

MINUTES of the Ordinary Meeting of the Horsham Rural City Council held in the Municipal Chambers, Civic Centre, Horsham at 5.33pm on 24 September 2018.

1. PRESENT

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

ALSO IN ATTENDANCE:

Sunil Bhalla, Chief Executive Officer; Graeme Harrison, Director Corporate Services; Angela Murphy, Director Development Services; Kevin O'Brien, Director Community Wellbeing; John Martin, Director Infrastructure; Fiona Kelly, Executive Assistant, Sue Frankham, Executive Assistant, Robert Somers, Media Officer

2. OPENING

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

3. PRAYER

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

4. ACKNOWLEDGEMENT OF COUNTRY STATEMENT

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

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

5. WELCOME

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.

David Bowe

Scott Johns

Gareth Hiscock

Trish Schulz

Kath Dumesny

Allan Mills

Bev Bell

Neil Hiscock

Cheryl Link

Brian Basham

Tom Blair

Neville McIntyre

Owen Hughan

6. APOLOGIES

NIL

7. LEAVE OF ABSENCE REQUESTS

NIL

8. CONFIRMATION OF MINUTES

Moved Cr Grimble, seconded Cr Gulvin 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 27 August 2018, be adopted.

CARRIED

The adoption of the 16 July 2018 Council Minutes will be deferred until legal advice has been sought.

9. CONFLICTS OF INTEREST

Cr Gulvin declared a Conflict of Interest, under Section 79(2)(C) at Item No. 11.4 (in open Council). Cr Gulvin has a property in the vicinity of the development.

Cr Robinson declared a Conflict of Interest, under Section 79(2)(C) at Item No. 11.2 (in open Council). Cr Robinson lives on the edge of Green Lake.

Cr Clarke declared a Conflict of Interest, under Section 79(2)(C) at Item No. 11.1 (in open Council). Cr Clarke's husband is a part owner of the Horsham Squash Courts.

Suspend Standing Orders

Moved Cr Power, Seconded Cr Gulvin that Standing Orders be suspended for Public Question Time.

CARRIED

The time being 5.40pm the Council Meeting was suspended.

10. PUBLIC QUESTION TIME**Public Question received from Mr Laurence Mann**

(Mr Mann did not attend the meeting so his public question and response below was not read out.)

Question 1 – Why is there no accessible lift in the HRCC football oval clubrooms and to the lower floor of Horsham Rural City Council offices?

Response:

These buildings were built in an era where the community was not as well across the benefits of universal access. The legislation relating to buildings at that time did not require accessible lifts and therefore they were not installed. Current regulations would require installation of lifts if there are significant building works, including major upgrades at these facilities.

Public Question received from Mr Brian Basham

Question 1 – My questions are predicted on a concern that Horsham Rural City Council is becoming undemocratic and unresponsive to community concerns:

It was reported in the Mail-Times that at the 21 May 2018 meeting, the Mayor denied Cr Robinson the ability to ask a question about her prepared statement “they were not in the general meeting”. However the minutes indicate that the Mayor had opened a general meeting of Council. Can the Mayor please explain why she denied an elected community representative the right to ask a question that, based on the feedback on social media, the community would like to hear the question and answer.

Response from Cr Pam Clarke, Mayor:

My prepared statement was intentionally read prior to the commencement of the general business part of the meeting held on 21 May 2018 to ensure that Councillors would meet their conduct obligations.

The primary duty of the Chairperson is to preside over and control the meeting to ensure, to the best of their ability, it is conducted in accordance with the Governance Local Law and incorporated Meeting Procedure.

Councillors must have regard to the Councillor Code of Conduct in their participation in any meeting of the Council and must not make any defamatory, indecent, abusive, offensive or disorderly statements or comments.

The Meeting Procedure does not allow Councillors to respond or ask questions following the making of my statement in my capacity as the Chairperson and nor is it appropriate or necessary to do so.

Follow up question from Mr Basham.

You stated that it was a statutory declaration.

The Mayor responded advising that it was a leadership statement.

Question 2 – In correspondence with myself the Mayor has indicated that Council received legal advice that the changes to the meetings Local Law complies with the Charter of Human Rights and Responsibilities Act (the Act). Could the Mayor outline how the changes comply with the Act and how providing the Mayor and CEO veto rights protects the residents and ratepayers right to participate in local government.

Response:

Council's Meeting Procedure is compliant with the *Charter of Human Rights and Responsibilities Act 2006* by allowing residents and ratepayers to participate in Council meetings during public question time.

This promotes an important democratic function by allowing the community to participate in both public life and the conduct of public affairs, which is specifically recognised under the Charter as a fundamental human right.

However, there cannot be an unfettered right to ask questions which are defamatory, indecent, abusive or otherwise objectionable.

Council's Meeting Procedure ensures that meetings are conducted in an appropriate and respectful manner by disallowing questions which could adversely affect the rights and interests of others.

That said, the Horsham community is to be congratulated for their decent, courteous and respectful participation during public question time which promotes good governance through active community engagement.

Follow up question from Mr Basham

Would the Mayor permit the legal advice to be public or do I have to go under the Freedom of Information to seek the legal advice?

The Mayor responded advising that Council will provide a copy of the legal advice.

Resume Standing Orders

Moved Cr Grimble, Seconded Cr Koenig that Standing Orders resume.

CARRIED

The time being 5.46pm the Council Meeting resumed.

Moved Cr Radford, Seconder Cr Koenig that standing orders be suspended to allow time for Cr Robinson's question with notice to be clarified.

CARRIED

Cr Robinson, Cr Clarke and Mr Bhalla left the Council Chambers at 5.51pm.

Moved Cr Radford, Seconded Cr Power that standing orders resume.

CARRIED

The time being 5.56pm the Council Meeting resumed.

11. OFFICERS REPORTS

11.1 WIMMERA SPORTS STADIUM

Moved Cr Radford, Seconded Cr Koenig that Cr Grimble be nominated Acting Chairperson for item no. 11.1 due to Cr Clarke's conflict of interest.

CARRIED

Cr Clarke declared a Conflict of Interest, pursuant to Section 79 of the Local Government Act, 1989 in respect of Item No. 11.1 and left the Council Chamber at 5.57pm.

Cr Grimble took the Chair as Acting Chairman.

Author's Name:	John Martin	Director:	John Martin
Author's Title:	Director Infrastructure	File No:	F20/A07/000002
Department:	Infrastructure		

Officer Declaration of Interest

No officer involved in the preparation of this report has any conflicts of interest.

Status: Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c): Yes No **Reason:** Nil

Appendix

Sports Stadium Alternative (**Appendix "11.1A"**)

Purpose

- To provide an update on recent activities relating to the Wimmera Sports Stadium project.
- To recommend the next steps in relation to the Wimmera Sports Stadium project.

Summary

- An independent facilitator was engaged to advance discussions with the HABA regarding the Wimmera Sports Stadium proposal.
- An updated option was developed in conjunction with the Project Control Group (PCG) to accommodate some of the issues identified in previous communications with HABA, and to present to HABA as part of the facilitated discussion.
- The facilitator reported that the HABA executive were not prepared to discuss the concept further.

- The CEO's plan for development of an integrated CBD / river precinct vision provides the opportunity to review the plans for infrastructure in this precinct, including the Wimmera Sports Stadium.
- Further advancement of the Stadium proposal should be deferred until completion of the vision project and consideration of its outcomes.
- HABA has asked for a long-term lease renewal and peppercorn rental.
- The CEO has met with members of the HABA executive on two separate occasions in the last few weeks to discuss ongoing use of the current facility and the planning for the new stadium.

Draft Recommendation

That Council:

1. Note Option G for the Wimmera Sports Stadium development which was prepared to address Horsham Amateur Basketball Association's concerns about the core proposal.
2. Await the outcomes of the CBD / River Precinct Vision Project to inform further planning for the Wimmera Sports Stadium.
3. Invite the Stadium Project Control Group to present to a Councillor briefing session.
4. Conduct a final meeting of the Project Control Group to present a status report to the Group on the project, based on this report.

Moved Cr Robinson, Seconded Cr Power that the report be received. Cr Robinson also foreshadowed a motion.

CARRIED

Moved Cr Robinson, Seconded Cr Grimble that Council offer the Horsham Amateur Basketball Association a seven year contract with a three year extension on the same conditions as the contract dated 18 October, 2017 and that we clarify the rights and responsibility for maintenance.

CARRIED

Moved Cr Radford, Seconded Cr Power that Council:

1. Note Option G for the Wimmera Sports Stadium development which was prepared to address Horsham Amateur Basketball Association's concerns about the core proposal.
2. Await the outcomes of the CBD / River Precinct Vision Project to inform further planning for the Wimmera Sports Stadium.
3. Invite the Stadium Project Control Group to present to a Councillor briefing session.
4. Conduct a final meeting of the Project Control Group to present a status report to the Group on the project, based on this report.

CARRIED

Cr Radford gave notice that he will rescind the previous motion about the Horsham Amateur Basketball Association contract.

Cr Clarke returned to the Council Chamber at 6.20pm.

Cr Grimble vacated the Chair as Acting Chairman.

Cr Clarke resumed as Chairman.

Report

Background

Council's resolutions to date regarding the \$20 million Wimmera Sports Stadium have been as follows:

- 3 July 2017
 - That Council endorse the Project Control Group's recommendation for any new indoor sports stadium facility to be located in McBryde Street adjoining the existing basketball stadium.
 - That the Technical Services team engage with the community around closing McBryde Street for the development of a sports stadium.
- 4 December 2017
 1. Receive the Business Case and Concept Design Report for the Wimmera Sports Stadium.
 2. Make the Business Case and Concept Design Report available to the public.
 3. Invite representatives of the Project Control Group and Horsham Amateur Basketball Association to discuss their views on the report with Council.
 4. Further consider this matter no later than the first Council meeting in March 2018.

A further report was presented to the 5 March 2018 Council meeting, addressing many of these points, with the following conclusions:

As indicated above, further planning is required on the areas indicated, in particular the position of HABA regarding the proposed stadium. Given this, it is not yet appropriate to make a recommendation to Council in relation to the Wimmera Sports Stadium.

Council made no further resolutions on that report.

Discussion

- **Wimmera Sports Stadium – Modified Option "G"**

During June 2018, Council engaged the services of an independent facilitator with the aim of having a neutral person conduct further negotiations with HABA.

To enable this negotiation to proceed, it was important that the Stadium proposal, as developed in late 2017, had been reviewed and updated to further take on the concerns raised by HABA. Despite the claims that Council staff were not listening to what the HABA executive were saying, three key areas of concern were recognised, relating to:

- Autonomy – regarding significant flexibility in access to courts
- Affordability
- Management model – HABA did not support a Council-managed, shared access facility.

A new option, informally labelled “Option G”, was developed, in consultation with the Project Control Group (PCG) for the project to further address these options.

A key feature of this new option was the retention of two courts within the existing stadium area, through removal or reduction of the seating area, to provide safe, compliant runoff areas. This revamped stadium area would then become available for basketball as a priority, except during major events of other sports.

The proposal also includes a set annual charge for court access, rather than an hourly rate.

Appendix “11.1A” provides a detailed description of Option G, as supported by the PCG.

- ***Facilitated Negotiation***

The Option G proposal set the foundation for further discussions with HABA.

An expert facilitator, Jen Lilburn, was engaged to conduct the negotiation. Part of the rationale for having an independent facilitator involved in this process was to pick up on any part of the message from HABA that Council officers may not have properly understood. A further reason for the engagement was so that an objective assessment could be provided about the relative positions of the parties relating to aspects of the Stadium proposals.

The independent facilitator was unsuccessful in advancing discussions with HABA, as they considered that the arrangements being offered, including the Option G proposal, did not address their issues. The facilitation process ended much sooner than anticipated – a facilitated joint meeting with HABA and Council representatives did not eventuate.

In summary, it is considered that the Lilburn report helps to demonstrate that Council has been attempting to advance an enhanced position for basketball, in an open and reasonable manner. However, HABA considers the options presented do not address their concerns, although HABA has provided no substantive information to support its position.

- **Next Steps**

The development of an integrated vision for the CBD / River precinct, as planned by the CEO, provides the opportunity for Council and the community to sharpen our focus on the appropriate directions for infrastructure development in this precinct. The scope for developing this vision recognises the existing stadium and the new stadium proposal as elements of this new vision.

It is proposed that the outcomes of this new vision will guide further planning on the Wimmera Sports Stadium, and that no new work or negotiations proceed until this vision is developed. This project is expected to be completed by March 2019.

The CEO has met with members of the HABA executive on two separate occasions in the last few weeks. The aim of these discussions has been to address HABA's concerns in relation to certainty over ongoing use of the current facility, and autonomy and affordability of use at any new stadium development. It is important that any further planning work for the stadium occurs in a positive and collaborative way to ensure long term success of basketball, and benefits to the broader community.

Financial Implications

Not applicable.

Links To Council Plans, Strategies, Policies

Goal 1.2 of the Council Plan includes: 1.2 Develop a safe, active and healthy community, encouraging participation. It is proposed that we track progress on this by completion of a detailed feasibility study for a multipurpose/indoor sports and community facility by December 2017.

This Council Plan goal follows a recommendation to this effect from the 2013-18 Sport and Recreation Strategy.

Consultation/Communication

Extensive community and stakeholder consultation has occurred during the project. This has previously been reported.

The CEO has also held a series of meetings with the HABA executive in recent weeks.

It is proposed that general publicity should occur, incorporating the following points:

- Council is deferring further planning on the Stadium pending the outcomes of the CBD / River Precinct Vision Project.
- The HABA licence will continue to be renewed until the future of the Wimmera Sports Stadium is resolved.
- Council is proposing to establish a Major Events Framework for the Basketball Stadium to bring it in line with our other sporting facilities and grounds.

- This is consistent with the Government approach to funding of facilities, which is only on the basis of multi-sport usage.

Risk Implications

Not applicable.

Environmental Implications

Not applicable.

Human Rights Implications

This report complies with the rights listed in the Victorian Charter of Human Rights and Responsibilities Act 2006. This includes the freedom of expression provisions of Section 15, summarised as:

People are free to say what they think and want to say. They have the right to find, receive and share information and ideas. In general, this right might be limited to respect the rights and reputation of other people, or for the protection of public safety and order.

Conclusion

No further material planning on the Sports Stadium is proposed at this stage.

11.2 HORSHAM URBAN TRANSPORT NETWORK PLAN

Author’s Name: John Martin **Director:** John Martin
Author’s Title: Director Infrastructure **File No:** F02/A12/000001
Department: Infrastructure

Officer Declaration of Interest

No officer involved in the preparation of this report has any conflicts of interest.

Status: Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c): Yes No **Reason:** Nil

Appendix

Nil

Purpose

To present the process used to review Council’s earlier work on the Horsham Integrated Transport Strategy (Stage 1), and to seek Council’s endorsement of its primary transport objectives for Horsham.

Summary

- A consultant, Movement and Place, was engaged to help Council clarify its transport objectives and priorities for the Horsham city area and the three highways that traverse Horsham.
- The consultant engaged with Councillors and a range of key stakeholders to identify the issues and objectives that these parties saw as being relevant and important to this subject.
- The output from the consultant’s work is the identification of a series of underlying objectives for transport improvement in Horsham.
- The proposed next stage of work will be preparation of a consultant brief to develop a Horsham Integrated Urban Transport Network Plan which addresses Council’s objectives.

Recommendation

That Council -

1. Endorse the following as its primary transport objectives for Horsham:
 - A more active and vibrant CBD and river precinct.
 - Trucks which don’t originate or terminate in the CBD to be removed from the CBD and river precinct.
 - More active transport.
 - More river crossings.

- Linking highways to economic activities.
 - Preference for the use of existing road reserves for future development of the local and arterial roads.
2. Endorse the preparation of an integrated transport network plan for Horsham's urban areas.
 3. Note that a separate process will be undertaken to develop a transport network plan for the rural parts of the municipality.

Moved Cr Grimble, Seconded Cr Radford that Council -

1. **Note the following as its primary transport objectives for Horsham:**
 - **A more active and vibrant CBD and river precinct.**
 - **Trucks which don't originate or terminate in the CBD to be removed from the CBD and river precinct.**
 - **More active transport.**
 - **More river crossings.**
 - **Linking highways to economic activities.**
 - **Preference for the use of existing road reserves for future development of the local and arterial roads.**
2. **Endorse the preparation of an integrated transport network plan for Horsham's urban areas.**
3. **Note that a separate process will be undertaken to develop a transport network plan for the rural parts of the municipality.**

CARRIED

Report

Background

The first stage of an Integrated Transport Strategy for Horsham was prepared in 2016, however it was not adopted by Council at that time. The following resolutions were made at the 19 September 2016 Council meeting of relevance to this current report:

- Commit to further consultation to determine what elements it may or may not progress to further planning.
- Acknowledge work of stage 2 and stage 3 needs to be completed to inform the final overlay strategy.

With Stage 2 relating to the Horsham urban area, and Stage 3 to the municipality's rural areas.

To progress these resolutions, the CEO engaged the consulting company Movement and Place to help identify the key transport objectives for Horsham. These strategic objectives would then be used to guide Council's transport planning of its own network, and its advocacy to VicRoads on road upgrades, including a truck route around Horsham.

The consultant met individually with Councillors and key stakeholders in early August 2018 to gain their views on the objectives. The key stakeholders included representatives from:

- Business Horsham
- The Victorian Farmers Federation
- Strategic Directions Group
- Some community representatives from the earlier Horsham Integrated Transport Strategy working group.

The output from these interviews was then collated by the consultant, and presented to a subsequent Councillor workshop to distil the key objectives.

Discussion

The consultant's work has identified six objectives for Horsham's transport planning. These objectives, and some elements associated with these are:

- **A more active and vibrant CBD and river precinct**
 - Where people are encouraged to walk between shops
 - Places in the CBD that attract local, regional and visitor communities
- **Trucks removed from the CBD and river precinct**
 - Recognising that many truck movements service the CBD
 - Trucks out of the CBD, but not too far out.
- **More active transport**
 - Improved access for pedestrians and cycling across the town, including the CBD area, schools and civic/public spaces

- **More river crossings**
 - A road crossing to the west of Stawell Road
 - A pedestrian crossing to the east of Stawell Road
- **Linking highways to economic activities**
 - Better connections to Horsham's industrial estates, in Golf Course Rd and at WIFT
 - Improved traffic flow to these locations, i.e. upgrade intersections.
- **Preference for the use of existing road reserves for future development of the local and arterial roads**
 - Use existing road reserves, with any additional widening to develop new roads.

Subject to Council's endorsement of these objectives, it is proposed to commence a project to prepare a Horsham Integrated Urban Transport Network Plan that addresses these objectives and the related elements.

This plan will review the hierarchy of existing roads in the urban area, and identify the needs for new works to address the objectives. The plan will also assist in informing Council's advocacy to VicRoads about issues such as intersection upgrades and the truck route around Horsham.

In addition to this work, this Director has prepared a draft scope of work for development of a Rural Network Plan.

Financial Implications

A consultancy for preparation of a Horsham Urban Transport Network Plan is likely to cost in the order of \$50,000 - \$80,000. This project is not specifically identified in the 2018-19 Council budget, but there are several budget items that could be used to at least part-fund this work, including a general provision for urban road design (\$20,000) and some unspent funds associated with investigations for the proposed Hamilton St Pedestrian Bridge (\$37,000), which is temporarily on hold.

Links To Council Plans, Strategies, Policies

The development of a Horsham Transport Network Plan is part of the implementation of the following priorities from the 2018-22 Council Plan.

2.2.07 Horsham Integrated Transport Strategy completed, including:

- *Stage 1 – Strategic road network, including regional highways, railway and Horsham Bypass*
- *Stage 2 – Horsham urban area*
- *Stage 3 – Rural areas of municipality*

2.2.08 Develop a plan for a further vehicle bridge across the Wimmera River (including location) and determine the timing when this should be constructed.

Several other priorities are also relevant, relating to health and wellbeing and economic development.

Consultation/Communication

Councillors and some key stakeholders participated in the preparation of the transport objectives identified in this report.

An extensive consultation program will occur in preparation of the Transport Network Plan. This program will be based on Council's Community Engagement Procedure.

Risk Implications

Risk 13 from Council's Risk Plan relates to the community's expectation for greater involvement in decision making. A sound consultation process will be required to manage this.

Environmental Implications

The outcomes of a network plan will need to consider environmental impacts, e.g. where new works are proposed in environmentally sensitive areas.

Human Rights Implications

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

Conclusion

The identification of strategic transport objectives for Horsham will provide a strong foundation on which to develop an urban transport network plan.

11.3 VCAT REFERENCE NO. 2344/2017 - 20 DIMBOOLA ROAD AND 11 WAWUNNA ROAD, HORSHAM - NOTICE OF AMENDMENT OF APPLICATION

Author's Name: Nick Carey **Director:** Angela Murphy
Author's Title: Co-ordinator Statutory Planning and Regulatory
Department: Development Services **File No:** 2016-042-1

Officer Declaration of Interest

No officer involved in the preparation of this report has any conflicts of interest.

Status: Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c): Yes No **Reason:** Nil

Appendix

Notice of an Amendment of an Application PNPE9 Form A (**Appendix "11.3A"**)

Applicant's Statement of Grounds (**Appendix "11.3B"**)

Applicant's Statement of Changes (**Appendix "11.3C"**)

Amended plans locality and site plans (**Appendix "11.3D"**)

Amended plans - elevations (**Appendix "11.3E"**)

Purpose

To seek Council's position in relation to various modifications as shown on amended plans for Planning Application 2016-42-1 circulated to all parties prior to the VCAT Hearing to be held on 15 October 2018.

Summary

- A planning permit application for the use and development of a service station including control building, fuel canopy, fuel infrastructure, drive thru facility, signage, car parking, landscaping and creation of an access to a Road Zone Category 1 was refused by Council on 20 September 2017.
- An application for a review of Council's decision was lodged with VCAT by the applicant.
- A Compulsory Conference was held on the 16 April 2018
- A Hearing is listed for the 15 and 16 October 2018

Recommendation

That Council, with respect to an application for review against Council's refusal to grant a planning permit, resolve to advise the Victorian Civil and Administrative Tribunal (VCAT) and other parties to the application that it has no objection to the substituting of the amended plans however is of the opinion that the refusal be upheld by VCAT for the reasons as detailed in its Refusal to Grant a Permit dated 20 September 2017.

Moved Cr Radford, Seconded Cr Gulvin that Council, with respect to an application for review against Council's refusal to grant a planning permit, resolve to advise the Victorian Civil and Administrative Tribunal (VCAT) and other parties to the application that it has no objection to the substituting of the amended plans and that the refusal be upheld by VCAT for the reasons as detailed in its Refusal to Grant a Permit dated 20 September 2017.

CARRIED

Report

Background

A decision on the planning permit application was made by Council at its meeting held on 18 September 2017.

- At the Council meeting, Council resolved to refuse the granting of a permit for the use and development of a service station including control building, fuel canopy, fuel infrastructure, drive thru facility, signage, car parking, landscaping and creation of an access to a Road Zone Category 1.
- The development was refused on a number of grounds primarily relating to the effect on the adjacent residential zone, the adjoining motel and traffic effects on the local road.
- In response, the permit applicant lodged an 'application for review' with VCAT against Council's refusal to grant a planning permit.
- Upon receipt of the application for review, VCAT scheduled a hearing for the matter on 16 April 2018.
- At the request of the applicant the hearing date was vacated and a Compulsory Conference scheduled for the 16 April 2018.
- No agreement was reached at the Compulsory Conference and by Order of VCAT dated 16 April 2018 a Hearing is scheduled for the 15 and 16 October 2018.
- At the compulsory conference the applicant foreshadowed the substitution of amended plans. The Order of VCAT dated 16 April 2018 specified the manner in which compliance with VCAT Practice Note PNPE9 'Amendment of Plans and Applications' would be achieved. This required circulation of plans no later than 30 days prior to the Hearing.
- In accordance with VCAT procedures, Council is required to advise the Tribunal and other parties to the proceeding whether or not it accepts the modifications shown on the amended plans and whether it supports the proposal as a result of these changes.

Discussion

The amended plans represent a significant improvement to the layout and functionality of the site. The amended plans propose the following changes -

- The control building is relocated to the west and reduced in size.
- The control building rear wall is relocated to the western boundary of the subject land
- The new external public seating area is moved towards the eastern (Wawunna Road) boundary of the subject land instead of internal seating within the control building.
- The fuel canopy is relocated away from the western boundary of the subject land to a more central position in the southern part of the subject land.

- Car parking previously proposed for the northern part of the subject land at Lot 1 TP 854325 being 11 Wawunna Road Horsham (**northern lot**) has been removed.
- Most of the northern lot is not proposed for development, save for landscaping.
- More extensive landscaped areas are provided in the northern lot, in the south-western corner, and at the southern and south-eastern interfaces between the subject land and adjoining roads.
- A “green wall” is provided to the southern wall of the control building.
- An electric car charging station is provided at the western boundary.
- Additional “neighbour courtesy” signage is provided to remind customers of the proximity of residential areas.
- The automatic car wash and its associated plant, and the vacuum cleaner station, are deleted.
- (12) Refuse is relocated to the north of the control building.
- The signage elements of the proposed development have been resolved in further detail.

The most significant change is the relocation of the control building from the eastern part of the site to the western boundary of the site. By doing so this creates a buffer to the adjoining motel to the west. It also allows the canopy and fuel bowsers to be located in a manner so as to enable better vehicular circulation on the site.

The removal of the northern lot at 11 Wawunna Road from the application eliminates vehicle parking on land abutting the Residential Zone thereby reducing the impact on residential land to the north.

In an attempt to further reduce any impact on the motel to the west it is proposed to construct a 4.2 metre high Colourbond® noise attenuating boundary fence along the western boundary between the control building and the street alignment of the neighbouring building. Although this may achieve a degree of noise reduction it will however be a visually dominant element.

The proposed changes go some way in addressing the concerns raised during the planning assessment process particularly in relation to the internal layout and functioning of the site. There still however remains the fundamental issue of the suitability of the land for use as a service station.

Financial Implications

Staff time involved in the preparation of documentation and attendance at VCAT.
Engagement of a consultant planner to act on behalf of Council.

Links To Council Plans, Strategies, Policies

Council Plan 2018-2022

5.2 Plan for rural and urban land use to create a sustainable municipality for the future

Consultation/Communication

The planning permit application was notified to adjoining owners/occupiers and signs placed on the site in accordance with Sec 52 of the *Planning and Environment Act 1987*. Continuing engagement has been undertaken with the applicant and other parties to the Hearing.

Risk Implications

That Council's decision is set aside by VCAT.

Environmental Implications

Not applicable

Human Rights Implications

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

Conclusion

The amended plans address some of the concerns however based on the reasons for refusal it is considered that it is the use of land that will generate the detrimental impacts which are the reasons for the decision to refuse to grant a permit. The substitution of amended plans improves the design and layout of the proposal however the responsible authority's position remains unchanged.

Cr Gulvin declared a Conflict of Interest, pursuant to Section 79 of the Local Government Act, 1989 in respect of Item No. 11.4 and left the Council Chamber at 6.51pm.

11.4 DEVELOPMENT PLAN – PLOZZAS ROAD

Author's Name: Adam Moar **Director:** Angela Murphy
Author's Title: Statutory Planner **File No:** 99/01/14836A
Department: Statutory Planning and Regulatory

Officer Declaration of Interest

No officer involved in the preparation of this report has any conflicts of interest.

Status: Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c): Yes No **Reason:** Nil

Appendix

Development Plan, Version 1, Surveyor reference: H002518 (**Appendix “11.4A”**)
Land Capability Assessment Report for proposed 7 lot subdivision Plozzas Road Haven (**Appendix “11.4B”**)
Location Plan (**Appendix “11.4C”**)

Purpose

To seek Council's approval for the Development Plan for Lot 1 PS 641580, Plozzas Road, Haven.

Summary

- The Development Plan outlines a proposed seven lot subdivision.
- Gleeson Lane is to be extended.
- The seven lots will have an average size of approximately 4 hectares.
- The proposal is consistent with the provisions of the Rural Living Zone.

Recommendation

That Council approves the proposed Development Plan for Lot 1 PS 641580, Plozzas Road, Haven, prepared by Ferguson Perry Surveying titled “Development Plan Version 1, Parish of Bungalally, Crown Allotment 2B (Part)”, with Surveyors reference H002518 dated 20/03/18.

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

CARRIED

Cr Gulvin returned to the Council Chamber at 6.53pm.

Report

Background

The proposal is to subdivide a 33 hectare lot into a maximum of 7 lots, consistent with the provisions of the Rural Living Zone in the Horsham Planning Scheme. With the removal of the road, the average lot size will be approximately 4 hectares, which is the minimum lot size in the zone.

The Development Plan provides the indicative road layout, in this case it will become the continuation of Gleeson Lane.

The lot layout has not specifically been provided, however for the purposes of the Development Plan, this is considered acceptable. The zone allows for the averaging of lot sizes providing the average is 4 hectares. Any application for a planning permit for subdivision will be required to be *generally in accordance with the approved development plan*. The more specific the development plan is, the less variation is able to be incorporated into the final design of the subdivision.

Discussion

The Horsham Planning Scheme contains several Schedules to the Development Plan Overlay including Schedule 2 – Rural Living Development Plan (DPO2). Clause 43.04 of the Horsham Planning Scheme states that the purpose of the Development Plan Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.
- To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.

Clause 43.04-1 of the Horsham Planning Scheme states that a permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority. This does not apply if a schedule to this overlay specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.

Clause 1.0 of DPO2 states that a development plan is required to be submitted with any application to subdivide land into two or more lots. As the Schedule does not specifically state that a permit for subdivision of land into two or more lots may be granted before a development plan has been prepared, the responsible authority must first decide that the development plan has been prepared to its satisfaction. There is nothing in the Schedule that states that a Development Plan cannot be considered prior to the submission of an application.

A development plan has been received demonstrating how the subject site is to be divided so as to create lots for rural living. It is anticipated that the Development Plan will be similar or identical to any future application for subdivision.

The Development Plan Overlay Schedule 2 – Rural Living Development Plan requires that the plan must include the following:

The Development Plan will:

- Include a site analysis which illustrates the proposed subdivision and identifies areas within which it will be appropriate to construct a dwelling and outbuildings on each lot. The extent of constraint upon the location of buildings will depend upon environmental factors affecting the land;
- Identify any sites of conservation, heritage or archaeological significance and the means by which they will be managed;
- Provide appropriate arrangements for the provision and funding of necessary physical infrastructure including drainage works which may include the provision of wetland areas to filter storm water;
- Identify the staging and anticipated timing of development;
- Provide an overall scheme of landscaping and any necessary arrangements for the preservation or regeneration of existing vegetation;
- Provide suitable linkages between the site and road, public, bicycle and pedestrian transport facilities to urban areas;
- Provide a Soil and Water Report which demonstrates the capacity of the site to dispose of effluent if reticulated sewer is not available;
- Identify proposed water supplies, storages and systems required for firefighting purposes, and
- Incorporate any requirements of GWM Water in relation to the provision of dams.

It is considered that the proposed development plan adequately addresses the requirements of Clause 3.0 of Schedule 2 to the Development Plan Overlay.

The proposed development plan is for a seven lot subdivision. The proposed lot sizes will average 4 hectares in accordance with the requirements of the zone. Once the seven lots are created, there will be no potential to further subdivide the land.

It is considered that the future Horsham South Structure Plan will address the inadequacies of the existing Development Plan Overlay Schedule 2 – Rural Living Residential Development Plan as it will provide direction for the future subdivision in the Haven area.

Financial Implications

Nil

Links To Council Plans, Strategies, Policies

Council Plan 2018-2022

5.2 Plan for rural and urban land use to create a sustainable municipality for the future

Consultation/Communication

An application under any provision of the Horsham Planning Scheme which is generally in accordance with an approved development plan is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Previous development plans have been notified to adjoining owners at the request of Council. This Development plan was notified to adjoining property owners, with no comments being received.

Risk Implications

Not applicable

Environmental Implications

The land capability assessment attached to this report indicates that there is no issue with the future installations of onsite waste water treatment systems on to the land.

Human Rights Implications

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

Conclusion

It is considered on balance that the proposed development plan provides for consistency with previous approvals by Council for other development plans and therefore should be recommended for approval.

11.5 ANNUAL FINANCIAL ACCOUNTS 2017-18

Author's Name: Graeme Harrison **Director:** Graeme Harrison

Author's Title: Director Corporate Services **File No:**

Department: Corporate Services

Officer Declaration of Interest

No officer involved in the preparation of this report has any conflicts of interest.

Status: Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c): Yes No **Reason:** Nil

Appendix

Horsham Rural City Council Annual Accounts 2017-18 (**Appendix "11.5A"**)
Annual Performance Statement (**Appendix "11.5B"**)

Purpose

To seek in principle approval to the final audited Financial and Performance Statements.

Summary

- The Annual Financial accounts for 2017-18 are provided to council
- The Annual Performance Statement for 2017-18 is provided to council

Recommendation

That Council:

1. Give in principle approval to the Financial and Performance Statements for 2017/18 and authorise their submission to the Victorian Auditor-General's office.

Moved Cr Radford, Seconded Cr Koenig that Item 1 be adopted.

CARRIED

2. Authorise the Mayor Cr Pam Clarke and Cr David Grimble to certify the statements in their final form after any changes recommended or agreed to by the auditors have been made pursuant to section 131 of the Local Government Act (1989).

Moved Cr Radford, Seconded Cr Robinson that Item 2 be adopted.

CARRIED

Report

Background

The annual financial statements for 2017/18 financial year were prepared and present to Council's external auditor, RSD Chartered Accountants prior to their visit during the week of 27 August 2018.

A final draft set of statements are attached as **Appendix "11.5B"**. The draft Financial Accounts and Performance Statement have been forwarded to the Victorian Auditor-General's Office for final review on 18 September 2018, and minor changes to notes and presentation of the accounts, may be required/requested.

It is recommended that Council give its approval in principle to the statements in accord with the Local Government Act (1989). The statements will form part of Council's annual report which is required to be forwarded to the Minister by 30 September 2018.

No changes other than those which might be recommended or agreed by the Victorian Auditor-General's Office are anticipated.

Discussion

The internal audit committee has reviewed the draft statements, at its meeting on Thursday 13 September 2018 where Ms Kathie Teasdale, from RSD Chartered Accountants has discussed the statements and the outcomes from the audit.

The Audit Committee recommends that Council adopt, in principle the Financial and Performance Statements for 2017/18.

Financial Implications

The cost of carrying out the audit is included in the 17/18 budget.

Links To Council Plans, Strategies, Policies

4.4 – Achieve high standards of organisational performance

Consultation/Communication

The draft statements have been discussed with members of council's audit committee including, Ms Kathie Teasdale from RSD Chartered Accountants (Victorian Auditor-General's agent) at the Audit Committee meeting 13 September 2018.

Risk Implications

Not applicable

Environmental Implications

Not applicable

Human Rights Implications

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

Conclusion

Financial Accounts and Performance Statement for 2017-18 have been completed in accordance with relevant legislation and with reference to relevant accounting standards and are now presented for inprinciple approval of Council.

11.6 MAV STATE COUNCIL MEETING MOTIONS

Author's Name: Susan Surridge **Director:** Graeme Harrison

Author's Title: Co-ordinator Community Relations and Advocacy

File No: F10/A01/000001

Department: Community Relations and Advocacy

Officer Declaration of Interest

No officer involved in the preparation of this report has any conflicts of interest.

Status: Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c): Yes No **Reason:** Nil

Appendix

MAV State Council Resolutions (**Appendix "11.6A"**)

Purpose

This report presents three motions that were submitted to the MAV State Council meeting scheduled for 19 October 2018. The motions were submitted on 14 September 2018.

Summary

Council officers have prepared three motions to the MAV State Council for consideration:

1. Motion – Review of funding model for local government
2. Motion – Mode Shift Incentive Scheme
3. Motion – Fire Services Levy – renewal of infrastructure

Recommendation

That Council note the 3 motions that have been submitted to the MAV State Council.

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

CARRIED

Report

Background

On 13 August, 2018, MAV invited member Councils to submit motions for consideration by State Council. It was noted that in May 2017 State Council resolved on a changed motion process that included detailing whether the subject matter of a motion is included in the MAV Strategic Work Plan. The intent of the changed process is to discourage the submission of motions that effectively duplicate items in the SWP or that have already been adopted at a previous meeting of State Council.

The MAV Rules require that motions be of state-wide significance to local government. Please also note that as decisions of State Council constitute policy directions of the MAV and remain active until the issue is resolved, motions should relate to either new, or variations to, existing policy directions.

Discussion

Council officers have prepared three motions to the MAV State Council for consideration at the next meeting to be held on 19 October 2018.

Motion – Review of funding model for local government

This motion requests that MAV advocate to State and Federal Governments for a review of the funding model for local governments, as the burden on property rates as the main source of funding is unsustainable, particularly for rural Councils. For rural councils, property values in the farm sector are increasing at a higher rate than other sectors, pushing the cost burden for rate increases towards the farm sector.

Motion – Mode Shift Incentive Scheme

This motion requests that MAV advocate to State Government for the retention of the Mode Shift Incentive Scheme designed to support more freight on rail rather than road. The Incentive Scheme is due to expire on 30 June 2019 and has been crucial in allowing regional rail freight to compete with trucks in terms of cost-effective transportation to the Port of Melbourne.

Motion – Fire Services Levy – renewal of infrastructure

This motion requests that MAV advocate to State Government to change legislation to allow funds from the Fire Services Levy to be used for the maintenance and renewal of fire-fighting infrastructure across rural Victoria, including replacement of fireplugs, hydrants and tanks for rural water supply.

Financial Implications

There are no direct financial implications of this Council Report.

Links To Council Plans, Strategies, Policies

Council Plan Guiding principles

- Monitor changes in Federal and State Government policies and their impact on the funding of Council service delivery
- Participate in appropriate peak state and regional level forums
- Work with our community, government and agencies to deliver quality outcomes

Advocacy priorities in the current Council Plan specifically include:

- Review of Council funding system by State and Federal Governments
- Actively pursue the retention and further development of rail freight services for the region and lobby for containerised transport subsidy

Consultation/Communication

The Chief Executive Officer, Directors and Councillors have discussed the MAV Motions and reviewed them with reference to key advocacy priorities of Council.

Risk Implications

Not applicable.

Environmental Implications

Not applicable.

Human Rights Implications

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

Conclusion

This report details three motions that have been presented to MAV State Council for their 19 October 2018 meeting.

11.7 AUDIT COMMITTEE MINUTES

Author's Name: Diana McDonald

Director: Graeme Harrison

Author's Title: Risk & HR Co-ordinator

File No: F18/A13/000001

Department: Organisational Development

Officer Declaration of Interest

No officer involved in the preparation of this report has any conflicts of interest.

Status: Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c): Yes No **Reason:** Nil

Appendix

Audit Committee Meeting Minutes (**Appendix "11.7A"**)

Purpose

To report outcomes of the Audit Committee meeting of 13 September 2018.

Summary

- Environmental Health – Food Act Compliance Internal Audit Final Report
- Internal Audit Actions Report
- Annual Financial Accounts & Draft Closing Report
- Draft Performance Statement

Recommendation

That Council receive the Minutes of the Audit Committee from 13 September 2018.

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

CARRIED

Report

Background

The Horsham Rural City Council (HRCC) Audit Committee is an advisory committee of Council, whose objective is to provide appropriate advice and recommendations to Council on matters as listed in its Charter, in order to facilitate decision making by Council in relation to the discharge of its accountability requirements.

Discussion

Key topics covered in the meeting were:

- **Environmental Health – Food Act Compliance Final Report** – An internal audit was conducted with the review identifying a range of controls that should be implemented to reduce the identified weaknesses and exposures. These included 3 high, 3 moderate and 4 low level issues to be addressed.
- **Internal Audit Actions Report** – The quarterly report on the completion and/or number of outstanding audit actions has shown a reduction in the number of actions completed for the quarter compared to the previous quarter. In total 7 actions were completed of which 3 were High Risk items.
- **Annual Financial Accounts & Draft Closing Report** – The external auditors from the Victorian Auditor General's Office (VAGO) have conducted their final audit of the financial reports for HRCC (the next year new external auditors will be appointed by VAGO). The financial Closing Report for the year ended 30 June 2018 was presented which provided a summary of the results of the audit and communication of the audit findings.
- **Draft Performance Statement** – Shows council's Sustainable Capacity Indicators, Service Performance Indicators and the Financial Performance Indicators as required by legislation. Both the Annual Financial Report and Performance Statement will be published in Council's Annual Report (2017/18).

There was also a range of other compliance matters discussed including updates on:

- the Protected Disclosures workshop,
- IBAC report on Corruption Risks – Victoria's Regulatory Authorities
- IBAC report on Corruption Risks – Employment & Recruitment
- Strategic Internal Audit Plan (2017/18 to 2018/19) inclusions/amendments,
- Strategic Risk Register report
- Insurance update
- Financial Report (June 2018)

Financial Implications

Operations of Council's Audit Committee is covered within the 2018-19 operational budget allocation.

Links To Council Plans, Strategies, Policies

Council Plan Goal 4 – Governance and Business Excellence

Four-year outcomes:

- 4.2 Manage risk to the organisation
- 4.4 Achieve high standards of organisational performance

Consultation/Communication

Council's Audit Committee is comprised of councillors and independent members. Consultation and communication is undertaken with Internal Auditors and external (VAGO) Auditors.

Risk Implications

The Audit Committee is an important committee of council required under the Local Government Act 1989. To not have a properly functioning or constituted committee would be in breach of the requirements of the Act> The committee has an important role in monitoring Council's financial governance and risks, to not have such a committee could increase Council's to potential for fraud and corruption to occur.

Environmental Implications

Not applicable

Human Rights Implications

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

Conclusion

The quarterly Audit Committee meeting has been effectively discharging its duties and responsibilities.

11.8 COUNCIL PLAN HALF YEARLY REPORT TO 30 JUNE 2018

Author's Name: Lindy Haigh

Director: Graeme Harrison

Author's Title: Organisational Performance Officer **File No:** F19/A11/000001

Department: Governance

Officer Declaration of Interest

No officer involved in the preparation of this report has any conflicts of interest.

Status: Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c): Yes No **Reason:** Nil

Appendix

Council Plan 6 month report (**Appendix "11.8A"**)

Purpose

To provide a report on how Council has progressed against the Council Plan, four-year priorities and strategic indicators over the period January 1 – June 30 2018.

Summary

- Status of Four Year priorities
- Status of Strategic indicators

Recommendation

That Council note the report for the six month period ending 30 June 2018 regarding the status of the Council Plan priorities and strategic indicators.

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

CARRIED

Report

Background

Although the 2018-2022 Council Plan was adopted on 25 June 2018 the results shown in this report pertain to the 2017-2021 Council Plan reviewed and adopted on 19 June 2017.

Discussion

1. Four-Year Priorities:

The 2017-2021 Council Plan lists 119 four-year priorities, of which a further five priorities have been completed since the last report. This brings the total to 11 priorities completed.

- Goal 1, 1.1.05 - Complete construction of the Kalkee Road Children's and Community Hub and commence operations
- Goal 1, 1.3.05 - Work with the Horsham Historical Society to plan for and scope a new Heritage Centre
- Goal 2, 2.1.03 – Develop an Economic Development Strategy
- Goal 3, 3.4.02 – Master plan preparation for the Livestock Exchange
- Goal 4, 4.4.07 – Renew HRCC external website

There are currently 47 priorities that are 50% or greater complete, 41 that have started but are under 50% complete and 20 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	Achieved	Construction completed. Operations commenced February 2018
Completion of a detailed feasibility study for a multipurpose/indoor sports and community facility by December 2017	Started 80%	Draft feasibility study has been completed
Work with the Horsham Historical Society to plan for and scope a new Heritage Centre by December 2017	Achieved	The Feasibility Study is now complete and awaiting endorsement of the Committee before presentation to

		Council. Consultant will present the document at a Council Briefing to be scheduled.
Securing funding for CBD Revitalisation Project Stage 1 - improved urban design by 31 December 2017	Started 20%	The Building Better Regions Fund application has been successful. Listed as a priority for the upcoming state election. Better Regions Fund Round 2 for \$1.685m grant.
Develop plans for a Town Square by 31 December 2017	Started 50%	Concept plans developed. Village Well consultation conducted in 2017. This led to the CBD Action Group, which has focussed on some other priorities initially.
Goal 2 – Sustaining the Economy		
Complete Stage 1 infrastructure development at the Wimmera Intermodal Freight Terminal Precinct by December 2018	Started 15%	Consultant’s reports for integrated water management and transport management plan complete for WIFT. Development plan in draft, finalising developer contribution levy.
Implement the outcomes from the Visitor Information Centre review by 30 June 19	Started 15%	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	Started 30%	Implemented in 2018-19 budget consultation process. Improved approach to community input to be developed latter part of 2018.
Finalise preparation of asset management plans for all main asset groups by June 2018	Started 30%	Buildings Asset Management Plans nearing completion.
Implement improved asset management and maintenance management systems by December 2017	Started 35%	Teething problems largely resolved. Automatic Merit - Reflect link being user tested Aug 2018.
Complete, or commit via contracts, 90% of infrastructure works (by value) within the planned financial year	Not Achieved	Finance Manager has calculated this at 88%.
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 50%	Service Overview document completed for internal use and for Councillors. A draft document has been created to explain the "why" of all of Council's services but as yet this has not been included on the website. The 2018-19 Budget and Council Plan engagement with the community has occurred but did not adequately cover off on a deliberative approach. The creation of a Governance Team and an Advocacy and Community Relations Team plus some additional resourcing, should see considerable improvements in this regard for 2019-20.

Maintain staff turnover rates at under 10%	Not achieved	Staff turnover figures for year end at 30 June 2018 were 11.70%.
Increase overall score in the Community Satisfaction Survey	Not achieved	The Overall Performance score decreased a further 6 points in 2017/18 from 60 to 54 reflecting a decrease of 9 points since the commencement of this Council term. A report has been provided to Council with some specific actions identified to help improve the score in future years. The score is now also below that of the Regional Centres on 58 and the State-wide average of 59
Implement a new HRCC External website	Achieved	New website has been launched and is now fully operational. There of course will be a process to ensure that there is continuous improvement of the content and functionality on an ongoing basis.
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 achieved 87%	87% of planning permits were issued in 60 days for the 2017-2018 financial year (compared with regional cities 73% and rural councils 74%).
Complete at least one major strategic planning review prior to 30 Jun 18	Achieved	

A full and comprehensive report on all Council Plan 4 Year Priorities and Strategic Indicators is attached in Council Plan 6 month report **Appendix “11.8A”**.

Financial Implications

Not applicable

Links To Council Plans, Strategies, Policies

Council Plan

Consultation/Communication

Not applicable

Risk Implications

The likelihood of Council achieving success in fulfilling its mission and vision is greatly enhanced by the utilization of effective planning. Ineffective planning is a significant risk to Council in terms of providing successful outcomes for the community.

Environmental Implications

Not applicable

Human Rights Implications

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

Conclusion

The half yearly report provides Council with the status and commentary on the priorities and strategic indicators within the 2017-2021 Council Plan along with those that have been achieved.

11.9 LOCAL GOVERNMENT PERFORMANCE REPORTING FRAMEWORK

Author's Name: Lindy Haigh **Director:** Graeme Harrison
Author's Title: Organisational Performance **File No:** F14/A09/000001
Department: Governance

Officer Declaration of Interest

No officer involved in the preparation of this report has any conflicts of interest.

Status: Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c): Yes No **Reason:** Nil

Appendix

LGPRF Report of Operations (**Appendix "11.9A"**)

Governance and Management Checklist (**Appendix "11.9B"**)

Purpose

To report on the 2017-2018 results for the Local Government Performance Reporting Framework (LGPRF).

Summary

- Background development of the LGPRF
- The key drivers in establishing the LGPRF framework
- Summary of highlights for the 2017-2018 period

Recommendation

That Council note the Report of Operations prior to the data being published on the Know Your Council website.

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

CARRIED

Report

Background

The LGPRF was developed in response to the Victorian Auditor-General's observations that performance reporting in local government had limited relevance to ratepayers because it lacked information about the quality of Council services, the outcomes being achieved and how these related to Council's strategic objectives.

The LGPRF provides a set of comparative performance measures, and requires Councils to report against these as part of the Annual Report and in doing so:

- I. Council will have Information to support strategic decision making and continuous improvement within Council.
- II. Communities will have information about Council performance and productivity.
- III. Regulators will have information to monitor compliance with relevant reporting requirements.
- IV. State and federal governments will be better informed to make decisions that ensure an effective, efficient and sustainable local government.

Essentially, it has been designed to increase transparency and accountability to the community and other levels of government on the spending of public money and delivery services and infrastructure to the community.

The key drivers in establishing the LGPRF framework are:

- Strengthen accountability - a consistent set of indicators have been introduced to enable benchmarking of Council performance.
- Transparency - the requirement for Councils to identify and report "key strategic activities" has been replaced by reporting achievement of "major initiatives".
- Improved resource planning - a consistent process will be introduced for future capital works planning.
- Streamlined financial reporting - Council is now required to prepare financial statements instead of standard statements.
- Better accessibility - Council is now required to publish key accountability documents on a website.

The LGPRF framework was developed over a number of years with the first year of reporting occurring in 2014-2015. All measures and related commentary are reported through the "Know Your Council" website.

For 2017-2018, the LGPRF contains 42 service performance indicators across nine broad service areas.

1. Aquatic Facilities
2. Animal Management
3. Food Safety
4. Governance

5. Libraries
6. Maternal and Child Health
7. Roads
8. Statutory Planning
9. Waste Collection

Council is required to produce a "Report of Operations" which is included in Council's Annual Report and contains all 42 service performance indicators. 10 of the performance indicators are required to be audited and included in the "Performance Statement" which is part of Council's financial reporting.

For 2017-2018 there are now four years of data available and explanations are provided where there are material variations between the four years (> 10%).

LGPRF Report of Operations Appendix "11.9A".

Another component of the Report of Operations is the Governance and Management Checklist, which seeks to define measures that identify whether Council has strong and appropriate governance and management frameworks in place for community engagement, planning, monitoring, reporting and decision making etc. **Governance and Management Checklist Appendix "11.9B".**

Council has completed the reporting requirements for the 2017-2018 financial year and the relevant documents have been lodged with Local Government Victoria (LGV) and the Auditors. Once they have been fully agreed by LGV they will be placed on the "Know Your Council" website.

Discussion

A summary of some of the highlights is as follows (the reference number provided is the line item on the LGPRF Report of Operations **Appendix "11.9A"**).

- Utilisation of aquatic facilities has increased in the past year by 28.41% due to promotion of swimming lessons, an extensive summer holidays program and focusing on aqua based classes. (REF AF6)
- The amount of animals reclaimed has decreased from 55.8% to 45.3%. Due to a change in data collection the data is potentially more accurate than in previous years. (REF AM2)
- In 2018 environmental health staff had greater capacity to ensure more assessment inspections were completed than in the previous year increasing the figures by 44.77%. (REF FS2)
- There was a minor increase in Council decisions made at meetings closed to the public with 80% of these related to contractual matters. (REF G1)
- Even though participation in the MCH service by Aboriginal children is a voluntary service, participation has increased significantly. An increase of 36% was seen in 2016-2017 and a further 15% in 2017-2018. (REF MC5)

- Sealed local road requests increased by 93.20% with an increase from 63 requests in 2016-2017 to 122 for 2017-2018. In 2018 Council significantly upgraded their website which included an online service request system for the community to lodge complaints. It is thought the ease of use via website and mobile devices has increased requests. (REF R1)
- The cost of recycling services have increased slightly by 18.79% due to China no longer accepting recycling from Victoria. (REF WC4)

Financial Implications

Financial costs are limited to the time taken for staff to collect and collate the information which is done throughout the year.

Links To Council Plans, Strategies, Policies

Goal 4 – Governance and Business Excellence.

Consultation/Communication

This data will be included in Council's Annual report and placed on the "Know Your Council" website where detailed comparisons can be made between our Council and other Councils across the state.

Risk Implications

The reporting of these measures and the ability for the community and other tiers of government to make comparisons may result in some impacts to Council in terms of future funding which could be either negative or positive.

Environmental Implications

Not applicable

Human Rights Implications

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

Conclusion

The 2017-2018 yearly report provides Council with the results and any variance commentary for the Local Government Performance Reporting Framework.

11.10 COMMUNITY SPORT INFRASTRUCTURE GRANT PROGRAM

Author's Name: Susan Surridge

Director: Kevin O'Brien

Author's Title: Co-ordinator Community Relations and Advocacy **File No:**

Department: Governance and Information Management

Officer Declaration of Interest

No officer involved in the preparation of this report has any conflicts of interest.

Status: Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c): Yes No **Reason:** Nil

Appendix

Nil

Purpose

To inform Council on the funding applications submitted to the Federal Government's Community Sport Infrastructure Grant Program.

Summary

This report identifies the following projects for application to the Community Sport Infrastructure Grant Program:

1. Aquatic Centre Stage 2 Accessibility project
2. Pimpinio Second Netball Court
3. Quantong Netball Facilities
4. Laharum Sporting Precinct Community Facility

The first three projects were considered application ready having been fully scoped for recent Victorian Sport and Recreation Funding programs. Project 4 – Laharum Sporting Precinct Community Facility was also considered project ready having been fully scoped for the 2017 Building Better Regions Fund program (unsuccessful application)

Recommendation

That Council, note that by the closing date of 14 September 2018, following applications for funding were submitted to the Federal Government's Community Sport Infrastructure Grant Program:

1. Aquatic Centre Stage 2 Accessibility project
2. Pimpinio Second Netball Court
3. Quantong Netball Facilities
4. Laharum Sporting Precinct Community Facility

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

CARRIED

Report

Background

The Federal Government announced a new community sports infrastructure funding program in August 2018 to be delivered by the Australian Sports Commission. Key details are as follows:

- Closing date for applications – September 14, 2018
- Funding available in the following three streams:
 - Stream 1 – projects up to \$50,000
 - Stream 2 – projects \$50,001 - \$200,000
 - Stream 3 – projects \$200,001 - \$500,000
- Funding Announcements - From November 2018
- Expected completion date – 30 June 2019 (or as negotiated in funding agreement) – projects should be well planned and scoped
- Co-contributions are not essential – but will be scored more highly
- Council can make multiple applications
- Not-for-profit sporting clubs can make applications directly to the fund
- All necessary consultations, planning and approvals should be completed prior to the application process
- \$29.7million available for 2018/2019 program. The program will be undoubtedly over-subscribed with an estimated success rate of 10-20%.
- Program open to Not-for-profit sporting clubs and local government
- Two guiding themes – *Community Sporting Hubs and Inclusion*
 - Community Sporting Hub* - focus on upgrading facilities – creating new social spaces, change rooms and spectator spaces
 - Inclusion* – Upgrades that ensure all members of the community can participate i.e. lighting for safety, female change rooms and accessible infrastructure.

This funding program is the first federal program that specifically targets sporting infrastructure for many years

Program Aims

- Support increased growth in sport and physical activity participation
- Encourage the development of multi-use, shared and co-located facilities
- Offer a range of flexible, community based, participation opportunities
- Prioritise opportunities for women, multi-cultural communities and people of all abilities
- Increase engagement and reach in local communities
- Promote community pride, connection and leadership

Discussion

Following the release of the new funding guidelines, Officers have assessed any current projects that are application ready (given the short time frames) and suitable for the new funding program.

Council currently has six active sport and recreation projects that have been the subject of recent Sport & Recreation Victoria funding applications and the Federal Building Better Regions Fund. Council could apply for the same projects through the new Federal grant and increase the chance of success. All applications were fully scoped and ready for application, with minimal extra work required in terms of the grant application process.

The following projects were identified as the most suitable for application to the Federal Fund:

1. Aquatic Centre Stage 2 Accessibility project \$646,313

Grant request \$323,000, HRCC contribution \$323,313

Strong application that fits the guidelines well in terms of inclusion and participation. (Application also currently being assessed under the Victorian Community Sports & Infrastructure Fund – Small Aquatics Program)

2. Pimpinio Second Netball Court \$228,160

Grant request \$125,000, HRCC contribution \$35,320, Club Cash \$45,000, Club in-kind \$22,840

This project was unsuccessful in the last round of State Government Country Football Netball program, but is fully scoped and fits the Federal guidelines well – female participation

3. Quantong Netball Facilities \$248,000

Grant request \$165,000, HRCC \$83,000

This project will replace the netball court surface which is in critical condition and provide a female umpires change room and other female friendly facilities at the QRR. (Application also currently being assessed under the Victorian Community Sports & Infrastructure Fund – Female Facilities Program). This project fits the Federal Guidelines well – female participation

4. Laharum Sporting Precinct Community Facility \$700,000

Grant request \$500,000, Laharum Sports Inc. \$200,000 (through provision of an interest free loan from Council)

A project proposal to construct the community facility at the same time as the recently completed change rooms was unsuccessful in the 2017 Building Better Regions Funding Round. The club has worked with the officers to revise the initial scope and develop a new concept design for a 248m² building. A cost estimate was obtained by MKM Constructions (who recently completed the new change rooms at Laharum). Council's Projects Office has developed an achievable total budget of \$700,000 for the project. Laharum Sports Inc. has requested an interest free loan from Council to finance its contribution if the funding application is successful.

Note: regarding the two remaining application ready sporting infrastructure projects:

- The Sunnyside Bowling Club will be applying for their project to replace two synthetic greens and require no auspice from Council. The Bowling Club own the land and the assets.
- The Telangatuk and Sunnyside Tennis Court upgrade project currently being assessed under the Victorian Community Sports & Infrastructure Fund is not considered to fit the Federal Government guidelines as well the four projects recommended above.

In addition to the Council applications detailed above, Council has also received enquiries from the Haven Recreation Reserve, the Horsham Table Tennis Association and Horsham Lawn Tennis Club regarding possible projects. It is understood that the Horsham Table Tennis Association and Horsham Lawn Tennis Club may submit applications.

Financial Implications

Each of the four projects nominated for application to the Community Sport Infrastructure Program will require a financial contribution from Council.

The \$35,320 contribution toward the Pimpinio Second Netball Court Project has already been allocated through the Community grants process in 2017 and 2018.

If the Aquatic Centre and/or Quantong Netball projects are successful under the State and/or Federal Funding programs, the amount of funding support required by Council will be a maximum of \$323,313 for the Aquatic Centre Project and \$83,000 for the Quantong Netball Facilities. Once the amount of required Council funding is determined through the outcome of the application processes, this amount will be sought through an allocation of the 2017/2018 cash surplus by Council and also drawing from the Major Capital Projects Reserve.

For the Laharum Community Facility project to proceed, Laharum Sports Inc. require the support of Council to fund a 5-10 year loan to be repaid by the club. The loan amount will be up to \$200,000 depending on the final tender process. This loan arrangement will be on the same basis as Council support of previous Sport and Recreation projects i.e. Quantong Community Centre and Kalkee Recreation Reserve.

Links To Council Plans, Strategies, Policies

The recommended projects are strongly linked to key Council plans and strategies as follows –

Council Plan: (2017-2021)

Goal 1: Community and Cultural Development - develop Horsham and the municipality as a diverse, inclusive and vibrant community:

1.2 Develop a safe, active and healthy community, encouraging participation, In an on-going capacity: Support sporting and community organisations to develop and upgrade community sport

Health and Wellbeing Plan (2017-2021)

Action 3 - Support and promote active living programs and ensure diversity in offerings to cater for all needs and groups.

Action 11: Support initiatives aimed at increasing social connection opportunities for older adults

Sport and Recreation Strategy 2013-2018

Continue to upgrade facilities to ensure they are fit for purpose.

Disability Access and Action Plan 2013-2016 (new plan to be developed)

3.12 Work with other services, venue and retail managers to improve access to facilities based on universal design principles

Consultation/Communication

Each of these projects have been fully developed through extensive consultation and engagement with the following key stakeholders:

- Football Netball Clubs – Pimpinio and Quantong
- YMCA
- Sport & Recreation Victoria
- Netball Victoria
- AFL Wimmera Mallee
- Horsham District Football Netball League
- Laharum Sports Inc.

Risk Implications

The Quantong Netball Facility upgrade project include the resurfacing of the netball court which has failed. The condition of the court is at a critical stage and must be replaced for safety reasons as soon as possible.

Environmental Implications

Not applicable

Human Rights Implications

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

Conclusion

The following four projects were assessed as ready and most suitable for funding application to the Community Sport Infrastructure Grant Program:

1. Aquatic Centre Stage 2 Accessibility project
2. Pimpinio Second Netball Court
3. Quantong Netball Facilities
4. Laharum Sporting Precinct Community Facility.

12. COUNCILLORS' REPORTS

Cr Robinson

- Cr Robinson attended a function at Taylors Lake hall. Council provided \$5,000 towards installing 2 reverse cycle air conditioners. This was the first time the halls has been warm for meetings.
- Last month Cr Robinson's time was taken up talking to farmers about rating issues and more recently with frost issues. This is not a lot of good news there.

Cr Gulvin

- 12 September - Sunnyside Advisory Committee meeting. The group are looking to progress the area.
- WSM LLEN - Discussing mates mentoring program. Do you know someone who can mentor a young person or can assist someone who needs support now and then. It would be great to get behind this program and for the community to work in a more cohesively. There is training coming up at Hub which is free.

Cr Grimble

- 28 August – dinner meeting with Roger Wilesmith from Deloitte Touche Tohmatsu Services.
- State funeral for the Hon Bill McGrath.
- 5 September – Horsham Regional Livestock Association sold its 10 millionth sheep. The livestock association has a lot of economical benefits to it, not completely around livestock, a lot of key attributes to it. It was a great opportunity to celebrate the facility. Congratulations to Paul Christopher and board who have worked through that journey.
- 17 September - Rail Freight meeting in Melbourne. 10 politicians attended and talked to the group. Peter Walsh, David Davis, Emma Kealy, Tim McCurdie and Daniel Young to name a few.
- The crops are deteriorating quickly and Council might need to get itself prepared for the outcome. There is already a lot of canola being cut and seeing lost productivity with the lack of rainfall. The farming community are very upbeat when they sell a crop, but what we're seeing is climatic conditions. We need to be sympathetic to our business sector.

Cr Power

- 29 August - State funeral for Bill McGrath. He was a mentor and mate and his passing is a very sad loss to the Wimmera community.
- Meeting with Horsham Aquatic Centre. The centre is not just for Horsham people, but a regional base and for everybody.

- 21 August – Horsham Tidy Towns committee meeting. The committee will be attending the State titles in Beechworth the second week in October. They are hoping Horsham will go a long way and take out the award.
- Congratulations to all the football and netball winners.
- Condolences to the family of Rodney 'Tack' 'Rocket' Leslie. Cr Power attended a send-off last Friday at Taylors Lake Football Club in memory of Rodney.

Cr Koenig

- 11 September - WDA Board meeting.
- 14 September – Wimmera Regional Library Board meeting.
- Kannamaroo Advisory committee meeting.
- The Wimmera Business Awards are coming up soon.
- Wimmera Leadership graduation ceremony coming up.
- Received correspondence from a gentleman regarding Green Lake.
- The Horsham Park Run is still receiving consistent numbers.

Cr Radford

No report

Cr Clarke

- 28 August – State Funeral for the Hon Bill McGrath.
- 28 August – Municipal Liaison Meeting, VicRoads and Transport Victoria
- 31 August – Western Rail meeting.
- 31 August – Seasonal Conditions meeting.
- 5 September – Sale of the 10 millionth sheep at the Horsham Regional Livestock Exchange.
- 6 September – Yarra River Yarns at the Visitor Information Centre.
- 11 September – Tourism Advisory Committee meeting.
- 11 September – Federation University, presentation of the Horsham Rural City Council Community Development Award for nursing students.
- 12 September – Opening of Grampians Community Health's new building.
- 12 September – Top Performers, Horsham College Visual and Performing Arts Showcase Variety Concert.
- 13 September – Horsham Rural City Council Audit Committee.
- 13 September – Royal Flying Doctors Service 90th birthday celebrations.
- 15 September – Apex Club of Horsham, 85th handover dinner.
- 24 September – Western Rail meeting with Mildura.

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

CARRIED

13. URGENT BUSINESS

13.1 GREEN LAKE WATER SUPPLY

Moved Cr Grimble, Seconded Cr Gulvin that Council deal with the Urgent Business report.

CARRIED

Moved Cr Grimble, Seconded Cr Gulvin that the Urgent Business report be dealt with in the confidential briefing part of the meeting to consider the report from the Director Technical Services in accordance with Section 89(2) (h) any other matter which the Council or special committee considers would prejudice the Council or any person.

CARRIED

14. PETITIONS AND JOINT LETTERS

NIL

15. PROCEDURAL BUSINESS

15.1 ASSEMBLY OF COUNCILLORS – RECORD OF MEETINGS

Council briefing meetings held on Monday 3, 10 & 17 September 2018 at 5.00pm at the Horsham Rural City Council Reception Room.

Refer to **Appendix “15.1A”**.

RECEIVED

15.2 SEALING OF DOCUMENTS

Lease – 21 Lauries Drive, Dooen. Horsham Rural City Council to BP Australia

RECEIVED

15.3 INWARD CORRESPONDENCE

NIL

15.4 COUNCIL COMMITTEE MINUTES

15.4.1 Public Art Advisory Committee Meeting held on Thursday 16 August 2018 at 6.00pm in the Committee Room at the Horsham Rural City Council.

15.4.2 Horsham Community and Police Consultative Committee Meeting held on Thursday 23 August 2018 at 9am at the Uniting Wimmera Boardroom.

15.4.3 Wimmera Southern Mallee Regional Transport Group Meeting held on Friday 7 September 2018 at 12.30pm at the Horsham Rural City Council.

Refer to **Appendix “15.4A”**.

RECEIVED

16. NOTICES OF MOTION

16.1 NOTICE OF MOTION NO. 167

Given by Cr David Grimble

TAKE NOTICE that it is my intention to move the following motion at the Ordinary Meeting of the Horsham Rural City Council, to be held at the Civic Centre, Roberts Avenue, Horsham on Monday 24 September 2018.

“That the following motion passed by Council on Monday 27 August 2018 –

That Council:

- 1. Adopt the revised Local Law No 1 Governance – Meeting Procedure as outlined in Appendix “11.2B”.***
- 2. Publish a notice advising of the amendments to Local Law No 1 Governance – Meeting Procedure in the next Victorian Government Gazette in accordance with Section 112(2) of the Local Government Act 1989.***
- 3. Note that the revised Local Law No 1 Governance – Meeting Procedure will come into effect immediately following publication in the Victorian Government Gazette.***

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

CARRIED

Be and is hereby RESCINDED”

Cr David Grimble

CIVIC CENTRE
HORSHAM 3400
27 August 2018

Moved Cr Grimble, Seconded Cr Robinson that Notice of Motion No. 167 be deferred to the 22 October 2018 Council meeting and that the report from Cr Robinson be heard.

MOTION LOST

Cr Robinson called for a Division of Council

In favour of the Motion:

Cr Robinson, Cr Grimble, Cr Power

Against the Motion:

Cr Koenig, Cr Radford, Cr Gulvin, Cr Clarke

Moved Cr Grimble, Seconded Cr Robinson that Notice of Motion No 167 be adopted.

MOTION LOST

Cr Grimble called for a Division of Council

In favour of the Motion:

Cr Power, Cr Robinson, Cr Grimble

Against the Motion:

Cr Koenig, Cr Radford, Cr Gulvin, Cr Clarke

Moved Cr Radford, Seconded Cr Power that the speaking time for Cr Robinson be extended to 3 extra minutes to allow him time to finish his presentation.

CARRIED

Moved Cr Grimble, Seconded Cr Radford that Council review the Council meeting frequency and Local Law No 1 Governance - Meeting Procedures in no less than 6 months.

CARRIED

Moved Cr Power, Seconded Cr Koenig that the Council Meeting close to consider item number 17.1 of the Director Corporate Services and item number 17.2 of the Director Infrastructure Report deemed to be of a confidential nature in accordance with Section 89(2) of the Local Government Act, 1989.

CARRIED

The time being 8.35pm the Council meeting closed.

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

CARRIED

The Council Chamber doors were opened at 8.51pm.

Moved Cr Gulvin, Seconded Cr Power that the recommendations in the closed Council meeting be adopted and that the adopted motion of item 17.1 in closed Council be brought into the open Council meeting.

CARRIED

Moved Cr Grimble, Seconded Cr Radford that Council:

- 1. Appoint Mr John Watson to the position of chairperson of the Advisory Committee for the upcoming Rates Strategy Review process.**
- 2. Note the status of appointment of consultants to undertake the Rates Strategy review and the information regarding the expressions of interest for the Advisory Committee.**

CARRIED

The meeting closed at 8.51pm.

The Mayor, Cr P Clarke

Chairperson