback on the operation of the facility.

- A number of meetings have been held with the YMCA in relation to the contract extension proposal.
- The YMCA has carried out a specific survey in relation to the 24/7 gym model to provide an opportunity for former members, casual members and the general community to provide feedback on current service provision.

Financial

The 2017/18 & proposed 2018/19 Budget for the overall running of the Horsham Aquatic Centre is as follows:

Item	2017/18	2018/19 (proposed)
Aquatic Centre Building Maintenance	54,000	56,000
Aquatic Centre Grounds Maintenance (Materials)	800	1,000
Aquatic Centre Grounds Maintenance (Plant Hire)	3,100	3100
Aquatic Centre Grounds Maintenance (Wages)	12,900	13,400
Aquatic Centre Major Plant Maintenance (Scheduled and Reactive)	47,000	47,000
Contractors (YMCA)	100,848	250,000
Contractors Other	9,152	9,000
Electricity	163,000	183,000
Fire Services Levy	10,500	10,000
Gas Charges	71,500	81,500
General Rates	48,000	48,000
Insurance	13,000	13,000
Materials Purchased	700	700
Other Sundry Expenses (Miscellaneous when required)	10,000	10,000
Water Charges	35,000	42,600
Outdoor Pool Maintenance	4,000	4,000
Total	\$583,500	\$772,300

The actual contract payment to the YMCA in the 2017/18 financial year is \$100,848.00. This has remained the same for the past three years. Any proposed increases in Fees and Charges are subject to approval by Council as per contract conditions.

There is a proposal to install Solar Panels at the Horsham Aquatic Centre. The timing of this is unknown at this point as are the exact expected savings. Installation would be dependent upon the receipt of a state government grant.

It also needs to be noted the YMCA's commitment to reduce energy has been highlighted in their proposal letter. As part of an ongoing commitment to the sustainable operation the Horsham Aquatic Centre, the YMCA will also commit to support council to explore energy related efficiency initiatives which can potentially reduce the level of energy consumption at the facility.

The YMCA has proposed an increase in the contract payment as follows, 2017/18 arrangements have been included for comparison purposes:

2017/18	2018/19	2019/20	2020/21
\$100,848	\$250,000	\$255,000	\$260,100
Profit share – YMCA 50%, 50% Council. Loss share –YMCA 100%	Profit share – YMCA 100% Loss share – YMCA 100%	Profit share – YMCA 100% Loss share – YMCA 100%	Profit share – YMCA 100% Loss share – YMCA 100%

It is to be noted that the proposed 2018/19 contract figure above does not include the additional funding required to extend the outdoor pool's hours on a trial basis in the 2018/19 season as per the recent petition to Council, the amount being \$8,609.84. This would occur through a contract variation. This amount is included in the overall budget as "contractors other" in the Financial section above.

Links To Council Plans, Strategies, Policies

- Council Plan 2017-2021
- Municipal Public Health and Wellbeing Plan 2017-2021
- Horsham Aquatic Centre Master Plan 2017
- Early Years Plan 2014

Conclusion

The additional proposed cost to the YMCA Contract is due to changes in the market because of new gym providers and competition in relation to swimming lessons.

The introduction of the 24/7 model invests in an innovative service model which will better meets community needs with no Council contribution and the possibility of generating additional memberships.

Recommendation

That Council accepts YMCA's contract extension offer as follows:

- Contract fees

2018/19	2019/20	2020/21
\$250,000	\$255,000	\$260,100
Profit share – YMCA 100% Loss share – YMCA 100%	Profit share – YMCA 100% Loss share – YMCA 100%	Profit share – YMCA 100% Loss share – YMCA 100%

- No business changes to the current operation.
- YMCA to fund a 24/7 fit out of the facility including enhanced facility surveillance systems (\$65,000 approximate upfront capital investment).
- Upgraded facility surveillance systems.
- Three-year extension period concluding 30 June 2021.

10.4.3 RURAL ACCESS PROGRAM

A Donovan

File Ref: F09/A11/000001

Recommendation

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

Moved Cr Radford, Seconded Cr Gulvin that this item be considered in Closed Council ("Committee").

CARRIED

10.4.4 PUBLIC ART ADVISORY COMMITTEE TERMS OF REFERENCE

J Pearce / A Donovan

File Ref: F34/A06/000001

Purpose

As part of Council's Committee review process, the Public Art Advisory Committee's (PAAC) has been reviewed to ensure principles of good governance and transparency. This process has identified the following:

- Terms of Reference (ToR) are required (**Appendix "10.4B"**)
- Committee membership process needs to be revised. It is proposed that this be an Expression of Interest (EOI) (**Appendix "10.4C"**)

Background

Horsham Rural City Council established the PAAC in 2015 to act as the principle advisory body to Council on public art.

The PAAC led the development of the first draft of a *Public Art Policy*. This policy was redeveloped into the *Public Art Policy* (adopted 2013) with the most recent version reviewed and adopted in 2017.

Since its establishment, the PAAC has had a fluctuating membership. Up until now, there has been no formal membership process and/or Terms of Reference. Membership has generally comprised of Council Officers, Councillors, artists, community art organisations and interested community members.

It is timely to call for Expression of Interests to the PAAC as there are a number of vacancies as previous members have resigned and/or stepped aside.

To continue to support public art in Horsham, it is recognised that Council needs to strengthen the governance of PAAC and ensure membership represents the diversity of Horsham.

Discussion

Terms of Reference

The proposed ToR is consistent with other Council Advisory Committees and is based on current best practice.

Membership

Remaining current PAAC members will be encouraged to apply for PAAC membership.

Under the proposed ToR, Committee membership shall consist of a maximum of eight people, being single representatives unless identified otherwise, from the following groups:

- Councillor, Horsham Rural City Council
- Artist
- Representative of a community art organisation
- Community Members

In addition, up to three Ex Officio attendees, which may include the Cultural Development Officer, Community Development Manager and the Director Technical Services (or delegate).

Expression of Interest

New representatives on the PAAC will be selected through a competitive application process.

The PAAC EOI will be advertised in accordance with Council's engagement principles, and in local newspapers and on Council's website between 21 March and 4 April 2018.

Applicants will be advised within the fortnight and invited to participate in the next Public Art Advisory Committee Meeting.

If there are more suitable members than vacancies, then the appointment decision will be referred to the 16 April 2018 Council meeting.

New PAAC Representatives will be supplied with a Welcome Kit that includes:

- Welcome Letter
- ToR
- Public Art Policy
- Public Art Implementation Plan

Consultation/Communication

Previous PAAC members and Community Development and Technical Services staff have been consulted on these proposed changes.

Financial

This work can be undertaken within current budget allocation.

Links to Council Plans, Strategies, Policies

The PAAC aligns with:

- Council Plan
 - 1.1 Contribute to building a vibrant, diverse and resilient community
 - 1.3 Contribute to cultural activities that enhance our community
- Health and Wellbeing Plan
 - *Support and promote advocates and events that build community resilience and social networks for all groups*
- Arts and Cultural Plan 2014-2018
 - Art in Public Places

Recommendation

That Council adopt the Public Art Advisory Committee Terms of Reference as attached as **Appendix "10.4B"**.

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

CARRIED

10.5 DIRECTOR OF TECHNICAL SERVICES

10.5.1 ROAD PROGRAM – DRAFT FOR BUDGET

John Martin

File Ref: F02/A01

Purpose

1. To present an initial draft roads program for inclusion in the 2018-19 budget estimates, and the basis on which the identified works have been prioritised.
2. To propose an engagement process about the road program.

Background

The roads program for the 2018-19 budget includes 23 categories, encompassing:

- Road construction
- Footpaths
- Drainage
- Re-seals and final seals
- Drainage
- Gravel re-sheets
- Bike paths
- Bridges
- Minor design consultancies and works
- Rural and urban areas

The majority of these works are renewal works, i.e. where assets are re-constructed to the original construction standard. In these cases, asset management principles provide the basis for the program prioritisation, for example:

- Sealed road reconstruction and reseal priorities are based on condition ratings established through three-yearly condition assessments. The roads in the poorest condition being selected for renewal.
- Gravel re-sheets are similarly based on condition assessments, however seasonal conditions heavily influence this program, as variations in wear of gravel roads can occur based on the rainfall and traffic combinations in the actual year of works. In this case the program is more indicative, with adjustments made to the program during the season based on updated inspections as the program progresses.
- Bridge and drain programs are based on periodic condition inspections.

A small component of the program provides for upgrades of existing assets, for example widening the seal of a road from 3.7 m to 6.2 m, or conversion from an un-sealed to sealed road, or footpath upgrades. The priorities for these programs are generally based on:

- Upgrades of roads on priority freight routes. In recent years, priority roads have included:
 - The Dimboola-Minyip Road (shared boundary with Yarriambiack)
 - Longerenong Road
 - Lower Norton-Nurrabel Road
 - Wonwondah-Dadswells Bridge Road
- For footpaths, a policy adopted by the previous Council, which includes re-instatement of some asphalt footpaths which have disappeared over time, and which had not been maintained.
- For bicycle paths, an allocation of \$50,000 per year has been made to upgrade gravel or crushed rock tracks to sealed. These have typically been in high priority areas close to the CBD which have had maintenance problems. This year's priority is the Dooen Road bike track, the subject of a recent petition. The formation of the Bicycle Advisory Committee will see that group provide advice to Council on priorities for this program.

A small component of the program provides for some other sections of roads to be upgraded. The ability to upgrade these roads is often linked to the availability of external funding. For example, the latest section of Winfields Road is being upgraded with a Local Roads to Market grant.

Discussion

Most of the program categories are funded at approximately consistent levels from year-to-year, and condition assessments are used to establish the extent of the program in each category. The broad aim with the program is to gradually reduce the renewal gap of roads funding. In simple terms, the renewal gap is the difference between the amount of depreciation in condition of our roads, and the amount that Council is spending on maintaining / renewing them to an acceptable standard.

Condition assessments form the basis of our understanding of the condition of our road assets. These reviews are undertaken each three years, with an assessment being done of about 5,000 sections of gravel and sealed roads. The assessments show how the road conditions are changing over time, and are used to identify the sections of roads due for renewal, and to provide long-term projections of our need to invest in roads to maintain them in a serviceable condition.

Prioritisation Process

As indicated above, decisions regarding the projects to be prioritised in each program are primarily based on condition ratings and other inspection programs. Generally, these coincide well with customer service requests for maintenance or upgrade of roads.

There can be some discretion in which roads might be included, in the urban and rural construction programs, at the margin of these programs. That is, some of the roads can potentially wait a year for re-construction if there is some alternative priority identified for some other non-renewal reason.

Funding

Funding for roads is drawn from rates, roads allocation from the Grants Commission funding and other grants.

Two major sources of grant funding are Roads to Recovery and ad-hoc grants.

As advised at the 20 November 2017 Council meeting, Council has been receiving the following funding from Roads to Recovery (R2R) in the past three years:

2017-18	\$1,990,890
2016-17	\$2,298,217
2015-16	\$2,843,980

For 2018-19 our allocation is \$990,000.

This coming year sees a reduced level of funding, with the reduction in R2R, and a reduced potential for other grant funding.

Proposed Program

The attached spreadsheet **Appendix "10.5A"** presents a summary of the two key programs where greater flexibility exists to influence priorities for the program. These are the rural and urban construction programs. These programs are also the most visible areas of the program.

For each of these programs, urban and rural, the program shows:

- With an un-shaded background, the projects proposed to be included in the program
- With a grey background, projects that were short-listed but are unable to be funded this year.

Consultation Program

In 2016-17 Council applied to the Essential Services Commission and was approved permission to increase rates 1% above the rate cap. In its report on this approval, the ESC indicated that for future proposals, Council would need to demonstrate a higher degree of consultation and community acceptance of proposals, to support a rate increase above the cap.

While a rate increase above the cap is not currently proposed, it is planned to commence an approach on better engagement with the community on the roads program.

Initially, this will commence with the urban and rural construction program, using the following tools:

- Use of community map to highlight the proposed program and alternatives considered
- Seeking comments via public notices and Facebook
- A media program to highlight this information and that feedback is being sought.

This consultation is planned to occur during April 2018.

Subsequently, the comments received and an evaluation of them will be presented to a Council briefing and/or meeting for final consideration as input to the 2018-19 budget process.

Provided for information of Council.

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

CARRIED

10.5.2 CITY GARDENS PETITION - UPDATE

John Martin

File Ref: F01/A01

Purpose

To report on the outcomes of a meeting with residents of City Gardens Estate, as part of the response to a petition regarding the wetland that adjoins their properties.

Background

The petition was presented to and discussed at Council's 5 February 2018 meeting. The resolution from that meeting was:

1. That the Mayor, supported by the Director Technical Services, convene a meeting with City Gardens Estate residents in late February to:
 - review the outcomes of the maintenance works on the weir
 - listen to the residents about their views in response to the actions taken.
2. That further actions be considered based on an assessment of the outcomes of the meeting.

Issues

In January 2018 the original cause of the petition was addressed, i.e. a leak in the wall that holds the pond's water level had been leaking – this was repaired. However residents also had concerns about:

- The need for slushing and cleaning
- Proliferation of a weed and algae
- Presence of an odour.

A preliminary response to the petition had indicated that the water level would not be able to be refilled after the leak was fixed. However, this position was changed, as it was considered necessary to test that the leak was in fact fixed, by filling the pond.

As a result, the water in the wetland was at its normal level at the 2 March meeting. Present at the meeting were Mayor Clarke, Cr Grimble this Director and about 20 residents of the estate.

The main points raised at the meeting were:

- That there may be a second, smaller leak, which cannot be seen when the water level in the drain beyond the wetland is high (as was the case at the time of this latest meeting).
- Frogs do not seem to be in the wetland any more – they were in the past.
- Consideration should have been given to desilting the wetland when it was at a low level in January
- It was observed that there appears to be blue-green algae in nearby Wotonga Basin – that was confirmed by this Director, who had been advised of this earlier in the afternoon of the meeting.
- Concern about fish (carp) stirring up silt in the wetland.
- There used to be 13 pelicans which frequented the wetland, but they no longer land there.
- Drainage pipes from the local stormwater system appear to be flowing poorly, potentially due to the build-up of silt within the wetland.
- Several aspects relating to the condition of the lawns and gardens surrounding the wetlands

At the meeting, this Director committed to:

- Undertaking water quality sampling in the wetland, and comparing that to water in the Wimmera River, Wotonga Basin and Police Paddock.
- Investigating the level of silt with respect to the drainage outlets into the wetland.
- Communicating with residents about the outcome of these investigations.
- Subject to these investigations, considering the drying and desilting of the wetland in the 2018-19 summer, which could also facilitate a reduction in the extent of ribbon weed.

Subsequent to the meeting, a further email was received from one of the residents. This focussed primarily on the apparent need for slushing / desilting of the wetland. The measures outlined above will provide guidance in this regard.

Consultation/Communication

This report outlines the discussions with around 20 residents, and that further communication will follow.

Financial

The cost of water sampling and investigations will be sourced from existing maintenance and operation funds.

Links To Council Plans, Strategies, Policies

Council's mission, from the Council Plan, includes the following relevant points:

Horsham Rural City Council, working with the community, will develop the municipality through ... responsive services and quality infrastructure, whilst enhancing ... our liveability and natural environment.

Maintenance and ongoing operation of the wetland is consistent with these aspects of Council's mission.

Provided for information of Council.

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

CARRIED

10.5.3 RECYCLING UPDATE

Rob Moir **File Ref: F29/A03/000001**

Purpose

To provide an update to Councillors on the status of Council's recycling service and the Temporary Relief Funding Arrangements to be provided by Local Government Victoria.

Background

This report adds to information presented in previous Recycling Update reports at the 19 February and 5 March 2018 Council meetings.

Since the last report details of the funding support package by the State Government has been announced, and Council has had to provide an Expression of Interest to the State Government in order to be considered for this funding.

Some key points from the funding package are:

- It is a temporary relief funding arrangement to support local government in continuing to provide recycling collection services from 1 March 2018 to 30 June 2018.
- It will cover only a portion of the cost increases associated with recycling collection services until 30 June 2018.
- The Department will prepare a Funding Agreement following the submission of the Expression of Interest form.
- The Department will allocate to the council an amount based on the estimated Recycling Forecast Tonnage at a rate anticipated to be \$55 - \$60/tonne.
- The amount will be capped.
- 50 per cent of the amount will be paid on or after 30 April 2018.
- The second and final payment will be the balance of the total eligible payment calculated on actual tonnage figures for the period reported by the council up to the capped amount. It will be paid on or after 30 June 2018.

Issues

The clarification and details on the funding support package is positive overall. The funding will assist us in managing the cost increase until 30 June 2018.

The expression of interest process application was submitted on Wednesday 14 March 2018, ahead of the deadline of 16 March 2018.

Consultation/Communication

The application was progressed internally. It was a straight forward application where estimates of monthly tonnage were provided, based on historical averages.

Financial

The funding application, if successful will result in funding of approximately \$30,000, leaving a cost increase for the period to 30 June 2018 of approximately \$50,000.

The potential remains for cost increases in Council's waste service of around \$30 - \$40 per service from 1 July 2018. The actual level of cost increase will depend on the development of alternative medium-term arrangements, which is a current focus for staff.

Links To Council Plans, Strategies, Policies

The Council Plan recognises (on p 14) that:

For the municipality to be a good place to live and preserve our natural environments we need to: "Better manage our green and hard waste and educate the community on recycling and energy efficiency."

Conclusion

A further update will be provided at the Council meeting based on any developments since the time of writing this report and Council will be updated on the progress of the submitted application when we have something to report.

Provided for information of Council.

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

CARRIED

11. URGENT BUSINESS

NIL

Moved Cr Power, Seconded Cr Gulvin that the Council Meeting close to consider item number 10.4.3 of the Director Community Services Report deemed to be of a confidential nature in accordance with Section 89(2) of the Local Government Act, 1989.

CARRIED

The time being 6.21pm the Council meeting closed.

Moved Cr Power, Seconded Cr Gulvin that the Council meeting open.

CARRIED

The Council Chamber doors were opened at 6.27pm.

Moved Cr Power, Seconded Cr Gulvin that the recommendations in the closed Council meeting be adopted.

CARRIED

The meeting closed at 6.28pm.



The Mayor, Cr P Clarke
Chairperson