

MINUTES of the Ordinary Meeting of the Horsham Rural City Council held in the Municipal Chambers, Civic Centre, Horsham at 5.30pm on 25 February 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, John Martin, Director Infrastructure; Angela Murphy, Director Development Services; Kevin O'Brien, Director Community Wellbeing; Sue Frankham, Governance Officer; Diana McDonald, Coordinator Governance.

David Bowe

Dean Lawson

Fletcher Mills

Daina Oliver

Trish Schulz

Robert Somers

Susan Surridge

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 wellbeing 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 29 January 2019 be adopted.

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

That the minutes emanating from the Ordinary Meeting of the Horsham Rural City Council held in the Municipal Chambers, Civic Centre, Horsham at 5.30pm on 29 January 2019 be adopted.

CARRIED

7. CONFLICTS OF INTEREST

Cr Alethea Gulvin declared an indirect conflict of interest for items 9.5 and 15.3 – Contract 19/020 Peppertree Lane Reconstruction, under Section 78B of the *Local Government Act 1989* - Conflicting Duties. The nature of the interested being that Cr Gulvin is a Holy Trinity Lutheran College employee. Cr Gulvin left the meeting at 6.24pm and returned at 6.28pm. Cr Gulvin was absent whilst the matter was being discussed and considered.

Cr David Grimble declared an indirect conflict of interest for item 14 – Notice of Motion, under Section 78A of the *Local Government Act 1989* – Indirect Financial Interest. Cr Grimble provides financial support by way of subscriptions to the Laharum and Brimpaen halls. Cr Grimble was present whilst the matter was being discussed and considered.

Cr John Robinson declared an indirect conflict of interest for item 14 – Notice of Motion – Conflicting Duties. Cr Robinson's wife is treasurer of the Taylors Lake Hall Committee. Cr Robinson was present whilst the matter was being discussed and considered.

8. PUBLIC QUESTION TIME

Nil

9. OFFICERS REPORTS

9.1 DELEGATIONS UPDATE

Author's Name: Graeme Harrison **Director:** Graeme Harrison
Author's Title: Director Corporate Services **File No:** F19/A12/000001
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

Council to Staff Delegations (**Appendix "9.1A"**)

Purpose

To update Council's delegations to staff with changes arising from the Maddocks Lawyers delegation service and for new and changed position titles created during the recent staff restructure.

Summary

- Background information with respect to delegations generally
- The following changes are accounted for in the delegation documents:
 - Maddocks lawyers updated information provided to Council every 6 months to account for changes within legislation
 - Changes to position titles and responsibilities associated with Council's recent restructure
- Listing of the legislation that has had some change from the Maddocks recent update

Recommendation

That Council –

In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of delegation (**Appendix “9.1A”**).

Horsham Rural City Council (Council) RESOLVES THAT -

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

Council Resolution**MOVED Cr Alethea Gulvin, Seconded Cr Les Power**

That Council –

In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of delegation (**Appendix “9.1A”**).

Horsham Rural City Council (Council) RESOLVES THAT -

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

CARRIED

Amendment

MOVED Cr David Grimble, Seconded Cr John Robinson

That Council revoke the following delegations to members of Council staff under the *Road Management Act 2004*:

- S.12(2) power to discontinue road or part of a road
- S.17(3) power to decide that a road is reasonably required for general public use
- S.17(4) power to decide that a road is no longer reasonably required for general public use.

AMENDMENT LOST

Report**Background**

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

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

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

Council cannot, however, delegate the following:

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

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

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

Delegations made by the CEO to members of staff do not however need to be made via a resolution of Council. They do however need to be maintained in a register.

Under Section 98 (4) of the *Local Government Act 1989* (the Act), Council must keep a register of delegations to members of Council Staff. As new legislation is adopted or amendments made to existing legislation delegations will change.

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

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

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

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

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

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

In summary there are five delegation types:

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

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

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

Discussion

Council manages its delegations by subscribing to a service from Maddocks Lawyers which provides Council with amendments to existing legislation and updates on new legislation. These updates are usually received on a six monthly basis, and as such an update was received in December 2018, which takes account of legislative changes since July 2018.

A. DELEGATIONS OF COUNCIL

1. Delegation to the Chief Executive

The delegation to the CEO was updated in October 2017 and there were no further updates at this point in time.

2. Delegations from Council Direct to Staff:

There are a number of amendments that impact on delegations from Council to Staff:

- Section 46AS of the *Planning and Environment Act 1987 (Vic)* (P&E Act) was replaced on 30 May 2018, as a consequence of the *Planning and Environment Amendment (Distinctive Areas and Landscapes) Act 2018*
- Section 181H of the *Local Government Act 1989* is a power that can only be delegated to Council's CEO so has been removed.

Details of all of the delegations from Council to Staff are shown in **Appendix "9.1A"**.

3. Delegation to Special Committees

There are no changes to the delegations to special committees.

B. DELEGATIONS BY OTHERS

1. Delegations from CEO to Staff

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

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

- *Building Act 1993*
- *Child Wellbeing & Safety Act 2005*
- *Electoral Act 2002* and related *Electoral Regulations 2012*
- *Family Violence Protection Act 2008 (FVP Act)*, *Family Violence Protection (Information Sharing) Amendment (Risk Management) Regulations 2018 (Vic)*
- *Freedom of Information Act*
- *Local Government Act 1989*

2. Delegation Municipal Building Surveyor to Staff

Some minor changes have been made to the delegation by the MBS to staff under the *Building Act* and *Building Regulations 2018*.

Financial Implications

The financial impact of the review of delegations is limited to staff time and the cost of the Maddocks Delegation Service which has been included in the 2018-19 budget.

Links To Council Plans, Strategies, Policies

2018-2022 Council Plan

Goal 4 – Governance and Business Excellence

Consultation/Communication

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

Risk Implications

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

Also the fact that a delegation has been made does not affect the Council's powers in relation to the issue concerned. A delegate's decision (once made) is taken to be the decision of the Council itself. The Council can therefore find itself bound by a decision which it may not itself have made. This risk is mitigated by having in place appropriate policies and guidelines under which delegation should be exercised. Guideline G04/004 has been put in place to address this issue and was reviewed in 2017 by the Executive Management Team.

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

It is a significant task to maintain delegations when the organisation is in change along with changing legislation. This update further improves the delegations around responsibilities for specific functions as new positions and roles arising from the restructure, are bedded down within the organisation.

9.2 POLICY FRAMEWORK REVIEW

Author's Name: Sue Frankham/
Lindy Haigh **Director:** Graeme Harrison
Author's Title: Governance Officer **File No:** F19/A10/000001
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

Draft Policy Framework – track changes (**Appendix “9.2A”**)

Draft Policy Framework – clean copy (**Appendix “9.2B”**)

Purpose

To present the revised draft Policy Framework policy to Council for adoption.

Summary

- The Horsham Rural City Council Policy Framework policy has been reviewed by the Governance Team and some minor changes are proposed.
- The main change relates to principle 4.12 which states that consideration will be given to relevant Council obligations/legislation such as human rights, equal opportunity and access and inclusion, and a gender lens will be applied to ensure that all policies comply with gender equity.
- The Policy Framework is a Council policy and changes to this policy must be endorsed by Council.

Recommendation

That Council adopt the revised Policy Framework policy.

Council Motion

MOVED Cr David Grimble, Seconded Cr Alethea Gulvin

That Council adopt the revised Policy Framework policy subject to the following amendments:

- Delete principle 4.2 (page 1) as it is a duplication of principle 4.1, and renumber principles accordingly.
- Council Policies definition (page 2), second sentence, replace with “These policies are adopted by resolution of Council”.

Amendment**MOVED Cr John Robinson, Seconded Cr Josh Koenig**

That Council adopt the revised Policy Framework policy subject to the following amendments:

- Delete principle 4.2 (page 1), as it is a duplication of principle 4.1, and renumber principles accordingly.
- Council Policies definition (page 2), second sentence, replace with *“These policies are adopted by resolution of Council”*.
- Principle 4.12 (page 1), replace with the following:
“Council will comply with mandated legislative and judicial requirements such as those relating to:
 - (a) The Australian Constitution*
 - (b) Relevant Commonwealth and State Acts of Parliament including the Local Government Act 1989 (Victoria)*
 - (c) Human Rights legislation*
 - (d) Equal Opportunity, Access and Inclusion and Gender Equity legislation.”*

When the amendment was PUT it was CARRIED. The amendment then became the substantive motion and when it was PUT it was CARRIED.

Council Resolution

That Council adopt the revised Policy Framework policy subject to the following amendments:

- Delete principle 4.2 (page 1), as it is a duplication of principle 4.1, and renumber principles accordingly.
- Council Policies definition (page 2), second sentence, replace with *“These policies are adopted by resolution of Council”*.
- Principle 4.12 (page 1), replace with the following:
“Council will comply with mandated legislative and judicial requirements such as those relating to:
 - (a) The Australian Constitution*
 - (b) Relevant Commonwealth and State Acts of Parliament including the Local Government Act 1989 (Victoria)*
 - (c) Human Rights legislation*
 - (d) Equal Opportunity, Access and Inclusion and Gender Equity legislation.”*

CARRIED

Report**Background**

The Horsham Rural City Council Policy Framework policy provides a structure for the development of all Council policies. It regulates the development of policies and ensures clarity between Council and Administrative policies.

Discussion

When developing and reviewing policies, consideration should be given to relevant legislation such as human rights, equal opportunity and access and inclusion. We also need to ensure that policies comply with gender equity requirements. The Policy Framework policy has been reviewed to reflect this.

Financial Implications

Nil

Links To Council Plans, Strategies, Policies

2018-2022 Council Plan

Goal 4 – Governance and Business Excellence

4.2 – Manage risk to the organisation

4.4 – Achieve high standards of organisational performance

Consultation/Communication

Council has recently appointed a Gender Equity Officer, who will provide training to governance staff on how the proposed gender equality legislation should be applied in Local Government. This will enable the Governance Team to support staff in ensuring that we meet our obligations in relation to this matter when developing policies and procedures. The Governance Team will also provide support and advice to staff in relation to other legislative requirements as necessary.

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

It is best practice to remain up to date with relevant legislation and ensure that legislative requirements are taken into consideration when developing policies. The revised Policy Framework policy will ensure that this occurs.

9.3 PROPOSED HORSHAM REGIONAL MUSEUM FEASIBILITY STUDY STAGE 1

Author's Name: Angela Murphy **Director:** Angela Murphy
Author's Title: Director Development Services **File No:** F06/A13/000001
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

Proposed Horsham Regional Museum Feasibility Study Stage 1 March 2018
(Appendix "9.3A")

Purpose

To receive and note the Proposed Horsham Regional Museum Feasibility Study Stage 1.

Summary

- The Proposed Horsham Regional Museum Feasibility Study Stage 1 project was funded by the Horsham Rural City Council through a community grant in 2017/2018.
- The study has been managed by the Horsham Regional Museum Working Group, comprising members of the Horsham Historical Society, Horsham RSL (RSL Military History and Heritage Group) Council and community representatives.

Recommendation

That Council:

1. Receive and note the Proposed Horsham Regional Museum Feasibility Study Stage 1 dated March 2018.
2. Refer the report to the Wimmera River and Central Activity District Vision and Concept Plan Project to explore opportunities for progressing the feasibility study.

Council Resolution

MOVED Cr Pam Clarke, Seconded Cr Josh Koenig

That Council:

1. Receive and note the Proposed Horsham Regional Museum Feasibility Study Stage 1 dated March 2018.
2. Refer the report to the Wimmera River and Central Activity District Vision and Concept Plan Project to explore opportunities for progressing the feasibility study.

CARRIED

Foreshadowed Motion

MOVED Cr David Grimble, Seconded Cr John Robinson

That Council places the Proposed Horsham Regional Museum Feasibility Study Stage 1 March 2018 on public exhibition and seeks comments from the community.

Council Resolution

That Council places the Proposed Horsham Regional Museum Feasibility Study Stage 1 March 2018 on public exhibition and seeks comments from the community.

CARRIED

Report**Background**

There are a number of significant heritage collections dispersed throughout the greater Horsham and Wimmera region, held by community organisations and individual community members. Included in these collections are over 1,500 militaria items (some with known national significance) at the Horsham RSL, and an extensive collection of cultural, civil and military items held by the Horsham Historical Society Inc. Individuals, also with very substantial heritage collections, have expressed a desire for an opportunity to share their displays.

An urgent need for improved storage, care and display of items has been acknowledged by each organisation. In 2016, the Horsham Regional Museum Working Group was established comprising interested individuals and representatives from these community organisations to identify a strategy to store, care and exhibit these heritage items efficiently.

Horsham Rural City Council remains one of the few major regional cities in Victoria without a dedicated centre for display of heritage collections.

Regional museums and public heritage centres, increasingly perform a role of social cohesion and assist in strengthening increasingly diverse communities by engaging and celebrating with the whole community.

There is also an opportunity for Horsham to become a tourism destination through additional cultural product that can achieve a contemporary, interactive and discovery centre solution.

Discussion

The completed Stage 1 Feasibility Study includes:

- Review of existing collections within the municipality
- Situational analysis including review collections and museums in the wider region, ie, Wimmera and regional Victoria
- Benchmark analysis of the features of other regional museums in Victoria and Australia
- SWOT (strengths, weaknesses, opportunities, threats) analysis for the museum proposal
- Options for a Horsham Regional Museum that reflect the strength of our regional collections and provide a “point of difference” for the market place
- Functional brief for the museum that maps out the functional areas required for a museum and floor space
- High level cost/benefit analysis of the proposal, including analysis of economic benefits to the region of development the museum
- Recommendation as to the feasibility of the museum project - and moving forward to Stage 2 (Concept Design and Business Plan).

It is suggested that the report be referred to the Wimmera River and Central Activity District (CAD) Visioning Concept Plan Project as a background/input document for consideration.

Financial Implications

The project was funded by a grant from Horsham Rural City Council of \$10,000. The report details a proposed capital cost of \$9.45 million for a new museum together with net recurrent costs in the order of \$200,000 over the first 3 years. These costs require further analysis, and would need to be considered through a business planning exercise in Stage 2.

Links To Council Plans, Strategies, Policies

2018-2022 Council Plan

Goal 1 – Community and Cultural Development

Develop Horsham and the municipality as a diverse, inclusive and vibrant community

1.3 Contribute to cultural activities that enhance our community

Wimmera River and CAD Visioning and Concept Plan

Consultation/Communication

Representatives of the Horsham Historical Society, Horsham RSL, Council and community participated on a working group to develop the proposed Horsham Regional Museum.

The consultant, together with the working group, addressed Council at a briefing on 10 December 2018 and requested that Council give consideration to funding Stage 2 of the feasibility study.

The report is proposed to be provided as a background/input document for the Wimmera River and CAD Visioning Concept Plan.

Risk Implications

The project requires further financial analysis to articulate viability, costs, tourism and community benefit together with analysis of site options, partnership and funding opportunities.

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 first stage of the Horsham Regional Museum Feasibility Study concludes that the initial Cost/Benefit Analysis is encouraging and sufficient to demonstrate the potential feasibility of a new Horsham Regional Museum. It is suggested that the report be referred to the Wimmera River and CAD Visioning Concept Plan Project as a background/input document for consideration.

9.4 CONTRACT 19/017 – HORSHAM AQUATIC CENTRE STAGE 2: OUTDOOR POOL REPAIR/UPGRADE

Author's Name: Madelein van Heerden **Director:** John Martin
Author's Title: Project Manager **File No:** F06/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:** The appendix only is considered confidential as it includes commercial-in-confidence information relating to submitted tenders.

Appendix

19/017 – Horsham Aquatic Centre Stage 2: Outdoor Pool Repair/Upgrade – Tender Evaluation Report (refer to Confidential Matters)

Purpose

To award the tender for the Horsham Aquatic Centre Stage 2: Outdoor Pool Repair/Upgrade.

Summary

- A feasibility study and subsequent master plan adopted by Council have identified a staged approach to upgrades to the Horsham Aquatic Centre Stage 2: Outdoor Pool Repair/Upgrade.
- These upgrades aim to enhance the function of the outdoor pool, extend its life span and make it *Disability Discrimination Act* compliant and universally accessible.
- The first stage of works included upgrading of the filter system and pipework.
- This second stage includes refurbishment of the pool shell and accompanying hydraulics and converting the two long sides of the pool to provide a more accessible wet deck system.
- Council has received a grant from Sports and Recreation Victoria for the conversion of the concourse into a wet deck, which is part of the project scope.
- Public tenders were sought through Council's normal procurement processes.
- A good response was received, and a preferred tenderer has been identified to conduct the works.
- The preferred tender is the cheapest viable proposal.
- It is proposed to increase the scope of the project to provide a ramp for universal access, which is considered a preferred long-term inclusion, although this was not initially included in the master plan.

- The proposed contract sum, including this additional scope, is however, over the allocated budget for this project.

Recommendation

That Council:

1. Accept the tender submitted by Statewide Pools, Australia for the lump sum price of \$1,504,500.00 ex GST for contract 19/017 Horsham Aquatic Centre Stage 2: Outdoor Pool Repair/Upgrade, including installation of the access ramp.
2. Note that the additional allocation of \$188,340 required to undertake the works under Contract 19/017 will be sourced from the Aquatic Centre reserve.

Council Resolution

MOVED Cr Pam Clarke, Seconded Cr Les Power

That Council:

1. Accept the tender submitted by Statewide Pools, Australia for the lump sum price of \$1,504,500.00 ex GST for contract 19/017 Horsham Aquatic Centre Stage 2: Outdoor Pool Repair/Upgrade, including installation of the access ramp.
2. Note that the additional allocation of \$188,340 required to undertake the works under Contract 19/017 will be sourced from the Aquatic Centre reserve.

CARRIED

Report**Background**

A feasibility study into the Horsham Memorial Swimming Pool conducted in 2011 identified that to keep the pool operational for the next five to ten years, a significant amount of work would need to be completed.

The identified work included repairs to the pool and installation of a wet deck system. In August 2015 after two unsuccessful tenders, due to pricing well above budget, it was decided not to proceed with the wet deck at that time.

In stage 1 of the works the pool filter system was upgraded and now includes two new filters. These works were completed in November 2018.

Some of the main issues to be addressed in the second stage of works include:

- The water turnover rate in the pool is below that required for current health standards, due to the capacity of the filtration system.
- The significant volumes of water being lost from the pool due to its poor structural condition.
- The provision of a wet deck to improve general accessibility to the pool.
- Consideration of methods to enable access for all potential users of the pool.
- An aim to keep the Olympic pool operational for five to ten years.
- To ensure the operation of the outdoor pool during the summer season works can only be done in the period April to mid-November.

Discussion

A detailed tender evaluation report is provided in Confidential Matters (**Appendix "15.2A"**).

Key aspects of the report include:

- Four tenders were received for the contract.
- The evaluation of tenders was based on the criteria as presented in the tender documents.
- One of the tenders submitted was non-conforming and thus excluded from the evaluation process.
- The remaining three tenderers all submitted conforming tenders as per specifications but all exceeded the budget.
Two of the tenderers submitted cheaper non-conforming tenders of which the panel explored the two cheapest options, both of which were from the one tenderer.
- After much investigation, the panel determined that the cheapest option was not viable, primarily as the proposed system could not demonstrate that it would meet the required water mixing to ensure public health standards were achieved.
- The preferred tender was the second cheapest, being one of the options submitted by Statewide Pools Australia for the base price of \$1,395,000, which was only slightly over the available budget.

- The preferred tender was cheaper than all proposals from other tenderers. Details of these proposals are included in Confidential Matters.
- The scope of works for the preferred option would include the conversion of the existing gutter into a new concrete gutter incorporating the wet deck on the long sides, the infilling of the pool on the deep end and installing a reinforced liner and the refurbishment of the pipework around the outside of the pool shell and installing a third filter.
- It was assessed that a universal access ramp be recommended for inclusion in the contract, as it would be difficult to retro-fit this item if it was subsequently decided that this was a desirable or required feature.
- Some savings were identified by removal of the starting blocks from the contract scope.
- The inclusion of the third filter and access ramp increase the proposed contract sum to \$1,504,500.

Financial Implications

Council received a grant of \$200,000 through Sport and Recreation Victoria for the conversion of the concourse into a wet deck. Council budgeted \$1,116,160 for the remainder of the works, ie, refurbishment of the pool shell and pipework in the 2018-19 financial year. The source of these funds being:

- Council's infrastructure renewal gap: \$632,800
- Aquatic Centre reserve: \$335,560
- General rates: \$147,800

The total funding for the project is therefore \$1,316,160.

The Statewide Pools tender is \$1,504,500, being some \$188,000 over the budget allocation. A decision to accept the increased contract sum would require a budget increase. It is proposed that this budget increase be sourced from the Aquatic Centre reserve.

Links To Council Plans, Strategies, Policies

2018-2022 Council Plan

Goal 3 – Asset Management

3.1 Determine infrastructure needs and expectations through consultation with developers and the community

3.1.07 Undertake master planning and major refurbishment of the Aquatic Centre

Consultation/Communication

These works were identified in the Aquatic Centre Master Plan which underwent a significant stakeholder and community consultation process.

The key communication aspect with this project will be interaction with the current users of the Aquatic Centre. As the works are scheduled during the winter season, where the outdoor pool is normally closed, it will have minimum impact on the operation of the facility.

Risk Implications

There is some potential for latent (hidden) conditions around the outdoor pool to impact on the cost of works. The potential for this has been minimised through conduct of a preliminary geotechnical investigation of the site. The contract has made allowance for a detailed geotechnical report.

Otherwise, standard construction risks apply. Supervision of works will be conducted by Council officers to manage these risks, supported by a specialist pool construction consultant.

Environmental Implications

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

The reduction of leakage from the pool represents a potential reduction of impact on the environment.

Human Rights Implications

This report complies with the rights listed in the *Victorian Charter of Human Rights and Responsibilities Act 2006*. The proposed works, including the ramp installation, enhance the ability of all people to access the pool.

Conclusion

The tender process has yielded a suitable tender for upgrading the Aquatic Centre outdoor pool, which is more expensive than the current budget for the project. However, it is the cheapest viable solution which will ensure a prolonged life of the outdoor pool.

9.5 CONTRACT 19/020 PEPPERTREE LANE RECONSTRUCTION

Author's Name: Lyndon White **Director:** John Martin
Author's Title: Co-ordinator Engineering Design **File No:** 19-020
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

19/020 Peppertree Lane - Tender Evaluation Report (refer to Confidential Matters)

Purpose

To award the tender for the reconstruction of Peppertree Lane, Horsham from Trinity Drive to Pryors Road.

Summary

- The Peppertree Lane construction project was successful in attracting funds from the State Government's Fixing Country Roads Program.
- Public tenders were sought through Council's normal procurement processes.
- Two responses were received, and a preferred tenderer has been identified to conduct the works.
- Negotiations with the preferred tenderer will be required to confirm the starting date of the works.
- The tendered price is within the budget of \$670,358.

Recommendation

That Council:

1. Accept the tender submitted by Midbrook Pty Ltd for the lump sum price of \$615,175 ex GST for the reconstruction of Peppertree Lane, Horsham from Trinity Drive to Pryors Road.
2. Delegate authority to the Chief Executive Officer to sign and execute the final contract.

Cr Alethea Gulvin left the meeting at 6.24pm.

Council Resolution

MOVED Cr David Grimble, Seconded Cr Pam Clarke

That Council:

1. Accept the tender submitted by Midbrook Pty Ltd for the lump sum price of \$615,175 ex GST for the reconstruction of Peppertree Lane, Horsham from Trinity Drive to Pryors Road.
2. Delegate authority to the Chief Executive Officer to sign and execute the final contract.

CARRIED

Cr Alethea Gulvin returned to the meeting at 6.28pm.

Report**Background**

The Fixing Country Roads funding program was announced in September 2018, aiming to upgrade roads that were not part of Council's core road program, and specifically excluding projects such as:

- Business as usual road maintenance (eg, Council's routine renewal program)
- Projects primarily aiming to meet regulatory requirements
- Upgrade of major arterial roads
- Road resurfacing.

Officers identified some 40 projects that could be eligible for the funding program and assessed that the Peppertree Lane upgrade was the highest priority based on a range of criteria in the program, including safety, and upgrades to local road links. In addition, the sealing will address complaints from local residents about dust, and facilitate the extra traffic associated with the expansion of the Holy Trinity Lutheran College.

The application was required to be submitted by 15 October 2018.

The Peppertree Lane reconstruction project will result in the sealing of 880 metres of existing gravel road to provide continuous sealed access from Dooen Road (Henty Highway) to the Sunnyside area of Horsham, including Horsham Primary School, Wimmera Health Care Group and Holy Trinity Lutheran College.

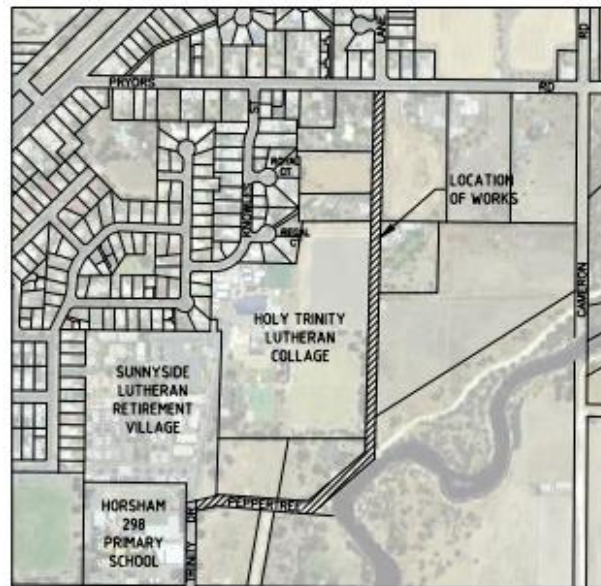
Discussion

A detailed tender evaluation report is provided in Confidential Matters (**Appendix "15.3A"**).

Key aspects of the report include:

- Two tenders were received for the works
- The evaluation of tenders was based on the criteria as presented in the tender documents.

The diagram below shows the site of the works.



Financial Implications

The total funding for this project is \$670,358 with the State Government's Fixing Country Roads Program contributing \$585,000. The Holy Trinity Lutheran College will be contributing \$75,000. Council is contributing \$10,358 to the project.

The tendered price from Midbrook Pty Ltd for the lump sum of \$615,175 ex GST is within the available budget.

The State Government has recently advised of a second round of the Fixing Country Roads program.

Links To Council Plans, Strategies, Policies

2018-2022 Council Plan

Goal 3 – Asset Management

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 this project will be the interaction between the appointed contractor, Council's supervisor, Holy Trinity Lutheran College, Wimmera Catchment Management Authority and the adjacent landowners.

The adjacent landowners and Wimmera Catchment Management Authority have been involved in discussions on the design of the project.

Risk Implications

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

Environmental Implications

Standard construction management practices will minimise environmental risks.

The works are being conducted adjacent to a section of the Wimmera River. The works will be conducted in a manner that avoids impact on the River.

Human Rights Implications

Nil

Conclusion

The tender submitted by Midbrook Pty Ltd for the lump sum price of \$615,175 ex GST provides best value to Council and is within the available budget.

10. COUNCILLORS' REPORTS AND ACKNOWLEDGEMENTS

Cr Alethea Gulvin

- 4 February 2019 – Council Briefing meeting
- 11 February 2019 – Council Briefing meeting
- 18 February 2019 – Council Briefing meeting and review
- 21 February 2019 – Sport and Recreation Advisory Committee meeting

Cr Mark Radford

- 30 January 2019 – Meeting with Josh Gilligan, MAV presidential candidate
- 30 January 2019 – Wimmera River Improvement Committee, various maintenance projects along the Wimmera River
- 30 January 2019 – Visit to the Horsham Historical Society
- 30 January 2019 – ABC Radio interview, post Ordinary Council Meeting
- 30 January 2019 – Letter of congratulations to basketballer, Mitch Creek
- 2 February 2019 – Black Saturday commemorations with Her Excellency Linda Dessau, Governor of Victoria and Mr Anthony Howard, including an early morning walk along the Yanga Track, morning tea with local people directly impacted by the fire event, bus trip around Haven and commemoration ceremony including unveiling of the remembrance rail
- 3 February 2019 – Opening of the Presbyterian Church renovation project
- 4 February 2019 – Discussion with Mr Phil Martin in relation to advocacy
- 4 February 2019 – Aboriginal Advisory Committee, artwork discussions for the Reconciliation Action Plan
- 4 February 2019 – Council Briefing meeting
- 5 February 2019 – Detox Your Home discussion and photo shoot
- 5 February 2019 – Wimmera Mallee Sustainability Alliance meeting, reporting/update
- 5 February 2019 – 140 years of the railway coming to Horsham ceremony and video filming
- 5 February 2019 – Meeting with Tim Hopper in relation to a possible memorial
- 5 February 2019 – Brief catch-up with The Hon Andrew Broad, Member for Mallee
- 5 February 2019 – ABC Radio interview (railway, rates, river)
- 6 February 2019 - Meeting with Jack O'Connor in relation to wind farm research project impacts on Horsham
- 6 February 2019 – Murra Warra Windfarm lunch and meeting with project partners
- 7 February 2019 – Meeting with the Anne Webster, Nationals Candidate for Mallee, our priorities discussed
- 8 February 2019 – Family violence awareness campaign discussion
- 8 February 2019 – Seasonal Conditions meeting with delegates from across the Wimmera
- 11 February 2019 – Tourism Advisory Committee discussion
- 11 February 2019 – Councillor Briefing meeting

- 11 February 2019 – Letter of support and encouragement in relation to the floods to Cr Jenny Hill, Mayor, Townsville City Council
- 12 February 2019 – Tourism Advisory Committee Master Plan wrap up, Visitor Information update, TEFFA funding
- 14 February 2019 – Regional Cities Victoria meeting, Melbourne
- 15 February 2019 – Municipal Association of Victoria Presidential Forum in Stawell, met with the four candidates with our neighbouring Councils
- 15 February 2019 – First year celebration of the Children’s and Community Hub
- 15 February 2019 – ABC Radio interview (railway, rates, river)
- 16 February 2019 – Blue ribbon Foundation Commissioner’s Dinner
- 17 February 2019 – Wimmera Cancer Centre public open day
- 17 February 2019 – Masters Squash Tournament
- 18 February 2019 – Natimuk Community Energy community grant discussion
- 18 February 2019 – Budget meeting, spending priorities, capital and initiatives
- 18 February 2019 – ABC Radio interview (delegation to visit the Transport and Infrastructure Ministers)
- 19 February 2019 – Darwin Defenders commemoration service
- 21 February 2019 – Horsham Police and Community Consultative Committee meeting
- 21 February 2019 – Meeting with Leigh Firman, Member for Mallee candidate
- 21 February 2019 – Sport and Recreation Advisory Committee, review of the current strategy

SUSPEND STANDING ORDERS**Council Resolution****MOVED Cr Pam Clarke, Seconded Cr Les Power**

That Standing Orders be suspended for Verbal Councillors’ Reports and Acknowledgements.

CARRIED

The time being 6.29pm the Council meeting was suspended.

Cr Pam Clarke

- Attended the first birthday of the Kalkee Road Children’s and Community Hub on 15 February 2019. Three pioneer family health services workers – Inez Wilson, Alma Clare Noske and Coo Duncan Higginson were acknowledged, and each have a room named in their honour. Their descendants were also in attendance.
- Attended the Darwin Defenders ceremony at Horsham College on 19 February 2019. Expressed concern that soldiers were not given any recognition for 50 years and it is not mandatory curriculum for all students to learn this important story about the only time Australia was bombed during World War 2.

Cr Les Power

- Recently toured the new Wimmera Cancer Centre. It is a fantastic regional facility.
- Cr Power reinforced Cr Clarke's sentiments that Darwin Defenders should be acknowledged and the story taught in schools. Cr Power's father was a Wimmera Darwin Defender.
- The Blue Ribbon Foundation's Police Commissioners Dinner at Coughlin Park on 16 February 2019 was a great success. Funds raised will support the Wimmera Health Care Group Emergency Department and the Wimmera Cancer Centre.

Cr Mark Radford

- Expressed appreciation for the recent visit by Her Excellency the Honourable Linda Dessau AU, Governor of Victoria, and Mr Howard. They enjoyed their visit to Horsham and were impressed with the Yanga Track. Their reaction to the Yanga Track reinforced that we have something special here and we need to promote it to locals and visitors. Thanks to the Haven community, especially Ms Sue Exell and Ms Mandy Kirsopp for their work in coordinating the governor's visit.
- Acknowledged the three Darwin Defender services that were held on 19 February 2019.

RESUME STANDING ORDERS**Council Resolution****MOVED Cr Les Power, Seconded Cr Alethea Gulvin**

That Standing Orders resume.

CARRIED

The time being 6.37pm, the Council meeting resumed.

Council Resolution**MOVED Cr David Grimble, Seconded Cr Josh Koenig**

That the Councillors Reports and Acknowledgements be received.

CARRIED

11. URGENT BUSINESS

Nil

12. PETITIONS AND JOINT LETTERS

Nil

13. PROCEDURAL BUSINESS

13.1 ASSEMBLY OF COUNCILLORS – RECORD OF MEETINGS

- Council Briefing Meeting held on Monday 4 February 2019 at 5.00pm in the Civic Centre Reception Room, Horsham Rural City Council
- Council Briefing Meeting held on Monday 11 February 2019 at 5.00pm in the Civic Centre Reception Room, Horsham Rural City Council
- Council Briefing Meeting held on Monday 18 February 2019 at 5.00pm in the Civic Centre Reception Room, Horsham Rural City Council

Refer to **Appendix “13.1A”**

13.2 SEALING OF DOCUMENTS

- Section 173 Agreement – Plan of Subdivision – 628 Three Bridges Road, Haven - DJ and FE Edwards

13.3 INWARD CORRESPONDENCE

Nil

13.4 COUNCIL COMMITTEE MINUTES

- Bicycle Advisory Committee Meeting held on Wednesday 6 February 2019 at 5.00pm at the Civic Centre, Horsham Rural City Council
- Western Highway Action Committee Meeting held on Friday 8 February 2019 at 10.00am at the Major Roads Projects Authority Office, Wendouree
- Seasonal Conditions Meeting held on Friday 8 February 2019 at 12noon in the Civic Centre Reception Room, Horsham Rural City Council
- Tourism Advisory Committee Meeting held on Tuesday 12 February 2019 at 11am in the Civic Centre Middle Meeting Room, Horsham Rural City Council
- Horsham Tidy Towns Committee Meeting held on Tuesday 19 February 2019 at 12.30pm in the Civic Centre Middle Meeting Room, Horsham Rural City Council

Refer to **Appendix “13.4A”**

Recommendation

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

Council Resolution

MOVED Cr Pam Clarke, Seconded Cr Alethea Gulvin

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

CARRIED

14. NOTICES OF MOTION

Given by Cr John Robinson

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 25 February 2019.

That Council take responsibility for electricity costs for Council owned public community halls in rural areas of the municipality.

RATIONALE:

Horsham Rural City Council is the owner of a number of community halls located in the outlying areas of the municipality.

These halls are used by the local community and are generally the focal point for social events, community emergency assembly and/or support points, and in difficult economic times are used as a point to encourage interaction to manage and monitor welfare.

Typically, these halls are managed by a local volunteer committee with maintenance support provided by Council. Additional welcome support is also provided by Council via community grants, which in the past have covered upgrades to facilities, heating, cooling and the like.

There is very limited capacity for hall committees to generate more than modest income, and the reality is that these volunteer committees run events just to pay the electricity bills. It is in the interests of all, that these committees be freed up to continue to work for and support their communities, particularly in difficult economic times.

The same communities that use these facilities are our farming communities who have been subject to substantial rate rises. Council has little capacity to support and provide a return on the rate investment to these communities due to remoteness from Horsham.

It is understood that Council is intending to undertake significant works on some of these halls to protect the integrity and usability of the buildings and that will also be most welcome. This work will take some time to schedule and complete.

A tangible support that Council can offer is to permanently absorb the power costs to these halls, the greater portion of which is the standing charges.

I commend this motion to you as an opportunity to meaningfully support our rural community and to extend the focus of our Council Plan more broadly across the municipality.

The following Council Plan references are relevant:

Council Mission and Values: Vision, Inclusive, Fair and Caring

Council Goal 1: Community and Cultural Development

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

(2018-2022 Horsham Rural City Council Plan, pages 16-18)

Horsham Rural City Council on an ongoing basis will:

Support sporting and community organisations to develop and upgrade community sport and recreation facilities through relevant funding programs in accordance with the Sport and Recreation Plan and other Council plans.

(2018-2022 Horsham Rural City Council Plan, page 19)

**Cr John Robinson
BM OAM MAIES**

CIVIC CENTRE
HORSHAM 3400
21 February 2019

Council Motion

MOVED Cr John Robinson, Seconded Cr Les Power

That Council take responsibility for electricity costs for Council owned public community halls in rural areas of the municipality.

MOTION LOST

Foreshadowed Motion

MOVED Cr David Grimble, Seconded Cr Pam Clarke

That Cr Alethea Gulvin move another motion.

CARRIED

Motion

MOVED Cr Alethea Gulvin, Seconded Cr David Grimble

That Council be provided with a report that investigates the opportunity to be responsible for the electrical costs associated with Council owned and Crown Land facilities in rural areas.

Council Resolution

That Council be provided with a report that investigates the opportunity to be responsible for the electrical costs associated with Council owned and Crown Land facilities in rural areas.

CARRIED

15. CONFIDENTIAL MATTERS

Council Resolution

MOVED Cr Pam Clarke, Seconded Cr Les Power

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

CARRIED

The time being 7.03pm, the Council meeting closed to the public.

The time being 7.06pm, the Council Meeting opened to the public.

The meeting closed at 7.07pm.



The Mayor, Cr Mark Radford
Chairperson