

MINUTES of the Ordinary Meeting of the Horsham Rural City Council held in the Municipal Chambers, Civic Centre, Horsham at 5.30pm on 29 January 2019.**Order of Business****PRESENT**

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

ALSO IN ATTENDANCE

Sunil Bhalla, Chief Executive Officer, Graeme Harrison, Director Corporate Services; John Martin, Director Infrastructure; Angela Murphy, Director Development Services; Kevin O'Brien, Director Community Wellbeing; Kerrie Bell, Manager Governance and Information; Sue Frankham, Governance Officer

Julie Anson
Scott Johns
Karen Telfer

David Bowe
Neville McIntyre

Kath Dumesny
Allan Mills

Robyn Gulline
Robert Somers

1. PRAYER

Chairman, Cr Mark Radford recited the following pledge on behalf of all Councillors:

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

2. ACKNOWLEDGEMENT OF COUNTRY STATEMENT

Chairman, Cr Mark Radford read the following Acknowledgement of Country Statement:

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

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

3. OPENING AND WELCOME

Chairman, Cr Mark Radford formally welcomed those in attendance to the Council meeting. The Mayor advised the public that the Council meeting will be recorded to maintain an audio archive.

4. APOLOGIES

Nil

5. LEAVE OF ABSENCE REQUESTS

Nil

6. CONFIRMATION OF MINUTES**Recommendation**

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 17 December 2018 be adopted.

Council Resolution**MOVED Cr Pam Clarke, Seconded Cr Alethea 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 17 December 2018 be adopted subject to the following amendment on page 1 under "Also In Attendance":

- Remove Angela Murphy, Director Development Services. Ms Murphy was absent from the meeting.

CARRIED

7. CONFLICTS OF INTEREST

Cr Les Power declared a direct conflict of interest in agenda item 9.6. The nature of the interest being that Cr Power owns a property in Federation Avenue, Horsham. Cr Power left the meeting at 6.12pm and returned at 6.15pm. Cr Power was absent whilst this matter was being discussed and considered.

Cr Josh Koenig declared a direct conflict of interest in agenda item 9.6. The nature of the interest being that Cr Koenig owns a property in Wavell Street, Horsham. Cr Koenig left the meeting at 6.12pm and returned at 6.15pm. Cr Koenig was absent whilst this matter was being discussed and considered.

8. PUBLIC QUESTION TIME

Nil

9. OFFICERS REPORTS

9.1 RATING STRATEGY REVIEW

Author's Name: Graeme Harrison **Director:** Graeme Harrison
Author's Title: Director Corporate Services **File No:** F27/A03/000001
Department: Corporate Services

Officer Declaration of Interest

Rates are a matter that impact all residents and ratepayers in common and as such do not present any conflicts of interest for officers.

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

Appendix

Rates Strategy Advisory Committee Discussion Paper, December 2018 (**Appendix "9.1A"**)

Draft Rating Policy (**Appendix "9.1B"**)

Draft Rating Strategy 2019-23 (**Appendix "9.1C"**)

Purpose

To place on public exhibition and invite submissions to the Draft Rating Strategy and Draft Rating Policy.

Summary

- Council, at its ordinary meeting in August 2018, resolved to appoint a Rates Strategy Advisory Committee.
- The committee met during October and November 2018 and presented its report to Councillors on 13 December 2018.
- Following further discussion at the Councillor briefing on 18 December 2018, a draft Rating Policy and draft Rating Strategy have now been prepared.
- It is proposed to seek community feedback on the draft Rating Policy and Rating Strategy.

Recommendation

That Council:

1. Note the report from the Rates Strategy Advisory Committee and make it available to the general public.
2. Place on public exhibition the draft Rating Policy and draft Rating Strategy 2019-23 and invite submissions.

Council Resolution

MOVED Cr Pam Clarke, Seconded Cr Les Power

That Council:

1. Note the report from the Rates Strategy Advisory Committee and make it available to the general public.
2. Place on public exhibition the draft Rating Policy and draft Rating Strategy 2019-23 and invite submissions.

CARRIED

Report**Background**

Council, at its ordinary meeting in August 2018, resolved to appoint a Rates Strategy Advisory Committee. Following an open tender process, an independent chairperson, Mr John Watson (current chair of the Victorian Grants Commission), and an independent consultant, Mr Mark Davies from Mach2 Consulting, were appointed to guide discussion. Nine independent community members were selected by the chair from a field of 28 applicants. The nine community members represented the broad range of ratepayer sectors across the municipality.

The purpose of the committee was to advise Council as follows:

- To Identify and recommend principles for formulating Council's Rates Strategy and Policy.
- Advise on the factors for consideration of any differential rates.
- Advise on the equitable sharing of the rate revenue and changes to current charges, rebates and exemptions.
- Propose improvements to communication and engagement on the budget and rating strategy.
- Consider feedback and submissions from members of the public that may be obtained during the review.
- Produce a discussion paper with recommendations for Council.

The role of the committee was in an advisory capacity and Council would consider their recommendations but may not necessarily adopt them all.

Discussion

The committee met during October and November of 2018 and presented its report to Councillors on 13 December 2018 (**Appendix "9.1A"**). Councillors had further discussion on the report on 18 December 2018 and the major changes to Council's Rating Strategy were as follows:

1. Farm Differential – a further discount of 13% is proposed for the farm sector taking the differential from 80% down to 67% of the general rate.
2. Commercial and Industrial Differentials – a discount of 5% is proposed for the Commercial and Industrial sectors making the differential 95% of the general rate.
3. Flat Municipal Charge – the fixed dollar municipal charge per property will be reduced from \$287 to \$200.
4. Pensioner Rebates – Council will give a \$30 per property rebate for all eligible pensioners in addition to the state funded pensioner rebate that already exists.
5. Differential Review Trigger – that a trigger of +/- 5% relative valuation movement per sector be used as a basis to trigger a review of the differentials provided to all sectors.

The recommendations from the Rates Strategy Advisory Committee as provided in their discussion paper and Council's response are summarised in the table below:

No	Committee Recommendation	Council Response
1	Key rating principles to consider.	Accepted.
2a	Factors to consider when setting differential rates (long list of items listed in the committees report).	Council considered the list of 29 factors and have included 21 of these in the final draft Rates Strategy.
2b	That a threshold be set for annual valuation changes requiring Council to review the rating differentials when the valuation change for any rating category exceeded the threshold or there was a large disparity in valuation changes between categories.	Accepted. It is proposed that should valuations for any sector shift by greater than +/- 5% relative to the general rate, then Council will review the differential for a sector. This will only be possible once the Valuer General has finalised all values for the year. (Over the last 20 years this trigger would have been reached six times).
3a	That a 67% differential be set for farms (a further 13% reduction from the current 80%).	Accepted. With the justification being to recognise the changes to relative property values (in 2018), the high value of land as an input to farm operations, and in recognition of some lesser access to services associated with the rural isolation of the majority of the farming sector.
3b	That a differential of 80% be introduced for Retirement Villages.	Not accepted. Council did not consider that a differential for retirement villages would address the situation for elderly residents across the entire municipality. Instead of the differential, Council is proposing a rebate of \$30 to current eligible pensioner assessments across the entire municipality. (currently 1,785 assessments).
3c	That a definition for Rural Lifestyle land be implemented and that they be treated as Residential for rating purposes.	Not accepted. Council does not wish to introduce another sub-category within its rating structure and to avoid a complex situation of conflicting rules to that of the Valuer General and for Fire Services Levy legislation. Council will continue to utilise existing controls to ensure only genuine business operations are eligible for the farm differential.
3d	That, the definition of farmland be as per the Valuation of <i>Land Act, 1960</i> .	Accepted.

3e	That no other differentials be introduced.	Not accepted. Council to introduce a differential for the Commercial and Industrial sectors of 95% to recognise the changes to relative property values and reliance on the level of economic activity of the farming sector.
3e	No change to the approach for rating of Culture and Recreation properties.	Accepted. Council will, however, review the policy at a later date and prior to the setting of the 2019-20 rates.
3f	That the municipal charge be reduced from \$287 to \$200 and given the regressive nature of the municipal charge it should continue to decrease over time.	Accepted.
3g	That there be no change to the current rebates, discounts or exemptions offered by HRCC.	Not Accepted. Council will introduce a \$30 rebate for eligible pensioner assessments in addition to the state subsidised amount.
3h	That the hardship policy be revised with a view to incorporating financial hardship grounds as well as prolonged illness, unemployment or other reasonable cause.	Accepted. Council will review the policy before 30 June 2019.
4a	That suggested improvements be made to communication and engagement on the budget and rating strategy.	Accepted. Council will consider the recommended engagement methods and approaches and implement as and where practical.
4b	Provide new property valuations to all ratepayers prior to consideration of the draft budget.	Not Accepted. To provide individual property values prior to the determination of the rate has been found in law to prejudice any subsequent decision on the setting of a differential.
4c	If 4b is not possible, advise individual ratepayers of new property valuations where the valuation and/or rate increases are over an agreed threshold.	Accepted. Council will put in place a system to advise those with significant increases prior to the issuing of the rate notice and advise them of opportunities to appeal their valuations.

4d	Provide details to the community on the impact of the new property valuations on the rating burden for different rating categories.	Accepted. This information is already provided in the budget documentation, but council will communicate the impacts more broadly though other means available.
4e	Make more transparent, ratepayers' rights to discuss or challenge property valuations.	Accepted. This information is currently available but council will continue to ensure the right of appeal against valuations is readily understood and communicated to all.
5	That following the State election the HRCC strongly lobby the new government to pursue a review of the rating and/or valuation system to improve what the Committee considers to be currently a broken system.	Accepted. Council has already been active in this through the MAV State Council and will continue to advocate at both the state and federal levels wherever possible.

The above responses from Council have been compiled by the Mach2 Consulting in to two new draft council documents, the Rating Policy and Rating Strategy 2019-23 (**Appendix "9.1B" and "9.1C"**).

The next steps are as follows:

No.	Action	Target Commencement Date	Target Completion Date
1	Draft Rating Strategy and Policy distributed to the community for feedback and submissions.		29 January 2019
2	Community Consultation period as per Section 223 of the <i>Local Government Act</i> .	30 January 2019	7 March 2019
3	Council to hear & consider submissions received and make any changes accordingly.		12 March 2019
4	Council to adopt the final Rating Policy and Strategy (unless there are significant changes).		25 March 2019
If changes are significant then a further Section 223 consultation period will be required:			
5	Community consultation period.	26 March 2019	23 April 2019
6	Council consider any further submissions received.		30 April 2019
7	Council to adopt the final Rating Strategy and Rating Policy.		27 May 2019

Financial Implications

The Rating Strategy is undertaken in-conjunction with the development of the Council Budget.

Funding of \$75,000 to run the committee and engage the consultant was met through the 2018-19 Budget.

The introduction of a \$30 rebate for eligible pensioner assessments will cost approximately \$53,000 and these funds will need to be budgeted for in the 2019-20 budget and beyond.

Links To Council Plans, Strategies, Policies

2018-2022 Council Plan

Four-Year Priority – 4.1.01 Review the rates strategy and implement

Consultation/Communication

The committee received feedback from the community through an on-line survey, face-to-face meetings with the consultant during several community drop-in sessions and through formal submissions.

Source	Residential	Farm	Business	Other	Total
Survey	202	66	21	0	289
Submissions	1	4	0	0	5
Face-to-face	0	3	0	1 ¹	4
Total	203	73	21	1	298

The information gathered through this process was compiled by the consultant and was reviewed by the committee.

Risk Implications

Should a new Local Government Act be adopted during this current term of the State Government, then there will be some statutory implications for Council with regards to its rating processes, most significantly regarding the level of the municipal charge. The exact impact remains uncertain until such time as the new Act comes in to force.

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 next stage of the process needs to take place to seek further feedback from the community on the Draft Rating Policy and Rating Strategy.

9.2 QUARTERLY FINANCIAL REPORT 31 DECEMBER 2018

Author's Name: Zac Gorman **Director:** Graeme Harrison
Author's Title: Management Accountant **File No:** F18/A10/000001
Department: Finance 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

Quarterly Financial Report – December 2018 (**Appendix “9.2A”**)

Purpose

To provide Council with the quarterly financial report for the quarter ended 31 December 2018.

Summary

- The quarterly financial report for the quarter ended 31 December 2018 is provided in accordance with statutory requirements.

Recommendation

That Council note the Quarterly Financial Report for the period ending 31 December 2018.

Council Resolution

MOVED Cr Alethea Gulvin, Seconded Cr Josh Koenig

That Council note the Quarterly Financial Report for the period ending 31 December 2018.

CARRIED

Report**Background**

Under Section 138 (1) of the *Local Government Act 1989*, a financial statement is to be provided to open Council comparing actual to budget for revenue and expenditure at least once every three months.

Discussion

The attached report (**Appendix "9.2A"**) has been prepared to provide Council with an overview of finances year-to-date and comparisons to budget in a simple easy to read format, with commentary as required.

Financial Implications

Staff time to compile and prepare this report is included in the 2018-19 budget.

Links To Council Plans, Strategies, Policies

2018-2022 Council Plan

Goal 4 – Governance and Business Excellence

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

Consultation/Communication

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

Risk Implications

The provision of relevant information on a regular basis is an important part of Council's internal controls and is necessary for Council to meet its obligations under Section 3 of the *Local Government Act 1989*, which ultimately makes Council accountable for the good financial management of the municipality.

There is a risk that either too much or too little information is provided to Council for it to carry out this responsibility. Council must therefore ensure that it has sufficient information to be satisfied that finances are in order and that budgetary and financial planning goals are being met.

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 financial report provides a summary of Council's performance against budget for the half year ended 31 December 2018.

9.3 CLOSED CIRCUIT TV (CCTV) POLICY**Author's Name:** Kerrie Bell**Director:** Graeme Harrison**Author's Title:** Manager Governance & Information **File No:** F19/A10/000001**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

CCTV – Council Policy (**Appendix “9.3A”**)

Purpose

To present to Council a draft CCTV policy for adoption.

Summary

In their 2018 audit, the Victorian Auditor-General's Office recommended that Horsham Rural City Council establish and implement a policy to cover all Council CCTV systems.

Recommendation

That Council adopt the draft CCTV policy.

Council Resolution

MOVED Cr John Robinson, Seconded Cr Les Power

That Council adopt the draft CCTV policy.

CARRIED

Report**Background**

To enhance the safety of the community, HRCC operates public CCTV systems primarily in the Horsham central activity district. There are also corporate security systems installed at the Town Hall and Kalkee Road Children's and Community Hub.

In September 2018, the Victorian Auditor-General's Office (VAGO) released a report on the Security and Privacy of Surveillance Technologies in Public Places. As part of their investigation, VAGO did an audit of five randomly selected Victorian councils. The councils they audited were the City of Melbourne, Whitehorse City Council, Hume City Council, East Gippsland Shire Council and Horsham Rural City Council.

Discussion

Auditor-General Andrew Greeves provided Horsham Rural City Council with a list of 10 recommendations. Officers have responded to the recommendations proposing actions and timeframes. Establishing and implementing a policy was one of these recommendations.

Financial Implications

No direct financial implications from the adoption of this Policy.

Links To Council Plans, Strategies, Policies

2018-2022 Council Plan

Four-Year Priority – 1.2 Develop a safe, active and healthy community, encouraging participation

Goal 4 – Governance and Business Excellence

Consultation/Communication

An internal working group has collaborated on the development of this Policy, with reference to relevant industry standards and guidelines including

- AS4806 Set-2008 Australian Standard Closed circuit television (CCTV)
- *Guide to Developing CCTV for Public Safety in Victoria*, the Department of Justice, August 2011
- *Surveillance and Privacy Information Sheet*, Privacy Victoria, March 2012.

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

The adoption of the CCTV Policy will ensure that our community has confidence in Council's commitment to providing public safety using surveillance technology whilst protecting the privacy of individuals in accordance with legislation.

9.4 AUDIT COMMITTEE CHARTER

Author's Name: Diana McDonald **Director:** Graeme Harrison
Author's Title: Co-ordinator Governance **File No:** F18/A13/000001
Department: Governance & Information

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 and Risk Committee Charter – track changes (**Appendix “9.4A”**)
Audit and Risk Committee Charter – clean copy (**Appendix “9.4B”**)

Purpose

To endorse a revised charter for Council's Audit Committee.

Summary

- The Audit Committee reviews its charter every year.
- The current charter was discussed by the committee at its November 2018 meeting.
- Proposed changes have since been distributed and reviewed by the committee.

Recommendation

That Council adopt the revised Audit and Risk Committee charter.

Council Resolution

MOVED Cr David Grimble, Seconded Cr Pam Clarke

That Council adopt the revised Audit and Risk Committee charter subject to the following amendment to item 6.5.3:

“6.5.3 Review and approve the annual internal audit plan, ensuring that it links with the Council's Risk Management Strategy and key identified business risks.”

CARRIED

Report**Background**

The Horsham Rural City Council (HRCC) Audit Committee is an advisory committee of Council, established in accordance with Section 139 of the *Local Government Act 1989*. The committee's objective is to provide appropriate advice and recommendations to Council on matters as listed in its Charter.

Discussion

The Audit Committee and officers have reviewed the Charter and there are a number of changes which can be summarised as follows:

- Inclusion of "Risk" in the title for the Committee to more accurately reflect the committee's role in overseeing Council's risk management processes.
- References throughout the document have been changed in line with the new corporate responsibilities arising from the restructure in 2018.
- The composition of the committee (section 4) has been updated to better clarify the re-appointment of independent members and the appointment process for the chair.
- A new requirement has been added 6.8.4 that the chair report annually to Council.

Financial Implications

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

Links To Council Plans, Strategies, Policies

2018-2022 Council Plan

Goal 4 – Governance and Business Excellence

Four-Year Priorities:

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 (Victorian Auditor-General's Office – 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 Audit Committee is a legislated requirement and a current up-to-date Charter ensures that the committee is effective in discharging its duties and responsibilities.

9.5 PROPOSED SALE OF ARNOTT'S QUARRY

Author's Name:	John Martin	Director:	John Martin
Author's Title:	Director Infrastructure	File No:	99/01/08963A
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 propose the sale of Council's Arnott's Quarry at Laharum to the adjoining landholder, Luke Uebergang, who intends to establish a quarry on that land.

Summary

- Council's stocks of gravel at its main quarry, the Arnott's Quarry at Laharum, will be exhausted within two years.
- Extensive negotiations with the owner of the land adjoining Arnott's Quarry, Luke Uebergang, have considered a range of options that would lead to development of the resource on that land.
- Mr Uebergang is also the Director of Horsham Excavation and Demolition, which has taken over the contract formerly held by G&H Hair Earthmoving, for bulldozer operations at Arnott's Quarry, and has separately tendered for supply of material from its adjoining land, once it develops the site.
- The sale of Council's land to the adjoining landowner is considered to be efficient from operational, resource management and commercial perspectives.
- The *Local Government Act 1989* prescribes a process for sale of Council land, which includes public notification of the intention to sell the land, and obtaining a valuation of the land.
- An agreement would need to be established with Mr Uebergang regarding Council's access to the Mt Zero Transfer Station.

Recommendation

That Council:

1. Agree in principle to the sale of the Arnott's Quarry land. Obtain a valuation for the sale of the site.
2. Advertise its intention to sell the land as per the *Local Government Act* requirements.
3. Negotiate a contract that preserves Council's access to the Mt Zero transfer station and addresses the rehabilitation requirements for the land, either by licence or subdivision.

Council Resolution

MOVED Cr David Grimble, Seconded Cr Alethea Gulvin

That the report on the proposed sale of Arnott's Quarry be received.

CARRIED

Council Resolution

MOVED Cr Pam Clarke, Seconded Cr Alethea Gulvin

That Council:

1. Agree in principle to the sale of the Arnott's Quarry land to Horsham Excavation and Demolition, and obtain a valuation for the sale of the site.
2. Advertise its intention to sell the land as per the *Local Government Act* requirements.
3. Negotiate a contract that preserves Council's access to the Mt Zero transfer station and addresses the rehabilitation requirements for the land, either by licence or subdivision.

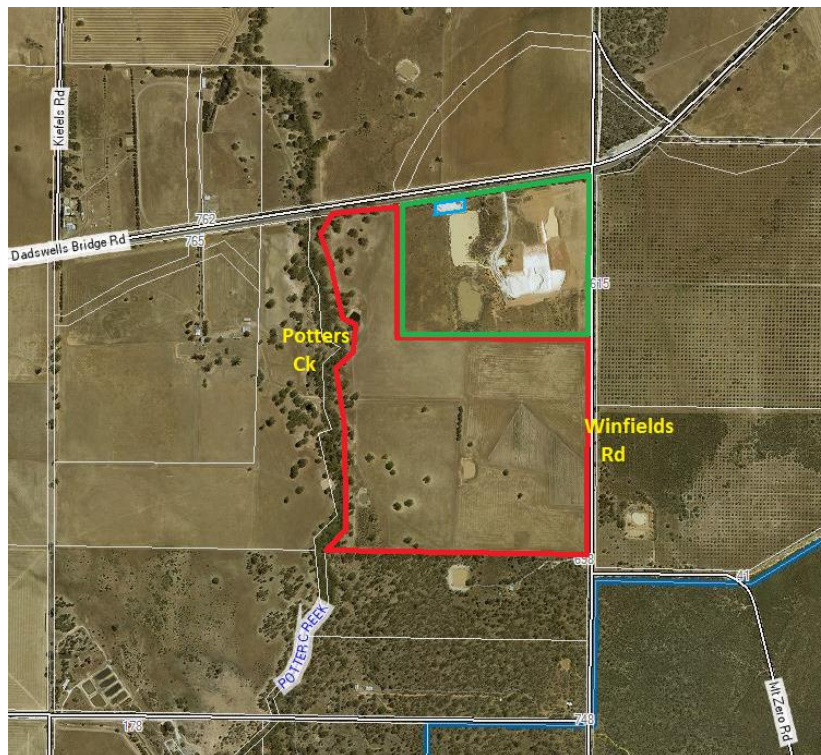
CARRIED

Report

Council owns Arnott's Quarry, being the land shown in green adjacent to the Wonwondah-Dadswells Bridge Road, and Winfields Road in the diagram below. The Laharum transfer station occupies a small part of the site, shown in blue facing the Wonwondah-Dadswells Bridge Road.

This quarry has been in operation since about 1997, producing around 30 - 40,000 m³ per year of crushed sandstone. This is the major source of gravel used by Council. The quarry is getting close to the end of its life, with around two years of material estimated to remain in the north-east corner of the site.

For approximately two years, this writer has been in negotiation with the adjoining landholder, Luke Uebergang – principal of Horsham Excavation and Demolition (HED) – about options for continued quarry operations on the adjoining parcel of land shown in red.



HED has not yet been issued a Work Authority to conduct the quarrying operations but is in the process of obtaining this Authority, including the related Planning Permit. It is anticipated that this process will be completed promptly so that the quarry could be in operation early in 2019.

Discussion

A number of different options for development of the quarry have been considered, including:

1. Council sources gravel from HED – no land amalgamation
2. Council leases / purchases land from HED
3. Council sells land to HED

The assessment of these three options has determined that the preferred approach is option 3, Council selling the land to HED. The following pros and cons were identified for this option:

- **Pros**
 - Provides operational efficiency for HED, through access to an existing working floor at the base level of the sandstone.
 - Provides a simpler arrangement for continued site access from Wonwondah-Dadswells Bridge Rd, rather than Winfields Road.
 - Enables the 20 m buffer at the common boundary to be used as a resource – this resource would not be able to be accessed if HED did not control the Council land.
- **Cons**
 - Council would need to secure access to the transfer station through a lease or subdivision.
 - An agreement would be needed so that Council could retain priority access to the remaining sandstone in the north-east corner of the site as a contingency reserve.

The latter con is proposed to be addressed by delaying the sale of land until Council has utilised as much of the resource on the site as possible. This will ensure that Council accesses this resource at current rates.

Next Steps

If the sale of land to HED is the preferred option, the following steps would be required:

- A valuation would need to be obtained.
- The process of advertising Council land for sale would need to be followed.
- A contract would need to be drawn up to cater for sale of the land to provide for:
 - A lease or subdivision of land for the area occupied by the transfer station
 - Reservation of any remaining resource in the north-east corner of the site for use by Council.

Financial Implications

The key issue in this matter is securing a long-term gravel resource.

The price of land sale would be based on a valuation yet to be obtained. This would need to take into consideration the funds set aside for restoration of the site (which occurs progressively during the life of the quarry).

The costs of obtaining gravel will be minimised by utilising as much of the remaining resource as possible before implementing the transfer.

Links To Council Plans, Strategies, Policies

This action is not directly identified in Council plans, however, ensuring continuing access to a gravel resource is essential to our road construction and maintenance programs.

Consultation/Communication

Council would be required to give notice of the intention to sell should this proposal advance.

Risk Implications

No impacts on any of the top 15 risks listed in the risk register.

Environmental Implications

There are numerous potential environmental issues associated with quarrying. The conditions on Work Authorities generally address these. Council has a fund for rehabilitation of the quarry, which would need to be ensured post-sale.

Mr Uebergang has had a Cultural Heritage Management Plan prepared for his adjoining land.

Human Rights Implications

Nil

Conclusion

The sale of Council's Arnott's Quarry land to the adjoining landholder presents an opportunity for efficient access to gravel resources in the area.

9.6 CONTRACT 19-14 URBAN ROADS RECONSTRUCTION

Author's Name: Lyndon White **Director:** John Martin
Author's Title: Coordinator Engineering Design **File No:** 19-014
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:** The Appendix only is considered confidential as it includes commercial-in-confidence information relating to submitted tenders.

Appendix

Contract 19-014 Urban Roads – Tender Evaluation Report (confidential) (**Appendix "15.1A"**)

Purpose

To award the contracts for the reconstruction of five urban roads, being parts of Fechler Avenue, Federation Avenue, Frederick Street, Gardenia Street and Wavell Street.

Summary

- The five urban road reconstruction projects were bundled into one tender process to see if Council could get a better financial outcome compared to other recent tenders for similar projects.
- Tenderers were invited to provide a submission for all five of the street construction works, or any single street or combination of streets.
- Public tenders were sought through Council's normal procurement processes.
- A good response was received, and preferred tenderers have been identified to conduct the works through the normal evaluation process.
- The tendered price for the combined five projects is 2.1% higher than budget or \$25,440.78, which is considered as an acceptable financial outcome.
- The timing of contractor availability is a factor in relation to delivery of this year's and next year's road construction program.

Cr Les Power and Cr Josh Koenig left the meeting at 6.12pm.

Recommendation

That Council:

1. Accept the tender submitted by Midbrook Pty Ltd for the lump sum of \$314,687.00 ex GST for the reconstruction of Fehler Avenue, from Kalimna Avenue to Valentine Avenue.
2. Accept the tender submitted by Midbrook Pty Ltd for the lump sum of \$513,313.00 ex GST for the reconstruction of Federation Avenue, from Drummond Street to Kalimna Avenue.
3. Accept the tender submitted by Midbrook Pty Ltd for the lump sum of \$165,800.00 ex GST for the reconstruction of Frederick Street, from Wavell Street to north 140 metres.
4. Accept the tender submitted by Mintern Civil for the lump sum of \$100,752.25 ex GST for the reconstruction of Gardenia Street, from Laurel Street to Wotonga Drive.
5. Accept the tender submitted by Mintern Civil for the lump sum of \$132,247.53 ex GST for the reconstruction of Wavell Street, from Queen Street to Kalkee Road.

Council Resolution**MOVED Cr Pam Clarke, Seconded Cr John Robinson**

That Council:

1. Accept the tender submitted by Midbrook Pty Ltd for the lump sum of \$314,687.00 ex GST for the reconstruction of Fehler Avenue, from Kalimna Avenue to Valentine Avenue.
2. Accept the tender submitted by Midbrook Pty Ltd for the lump sum of \$513,313.00 ex GST for the reconstruction of Federation Avenue, from Drummond Street to Kalimna Avenue.
3. Accept the tender submitted by Midbrook Pty Ltd for the lump sum of \$165,800.00 ex GST for the reconstruction of Frederick Street, from Wavell Street to north 140 metres.
4. Accept the tender submitted by Mintern Civil for the lump sum of \$100,752.25 ex GST for the reconstruction of Gardenia Street, from Laurel Street to Wotonga Drive.
5. Accept the tender submitted by Mintern Civil for the lump sum of \$132,247.53 ex GST for the reconstruction of Wavell Street, from Queen Street to Kalkee Road.

CARRIED

Cr Power and Cr Koenig returned to the meeting at 6.15pm.

Report**Background**

The five urban road reconstruction projects, being Fehler Avenue, Kalimna Avenue to Valentine Avenue, Federation Avenue, Drummond Street to Kalimna Avenue, Frederick Street, Wavell Street 140 m to the north, Gardenia Street, Laurel Street to Wotonga Drive and Wavell Street, Queen Street to Kalkee Road, are all part of the 2018-19 roads reconstruction program.

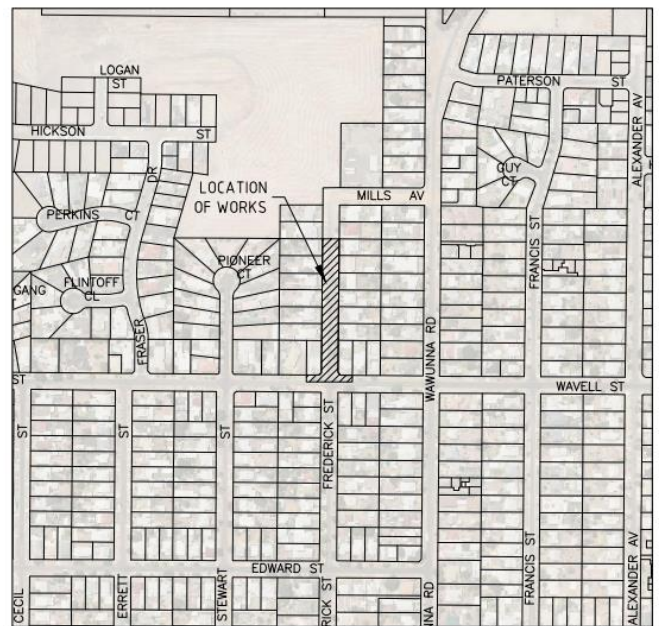
Two of the projects, Federation Avenue and Wavell Street, were tendered previously and the tender prices came in excessively high compared to the budget allocations. This led to the idea of bundling the five projects together to see if we could receive lower tendered prices.

The diagrams below show the sites of the works (hatched in each diagram).

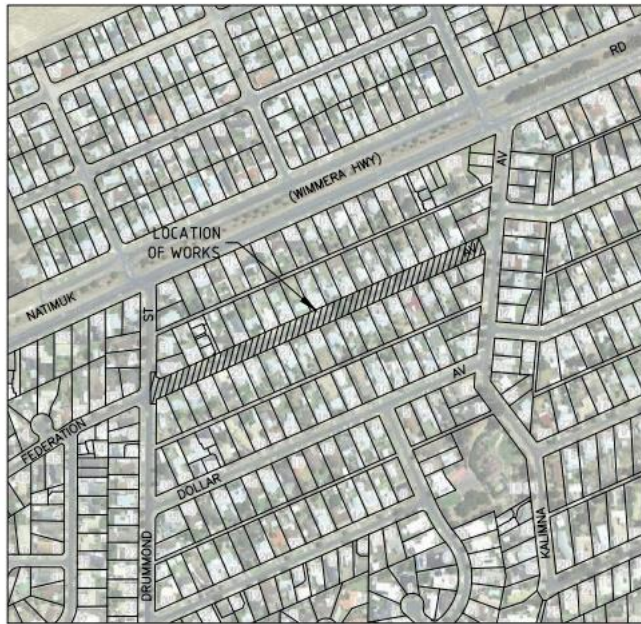
Fehler Avenue



Frederick Street



Federation Avenue



Gardenia Street



Wavell Street



Discussion

A detailed tender evaluation report is provided as an appendix in the Confidential Reports (**Appendix "15.1A"**).

Key aspects of the report include:

- Two tenders only were received for the Federation Avenue works, three tenders were received for the other four street works.
- The evaluation of tenders was based on the criteria as presented in the tender documents.

A significant issue for the overall program is the availability of contractors. For this package of works, three local companies submitted tenders. A limitation in the tenders was the timing of when contractors could start the works.

None of the contractors have indicated an availability to commence the works before May this year, and the last of these works is anticipated not to be completed until around December 2019.

This has implications for deliverability of the 2019-20 program, as these contractors are likely to be the key contractors Council will rely on for similar works in that year.

Detailed planning is underway at present examining how the anticipated (preliminary) program for 2019-20 will be able to be delivered through a combination of internal and external resources. Information on this deliverability will be presented to Council as part of the upcoming budget planning process.

Financial Implications

The projects are part of Councils 2018-19 urban roads program. The recommended tender and budget amounts for each project are (ex GST \$):

Project	Budget	Recommended Tender
Fechler Avenue	\$305,000	\$314,687
Federation Avenue	\$519,359	\$513,313
Frederick Street	\$170,000	\$165,800
Gardenia Street	\$103,000	\$100,752
Wavell Street	\$104,000	\$132,247
Total	\$1,201,359	\$1,226,800

Combining the five projects the preferred tendered price is \$25,440.78 (or 2.1%) above the budget. This is considered an acceptable outcome given the pricing received for other similar road tenders over the past 12 months. This variation from budget will be absorbed through minor reductions in other related road programs.

Links To Council Plans, Strategies, Policies

2018-22 Council Plan

Four-Year Priority – 3.4 Deliver works to develop and maintain Council's physical assets for long term sustainability, amenity and safety

Consultation/Communication

The key communication aspect with these projects will be the interaction between the appointed contractors, Council's project supervisor and the adjacent landowners. Council has standard arrangements in place for this communication.

Risk Implications

Standard construction risks will apply. Supervision of works will be conducted by Council officers to manage these risks.

The availability of contractors for these works means that some of the projects will in part occur over the winter months. This could lead to some delays, for example in relation to application of bitumen seals at the completion of the works.

Contractor availability also means that some of the works will continue into the 2019-20 financial year.

Environmental Implications

Standard construction management practices will minimise environmental risks. There are no native vegetation or waterway issues associated with these works.

Human Rights Implications

Nil

Conclusion

The preferred tenders provide best value to Council and are recommended for award.

10. COUNCILLORS' REPORTS**Cr Alethea Gulvin**

- 21 December 2018 – Teleconference with consultant regarding the upcoming Open Space Strategy for the municipality
- 1 January 2019 – Hoping that everyone has had a wonderful start to the New Year and I hope that it will be a prosperous one for all
- 21 January 2019 – Attendance at Council Briefing meeting
- 26 January 2019 – Australia Day celebrations – book reading for children at the Horsham ceremony

Cr Les Power

- I wish everyone a happy and prosperous New Year.

Cr Mark Radford, Mayor

- 18 December 2018 – Horsham College Years 7, 8 and 9 Presentations
- 18 December 2018 – Rates Review Briefing
- 18 December 2018 – Horsham College Year 12 Presentation
- 19 December 2018 – Horsham College tour with U3A members
- 19 December 2018 – Christmas party at the Horsham Golf Club
- 20 December 2018 – Operations Outdoor Team breakfast
- 20 December 2018 – Pick My Project meeting
- 20 December 2018 – Natimuk Men's Shed Christmas lunch
- 20 December 2018 - Mayor's Christmas party at the Horsham Town Hall
- 3123 December 2018 – Natimuk Community Carols
- 24 December 2018 – Community piano launch, Roberts Avenue
- 31 December 2018 – New year's eve event at the Horsham Showgrounds
- 7 January 2019 – Pick My Project meeting
- 8 January 2019 – Meeting with Graeme Sawyer, National Broadband Network
- 9 January 2019 – Meeting with Hugh Delahunty and candidate for National Party
- 10 January 2019 – Neil Hateley funeral (Natimuk Men's Shed and Agricultural Society)
- 12 January 2019 – Karen community new year celebrations, Horsham Town Hall
- 14 January 2019 – CEO Meeting
- 15 January 2019 – MAV Presidential candidate interview
- 15 January 2019 – Western Rail Alliance meeting in Halls Gap
- 21 January 2019 – Philip Proctor funeral
- 21 January 2019 – Council Briefing meeting

SUSPEND STANDING ORDERS**Council Resolution****MOVED Cr Pam Clarke, Seconded Cr Josh Koenig**

That Standing Orders be suspended for Verbal Councillor Reports and Acknowledgements.

CARRIED

The time being 6.16pm the Council meeting was suspended.

Cr Gulvin

- Attended Natimuk Australia Day celebrations in Natimuk and Horsham. Ambassador Matthew Albert did a great job. Hopefully we will see him again next year.
- Visited Wartook Reserve and Zumsteins over the long weekend. It makes you appreciate what we have in our community.

Cr Clarke

- Acknowledge the loss of three young under 60 year olds in the last few weeks, Larry Friend, Phil Proctor and Anthony Brook. They are a big loss for our community.
- Congratulations to everyone involved in organising Horsham's Australia Day event. We do it extremely well in Horsham and that's why we get such good attendance.
- Acknowledge the Karen new year celebration in Horsham. It was a wonderful celebration of their culture and I thoroughly enjoyed their event. They are amazing people who have been able to come into our community and be accepted and feel like they belong.

Cr Power

- Congratulations to those who put together the new year's eve event on the Wimmera River and also to the people of Horsham who attended the event.
- Condolences to the families of Larry Friend and Phil Proctor.

Cr Robinson

- Congratulations to Sue Exell on being award an Order of Australia medal and to everyone who received awards on Australia Day.

Cr Koenig

- Acknowledge the passing of Phil Proctor and condolences to Heather, worked with Phil at Uniting Wimmera for 10 years.
- It was a pleasure to interview school captains at Haven Primary School.
- Attended the Australia Day events.
- Congratulations to Mitch Creek who recently signed a NBA contract with the Brooklyn Nets. He has put in a lot of hard work over the years.

Cr Grimble

- Congratulations to Sue Exell on receiving an Order of Australia medal. The communities of Haven and Horsham South have been a lot stronger because of the work she's done.
- Acknowledge Colin Newall on receiving an Australia Fire Service Medal on Australia for his work with emergency services in his role as Group Officer with the Warracknabeal Country Fire Authority. He is a strong advocate for emergency services in Warracknabeal.
- Acknowledge the 10 year anniversary of Black Saturday. It was a significant State issue and I personally had an active operational role on the day and saw the Horsham Golf Club burn.
- recognise the recent five year anniversary of the Northern Grampians Complex Fire, another very large fire. Acknowledge the support that was provided not only from Council but also the work of Blazeaid who were supported by the local service clubs. It makes the community that you live in very strong.

Cr Radford

- Acknowledge the passing of Mr Neil Hateley who was involved with the Natimuk Men's Shed and Agricultural and Pastoral Society.
- acknowledge the passing of Anthony Brook and extend condolences to his family.
- Met with representatives from the National Broadband Network. It is important that we get a message out to our community that the copper network will be turned off in the near future.
- The recent power outages around the State were concerning. With new technology, when power goes off, so do the phones. Some Haven residents were without power for a couple of hours.
- We had a beautiful Australia Day ceremony in Horsham, despite the disruption and chaos in Melbourne. It was lovely to have our ceremony opened by local Aboriginal Elder Jennifer Beer. Ambassador, Matthew Albert, was full of praise for what he witnessed in Horsham and Natimuk.

RESUME STANDING ORDERS

Council Resolution

MOVED Cr Pam Clarke, Seconded Cr Alethea Gulvin

That Standing Orders resume.

CARRIED

The time being 6.30pm, the Council meeting resumed.

Council Resolution

MOVED Cr Pam Clarke, Seconded Cr Les Power

That the Councillors Reports and Acknowledgements be received.

CARRIED

11. URGENT BUSINESS

Nil

12. PETITIONS AND JOINT LETTERS**12.1 PETITION – PROPOSED SERVICE STATION, 123 MAIN STREET, NATIMUK****Author's Name:** Angela Murphy**Director:** Angela Murphy**Author's Title:** Director Development Services**File No:** 99/01/10427A**Department:** Development 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

Petition – Planning application objection to use land at 123 Main Street, Natimuk as a 24 hour/7 day a week service station (**Appendix “12.1A”**)

Purpose

To receive the petition against proposed service station at 123 Main Street, Natimuk.

Summary

- An application has been made for the use and development of land at 123 Main Street, Natimuk to establish a self-serve service station.
- The subject land currently operates as a Council depot.
- The application was placed on public notification which resulted in 28 objections being received.
- A petition signed by 45 signatories and objecting to the planning application has recently been received.
- The planning application has lapsed, and therefore the development will not proceed.
- Council has agreed not to enter into a lease for the property.

Recommendation

That Council:

1. Receive and note the petition against the proposed service station at 123 Main Street, Natimuk.
2. Advise the petitioners that the proposed development of service station at 123 Main Street, Natimuk will not proceed given that the planning application has lapsed and Council has agreed not to lease the land for the proposed development.

Council Resolution

MOVED Cr Alethea Gulvin, Seconded Cr Les Power

That Council receive and consider the petition against the proposed service station at 123 Main Street, Natimuk.

CARRIED

Council Resolution

MOVED Cr Alethea Gulvin, Seconded Cr Pam Clarke

That Council advise the petitioners that the proposed development of service station at 123 Main Street, Natimuk will not proceed given that the planning application has lapsed and Council has agreed not to lease the land for the proposed development.

CARRIED

Council Resolution

MOVED Cr David Grimble, Seconded Cr John Robinson

That Council make contact with the applicant to discuss acceptable opportunities for a fuel outlet in Natimuk.

CARRIED

Report**Background**

An application to establish a service station on the land situated at 123 Main Street, Natimuk was lodged with Council on the 31 August 2018.

A petition signed by 45 signatories and objecting to the planning application has recently been received.

Discussion

The application was referred to VicRoads and the Environment Protection Authority. In addition to these referrals, the application was placed on public notification. This resulted in 28 objections being lodged. These objections primarily related to amenity and traffic issues.

VicRoads required further information to be provided. This request was relayed to the applicant on 18 September 2018. The further information letter specified a lapse date of 18 October 2018. As no extension of time was sought to provide the additional information the application has lapsed.

Peregrine Corporation has since been advised that the application has lapsed and that Council has agreed not to lease the property for the proposed development.

Notwithstanding the lack of support for the site at 123 Main Street, Natimuk, Council through the Council Plan is supportive of a community service station in Natimuk, subject to identifying a suitable site.

It is suggested that Council advise the petitioners that the proposed development of service station will not proceed.

Financial Implications

There are no financial implications.

Links to Council Plans, Strategies, Policies

2018-2022 Council Plan

Four-Year Priority – 2.1.07 Support investigations into the community service station at Natimuk

Four-Year Outcome – 5.2 Plan for rural and urban land use to create a sustainable municipality for the future

Consultation/Communication

The Planning application was placed on public exhibition, and neighbours were notified of the application, together with referral authorities.

Risk Implications

There are no risk implications.

Environmental Implications

There are no environmental implications.

Human Rights Implications

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

Conclusion

A petition signed by 45 signatories and objecting to the planning application has recently been received. It is suggested that Council advise the petitioners that the proposed development of service station will not proceed.

13. PROCEDURAL BUSINESS**13.1 ASSEMBLY OF COUNCILLORS – RECORD OF MEETINGS**

- Council Planning/Budget Meeting held on Thursday 13 December 2018 at 5.00pm in the Civic Centre Reception Room, Horsham Rural City Council
- Council Briefing Meeting held on Tuesday 18 December 2018 at 5.00pm in the Civic Centre Reception Room, Horsham Rural City Council
- Council Briefing Meeting held on Monday 21 January 2019 at 5.00pm in the Civic Centre Reception Room, Horsham Rural City Council

13.2 SEALING OF DOCUMENTS

Nil

13.3 INWARD CORRESPONDENCE

Nil

13.4 COUNCIL COMMITTEE MINUTES

Nil

Recommendation

That Council receives and notes agenda items 13.1, 13.2, 13.3 and 13.4.

Council Resolution**MOVED Cr John Robinson, Seconded Cr Josh Koenig**

That the minutes of the Council Briefing Meeting held on 21 January 2019 be received.

CARRIED

Council Resolution**MOVED Cr Pam Clarke, Seconded Cr Josh Koenig**

That Council receives and notes agenda items 13.1, 13.2, 13.3 and 13.4.

CARRIED

14. NOTICES OF MOTION

Nil

15. CONFIDENTIAL MATTERS

Council Resolution

MOVED Cr Alethea Gulvin, Seconded Cr Josh Koenig

That the Council Meeting close to the public to consider Confidential Matters.

CARRIED

The time being 6.48 pm the Council meeting closed to the public.

Council Resolution

MOVED Cr Pam Clarke, Seconded Cr Les Power

That the Council meeting open to the public.

CARRIED

The time being 6.52pm the Council meeting opened to the public.

Council Resolution

MOVED Cr Les Power, Seconded Cr Josh Koenig

That the resolutions in the closed Council meeting be adopted and moved into open Council.

CARRIED

15.2 WIMMERA DEVELOPMENT ASSOCIATION COMMUNITY REPRESENTATIVE APPOINTMENT

Council Resolution

Moved Cr Gulvin, Seconded Cr Koenig

That Council:

1. Appoint Cathy Tischler to the position of community representative to the Wimmera Development Association.
2. Acknowledge Robyn Gulline for her work with the Wimmera Development Association.

CARRIED

The meeting closed at 6.53pm.



The Mayor, Cr Mark Radford
Chairperson