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MINUTES



Minutes of the open section of the meeting of the seventh Campaspe Shire Council, held in the Echuca Civic Centre, on Tuesday, 31 January 2017 commencing at 5:00pm.

PRESENT

Councillors: Adrian Weston (Mayor), Leanne Pentreath (Deputy Mayor), Daniel Mackrell, Kristen Munro, Vicki Neele, Neil Pankhurst, Annie Vickers, Leigh Wilson, John Zobec

OFFICERS

Jason Russell – Chief Executive Officer

Diane Hood – General Manager Corporate Services

Emma Dalton – General Manager Infrastructure Services

Paul McKenzie – General Manager Regulatory & Community Services

Keith Oberin – General Manager Economic & Community Development

Richard Conway – Assets Manager

Andrew Fletcher – Building & Planning Manager

Andrew Cowin – Corporate Strategy Manager

Sandra Ennis – Communications & Public Affairs Manager

Ally Wilkie - Planner

Sharolyn Taylor – Council Support Officer

1. APOLOGIES

Nil.

2. CONFIRMATION OF MINUTES & ATTACHMENTS

For the:

- Open section of the Council Meeting held on 6 December 2017
- Open section of the Campaspe Briefing Session held on 6 December 2017

COUNCILLORS WILSON/ZOBEC

That the following minutes be accepted as true and accurate records:

- **The open section of the Council Meeting held on 6 December 2017**
- **The open section of the Campaspe Briefing Session held on 6 December 2017**

CARRIED

3. DECLARATION OF INTERESTS

Disclosure of Conflict of Interests are to be made immediately prior to any relevant item being discussed.

Local Government Act 1989 Section 79

- (1) If a Councillor or member of a special committee has a conflict of interest in a matter which is to be considered or discussed at a meeting of the Council or the special committee, the Councillor or member must, if he or she is attending the meeting, disclose the conflict of interest in accordance with subsection (2).
- (2) A Councillor or member of a special committee who has a conflict of interest and is attending the meeting of the Council or special committee must make a full disclosure of that interest:
 - (a) by either
 - (i) advising the Council or special committee at the meeting of the details required under paragraphs (b) and (c) immediately before the matter is considered at the meeting; or
 - (ii) advising the Chief Executive Officer in writing of the details required under paragraphs (b) and (c) before the meeting; and
 - (b) classifying the type of interest that has given rise to the conflict as either:
 - (i) a direct interest; or
 - (ii) an indirect interest and specifying the particular kind of indirect interest under section 78, 78A, 78B, 78C, 78D or 78E; and
 - (c) describing the nature of the interest; and
 - (d) if the Councillor or member advised the Chief Executive Officer of the details under paragraph (a)(ii), the Councillor or member must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.

Cr Pentreath declared an indirect conflict of interest by way of close association in item 6.5

Cr Vickers declared a direct conflict of interest by way of financial interest in confidential item 16.3

Cr Weston declared a bias in confidential item 16.3

Andrew Cowin declared an indirect conflict of interest by way of conflicting duty in item 6.4

4. RESPONSIBLE AUTHORITY DECISIONS

Nil

5. PLANNING AUTHORITY DECISIONS

5.1. COUNCIL PLANNING REPORT – C104 ECHUCA SOUTH EAST RURAL LIVING PRECINCT AMENDMENT

OFFICER:	Andrew Fletcher, Planning and Building Manager & Andrew Cowin, Corporate Strategy Manager
PLANNING SCHEME AMENDMENT NO:	C104 (Council initiated Planning Scheme Amendment)
PROPOSAL:	The amendment gives statutory effect to the Echuca South East Rural Living Precinct Structure Plan (Spiire, 2014), and the recommendations of the Traffic Assessment prepared by Trafficworks (2014) and Echuca South East – Outline Drainage Plan (2014) prepared by Meinhardt.
PURPOSE:	Report seeks to refer the amendment and submissions received to an independent panel for review
AUTHORISATION NO:	A03083 – received 7 September 2015
EXHIBITION PERIOD:	14 January - 29 February 2016
SUBMISSIONS:	21 submissions received (including 6 late Submissions)
ATTACHMENTS:	5.1 - Case Book

COUNCILLORS ZOBEC/PANKHURST

That Council suspend standing orders at 5:06pm

CARRIED

Kylie McMinn addressed Council in relation to item 5.1

Neil Thomas addressed Council in relation to item 5.1

Russell Oliver addressed Council in relation to item 5.1

Mandy Beveridge addressed Council in relation to item 5.1

COUNCILLORS WILSON/PENTREATH

That Council resume standing orders at 5:31pm

CARRIED

1. COUNCILLORS PANKHURST/WILSON

1. That Council resolve to:

- a) Consider all submissions received on Planning Scheme Amendment C104, including those received after the close of the exhibition period.
- b) Enter into an agreement with the affected landowner(s) to contribute in full to the cost incurred for any Panel appointed to consider Planning Scheme Amendment C104 to the satisfaction of Council.

2. Subject to an agreement in accordance with Recommendation 1b) that Council having considered the submissions to Planning Scheme Amendment C104, as required by Section 22 of the Planning and Environment Act 1987, Council:

- Note the Planning Scheme Amendment C104 Casebook and the proposed responses to submissions.
- Refer all submissions to Amendment C104 to the Campaspe Planning Scheme under section 23 of the Planning and Environment Act 1987 to an independent panel appointed under Part 8 of the Planning and Environment Act 1987.

Cr Munro foreshadowed an alternate motion should the motion be lost

The motion was put to a vote and was CARRIED

2. Conflict of Interest

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest in regards to this matter.

3. Charter of Human Rights

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

4. Instrument of Delegation

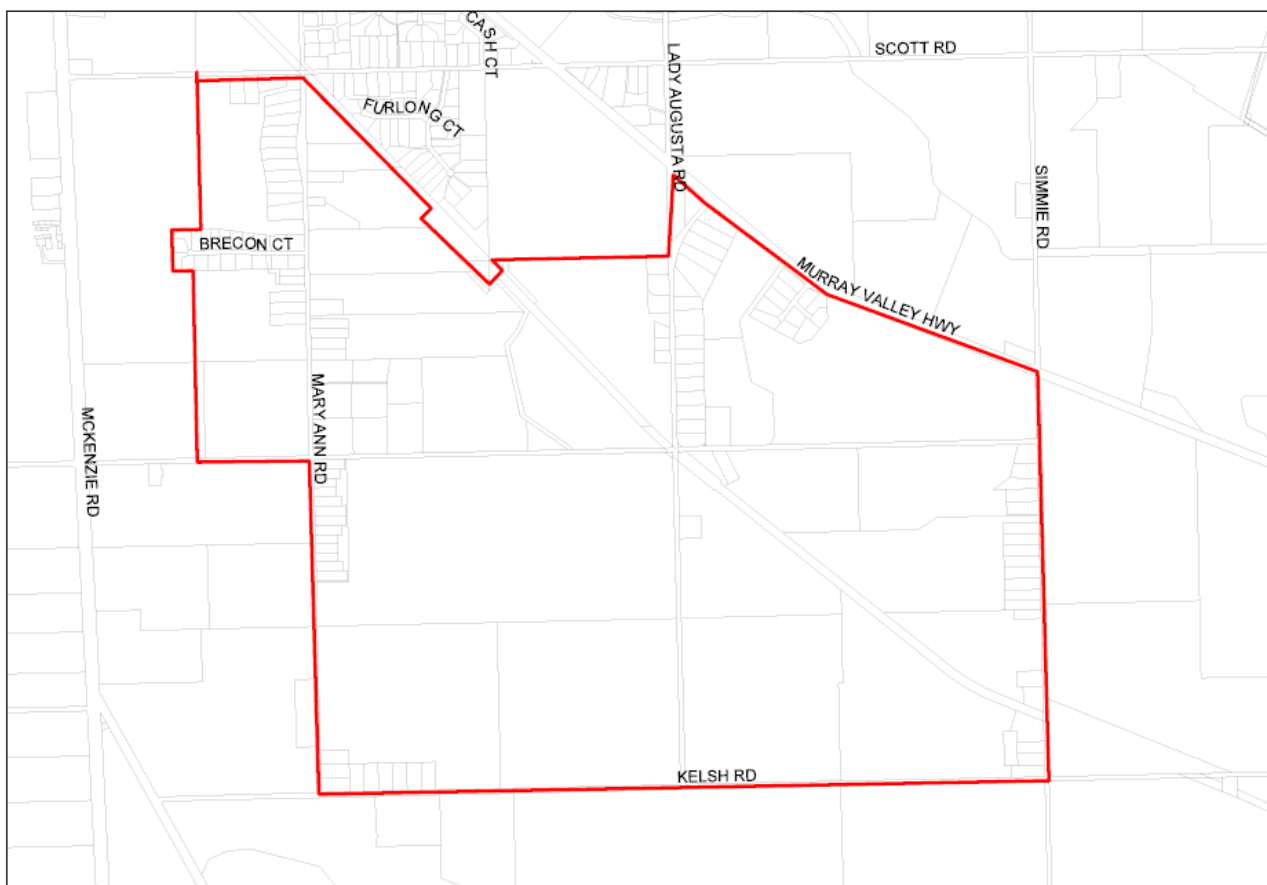
This report has considered the Instrument of Delegation (S6) by Council. This report is required as officers do not have delegated authority to seek authorisation for an Amendment.

5. Proposal

The proposed amendment gives statutory effect to the Echuca South East Rural Living Precinct Structure Plan (Spiire, 2014), and the recommendations of the Traffic Assessment prepared by Trafficworks (2014) and Echuca South East Outline Drainage Plan (2014) prepared by Meinhardt.

6. Subject Site & Locality

The Amendment applies to the 'Echuca South East Rural Living Precinct' comprising land generally to the south of Murray Valley Highway, west of Simmie Road, north of Kelsh Road, east (and partially west) of Mary Ann Road as shown below.



7. Background

Council at ordinary meeting on 19 May 2015, Council determined to request the Minister for Planning for authorisation to prepare and exhibit Planning Scheme Amendment C104 to the Campaspe Planning Scheme to implement the Echuca South East Rural Living Precinct Structure Plan, (Ordinary Council meeting 19 May 2015, Item No. 6.2 refers).

Council duly submitted that request for authorisation to the Minister. The department subsequently required Council to further review its application for authorisation and sought that the content from the supporting reports be incorporated into in the amendment's explanatory report, rather than to simply refer to those documents.

The amendment documentation was subsequently revised and the request resubmitted.

The Amendment was authorised subject to extensive conditions and the application was a revised to comply with the conditions. The most vexed condition related to the form and content of the proposed new Schedule 10 to the DPO, where Council proposed to secure development contributions for the provision of infrastructure throughout the Echuca South East Rural Living Precinct via the creation of Section 173 Agreements.

Council at its ordinary meeting on 15 December 2015 noted *the final form and content of the new Schedule 10 of the Development Plan Overlay (DPO) to be exhibited with the documentation for Campaspe Planning Scheme Amendment C104.*

In accordance with Section 19 of the *Planning and Environment Act 1987* the amendment was exhibited from 14 January - 29 February 2016 in the following form:

- A notice of the preparation of the amendment appeared in the Government Gazette
- Notice was sent to Prescribed Ministers, authorities and affected landowners and occupiers
- Notice appeared in the Campaspe Times one pager (The Riverine Herald, The Kyabram Free Press and Campaspe News)
- Amendment documentation was available through the Department of Planning and Community Development website as well as details of the amendment being available on Council's own website

At the end of notice 21 submissions were received which can be summarised as follows:

- 8 submissions supported the amendment
- 6 submissions sought changes to the amendment
- 7 submissions objected outright to the amendment

The case book contains copies of each submission, a summary of the submission, as well as a response and any subsequent correspondence. The case book also details any proposed changes to the amendment as a result of the submissions received.

Whilst a number of the submissions objected to the amendment, the most significant of these was received from the Goulburn Broken Catchment Management Authority (GBCMA). Consultation with the GBCMA and North Central Catchment Management Authority (NCCMA) in relation to the submission has confirmed that additional work was required to expansion on the analysis already completed for stormwater and overland flow. Council at its ordinary meeting for the 17 May 2016, (Item No. 6.8) determined to:

- i. *Affirm support for the completion of further investigation works into the impacts of riverine flooding from the Campaspe River on the Echuca South East precinct area*
- ii. *Note that the addition investigations can be completed within the existing strategic planning budget.*

This expansion work determined that *"Whilst riverine flooding occurs within the subject site, the extent of stormwater flooding from local rainfall events is significantly greater and is the dominant mechanism of flooding at the site. It is therefore considered that the overland flows identified in the previous study are sufficient to determine development constraints for the site"*.

GBCMA subsequently revised their submission and confirmed that the localised hydraulic model should be utilised to inform Council of any drainage infrastructure requirements for the precinct. Further that GBCMA *raises no objection to the proposed planning scheme amendment C104.*

In addition VicRoads initially objected to the amendment as exhibited. However following extensive consultation and discussion with VicRoads regarding the function and purpose of the exhibited Schedule 10 to the Development Plan Overlay VicRoads advised no objection subject to changes. The changes sought by VicRoads to the amendment included the inclusion of *a review of the arterial road intersection of the Murray Valley Highway and the Echuca-Kyabram Road* as part of the Transport Impact Assessment Report required by the Development Plan.

It is considered that these additions serve to strengthen the requirements of the Development Plan and will ensure a safe and functional subdivision layout.

8. Issues and Risk Management

Risk management has been considered in the preparation of this report and no risks with a high or extreme rating have been identified in this process.

Council have a number of amendments and strategies which are required to be commenced and/or completed. Due to staffing, cost and resources a 'Strategic Project Priority Matrix' has been created. The matrix allows Council to determine its priorities by addressing a number of key questions, recognising the importance to the Shire as a whole and the extent of Council involvement.

The matrix seeks to rate amendments into either one of four categories:

- Extreme (Have to deliver the project, allocate resources)
- High (Need to deliver the project, review resources)
- Moderate (Project to be delivered but based on resources and funding, encourage external consultants to prepare)
- Low (Recognises the project but no further work unless undertaken by the affected parties at their own cost)

When considering Amendment C104 it was recognised that it was of 'moderate' importance. The rating was on the basis of the limited strategic work (at the time of initiating the amendment), lack of demonstrated need, not being a net community benefit and the cost of the control.

As the overall benefit of the amendment is to the individual landowners, these are generally encouraged to be undertaken at the landowners cost with supervision by Council. In this instance Council have prepared all of the statutory documentation and engaged external consultants to prepare reports, at a considerable cost.

Proceeding with the amendment will result in expenditure over the annual budget, however with amendments this often occurs due to the length of time to finalise. It is also important to note that proceeding with this amendment may jeopardise or delay other more strategically important work.

Lastly, balancing risk, it is recognised that not proceeding with the amendment may also create a moderate local community concern, affecting Council's reputation.

9. Options

Section 22 of the Act requires the Council to consider every submission. After considering the submissions, the Council must then decide whether to:

Option 1: Make changes to the amendment

This option is not applicable in this instance, as whilst some of the changes requested can be accommodated, not all the matters raised or changes requested can be addressed to the satisfaction of all submitters.

This option is not recommended.

Option 2: Abandon the amendment

This option is not recommended by officers. This amendment seeks to implement a structure plan and assist in promoting development opportunity in an area that has long been tied up as a result of previous subdivision controls. Council has invested significant funds into the work completed to date and abandonment does not allow the matter to be resolved or opportunities to be maximised within the area.

This option is not recommended.

Option 3: Refer the amendment and submissions to an independent Panel. The Panel will be appointed by Planning Panels Victoria on behalf of the Minister for Planning.

This option is recommended by officers as it enables all issues raised to be independently considered, provides submitters the opportunity to address the panel, allows consideration of the changes proposed and provides advice for a suitable way forward.

This option will incur significant cost to Council with respect to the panel appointment. These costs are likely to be in the order of \$50,000 to \$100,000. It should also be noted that whilst Council may support the amendment as exhibited an independent panel may recommend changes or abandonment of the amendment entirely.

To offset costs associated with the consideration of submissions to the amendment an agreement is recommended to be entered into with the affected landowner(s) to contribute in full to the costs incurred by the Panel in accordance with Sections 156(2A) and 156(2B) of the *Planning and Environment Act 1987*. Those costs being, *the costs of remuneration and expenses of that person for the period he or she is a member of the panel and any reasonable costs and expenses incurred for or by a panel in carrying out its functions*. Costs incurred by Council in presenting are not recommended to be incorporated into the agreement. It is anticipated that this arrangement will reduce the cost of the Panel Hearing to Council by approximately \$30,000.

This option is recommended by officers for the following reasons:

- The overall benefit gained from the change to the schedule to the zone is to the owners of the land.
- The amendment was prepared on the basis of a request from a landowner, not through previous strategic work.
- Council has already prepared and funded part of the scheme amendment and supporting strategic reports at considerable cost.
- When considering all amendments being undertaken by Council, the 'Strategic Priority Matrix Rating' illustrates that this amendment has less strategic merit or benefit to the whole of the Shire.
- Council has other amendments which have greater impact which are required to be finalised.
- The change to funding allows the amendment to proceed without having such a significant impact on the overall adopted strategic budget of Council.
- Council will still fund and prepare its submission to the Panel at considerable cost (approx. \$70,000). This will probably have to include the need for a solicitor (or similar) and expert evidence.

It is the recommendation of this report that Council refer all submissions to the Panel and that the cost of the panel be borne by the landowner(s) through an agreement.

6. COUNCIL DECISIONS

6.1. PLANNING OFFICER APPOINTMENT AND AUTHORISATION

Author:

Andrew Fletcher, Planning & Building Manager

Responsible Manager:

Regulatory & Community Services Division General Manager

Attachments:

6.1 Instrument of Appointment and Authorisation for Theresa Gwini

1. Purpose

Appointment of a new planner as an authorised officer.

2. COUNCILLORS WILSON/ZOBEC

That Council:

In the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and the other legislation referred to in the attached instruments of appointment and authorisation (the instrument), Campaspe Shire Council (Council) resolves that:

1. The member of council staff referred to in the instrument, Theresa Gwini be appointed and authorised as set out in the instrument.
 - a. Under Section 147(4) *Planning & Environment Act 1987*
 - b. Under Section 4(1) and Section 48A *Environment Protection Act 1987*
 - c. Under Section 525(2) *Residential Tenancies Act 1997*
 - d. *Summary Offences Act 1966*

The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it.

CARRIED

3. Conflict of Interest

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest in regards to this matter.

4. Charter of Human Rights

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

5. Instrument of Delegation

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

6. Background

A new staff member has commenced in the planning and building department. Planning officers require delegated authority as authorised officers under various legislation to undertake statutory obligations. Tasks include entering sites, gathering evidence, making decisions or serving of legal notices (if required), appropriate to their level of experience and qualifications.

7. Content

Section 14 of the *Planning and Environment Act 1987*, required Council to efficiently administer and enforce the planning scheme. The duty must be carried out by a delegated officer of Council.

Section 224 of the *Local Government Act 1989* provides for the appointment of authorised officers.

Authorisation under the following legislation is required for Council's Planner positions.

- i. *Planning and Environment Act 1987*
- ii. *Environment Protection Act 1987*
- iii. *Residential Tenancies Act 1997*
- iv. *Summary Offences Act 1966*
- v. Section 224 of the *Local Government Act 1989*

And the regulations and local laws made under each of the above Acts.

8. Issues and Risk Management

Issues:

If the officer is not authorised then they will be unable to fully undertake their responsibilities as identified in the position description. This in part could affect the productivity of the department, be contested or subject to review through the Victorian Civil and Administrative Tribunal (VCAT) and be reputational damaging to Council.

Risk:

Risk management has been considered in the preparation of this report and no risks with a high or extreme rating have been identified in this process.

9. Strategic Planning Environments

Prosperity:	Officers need to be correctly authorised to be able to deliver to the community the services required.
Place:	Regulatory work has wide application in maintaining and ensuring an appropriate built environment.
People:	No impact
Organisation:	Officer authorisations are a requirement for effective service delivery and to ensure Council is acting in accordance with statutory requirements.

10. Consultation

Planning and Building Manager

11. Officer Comment

The correct authorisation of officers is a statutory matter necessary for council to carry out its functions.

6.2. INSTRUMENT OF APPOINTMENT AND AUTHORISATION, COUNCIL TO VICTORIA POLICE AND PARKS VICTORIA OFFICERS

Author:

Christine Brady, Governance Compliance Officer

Responsible Manager:

Governance Manager

Attachments:

6.2.1. Instrument of Appointment and Authorisation - Victoria Police Officers

6.2.2 Instrument of Appointment and Authorisation - Parks Victoria Officers

1. Purpose

To seek Council agreement to appoint members of the Victoria Police and Parks Victoria as authorised officers pursuant to Section 224 of the *Local Government Act 1989*.

2. COUNCILLORS PENTREATH/PANKHURST

That Council:

- 1. Resolve to appoint the members of Victoria Police and Parks Victoria listed in attachments 6.2.1 and 6.2.2 to be authorised officers to enforce Council's Local Law No 8 2015 pursuant to Section 224 of the *Local Government Act 1989*.**
- 2. Sign and affix the common seal of the Council to the Instrument of Appointment and Authorisation.**
- 3. On the coming into force of the instrument all previous instruments and authorisations to Victoria Police and Parks Victoria are revoked.**

CARRIED

3. Conflict of Interest

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest in regards to this matter.

4. Charter of Human Rights

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

5. Instrument of Delegation

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

6. Background

Victoria Police and Parks Victoria officers are authorised to enforce the Local Law provisions relating to behaviour, consumption of alcohol in public places and related camping areas. This is in addition to Council's Traffic and/ or Local Law staff. The authorisation of Victoria Police and Parks Victoria personnel is required to be reviewed as a result of a number of staff changes.

7. Content

It is appropriate to update the Instrument of Appointment and Authorisation to take into account the staff changes. Authorisation is required where the assistance of members of the Victoria Police and Parks Victoria are required to enforce Local Laws.

Without authorisation the Police Officer or Parks Victoria Officer will not be able to enforce the Local Law or issue Council infringement notices.

All Police Officers or Parks Victoria Officers who have left their organisation or who have transferred elsewhere automatically lose the authorisation.

8. Issues and Risk Management

Risk:

Risk management has been considered in the preparation of this report and no risks with a high or extreme rating have been identified in this process.

9. Strategic Planning Environments

Prosperity:	Large events like the Southern 80 Ski Race make a major contribution to the local economy. Large gatherings of people for events require additional resources to manage crowd behaviour. Victoria Police and Parks Victoria Officers require the authorisation under the Local Law to assist them in carrying out their responsibilities.
Place:	No impact
People:	The Local Laws provide Council with the mechanism to meet community needs and expectations and control public behaviour in the municipality.
Organisation:	This authorisation will ensure continued efficient delivery in relation to Council services and statutory requirements.

10. Consultation

Local Laws Coordinator, Victoria Police and Parks Victoria officers.

6.3. APPOINTMENT OF REPRESENTATIVE TO VICTORIAN LOCAL GOVERNANCE ASSOCIATION (VLGA)

Author:

Frank Crawley, Governance Manager

1. Purpose

To appoint a council representative to the Victorian Local Governance Association (VLGA).

2. COUNCILLORS PANKHURST/VICKERS

That Council appoint Cr Weston as its representative to the Victorian Local Governance Association.

Cr Wilson foreshadowed an alternate motion should the motion be lost

There was discussion about potential candidates and the best approach

The motion was put to a vote and was CARRIED

A division was called

Those in favour – Crs Pankhurst, Munro, Neele, Zobec, Vickers

Those against – Crs Wilson, Weston, Pentreath, Mackrell

3. Conflict of Interest

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest in regards to this matter.

4. Charter of Human Rights

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

5. Instrument of Delegation

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

6. Background

Council joined the Victorian Local Governance Association on 7 September 2016.

7. Content

The Victorian Local Governance Association is a peak body supporting councils, councillors and the community.

The VLGA supports the local government sector through leadership, advocacy and training with metropolitan, regional and rural Mayors, Councillors, CEOs and council officers.

Its Rules of Association state that a local government member must appoint an individual as its representative and the individual must be an elected councillor.

8. Issues and Risk Management

Risk management has been considered in the preparation of this report and no risks with a high or extreme rating have been identified in this process.

9. Strategic Planning Environments

Prosperity: Nil impact

Place: Nil impact

People: Nil impact

Organisation: Nil impact

10. Consultation

Not applicable

6.4. RATE EXEMPTION PROPERTY ID 25375 – 65 EYRE STREET, ECHUCA

Author:

Diane Arendshorst, Rates and Debtors Team Leader

Responsible Manager:

Finance Manager

Attachments:

6.4. Community Living & Respite Services letter of request for exemption

1. Purpose

For Council to review request from Community Living & Respite Services Inc. regarding request for exemption from rates on developing block of land at 64 Eyre Street, Echuca. Rates \$642.46 and Municipal Charge \$200.00. Total \$842.46.

2. COUNCILLORS PENTREATH/PANKHURST

That Council review the request under Section 154(c) of the *Local Government Act 1989* and on the basis that the organisation is registered as charitable and that the property will be used for charitable and public purposes in the future, approve that rates and municipal charge are exempt on the following conditions:

- a) **House will not to be sold for profit upon completion; and is used, as intended, for disability housing to be completed/occupied by 2018.**
- b) **The Fire Service Levy and variable will remain as a charge on the property.**

CARRIED

3. Conflict of Interest

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest in regards to this matter. Charter of Human Rights

4. Charter of Human Rights

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

5. Instrument of Delegation

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

6. Background

Other properties owned/occupied by Community Living & Respite Services Inc. already receive exemption under section 154(c) of the Local Government Act 1989. This is on the basis that the organisation is registered as charitable and that the property will be used for charitable and public purposes.

7. Content

Previous request for exemption was able to be processed due to being vacant land. Seeking approval for exemption under section 154(c) on the bases that the future use will be for disability accommodation.

8. Issues and Risk Management

Risk:

The risk is setting precedence for other requests for exemption to rates. This is minimized by the intended future use which will apply for exemption under legislation at the that point of time and the conditions being set for land not changing from the intent of being used the charitable purpose.

As such, risk is low.

9. Options

Council can determine not to grant the request. This would mean rates would be payable until the land is actively being used for charitable purposes.

10. Strategic Planning Environments

Prosperity: no impact

Place: no impact

People: no impact

Organisation: no impact

11. Consultation

Section 154(c) of the *Local Government Act 1989* – “any part of land, if that part is used exclusively for charitable purposes”

Cr Pentreath declared a conflict of interest in item 6.5 and left the Chamber at 6:05pm

6.5. SALE OF LAND – PINE GROVE SOUTH ROAD, PINE GROVE (VOLUME 7706 / FOLIO 170)

Author:

Peter Beaumont, Property Manager

Attachments:

6.5 Valuation report – Lot 1 Pine Grove South Road, Pine Grove

This attachment been prepared for consideration by Council in a meeting closed to the public, in accordance with the following section within the *Local Government Act 1989*.

89(2) A Council or special committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following:

(d) contractual matter

1. Purpose

To consider the sale of Pine Grove South Road, Pine Grove (Lot 1 Title plan 130137, Volume 7706 / Folio 170).

2. COUNCILLORS WILSON/NEELE

That Council:

1. **Agree to the sale of land to Neville and Judith Sims and/or;**

a) **a natural person or corporation if that person or corporation is connected with the Purchaser. A person or corporation is "connected" for the purposes of this resolution if:**

(i) **that person or corporation is a trustee of a trust under which the Purchaser is capable of benefitting, or**

(ii) **the Purchaser has the capacity to determine the outcome of decisions about the corporation's financial and operating policies and exercise that capacity for the benefit of the Purchaser;**

b) **a natural person who is a closely related party to the Purchaser. A person is a "closely related party" to the Purchaser for the purposes of this resolution if that person is a spouse, child, parent, brother, sister of the Purchaser or in a de facto relationship with the Purchaser;**

for the land described as Pine Grove South Road, Pine Grove (Lot 1 Title plan 130137, Volume 7706 / Folio 170) for \$1,500.00 plus GST with a 90 day settlement or earlier by mutual agreement and otherwise on terms and conditions satisfactory to Council's Governance Manager.

If, prior to Council publishing a notice under Section 223 of the *Local Government Act 1989*, the Purchaser seeks to rely upon conditions 1a) or 1b), Council's Governance Manager must be satisfied that including or substituting a purchaser of the land does not result in a situation where a relevant consideration has not been brought to Council's attention.

subject to:

2. **The giving of public notice under Section 189 of the *Local Government Act 1989*; and**

3. Consideration of submissions received pursuant to Section 223 of the *Local Government Act 1989*, which will be returned to Council for consideration if submissions are received.
4. Authorise the CEO to sign the Contract of Sale and associated documents subject to the satisfactory outcome of the statutory requirements of Section 189 of the *Local Government Act 1989* and if no submissions are received.

CARRIED

3. Conflict of Interest

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest in regards to this matter.

4. Charter of Human Rights

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

5. Instrument of Delegation

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

6. Background

The Property Review project was undertaken in 2015 which identified particular Council owned properties as surplus with the intention to sell these properties to generate income and /or reduce Council's maintenance responsibilities.

Once such property is Pine Grove South Road, Pine Grove and is presented to Council to commence the process for sale to the adjoining landowner who has expressed an interest in purchasing the property. The offer is for \$1500.00 and is in line with the valuation obtained for the property.

7. Content

The property known as Pine Grove South Road, Pine Grove is owned by Council, limited records are available but it is understood the site was used to access sand to build nearby road. Some sand still appears to exist at the site, although it is not viable to extract the sand.



The land is currently zoned FARMING – Local Government (FZ1). The land is of little value to Council and a direct sale to the adjoining owner to consolidate with their surrounding farm is recommended. Due to the size the property no dwelling entitlement is likely under the planning scheme.

In line with previous reports to Council, when considering the disposal of land Council has a number of requirements to adhere to under the *Local Government Act 1989*, *Environment Protection Act 1970* and *Subdivision Act 1988*. This includes:

- giving public notice of proposed disposals
- acquiring of valuations
- appropriate allocation of monies received.

In support of the above Act requirements the State Government through the former Department of Planning and Community Development has developed a Local Government Best Practice Guideline for the Sale, Exchange & Transfer of Land (June 2009), which has been used to define the process and recommendations used throughout the reports for the disposal of assets.

Council adopted a standard process for the sale of property at its meeting held on 17 February 2015 however this process is recommended to be amended to reflect a direct sale to the adjoining land owner. In this regard the process for the sale is as follows:

Transfer of Land process

Process Task	Action
1. Gain Council endorsement to dispose of property	—————> Subject of this report
2. Identify a purchaser	—————> Subject of this report
3. Give notice to the community of Council's intentions	—————> Officers to action following this report
4. Consider submissions (if any)	—————> Future report to be presented to Council
5. Complete settlement	—————> Projected outcome of this report

Next Steps

For further clarity, the next steps in the process are set out below.

Step 3 - Public notice (Officers to action following Council's decision regarding this report)

Section 189 and section 223 of the Local Government Act 1989 require Council to gain a current valuation and to give public notice of the proposed sale.

The valuation has been obtained in line with the requirements of the Act. Valuations are to be considered at the time of sale or exchange.

Council's intentions to sell the property must be issued as public notice for a minimum of 28 days. The notice will include the exchange process, property details, purchaser details, consideration and opportunity to make submissions. Following the period of notice, submissions may be received from the public which will be presented to Council for consideration. This may include alternative offers for the land, although in this case highly unlikely.

Step 4 - Consider submissions (If submissions are received, a report will be presented to Council)

If submissions are received during the public notice period, they will be presented to Council via report for consideration prior to proceeding. If submissions are not received the property will not be returned to Council for further consideration unless contract exchange cannot be completed.

Step 5 - Complete settlement (Projected outcome of this report)

Following Steps 3 and 4 above, contracts will be exchanged for the sale of land. The Chief Executive Officer customarily executes contracts including all terms and conditions endorsed. Internally, a number of departments will be notified of land disposals so that Council's records can reflect the changes. Proceeds from the sale of land, that is the sale price less any costs associated with the sale of the land, will be directed as resolved by Council.

8. Issues and Risk Management

Risk:

Risk management has been considered in the preparation of this report and no risks with a high or extreme rating have been identified in this process.

9. Options

Option 1: Council agree to the sale of the property.

Officers recommend this option for the following reasons:

- Sale of the property reduces property management requirements and consolidates the land to the adjoining land owner to enable use of the property for farming purposes.
 - The offer is in line with the valuation for the property.
-

10. Strategic Planning Environments

Prosperity: No Impact

Place: Strategic objective #3: Community infrastructure contributes to our long-term social and economic fabric. A balance of properties enable's effective decisions regarding long term use of and investment in community facilities, rationalising Council's property assets allows focus and resources to be directed towards contributing community facilities.

People: Strategic objective #1: Services support our community's health and wellbeing. Disposing of unneeded assets will allow Council funding to be used to improve the services that benefit the communities, allowing focus and resources to be directed towards contributing to required community facilities.

Organisation: As part of the financial services review and Asset Rationalisation Policy property assets are reviewed in line with need to ensure the service level is met and not over or under serviced.

11. Officer Comment

Prior consultation for the property review project and the surplus properties for sale has been undertaken with the Executive Management Group, Road Services Manager, Governance Manager, Planning and Building Manager and Legal Officer to affirm process and ensure compliance with Council's statutory obligations.

Cr Pentreath re-entered the Chamber at 6:07pm

6.6. CLOSURE OF PROJECT 100509 (ECHUCA, SCENIC DRIVE (VICTORIA PARK ENTRY) KERB & CHANNEL RENEWAL) AND REALLOCATION OF FUNDS TO PROJECT 100421 (MILLOO, DINGEE ROAD RURAL ROAD REHABILITATION)

Author:

Richard Conway, Asset Manager

1. Purpose

To seek Council approval for the reallocation of Capital Works budgets, namely the closure of the 100509 Scenic Drive (Victoria Park Entry) Kerb and Channel Renewal project and reallocation of funds to 100421 Milloo, Dingee Road Rural Road Rehabilitation and 100262 Asset Renewal Unallocated Funds.

2. COUNCILLORS PANKHURST/PENTREATH

That Council:

- 1. Approve the closure of the 100509 Scenic Drive Kerb and Channel Renewal project \$168,638.75.**
- 2. Approve the reallocation of \$68,000 from 100509 Scenic Drive to 100421 Milloo, Dingee Road Rural Road Rehabilitation work.**
- 3. Approve the remaining \$100,638.75 to be reallocated to 100262 Asset Renewal Unallocated Funds.**

CARRIED

3. Conflict of Interest

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest in regards to this matter.

4. Charter of Human Rights

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

5. Instrument of Delegation

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

6. Background

Miloo, Dingee Road Rural Road Rehabilitation works: - increase in funds request

The sealed road pavement along Dingee Road is failing due to the close proximity of a low level water crossing and storm water events causing erosion to embankments, separation to culvert joins and defects in the pavement.

Dingee Road (850m west of Crossman Road to 1100m west of Crossman Road) has a sealed road width of 3.7m. It is located within the rural irrigated farming zone east of Milloo. The project is to rehabilitate the road pavement and sealed surface.

\$113,500 has been authorised from the Roads to Recovery (R2R) allocation to complete the work through the Capital Works Renewal Program for 2016/17 financial year. Delivery of the project has to be by the end of this Financial Year to meet the deadline of the Roads to Recovery Grant scheme.

Upon completion of the detailed design phase it was identified that the funding required was more than originally budgeted. The construction estimate confirmed a larger gap between the existing and the required budget. An investigation into the reason for the gap confirmed that although the estimated quantities of material and works were correct, the rates per length of road were undervalued. This is being addressed for future projects.

Officers have investigated a number of alternative construction approaches and service level outcomes and discussed opportunities internally and with contractors.

Echuca, Scenic Drive (Victoria Park Entry) Kerb and Channel project: - closure of project request

This project, with a budget allocation of \$168,638.75, renews the kerb and channel (K&C) on both sides of Scenic Drive, from Crofton Street north in to Echuca. Total length is approximately 150m on both sides of the road.

Due to the anticipated detours for large vehicles that will be required to traverse this area during the construction of the second Murray River Crossing, this project is being postponed and closure for this year requested. The project is to be closed out and the remaining funds returned to the Roads Renewal Reserve.

7. Issues and Risk Management

Issues:

Issue 1: Delivery of the construction of Milloo, Dingee Road Rural Road Rehabilitation works

At the completion of the design stage the estimate was reviewed against the original project appraisal. There is an identified gap of \$68,000.

Policy 91 – Sustainable Asset Management identifies:

- Timely and effective renewal or maintenance of assets as important:
 - Delivering this project at this time equates to timely and cost effective delivery of an asset renewal project.
 - Delivering the project to industry standards equates to value for money quality outcomes. Doing once and doing properly.
- Value for money management:
 - Delaying delivery risks further damage to the road through use and weather events and so further cost to remediate.
 - Over time construction and labour costs rise and so delaying the project will lead to increasing cost to resolve which is not representative of good value for money.
- Safe assets as an aim of policy
 - At this stage the road is in a higher risk state for users so intervention at this stage mitigates that risk

With the closure of the Scenic Drive (Victoria Park entry) project the fiscal risk is entirely mitigated.

Issue 2: Reduce the scope of the work to deliver a closer to, or in budget, project

Reducing the quality of the engineering work done to the section of road will result in a much shorter lifespan for the created asset and with fixed costs for site establishment and other overheads would mean a greatly reduced outcome. This is not recommended as it would lead to a reduction in value for money.

Reducing the length or width of the road rehabilitated is also not recommended for similar reasons. Completing a percentage of the road incurs the same fixed establishment and overhead costs that are then repeated when the remaining piece of the road is visited in the future. This does not equate to a quality use of community funds.

Issue 3: The remaining Scenic Drive (Victoria Park Entry) works

When the VicRoads depot is finally placed, and the second Murray River Crossing underway, Council will be in a position to revisit the construction design and estimate. At that stage a second proposal will be created and budget sought.

Risks:

Milloo, Dingee Road Rural Road Rehabilitation works:

Risk	Likelihood	Consequence	Rating	Mitigation action
Budgetary: Unfavourable Pavement Sub-Grade	3	4	12	The subgrade has been investigated in design phase to mitigate the risk; Contingency to be kept to industry standards.
Reputation and Funding: Roads to Recovery grant deadline cannot be met	3	4	12	Start construction works as soon as possible to avoid delay relating to adverse weather.

Risk Register Rating Matrix

Score	1	2	3	4	5	
1	1	2	3	4	5	V. Low
2	2	4	6	8	10	Low
3	3	6	9	12	15	Medium
4	4	8	12	16	20	High
5	5	10	15	20	25	V. High

8. Options

Option 1: Close Echuca, Scenic Drive (Victoria Park Entry) K&C Renewal Works and fund the remainder of Milloo, Dingee Road Rural Road Rehabilitation works

This option will result in transferring \$68,000 from Echuca, Scenic Drive K&C Renewal Works and returning \$100,638.75 to 100262 Asset Renewal Unallocated Funds. Enabling rehabilitation of Milloo, Dingee Rural Road and the objectives of that project.

This is the recommended option as Dingee Road will be rehabilitated, asset life will be renewed, safety of road users will be improved and reputational risk with community and funders will be mitigated.

Option 2: Close Echuca, Scenic Drive K&C Renewal Works and don't allocate further funds for Milloo, Dingee Road Rural Road Rehabilitation works

Based on this option, the whole remaining funds of \$169,213.75 will be returned to the Unallocated Cash Reserves and both Milloo, Dingee Road Rural Road Rehabilitation works and Echuca Scenic Drive K&C Renewal Works will be closed out.

This is not the recommended option as this may compromise the safety of users of Dingee Road and continue the degradation of the road.

9. Strategic Planning Environments

Prosperity: No impact

Place: The recommendations of this report align to Council's strategic objective that *'transport networks enable easy access to localities'*.

People: No impact

Organisation: While the planned budget for the Dingee Road project will be exceeded, the overall project budget is not adversely affected.

Utilising available funds to complete planned work in the most cost efficient way, represents the best outcome for the organisation.

10. Consultation

Consultation has taken place across the organisation as follows:

- Program Office Manager
- Project Manager
- Relevant project sponsors
- General Manager Infrastructure Services.

6.7. SUSPENSION OF DELIVERY OF PROJECT 100402 (ECHUCA, CIVIC AVENUE KERB AND CHANNEL) AND EXTENSION OF PROJECT 100424 (ECHUCA, DICKSON STREET URBAN REHABILITATION)

Author:

Richard Conway, Asset Manager

1. Purpose

To seek Council approval for the delay of the construction phase of project 100402 Echuca, Civic Avenue Kerb and Channel and the extension of 100424 Echuca, Dickson Street Urban Rehabilitation project in its place.

2. COUNCILLORS PANKHURST/ZOBEC

That Council:

- 1. Approve the change of 100402 Echuca, Civic Avenue Kerb and Channel project \$480,000 to a design only project with a remaining budget of \$25,000.**
- 2. Approve the change of scope of 100424 (Echuca, Dickson Street Urban Rehabilitation) to include Connelly Street to Crofton Street.**
- 3. Approve the reallocation of \$455,000 from 100402 Echuca, Civic Avenue Kerb and Channel to 100424 Echuca, Dickson Street Urban Rehabilitation project.**

CARRIED

3. Conflict of Interest

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest in regards to this matter.

4. Charter of Human Rights

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

5. Instrument of Delegation

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

6. Background

Civic Avenue Kerb and Channel project

A six hundred and eighty metre section of Kerb and Channel in Echuca, Civic Avenue (both sides), with a budget allocation of \$480,000, was to be rehabilitated as part of the project. On surveying Civic Avenue it was discovered that the profile of the road and kerb will require a significant additional drainage upgrade to effectively achieve the project aims. This significantly changes the scope of work for this road.

At the same time scheduled work to neighbouring streets in the 2017/18 fiscal year represents a synchronous opportunity to create a greater Civic Avenue Kerb program that will connect efficiently with the plans for neighbouring streets. This will offer opportunities for planning, procurement, and delivery efficiencies.

Completion of the design stage this financial year will result in a library of documents ready for tender and delivery next year. As design is a necessary part of project delivery there is no loss of value, and some benefit in effective use of time, in working through this stage of the project now.

Dickson Street Rehabilitation: extension of project request

This project renews the pavement and surface on Dickson Street from Warren Street to Connelly Street Echuca. Total length of the road is approximately one hundred and ninety three metres.

Due to the weight and number of large vehicles anticipated during the second Murray River Crossing construction this proposal sees the project extended to include the section planned for 2017/18 from Connelly Street to Crofton Street, an additional two hundred metres. By combining these projects, Council will protect the entirety of Dickson Street from the impact of the planned bridge construction as well as creating savings in procurement and overhead costs for the Dickson Street rehabilitation project.

With the second Murray River Crossing development, the design for these sections of road has been upgraded to allow for a much larger volume of traffic. The designed-in robustness should therefore reasonably manage the foreseeable traffic load.

Should the actual traffic load cause damage there are opportunities to seek recompense from VicRoads.

7. Issues and Risk Management

Issues:

Issue 1: R2R funding

Both projects are R2R part-funded. While the rate of spend slightly changes through rescheduling the base line spend will remain effectively static across the funding period (2016-2019).

Issue 2: Including the new section of Dickson Street and delivering this year

The timeframe for tender and award of the 2016/7 Dickson Street project falls through late January and February. As Council meets on the last day of January a tender is going to market this month with two options.

Option one is for the 2016/17 planned section of the road only. The second is for a combined project with both the current and 2017/18 project sections combined. Tenderers will quote on both without obligation to Council. Should Council decide to allow the newly combined Dickson Street project this second option will be awarded and delivered in this financial year using the newly authorised budget. Should Council choose to decline the assimilation then the originally planned project will be awarded with the originally approved budget.

Either way the delivery of a Dickson Street project this financial year is not affected.

Issue 3: The remaining Civic Avenue works

Design work will be completed this financial year which will mean construction can be initiated early in the 2017/8 construction season. The condition and service of the asset is not aggravated by a one financial year (6 month) delay and the work can be reviewed against the impact on neighbouring assets.

Because of the new profile and drainage work required for Civic Avenue there is a challenge in delivering an up-scoped Civic Avenue project this year.

Risks:

Dickson Street

Risk	Likelihood	Consequence	Rating	Mitigation action
Public Image: Disruption to road-users in two consecutive years	5	3	15	Undertake two sections of road works in one year
Environmental: Additional use of road resulting from Murray River Bridge project significantly damages pavement	3	4	12	Undertake pavement improvements to both sections of road prior to commencement of Murray River Bridge project
Reputation and Funding: Roads to Recovery grant deadline cannot be met	3	4	12	Start construction works as soon as possible to avoid delay relating to adverse weather.

Civic Avenue

Risk	Likelihood	Consequence	Rating	Mitigation action
Financial: Insufficient funding available to undertake appropriate works resulting in carry-over of funds	5	4	20	Undertake design and pricing of appropriate works in 2016/17 and undertake construction works in 2017/18
Reputation and Funding: Roads to Recovery grant deadline cannot be met	5	3	15	Select alternative project for which similar funds can be expended – Dickson Street Stage 2

Risk Register Rating Matrix

Score	1	2	3	4	5	
1	1	2	3	4	5	V. Low
2	2	4	6	8	10	Low
3	3	6	9	12	15	Medium
4	4	8	12	16	20	High
5	5	10	15	20	25	V. High

8. Options

Option 1: Approve the reallocation of funds and projects

This is the recommended option as all of the degraded sections of Dickson Street will be rehabilitated, design standards will be improved across the asset and will be delivered this financial year.

At the same time the changes to the design of Civic Avenue can be completed and the implications for neighbouring streets and planned works evaluated. Overall the result will be better for Council and residents.

Option 2: Maintain the current schedule

This is not the recommended option as the scope of work required for Civic Avenue has changed considerably following the survey. Completion of a design and tender that takes in to account all the implications for Civic Avenue is unlikely this financial year.

9. Strategic Planning Environments

Prosperity: No impact

Place: The recommendations of this report align to Council's strategic objective that *'transport networks enable easy access to localities'*.

People: No impact

Organisation: While the individual project budgets are altered the overall budget is not affected.

Utilising funds to complete planned work in the most cost efficient way, represents the best outcome for the organisation.

The increased weight and amount of traffic in the near future represents a challenge to maintain Dickson Street at its current standard. The greater design standard and combined delivery of the project mitigates the risk.

The new requirements of the drainage for Civic Avenue requires a co-ordinated approach that takes into account infrastructure in neighbouring streets.

10. Consultation

Consultation has taken place across the organisation as follows:

- Program Office Manager
- Project Manager
- Engineering Design Coordinator
- Relevant project sponsors
- General Manager Infrastructure Services.

6.8. THE GARGARRO REGIONAL BOTANIC GARDEN

Author:

Shane Stacey, Community Places Project Officer

Responsible Manager:

General Manager Economic and Community Development

Attachments:

6.8.1. CPIF Application

6.8.2. Small Town Transformation – Partner Confirmation Letter

6.8.3 Gargarro Business Plan

1. Purpose

To seek Council allocation of funds and officer contributions to support the Gargarro Regional Botanic Garden project.

2. COUNCILLORS WILSON/ZOBEC

That Council:

- 1. Allocate \$25,000 from the Community Plan Implementation Fund reserve as a contribution towards the cost of constructing a road base and entrance culvert on the Gargarro Botanic Garden site and Building Permit, refer to Attachment 6.8.1.**
- 2. Approve up to a further \$17,000 to be redirected from the operational budget for road maintenance towards the construction of a road base on the Gargarro Botanic Garden site.**
- 3. Note the funds, up to \$42,000, are to allow Council to:**
 - a. Provide material, equipment and labour for construction of approximately 440 metres long by 6 meters wide by 150mm deep of 40mm road base, the supply and installation of a pipe culvert and marker posts.**
 - b. The cost of a Planning Permit, if justification to waive the fee is not met.**
 - c. The cost of a Building Permit to construct an amphitheatre.**
- 4. Note this request is being made as a result of a commitment to provide works and services as a contribution to the Regional Arts Victoria, Small Town Transformation grant of \$350,000 received by Girgarre Development Committee Incorporated for The Girgarre Revival.**
- 5. Note the provision of additional contributions supporting four events listed in the “Partner Confirmation Letter”, Attachment 6.8.2 includes items in which Council has limited capacity to assist the project:**
 - a. Provision of waste services may be available for free events held on Council property;**
 - b. Access to waste transfer stations to allow the community to source recycled items suitable to construct ‘junk instruments’ during the project will be at the discretion of the contractor controlling waste transfer stations;**
 - c. Marketing and promotion through appropriate Council communications and a level of advocacy to appropriate service providers.**

CARRIED

3. Conflict of Interest

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest in regards to this matter.

4. Charter of Human Rights

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

5. Instrument of Delegation

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

6. Background

In 2012 as a result of Heinz closing its factory at Girgarre the company donated 9.9 hectares to the community. This was seen as an opportunity by the Girgarre Development Committee Incorporated for the development of an initiative to support the community. The Gargarro Regional Botanical Garden project seeks to construct a botanic garden to attract visitors and hold events.

This is an ambitious project with an estimated \$8 million investment over the next 10 years. The aim of the garden is to deliver social, economic, education and environmental benefits to the region. A business plan was prepared, see Attachment 6.8.3.

The concept and the business case for the project was launched in September 2016 with the planting of trees along the perimeter of the Gargarro site. In early 2016 the Girgarre Development Committee was successful in winning a Regional Arts Victoria Small Towns Transformation Grant, "The Girgarre Revival". The grant is for \$350,000 over 2 years. This will also enable the completion of Stage One of the Gargarro Regional Botanic Gardens which will include the construction of an amphitheatre. During the grant application Council officers agreed to provide in kind contributions as shown in the Partner Confirmation Letter.

7. Content

The Girgarre Development Committee held discussions with officers to identify ways in which Council could support The Girgarre Revival Project. It was agreed that contributions to the project could be made through the "supply of rock to form and construct the main avenue and install the main entrance culvert." Further contributions include "the cost of planning and building permit fees as well as to assist through the provision of waste services and four events over the duration of the project".

The contribution also includes an undertaking that "Council will assist in the marketing and promotion of the project, events and the site through its relationship with the Echuca Moama & District Tourism, Murray Regional Tourism and Council's own numerous social media and regular community communications."

Further, "Council will also provide access to its waste transfer stations to allow the community to source recycled items suitable to construct 'junk instruments' during the project."

The value of the contribution was given as \$42,000, refer 'Partner Confirmation Letter' at Attachment 6.8.2. An assessment of the contributions against current costs indicate that approximately \$500 will cover the cost of the Building Permit. A waiver of cost of approximately \$2,500 for a Planning Permit Application can be considered at the time of the application being lodged. The remaining funds, approximately \$41,500 would then be available to contribute to rock, culvert and construction works for the road base.

A dollar value has not been identified for the additional contributions involving officer time such as event support. In general, support to organisations for community activities is provided by officers on a regular basis as a service of Council.

Council's ability to contribute to the additional contributions relating to waste services are limited by formal contracts and appropriate resources to provide these items. Officers may advocate for support on behalf of the Committee in these matters.

In order to fund a contribution to the project Community Plan Implementation Funds have been identified as one source within Council's reserves to finance the works. The available amount is limited to \$25,000. A further \$17,000 is needed. It has been suggested that \$17,000 could be redirected from the operational budget for road maintenance to meet the \$42,000 commitment stated in the "Partner Confirmation Letter".

The Girgarre Community Planning Group has identified the establishment of the Gargarro Regional Botanical Garden as Priority 1 to build, strengthen and diversity in the local economy. The Girgarre Development Committee is the key stakeholder in the project and have submitted an application for Community Plan Implementation Funds from the reserve allocation provided by Council, refer to Attachment 6.8.1.

Community Plan Implementation Fund:	Pool Funding 2016/17
Requested Funding:	\$25,000
Fund Balance as at (31 January 2017):	\$56,812

Note: The fund balance may be impacted by other agenda items to be considered by council.

It is important to note that where an initiative pertains to council owned or managed infrastructure or facilities, the awarding of a grant through one of council's funding programs does not constitute approval to undertake any works.

Such approval must be separately requested from council in its capacity as land owner/manager. Requests for council to auspice any related grants is also subject to a separate application.

There may also be specific permit or other approval requirements needed for this initiative. It remains the responsibility of the funding recipient to obtain these approvals through the relevant council department or other authority.

8. Issues & Risk Management

Issue 1: Availability of Funds

This project was not budgeted for the 16/17 financial year. Council does have available \$56,812 from the Community Planning Implementation Funds (reserve).

CPIF allocations are limited to a maximum of \$25,000 per project under Policy 68, Community Plan Implementation Funds. The remaining funds to be allocated towards this project fall outside the budget process where project proposals are considered prior to commitment of Council funds.

Issue 2: Additional Contributions

The "Partner Confirmation Letter" lists a number of additional in kind contributions other than the construction of a road for The Girgarre Revival Project. The level of capacity of Council to contribute to the in kind commitments has been clarified below to ensure an understanding of the role of Council in this project:

1. Regulations governing the processes for Planning and Building Permits do not allow an exemption from fees for applicants. A request to waiver fees for a Planning Permit may be submitted and considered based on appropriate justification.
2. Fees in relation to a Building Permit cannot be waived under Legislation however a reduced charge may be considered. Approximately \$500, being the minimum allowable charge has been suggested for the project.
3. The provision of free waste services (bins) may only be made upon request to the Waste Environment Coordinator by not-for-profit organisations for free events held on Council land. Events that charge an admission are not entitled to a free service as these costs can be covered within the admission price.

4. Marketing and promotion of the project and related events will be limited to opportunities for editorials through appropriate mediums within Council. Marketing services are a function of external providers.

Support in this activity can be accessed through advice and contacts regularly provided to community organisations via Council's Event Support Officer. The Committee may also make a direct approach Echuca/Moama Tourism Development Association (EMTDA) and Murray Regional Tourism to canvas support for their project.

Issue 3: Access to Waste Transfer Stations

Waste transfer stations across the Shire are managed under contract with a private company, Ellwaste. Public access to waste transfer stations is readily available to the public during normal hours of operation.

Council cannot provide access to transfer stations for the collection of items to recycle. The Committee can contact Ellwaste seeking support through donations of waste services or of any items of potential use for recycled instruments or waste services. The cost or donation of goods and services will be at the discretion of the contractor.

Issue 4: Further Council Contributions to the Project

The "Partner Confirmation Letter" from Regional Arts Victoria lists additional contributions from Council, as referred to above. These contributions are to be provided during the project.

As there is no date provided to determine the end of the project it is assumed that support will be provided intermittently over a twenty-four month (2 year) period from the commencement of work, approximately January 2017.

An estimation of direct and indirect cost to Council for services and officer time has not been calculated as the variables are not currently known with respect to the size, format and number of attendees at events.

Issue 5: Council Partner Contributions

Council partner contributions form part of the conditions of the grant received by the Gargarre Development Committee for "The Gargarre Revival Project". Council's direct financial contribution is limited to a maximum of \$42,000. If Council is unable to meet the stated contributions, particularly sourcing funds, the Committee will need to seek alternative solutions to complete some components of the project.

The Committee will also need to apply for a variation of the grant conditions through Regional Arts Victoria to proceed with their project.

Risk:

Two risks have been identified relating to the issues raised by this proposal.

Risk	Likelihood	Consequence	Rating	Mitigation action
Financial	Likely	Major – The request for these funds is outside the budget process.	High	Financial risk may be mitigated by not allocating funds to the project; officers will also endeavour to balance with savings elsewhere in the budget.
Public Image & Reputation	Likely	Major – Wider community/public concern.	High	This risk applies if Council decides not to allocate funds to support the cost of the road construction. This would also necessitate the Group seeking a variation on the grant it has received.

9. Options

Option 1: Endorse the Recommendation of this Report

The Gargarro proposal has a level of merit which reflect objectives in the Council Plan. The future success of this initiative would be supported by this recommendation.

Option 2: Not Endorse the Recommendation of this Report

Council has demonstrated interest in the Gargarro initiative on a number of occasions. A decision not to support the project would be inconsistent with previous indications given to the Girgarre Development Committee.

Option 3: Modify the Recommendation of this Report

The recommendations in this report have been formed after consultation with the relevant officers and with consideration to available options to deliver support within the circumstances available to Council. Modifying the recommendations may require further consultation and consideration.

10. Strategic Planning Environments

Prosperity:	Strategic Objective #3: "Campaspe is a desired tourist destination" is supported through actions which 'facilitate the development of existing and innovative tourism products'.
Place:	No Impact
People:	Strategic Objective #2: "Communities are vibrant, happy and proud with strong arts, culture and heritage" is supported through efforts to 'fund and promote arts and culturally significant activities' at Gargarro.
Organisation:	This request is outside current budget allocations.

11. Consultation

- General Manager Economic & Community Development – Provision of background information in relation to the Gargarro Regional Botanic Gardens and the funding application to 'Girgarre Revival'.
- General Manager Infrastructure Services – A budget allocation is required to deploy Council resources in delivering works. A contribution of up to \$17,000 may be made from the road maintenance budget.
- General Manager Corporate Services – Provided information in relation to the funding options.
- Community Planning Officer – Provided background to the project and information on the Girgarre Community Implementation Plan.
- Waste Environment Coordinator – The capacity of the department is restricted as transfer stations and waste services are managed by a private, independent contractor, currently this is Ellwaste. The Committee can make a request for consideration to Ellwaste.
- Communications & Public Affairs Manager – The capacity of the department is limited to communication services available to the community. Commercial marketing and promotional services that may support the project are available through a broad range of external providers.
- Event Support Officer – Event support is a Council service to community organisation and forms a component of the officer's role without direct cost to the community.
- Planning & Building Manager – A request to waiver Planning Permit Application will be considered at the time of application for the Gargarro development. Building Permit fees cannot be waived, however a reduced Building Permit cost may be considered.

6.9. CAPITAL WORKS BUDGET TRANSFER AND PROJECT CLOSURES REPORT

Author:

Pushpa Gunawardhana, Program Office Manager

1. Purpose

To seek Council approval for the transfer of Capital Works budgets and related Cash Reserve transfers, to correct prior reports where required and to note closure of selected projects.

2. COUNCILLORS WILSON/ZOBEC

That Council:

1. Approve the following budget transfers as reported in Table A:

- Nil

2. Note the projects reported in Table B as closed:

- 100068 Kyabram McCormick Reserve Playground
- 100242 Shire Gravel Road Resheeting 2015/16
- 100246 Shire Sealed Rd Shoulder Resheeting 2015/16
- 100289 Roslynmead - Torrumbarry Road Rehabilitation Stage 1
- 100345 Rochester Edward Street Urban Seal Widening
- 100356 Tongala Purdey Street Seal Widening
- 100357 Rochester George Street Urban Seal Widening
- 100359 Echuca Haverfield Street Shoulder Sealing
- 100025 Shire Stormwater Pit Renewal Program
- 100107 Mount Scobie Quarry Weighbridge Deck Renewal
- 100471 Roslynmead -Torrumbarry Road Upgrade Stage 2
- 100410 Rochester Diggora Road Drainage Pump
- 100158 Echuca Visitor Information Centre DDA Compliance

3. Approve the following corrections as reported in Table C:

- 100164 Shire Bridges Deck and Visibility Improvements – incorrect savings figure reported in December Council report.
- 100340 Strathallan O’Dea Road – incorrect reserve stated in December Council report.
- 100346 Rushworth Urban Seal Widening – incorrect reserve stated in December Council report.
- 100112 Shire Parks and Playgrounds Irrigation – incorrect reserve stated in December Council report.

4. Note the following budget adjustments as reported in Table D:

- Nil

CARRIED

3. Conflict of Interest

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest in regards to this matter.

4. Charter of Human Rights

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

5. Instrument of Delegation

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

6. Background

Council allocates project funding to an array of projects on the Capital Works Program through its annual Program Budget or through specific resolution.

From time to time, situations arise whereby initial budgets need to be reconsidered to achieve their planned objectives and project scope. It is important that Council's decisions to adjust project budgets from the originally approved allocations are open and transparent to the community. Therefore any changes to initially approved project budgets are reported in a manner that demonstrates the diligence and transparency of the organisation's project management processes.

Closure of projects is another important process for maintaining a well-managed program and involves financial review, asset management and project review activities. Projects reported herein for closure have been through Council's project review and closure process and will not appear on the current Capital Works Program reporting after this period.

7. Content

The following budget transfers, detailed in Table A, are required where it has been identified that active or planned projects require adjustments to their approved budgets to allow ongoing management of projects and achievement of project scope and objectives. Project funds that are consistent with the scope and budget approved by Council through its Capital Works Program are not reported herein until the project is ready for closure and savings are identified. Projects with approved scope and budget that are managed across multiple accounts are only reported in Table A if there is a request to Council to adjust scope or budget.

TABLE A – NEW OR ACTIVE PROJECTS THAT NEED BUDGET ADJUSTMENT

Division requesting transfer	Account From	Account To	Amount	Reason
Nil				

The following budget transfers, detailed in Table B, represent projects that have been successfully completed and are presented to Council for acknowledgement. Where unexpended funds remain they are returned to the most appropriate source as per Council's approved business practices.

TABLE B – PROJECTS TO BE CLOSED

Division	Project details	Project budget at closure	Project Savings at closure	Savings to be returned to	Further information (if applicable)
Infrastructure Services	100068 Kyabram McCormick Reserve Playground	\$54,000.00	\$3,592.36	100261 Asset Renewal Unallocated Funds (Non Roads)	
Infrastructure Services	100242 Shire, Gravel Road Resheeting 2015/16	\$3,272,230.35	\$18,058.01	100423 Shire Gravel Road Resheeting 2016/17	
Infrastructure Services	100246 Shire Sealed Rd Shoulder Resheeting 2015/16	\$680,331.59	\$1,069.10	100417 Shire Shoulder Resheeting 2016/17	
Infrastructure Services	100289 Roslynmead - Torrumbarry Road Rehabilitation Stage 1	\$845,000.00	\$48,457.22	100262 Asset Renewal Unallocated Funds (Roads)	
Infrastructure Services	100345 Rochester Edward Street Urban Seal Widening	\$107,500.00	\$35,385.71	100262 Asset Renewal Unallocated Funds (Roads)	
Infrastructure Services	100356 Tongala Purdey Street Seal Widening	\$78,000.00	\$28,592.83	100262 Asset Renewal Unallocated Funds (Roads)	
Infrastructure Services	100357 Rochester George Street Urban Seal Widening	\$48,000.00	\$16,989.76	100262 Asset Renewal Unallocated Funds (Roads)	
Infrastructure Services	100359 Echuca Haverfield Street Shoulder Sealing	\$148,250.00	\$33,928.16	100262 Asset Renewal Unallocated Funds (Roads)	
Infrastructure Services	100025 Shire Stormwater Pit Renewal Program	\$74,956.88	\$0.00	n/a	
Infrastructure Services	100107 Mount Scobie Quarry Weighbridge Deck Renewal	\$116,200.00	\$6,352.00	100261 Asset Renewal Unallocated Funds (Non Roads)	
Infrastructure Services	100471 Roslynmead - Torrumbarry Rd Upgrade Stage 2	\$575,000.00	\$74,781.69	100262 Asset Renewal Unallocated Funds (Roads)	
Infrastructure Services	100410 Rochester Digorra Road Drainage Pump	\$15,050.00	\$0.00	n/a	
Regulatory and Community Services	100158 Echuca Visitor Information Centre DDA Compliance	\$51,500.00	\$4,032.50	100318 DDA Strategy Implementation	

TABLE C – CORRECTIONS TO PRIOR REPORTS

Division requesting transfer	Account From	Account To	Amount	Reason
Infrastructure Services	100262 Asset Renewal Unallocated Funds (Roads)	100164 Shire Bridges Deck and Visibility Improvements	\$720.92	The project was reported as closed in the December Council report with an incorrect figure stated for savings due to further defects becoming apparent after project closure. Additional spend was required on the project therefore actual savings were \$43,464.81, not \$44,367.73 resulting in \$720.92 less than previously stated being transferred to the 100262 Asset Renewal Unallocated Funds (Roads) at closure.
Infrastructure Services	100340 Strathallan O'Dea Road	100262 Asset Renewal Unallocated Funds (Roads)	\$13,708.72	The December Council report and minutes incorrectly made reference to both 100262 Asset Renewal Unallocated Funds (Roads) and 100260 Project Savings for the return of project savings. The correct reserve is 100262 Asset Renewal Unallocated Funds (Roads).
Infrastructure Services	100346 Rushworth Urban Seal Widening	100262 Asset Renewal Unallocated Funds (Roads)	\$20,862.87	The December Council report and minutes incorrectly made reference to both 100262 Asset Renewal Unallocated Funds (Roads) and 100260 Project Savings for the return of project savings. The correct reserve is 100262 Asset Renewal Unallocated Funds (Roads).
Regulatory and Community Services	100112 Shire Parks and Playgrounds Irrigation	100451 Shire Parks and Playgrounds Irrigation 16/17	\$28,865.53	The project closure report and December Council report and minutes incorrectly stated that project savings were to be returned to 100261 Asset Renewal Unallocated Funds (Non Roads). Savings are to be transferred to the 2016/17 irrigation project to continue the program of works around the shire.

TABLE D – EXISTING PROJECT BUDGET ADJUSTMENTS

The following budget transfers, detailed in Table D, are required where it has been identified that active or planned projects require adjustments to their approved budgets to allow ongoing management of projects and achievement of project scope and objectives. In this case the funds being transferred have already been approved as available for the required purpose (such as DDA funding) by Council and this table serves to inform Councillors of transactions that have been processed by officers.

Division requesting transfer	Account From	Account To	Amount	Reason
Nil				

8. Issues and Risk Management

Risk:

Risk management has been considered in the preparation of this report and no risks with a high or extreme rating have been identified in this process.

9. Strategic Planning Environments

Prosperity: No impact

Place: No impact

People: No impact

Organisation: No impact

10. Consultation

Consultation has taken place across the organisation as follows:

- General Manager Infrastructure Services
- Relevant project sponsors

7. COUNCIL INFORMATION

7.1. RECEIVING OF OPEN ASSEMBLY OF COUNCILLORS RECORDS

Author:

Sharolyn Taylor, Council Support Officer

Responsible Manager:

Governance Manager

1. Purpose

To present to Council the open records for the Assemblies of Councillors held in the month of December 2016.

2. COUNCILLORS ZOBEC/MACKRELL

That Council receive the open records of Assemblies of Councillors as outlined in this report.

CARRIED

3. Conflict of Interest

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest in regards to this matter.

4. Charter of Human Rights

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

5. Instrument of Delegation

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

6. Background

The Local Government Act provides a definition of an assembly of Councillors where conflicts of interest must be disclosed.

A meeting will be an assembly of Councillors if it considers matters that are likely to be the subject of a Council decision, or, the exercise of a Council delegation and the meeting is:

1. An advisory committee of the Council that includes at least one Councillor; or
2. A planned or scheduled meeting that includes at least half the Councillors (5) and one member of Council staff.

The requirement for reporting provides increased transparency and the opportunity for Councillors to check the record, particularly the declaration of conflict of interest.

7. Content

The following Assemblies of Councillors were held in the month of December 2016:

Meeting Information		
Meeting Name/Type	Campaspe Briefing Session	
Meeting Date	6 December 2016	
Matters Discussed	<ol style="list-style-type: none">1. Welcome, present & apologies2. Declaration of Interests3. Future Meeting Dates4. Review Briefing Minutes5. Mayors Report<ol style="list-style-type: none">5.1. HECS Fee Structure Changes5.2. Meredith Warren, Kyabram Stadium Tenant5.3. Toni Maurizi, Tongala Kindergarten5.4. Mark Dunwoody Sewerage/Drainage Issue5.5. Murray River Group of Councils (MRGC) meeting5.6. Loddon Campaspe Councils Meeting6. Communication Reports7. Review of Open Council Meeting Agenda13. Retaining Walls and Flood Impact Briefing14. Rochester Flood Strategy Briefing15. Aquatic Reserve Incident	
Attendees		
Councillors	Cr Adrian Weston (Mayor), Cr Leanne Pentreath (Deputy Mayor) Cr Daniel Mackrell, Cr Kristen Munro, Cr Vicki Neele, Cr Neil Pankhurst, Cr Annie Vickers, Cr Leigh Wilson, Cr John Zobec	
Staff	Jason Russell, Diane Hood (10:00am - 10:43am) (1:00pm – 3:49pm), Keith Oberin, Paul McKenzie (10:40am – 3:37pm), Emma Dalton (10:18am - 3:49pm), Frank Crawley, Sharolyn Taylor, Kate Lemon (Duty Manager)	
Apologies		
Councillors		
Staff		
Conflict of Interest disclosures		
Matter No.	Councillor/officer making disclosure	Left meeting: Yes/No
13	Cr Vickers	Yes

8. Issues and Risk Management

Nil

9. Strategic Planning Environments

Prosperity: No impact

Place: No impact

People: No impact

Organisation No impact

10. Consultation

Nil.

7.2. LETTERS OF APPRECIATION

The following have been received:

- Rural Australians for Refugees Echuca Moama – thank you for supporting the refugee visit to Echuca. Very positive feedback has been received from the local community in regards to an enriching weekend and developing long standing friendships.
- Scouts Australia – thank you for the grant towards the fencing of the new outdoor area at the 1st Kyabram Scout Group.
- Moama Anglican Grammar – thank you to Robin Muller for her assistance as a Beacon Mock Interviewer during 2016. The tireless and ongoing help of regular volunteers to this program is very much appreciated by all members of the school community.
- Australian Hands on Health Campaspe Murray Inc – thank you for the continued support of STEPS in 2016. The interest and support provided by the Campaspe Shire is greatly appreciated and enables disadvantaged people to continue receiving services available through STEPS.
- Returned & Services League of Australia Rochester Sub-Branch (Victoria) – thank you for the community grant presented on 15 December and for the warmth of the hospitality extended to the recipients at the event.
- Echuca Moama Family Medical Practice – a massive thank you to Kay, Fran and the team at Strength & Balance for inviting us to be part of selecting deserving families to receive Christmas hampers. The hampers that the team created were nothing short of amazing and extremely generous. Each one of the 11 families selected were overwhelmed by the generous size of the hampers along with the turkey, ham and gifts to give to their children.
- David Jones Limited – thank you to Campaspe Shire Council and the Port of Echuca Discovery Centre for supporting the David Jones ‘Getting to know Melbourne’ Expo. Continuous positive feedback has been received which highlights the success of the event.
- Close the Loop – congratulations and thank you for the great effort the Campaspe Shire Council has put in to divert printer cartridges from landfill. For the period 1/10/2016 – 31/12/2016 the Campaspe Shire has diverted 13.94kgs of printer cartridges from landfill.
- Kiwanis Club of Echuca Moama Inc – thank you for the grant received under the community grants program towards the installation of non-slip surface to the top deck of MV Kiwanis. The grant has been invaluable and is a real boost greatly appreciated by the hard working members.
- Echuca Moama Relay for Life – thank you for supporting the 2016 Echuca Moama Relay for Life. Over \$55,000 has been raised from this event to support Cancer Council Victoria’s important work in the fight against cancer.

COUNCILLORS PANKHURST/ZOBEC

That Council receive and note letters of thanks and appreciation as listed.

CARRIED

7.3. RESPONSIVE GRANTS PROGRAM

Author:

Bobbi Aitken, Civic Events & Grants Officer

Responsible Manager:

Communications & Public Affairs Manager

1. Purpose

To note responsive grants program applications received and approved in line with grant guidelines and criteria.

2. COUNCILLORS WILSON/MUNRO

That council note the following grants have been approved in accordance with Responsive Grants Program guidelines and criteria and applicant advised in writing:

- Echuca Historical Society Inc – towards the cost of an Exhibition Open Day – Our Mediterranean Settlers which will be accessible to the public until July, \$500.

Cr Vickers left the Chamber at 6:25pm

The motion was put to a vote and was CARRIED

3. Conflict of Interest

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest in regards to this matter.

4. Charter of Human Rights

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

5. Instrument of Delegation

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by council.

6. Background

The Responsive Grants Program provides funding for community initiatives and has guidelines for applications submitted to council.

This month, the following application has been received:

Organisation	Amount	Amount Recommended	Purpose	Comment
Echuca Historical Society Inc	\$500	\$500	Towards the cost of an Exhibition Open Day – Our Mediterranean Settlers	Approved by CEO – meets assessment criteria

Fund Balance Prior to application approval:	\$39,532
Funding approved:	\$500
Fund Balance: (31 January 2017)	\$39,032

7. Issues and Risk Management

Nil

8. Strategic Planning Environments

Prosperity: No impact.

Place: No impact.

People: This funding source provides support to Responsive Grants Program requests for community initiatives.

Organisation: The annual budget allocates funding for Responsive Grants Program requests for community initiatives.

9. Consultation

Nil

7.4. VICTORIAN OMBUDSMAN INVESTIGATION INTO THE TRANSPARENCY OF LOCAL GOVERNMENT DECISION MAKING

Author:

Frank Crawley, Governance Manager

1. Purpose

This report is to advise the council of a recent report issued by the Victorian Ombudsman into the transparency of local government decision making.

Cr Vickers re-entered the Chamber at 6:27pm

2. COUNCILLORS WILSON/PANKHURST

That Council note the investigation report of the Victorian Ombudsman into the transparency of local government decision making.

CARRIED

3. Conflict of Interest

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest in regards to this matter.

4. Charter of Human Rights

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

5. Instrument of Delegation

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

6. Background

The Victorian Ombudsman, Deborah Glass OBE released the report on 15 December 2016. In the foreword to the report she states that over 25% of complaints relate to local government. This equates to 3,400 complaints in the last financial year. She states that periodically the complainant refers to the decision being made in secret or behind closed doors but this investigation arose from a single complaint about a decision made in a closed council meeting.

Victorian Ombudsman officers met with stakeholders and researched council policies and practices on meeting closures.

Stage 1 of the review included an overview of 79 councils, meetings with 26 past and current councillors, Mayors and council staff and local government peak bodies.

Stage 2 involved the examination of 12 focus councils of which the Campaspe Shire Council was one.

7. Content

The report looked at council practices grouped under the following headings:

- Decisions made in open council meetings
- Decisions made in closed meetings
- What happens outside meetings
- Delegated decision making
- Jurisdictions comparison

The report made the following conclusions:

Councils make decisions on behalf of their communities and the information related to those decisions must be open and accessible to the public. The exceptions to this fundamental principle are limited and should always be applied with great care. Demonstrating an active and ongoing commitment to transparency is critical to good governance in all aspects of council business - with the power to strengthen councils' relationships and trust with their communities.

Fundamentally, we found that councils in Victoria are not engaging in widespread, deliberate, secretive behaviour. But, the public interest is not always upheld; there are a range of examples of councils across Victoria failing to give sufficient attention to transparency or to balance it appropriately with the need for efficiency. With so many different council decision making structures and processes, we found that the transparency of local government decisions is random in nature, dependent on municipality, councillor group and at times, ad hoc procedural decisions.

The way the public wants to engage with councils and receive information about decisions is also changing. As the expectation for information to be quickly and easily accessible via council websites grows, some minimum legislative requirements, such as having certain documents available for physical inspection at council offices, are falling out of step with community needs and expectations.

Some councils are proving to be proactive, using social media to engage with their communities and promote meetings – encouraging both physical attendance and 'online' attendance through live streaming.

Live streaming is an excellent way to facilitate public engagement with council meetings. Facilities and costs may make live streaming difficult for some councils, but as technology continues to become cheaper and easier to use, this will become a viable option for many more councils.

The notice of motion process can be a transparent way for councillors to raise issues at council meetings. However, the types of matters that can be effectively dealt with by notice of motion without negatively impacting other areas of governance are limited. Where notices of motion are raised without adequate time to be thoroughly researched, they can affect both the quality of decision making and transparency. There are examples of notices of motion being used inappropriately to decide matters affecting both council policy and budget. Some councils have policies to guide the use of notices of motion, but the range of practices suggests this is an area that would benefit from consistent policy guidance.

Debate is a crucial aspect of council meetings that assists the public to understand the reasons for council decisions and demonstrates that each decision has been critically considered by councillors. Discussions which occur in briefing sessions should enhance rather than diminish the quality of debate in public meetings. However, there is evidence that in some cases, discussion in briefing sessions, where councillors feel they can be more open, comes at the expense of debate in the chamber.

Audio recording council meetings and making the recordings publicly available on council websites – something that is increasingly cost effective – is a transparent practice.

Decisions in closed meetings

493. Closed council meetings can be a source of suspicion for communities attempting to engage with council decision making, particularly where little or no information is provided to the public about the reason for the closure or the matter to be discussed.
494. There are circumstances where councils legitimately need to close meetings for confidential business, but these are limited, and it is crucial that the level of transparency around these closures is sufficient to reassure the public that the closure is appropriate.

Section 89(2)(h), the catchall provision, which allows for closure of a meeting to discuss 'any other matter the council or special committee considers would prejudice the council or any person' is unnecessary and counter to best practice encouraging accountability. The evidence obtained by this investigation about how this provision is currently being used by councils also shows the potential for it to be misused.

Closing a council meeting to avoid embarrassment or reputational damage to council is not an appropriate use of section 89(2)(h). Such reasoning places the interests of the council before the interests of the community. Ultimately, the public has a right to see how councils are operating and making decisions. Where the source of embarrassment is councillor behaviour, voters have a legitimate interest in seeing these behaviours and their impact on council business, to inform their decision making at the next election.

Audio recording closed meetings encourages professionalism and ensures councils have full records. While these records would not be made available to the public, they would increase the level of accountability.

What happens outside meetings

Some councillor groups effectively allow individual councillors to control decision making in relation to their wards or portfolios. Undeclared interests in matters to be voted on and intimidating councillor behaviour remain ongoing issues in local government and may also influence the outcomes of some decisions.

515. Individuals or groups within the community may exercise influence over councillors behind the scenes. Meetings between councillors and property developers are a particular area of risk which needs to be monitored by councils to avoid perceptions of bias.

Briefing sessions are particularly important to improve councillors' understanding of issues and their performance in the chamber. However, some witnesses gave evidence of councillors reaching agreements about outcomes in briefings and a number of witnesses spoke of the difficulties in maintaining an appropriate delineation between discussion, debate and decision making in briefing sessions.

518. While this may be a difficult area to navigate, it should be clear what kind of behaviour is inappropriate. For example: straw polls, individual councillors clearly stating how they will be voting, asking whether any councillors are against a motion, or officers seeking direction from councillors regarding the advice or recommendations they will be providing in a report. If councillors are not happy with officer recommendations, it is open to them to seek alternate recommendations, which will be recorded as such.

Recording briefing sessions is one way councils may wish to consider encouraging councillors to refrain from reaching agreements in the briefings.

521. Agreements may also be being reached outside meetings where factions or voting blocs exist. Where a group has a majority, they are effectively able to decide any council resolution prior to a meeting taking place. The existence of such control over decision making may not be evident from minutes alone as most councils do not routinely record divisions in relation to each resolution. Audio-visual records of council meetings may make voting patterns more transparent.

Delegated decision making

While the focus of this investigation was on decision making by elected councils, the reality is that the vast majority of decision making in local government is carried out by CEOs and staff under delegation. This reflects that the vast majority of decisions are uncontroversial, do not raise policy considerations and should be made as efficiently as possible.

The Ombudsman made the following recommendations to the Government and Local Government Victoria:

Recommendation 1

In its review of the Local Government Act, ensure that the following are reflected in primary legislation or regulations:

- requirements for the closure of meetings, including:
 - a public interest test similar to that in section 10B of the *Local Government Act 1993* (NSW)
 - the removal of any 'catchall' provision for meeting closures from section 89(2)
 - a requirement for more detailed reasons in relation to the closure of meetings to be specified in the minutes, similar to the requirements in section 90 of the *Local Government Act 1999* (SA)
 - a requirement for councils to include a 'sunset' provision in relation to all items discussed in closed meetings, which specifies a date or event after which the information will no longer be confidential without a further resolution of council
 - that embarrassment to, or potential adverse criticism of, council are irrelevant considerations in deciding whether to close a meeting to the public, similar to that in section 10B of the *Local Government Act 1993* (NSW) or section 90 of the *Local Government Act 1999* (SA).
- appropriate conflict of interest requirements to extend to members of advisory committees
- a requirement for councils to maintain an up to date list of advisory committees, special committees and members of those committees on their website.

Recommendation 2

Ensure that the following areas are covered, as a minimum, in guidance for all councils:

- agendas being made available to the public at least five days before a council meeting
- reporting on the exercise of delegations
- use of notices of motion
- recording of public questions and answers at council meetings in minutes, or through audio or audio-visual recording and publication
- councillor briefing sessions
 - *en bloc* voting should only occur in clearly defined circumstances including:
 - *en bloc* voting should not be used to decide planning matters or other matters where the interests of third parties are involved
 - every resolution made at a council meeting, including a resolution to pass a number of matters *en bloc* should be clearly recorded in the minutes of the meeting.

- audio recording wherever practicable of both open and closed council meetings, and posting of audio recordings of open meetings on council websites.

Recommendation 3

Amend the *Freedom of Information Act 1982* to ensure documents relating to closed meetings are not classified as 'exempt documents', in order to encourage consideration of the contents of individual documents on a case by case basis.

Recommendation 4

Develop and implement:

- a uniform Code of Councillor Conduct for all Victorian councils setting out the minimum requirements
- a mandatory training program based on the Code of Councillor Conduct for all Victorian councillors.

Recommendation 5

Review the LGPRF transparency measure in light of the information contained in this report.

To councils:

Recommendation 6

- any council which has not done so in the last three years:
 - review their governance and meeting procedure local laws to ensure consistency with the requirements of the Local Government Act
 - review their special committees to determine their level of compliance with the requirements of the Local Government Act and whether the special committee structure is fit for the committee's purpose.
 - maintain an up to date special committee page on their website listing all special committees, with links to their delegations, meeting notices, minutes of meetings and any other relevant material.

A full copy of the report is available at <https://www.ombudsman.vic.gov.au/getattachment/195a77c8-ed15-4a1d-9967-404474e1b4a6>.

8. Issues and Risk Management

Risk:

As this report was for noting a risk management analysis was not undertaken.

9. Strategic Planning Environments

Prosperity: No impact

Place: No impact

People: No impact

Organisation: No impact

10. Consultation

The Ombudsman office intensively consulted the local government industry in the investigation.

11. Officer Comment

It is clear from the report that openness and transparency in council decision making is one of the cornerstones of accountable local government.

The Shire of Campaspe compares well with other councils with its practices in particular the video recording of council meetings, confidential council meetings and briefing sessions.

The report does offer some opportunities for improvement for council in regard to minimising the amount of reports considered in confidential; improving governance at Council briefings to continue to make clear the delineation between discussion, debate and decision making in briefing sessions and developing a suitable template for notices of motion.

7.5. MANDATORY NOTIFICATION TO IBAC OF SUSPECTED CORRUPT CONDUCT

Author:

Frank Crawley, Governance Manager

1. Purpose

To advise Council of changes to the Independent Broad-based Anti-corruption Commission Act 2011 which requires Council's Chief Executive Officer to notify IBAC of suspected corrupt conduct.

2. COUNCILLORS MACKRELL/PANKHURST

That Council note the IBAC report.

CARRIED

3. Conflict of Interest

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest in regards to this matter.

4. Charter of Human Rights

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

5. Instrument of Delegation

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

6. Background

From 1 December 2016, all heads of Victorian Public Sector departments and agencies (Chief Executive Officers of local councils) must notify the Independent Broad-based Anti-corruption Commission (IBAC) when they suspect corrupt conduct has occurred or is occurring in their organisation.

This new reporting requirement will help expose corruption in the Victorian Public Sector and will strengthen the sector's ability to put in place measures to prevent corruption. It occurs as part of a wider set of amendments to Victoria's integrity system legislation that became effective from 1 July 2016.

7. Content

IBAC has developed information and support materials to help meet this new obligation, including frequently asked questions and directions for making mandatory notifications of suspected corruption.

These materials and general information about IBAC can be found on their website www.ibac.vic.gov.au/notifications.

8. Issues and Risk Management

As this report is for noting a risk assessment has not been undertaken.

9. Strategic Planning Environments

Prosperity: No impact

Place: No impact

People: No impact

Organisation: No impact

10. Consultation

Staff have been advised of the requirement by email on 22 December 2016.

11. Officer Comment

Staff will be reviewing this new requirement and will develop internal processes for reporting corrupt conduct.

7.6 COUNCIL PLANS - STRATEGIC INITIATIVES UPDATE

Author:

Andrew Cowin, Corporate Strategy Manager

Attachments:

7.6. Campaspe Strategic Initiatives Update

1. Purpose

To provide Council with the first quarter update report on the progress of implementation of the key strategic initiatives contained within Council Plans.

2. COUNCILLORS NEELE/ZOBEC

That Council note the progress towards implementation of the key strategic initiatives.

CARRIED

3. Conflict of Interest

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest in regards to this matter.

4. Charter of Human Rights

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

5. Instrument of Delegation

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

6. Background

Council has three key strategic plans:

- Council Plan 2013-2017
- Strategic Resource Plan 2015-2016
- Municipal Health and Wellbeing Plan 2013-2017 (MPH&WP).

The Council Plan describes Council's strategic objectives, strategies for achieving the objectives and how the outcomes will be measured. Supporting the delivery of the Council's vision is the Strategic Resource Plan which describes the financial and non-financial resources required to implement the Council Plan over the four year period.

The MPH&WP highlights Councils priorities in working with service providers and the broader community to promote the health and wellbeing of all residents.

The MPH&WP addresses the key public health and well-being issues that affect the Shire of Campaspe, and aligns with other key strategic health plans e.g. Campaspe Primary Care Partnerships Integrated Health Promotion Plan.

The MPH&WP is strongly aligned with the Council Plan 2013-2017 and supports the three community outcomes that the Council Plan focuses on to ensure that the community is thriving, healthy and diverse. Supported by the Strategic Resource Plan to ensure the organisations resources are used wisely and strategically.

These three strategic plans are supported by implementation actions and identified initiatives in the 2016/17 Program Budget. A consolidated list of initiatives from across these plans is reported to Council quarterly. This report is the first report of actions from the 2016/17 budget.

7. Content

The consolidated list incorporates a total of 67 initiatives. Across these initiatives:

- 32 are completed,
- 34 are in progress, and
- 3 not yet started.

Progress in relation to the implementation of these initiatives are to be reported to Council and the community quarterly. This represents the first progress update for the 2016/17 budget initiatives.

8. Issues and Risk Management

Issues:

No issues have been identified in the implementation of 2016/17 initiatives.

Risk:

As this report is for noting, no risk commentary is required.

9. Options

Option 1: Council note the progress towards implementation of the key strategic initiatives

This option is recommended by officers.

This report seeks to provide Council and the community with an update in relation to the progress of implementation of initiatives identified to support the delivery of Councils Vision.

Option 2: Council not note the progress towards implementation of the key strategic initiatives

This option is not recommended by officers.

10. Strategic Planning Environments

- Prosperity: The Action Plan activities support the delivery of the Community Outcome Prosperity.
- Place: The Action Plan activities support the delivery of the Community Outcome Place.
- People: The Action Plan activities support the delivery of the Community Outcome People.
- Organisation: The Action Plan outlines the organisations commitment to the implementation of the Council Plan, Strategic Resource Plan and MPH&WP.
-

11. Consultation

General Managers and Department Managers from across the organisation have been consulted in relation to the progress on identified initiatives.

8. COUNCILLOR REPORTS

Cr Adrian Weston	
7 December 2016	CCLLEN School friendly business breakfast
7 December 2016	Greater Shepparton Council Christmas function
8 December 2016	GV Neighbouring Council Meetings
8 December 2016	Better Local Government Association Christmas Dinner
9 December 2016	Campaspe Regional Library Volunteer Appreciation Afternoon Tea
9 December 2016	Isaiah Firebrace Album Launch
11 December 2016	Bush Christmas Drinks
12 December 2016	One on One Mayoral coaching with Cr Gary Cleveland (Moira Shire Mayor)
12 December 2016	Rochester Senior Citizens Christmas Dinner
13 December 2016	Senator McKenzie Dairy Roundtable meeting
14 December 2016	Southern 80 Media launch
14 December 2016	Rushworth Senior Citizens Christmas Lunch
15 December 2016	Local Government Victoria Launch of Victoria Aboriginal & Local Government Action Plan
15 December 2016	2015/2016 Community Grants Program (Round 2) Cheque Presentation
16 December 2016	Goulburn Broken Greenhouse Alliance Climate Smart Agricultural Development (CSAD) Project
17 December 2016	Gargarro Working Bee
20 December 2016	Girgarre Community Cottage Christmas dinner
7 January 2017	Girgarre Moosic Muster
9 January 2017	Meeting with Minister for Regional Development
11 January 2017	Young Farmers Scholarship Program 2016 Awards Ceremony
18 January 2017	Ky-Deakin Ratepayers Meeting
20 January 2017	Echuca Historical Society Exhibition Opening "Upholding the Right"
20 January 2017	M& S Group Accounting 50 years of service celebration
26 January 2017	Echuca & District Australia Day Celebration
26 January 2017	Rushworth & District Australia Day Celebration

Cr Daniel Mackrell	
7 December 2016	North Asia Free Trade Agreement - Information Seminar
9 December 2016	Campaspe Regional Library Volunteer Appreciation Afternoon Tea
14 December 2016	Internal Audit Committee Meeting
15 December 2016	Crossenvale Community House Volunteer Lunch
15 December 2016	2015/2016 Community Grants Program (Round 2) Cheque Presentation
16 December 2016	Riv Breakky
9 January 2017	Meeting with Minister for Regional Development
18 January 2017	Ky-Deakin Ratepayers Meeting
20 January 2017	Echuca Historical Society Exhibition Opening "Upholding the Right"
25 January 2017	Internal Audit Committee Meeting
25 January 2017	Australia Day Eve - Rotary Dinner with the Ambassador
26 January 2016	Echuca & District Australia Day Celebration

Cr Kristen Munro	
8 December 2016	Moama Grammar Presentation Evening
12 December 2016	Rochester Senior Citizens Christmas Dinner
15 December 2016	Rochester Secondary College Presentation Night
16 December 2016	Riv Breakky
9 January 2017	Meeting with Minister for Regional Development
20 January 2017	Echuca Historical Society Exhibition Opening "Upholding the Right"
26 January 2017	Echuca & District Australia Day Celebration
26 January 2017	Koyuga Australia Day Celebration

Cr Vicki Neele	
8 December 2016	St Augustines School
9 December 2016	Isaiah Firebrace Album Launch
15 December 2016	2015/2016 Community Grants Program (Round 2) Cheque Presentation
16 December 2016	Riv Breakky
16 December 2016	EMT Board Meeting
20 December 2016	Damian Drum MP Xmas drinks
3 January 2017	Meeting Allan weeks & Kyabram Town Hall Committee

Cr Neil Pankhurst	
8 December 2016	Kyabram DC
8 December 2016	One & All Thank you to Sponsors & Supporters
9 December 2016	Campaspe Regional Library Volunteer Appreciation Afternoon Tea
14 December 2016	Internal Audit Committee Meeting
15 December 2016	Minister for Health and Premier Funding Announcement Rushworth Hospital
15 December 2016	2015/2016 Community Grants Program (Round 2) Cheque Presentation
16 December 2016	Goulburn Broken Greenhouse Alliance Climate Smart Agricultural Development (CSAD) Project
21 December 2016	Bridge Hotel Opening
9 January 2017	Meeting with Minister for Regional Development
20 January 2017	Echuca Historical Society Exhibition Opening "Upholding the Right"
25 January 2017	Internal Audit Committee Meeting
26 January 2016	Kyabram & District Australia Day Celebration
26 January 2016	Tongala & District Australia Day Celebration
26 January 2016	Kyvalley Australia Day Celebration
26 January 2016	Wyuna Australia Day Celebration

Cr Leanne Pentreath	
8 December 2016	Welcome lunch and briefing with Tim Costello - Alliance for Gambling Reform
9 December 2016	Lockington Senior Citizens Christmas
9 December 2016	Campaspe Regional Library Volunteer Appreciation Afternoon Tea
9 December 2016	Isaiah Firebrace Album Launch
12 December 2016	St Joseph's College Echuca 2016 Student Awards Evening
14 December 2016	Library Lockington Business Centre

Cr Leanne Pentreath continued	
14 December 2016	Youth Awards Celebration
15 December 2016	2015/2016 Community Grants Program (Round 2) Cheque Presentation
16 December 2016	Riv Breakky
17 December 2016	Fundraising Gala New Bendigo Hospital
21 December 2016	Bridge Hotel Opening
9 January 2017	Meeting with Minister for Regional Development
11 January 2017	Announcement of Echuca & District Australia Day Sportsperson of the Year & Junior Sportsperson of the Year
20 January 2017	Echuca Historical Society Exhibition Opening "Upholding the Right"
26 January 2016	Lockington Australia Day Breakfast
26 January 2016	Gunbower Flag Raising
26 January 2016	Milloo Australia Day Celebration

Cr Annie Vickers	
9 December 2016	Campaspe Regional Library Volunteer Appreciation Afternoon Tea
9 December 2016	Isaiah Firebrace Album Launch
15 December 2016	2015/2016 Community Grants Program (Round 2) Cheque Presentation
16 December 2016	Riv Breakky
20 December 2016	Damian Drum MP Xmas drinks
9 January 2017	Meeting with Minister for Regional Development
20 January 2017	Echuca Historical Society Exhibition Opening "Upholding the Right"
20 January 2017	M& S Group Accounting 50 years of service celebration
26 January 2016	Echuca & District Australia Day celebration
26 January 2016	Koyuga Australia Day Celebration

Cr Leigh Wilson	
7 December 2016	Rochester Flood Strategy Meeting
8 December 2016	Burnewang North Christmas Party
9 December 2016	Campaspe Regional Library Volunteer Appreciation Afternoon Tea
9 December 2016	Isaiah Firebrace Album Launch
14 December 2016	Rushworth Senior Citizens Christmas Lunch
14 December 2016	Campaspe News Christmas Drinks
15 December 2016	2015/2016 Community Grants Program (Round 2) Cheque Presentation
16 December 2016	Goulburn Broken Greenhouse Alliance Climate Smart Agricultural Development (CSAD) Project
16 December 2016	LG Waste Forum and GVWRRG Board Elections
9 January 2017	Meeting with Minister for Regional Development
26 January 2017	Rochester Australia Day Breakfast
26 January 2017	Rochester Australia Day celebration
26 January 2017	Toolleen Australia Day Celebration
26 January 2017	Rochester Australia Day Dinner

Cr John Zobec	
15 December 2016	2015/2016 Community Grants Program (Round 2) Cheque Presentation
16 December 2016	Goulburn Broken Greenhouse Alliance Climate Smart Agricultural Development (CSAD) Project
9 January 2017	Meeting with Minister for Regional Development
26 January 2017	Girgarre Australia Day celebration
26 January 2017	Stanhope Australia Day Celebration

COUNCILLORS MUNRO/ZOBEC

That the above Councillor reports be received and noted.

CARRIED

9. CHIEF EXECUTIVE OFFICER'S REPORT

Activities and meetings attended since previous Council meeting:

- GV Neighbouring Council Meeting
- One & All Aboard the MV Mary Ann
- Rural Living Steering Committee Meeting
- Rural Councils Victoria Executive Meeting
- Meeting with Murray River Shire GM
- Southern 80 Launch
- Echuca Moama Bridge Steering Group Meeting (Second Murray River Crossing)
- 2016/2017 Community Grants Program Presentation (Round 2)
- Goulburn Broken Greenhouse Alliance Climate Smart Agricultural Development (CSAD) Project Launch
- Meeting with Executive Chairman (Kaiela Institute – Centre for Indigenous Leadership and Innovation)
- Meeting with Murray River Shire Administrator
- Meeting with new EMT Chair
- Minister for Regional Development, Hon Jaala Pulford MLC
- Meeting with CEO Kagome
- Meeting with Murray Darling Association CEO
- Meeting with Loddon Campaspe Regional Partnerships Coordinator
- Meeting with Dept of Education new Echuca West School Project Team
- Murray River Councils CEO Meeting
- Echuca Australia Day Citizenship Ceremony

COUNCILLORS ZOBEC/MUNRO

That the above Chief Executive Officer's Report be received and noted.

CARRIED

10. NOTICES OF MOTION

11. URGENT BUSINESS

COUNCILLORS PANKHURST/WILSON

That Council consider one item of urgent business, 11.1

CARRIED

11.1. CHANGES TO THE BUSHFIRE MANAGEMENT OVERLAY

Author:

Andrew Fletcher, Planning & Building Manager

1. Purpose

To inform Council of updates proposed to the Bushfire Management Overlay (BMO) maps of Victoria and how it affects the Shire of Campaspe.

2. COUNCILLORS WILSON/MUNRO

That Council:

- 1. Note the proposed changes to the Bushfire Management Overlay and the potential impact it may have on the Shire of Campaspe.**
- 2. Agree to the attached schedules for Echuca and Rushworth and respond to the Department of Environment, Land, Water and Planning by March 2017.**

CARRIED

3. Conflict of Interest

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest in regards to this matter.

4. Charter of Human Rights

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

5. Instrument of Delegation

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer in so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

6. Content

In the Victorian planning system, the Bushfire Management Overlay (BMO) maps areas of Victoria that are at risk of extreme bushfire.

Currently there are significant areas of the State, including some areas affected by the 2009 Black Saturday bushfires that are at risk from bushfire but are not included in the existing BMO.

The BMO needs to be updated to ensure that all areas of extreme bushfire hazard in Victoria are covered. This action is a key element in the State Government's commitment to implement the recommendations of the 2009 Victorian Bushfires Royal Commission.

After targeted consultation with councils and consideration of any submissions, new planning scheme maps will be approved. At the same time, the updated State Planning Policy Framework Clause 13.05 Bushfire will be introduced to include reference to the Bushfire Prone Area map.

The State Planning Policy Framework – Bushfire will be updated to include reference to the Bushfire Prone Area map. This change further integrates the planning and building systems response to bushfire hazard. The information provided by the State Government identifies that changes:

- Clarify that bushfire hazard is not limited to areas of extreme bushfire hazard mapped by the Bushfire Management Overlay
- Encourage a more integrated and strategic assessment of all bushfire hazard
- Facilitate improved strategic planning by local councils, planning authorities and communities

The information in relation to the 2016 updated BMO can only be viewed by Councils, recognising that this is 'targeted' consultation with local government.

Within the Shire of Campaspe the current number of properties affected by the BMO is 1029. A total of 174 properties will be removed from the mapping and 858 properties will be added, meaning that the total number of properties within the BMO after implementation would be 1535, which is an overall net increase of 506 properties.

Council has assessed approximately 10 applications a year which were triggered due to the Bushfire Management Overlay.

7. Issues & Risk Management

Issues

Updated maps will help to ensure that all areas of extreme bushfire hazard in Victoria are included in the Bushfire Management Overlay.

Due to overall increase in properties affected it raises the following:

Increase volume of permit application

The updated Bushfire Management Overlay mapping will increase the number of planning applications. Most of the additional applications will be single dwellings which do not require a planning permit in many residential zones but will within the Farming Zone.

Although there may be an increase in application a planning permit is precisely the intent of the State government. New dwellings or additions in areas of extreme bushfire hazard must consider the risk of bushfire and meet required bushfire protection measures. State fees would be sufficient to cover the cost of processing the application.

Large areas of public land or sparsely settled land with little or no prospect of development is included in the updated mapping. A planning permit is only triggered where a development proposal is sited within the Bushfire Management Overlay. Where a property is only partly affected by the Bushfire Management Overlay it may be possible to site a proposal outside of the overlay.

There are a number of planning permit exemptions in the Bushfire Management Overlay which may limit the increase in application numbers. The department and CFA have also developed schedules for Echuca and Rushworth to streamline the planning permit process by specifying standard protection requirements and permit conditions.

Should Council make a submission and/or seek any changes to the proposed mapping?

The mapping has been carefully reviewed and prepared prior to circulation to Council by the department. The changes have also taken into account the history of improving the planning and building systems response to bushfire events and has been prepared in consultation with the CFA.

The State government since 2009 has constantly updated the BMO utilising better information to ensure that all areas of extreme bushfire hazard in Victoria are covered. For Council to suggest to remove properties from the BMO would be contrary to the purpose and not take into account the impact to life and property.

This is a State amendment and the process outlined by the department is not ideal and may create a reputational damage to Council on the basis of us having to provide notice to the affected properties. It is recommended that Council should provide a response to the department about our concerns in regards to direct notice of the affected properties. A more a cooperative approach should have been considered which may have assisted in outlining the differences in undertaking a State amendment and Councils role in administering the provisions of the planning scheme.

The introduction of schedules to the BMO by the department and CFA for Echuca and Rushworth is considered an appropriate response. The department are requiring Councils to agree to the schedules by the end of March 2017. The schedules will streamline the planning permit process by specifying standard protection requirements and permit conditions.

Risk

Risk management has been considered in the preparation of this report and no risks with a high or extreme rating have been identified in this process.

8. Strategic Planning Environments

- Prosperity: Ensure appropriate infrastructure and the community is effectively managed and protected.
- Place: Utilise appropriate planning tools and ensure land use planning meets the future needs.
- People: Will enhance the well-being of the community through appropriate protection of property and life.
- Organisation: Aligns Council work practices with Victoria, ensuring our scheme is consistent and well-planned.

9. Consultation

As outlined, the information in relation to the 2016 updated BMO can only be viewed by Councils, recognising that this is 'targeted' consultation with local government.

Over the coming months the DELWP Loddon Mallee planners will be providing the regional councils with the tools and resources to manage planning permit applications and strategic planning projects in BMO areas.

It is officers understanding that the department is finalising the communication plan along with resources to support council with the notification process. Once more information is made available Council will be informed.

12. QUESTION TIME

Council heard items of Question Time on the following:

Text of Question	Summation of answer given
How many objections/ submissions were received against the C104 Amendment in Feb 2016? How many of those were landowner objections/submissions?	21 submissions have been received. 8 submissions were from landowners within the existing Rural Living Zone (RLZ).
Objections were to put to council against the C104 Landowners/ratepayers at the end of Feb 2016. The proposed Hearing Panel for May was cancelled by council. Is it the responsibility of council to try to resolve objections before it goes to an expensive Hearing Panel?	A Panel Hearing was not cancelled and no report has been previously put to Council to seek authorisation to appoint the Panel. The date referred to above was in an initial response to the Department (DELWP) which tries to provide them a guide of when it may occur to ensure that they can manage and allocate resources. Based on the number of submission and concerns expressed (for and against) it was not possible to resolve. It is also acknowledged that this cannot always occur which is why Panels are appointed.
How many landowner objectors were contacted since objections were submitted 11 months ago for a meeting to discuss their objection to try and resolve?	<p>Some submissions are opposing the amendment and we are of the opinion that we are unable to resolve all concerns. Some submissions are also outside of the amendment area and therefore could not be resolved in this amendment. Therefore a Panel needs to be convened (for 1 or more submitters).</p> <p>Council organised a meeting with the landowners in May 2016 and outlined that we were discussing the amendment with two referral authorities. On 23 November 2016 we informed all submitters that the amendment was going to Council in January 2017 and again sent a further letter confirming the date of the Council Meeting on 17 January 2016 .</p>
Why in nearly 11 months was I never contacted to a meeting to discuss my objection?	The submission cannot be resolved. The land is outside of the area affected by the amendment and there has been previous work to determine that the land is appropriately zoned Farming – See case book response.
Given that the a Hearing Panel is the only avenue for a landowner to object against an amendment or council recommendations on landowners land, why are we then being expected to submit to the costs of a Hearing Panel. Particularly when council have made no attempt to try and resolve the issue with the Landowners?	As outlined to the submitter, the recommendation seeks that the 'affected landowners' (those in the RLZ) contribute (agree) to pay for the Panel Hearing, not submitters.
Have any other Shires in Victoria implemented this process that objectors now must be expected to pay towards a Hearing Panel and why has this not been the case before?	See above response not what the recommendation states. In regards to agree to pay for a Panel, most amendments which affect private land are normally initiated and paid for by the affected landowner(s).
Shire of Campaspe is absolutely aware that most landowners will not have funds they are expecting to proceed to a Hearing Panel. In which case allows no landowner an Avenue against a ruling over their own land. Is it the Shire of Campaspe's intention to cut off the only avenue to objection against their rulings for ratepayers?	Council have contributed significant funds towards this amendment. Amendments of this nature are normally funded by affected and benefitting landowners. Council has a finite budget and have created a strategic project priority matrix to help determine where funds and resources are allocated. Other key amendments and strategies require further work and this is seen as a

	considered response to allow this amendment to proceed.
What works are being done along the railway line in the port area where the piles of dirt have been dug out	The works being undertaken are to rectify damage to the retaining wall which occurred during 2016 high river event, in readiness for the relation of the Allison Barge and linkage pathways

13. CLOSED SESSION OF THE MEETING TO THE PUBLIC

COUNCILLORS ZOBEC/MUNRO

That pursuant to the provisions of the *Local Government Act 1989*, the meeting will now be closed to members of the public to enable the meeting to discuss matters in items 14, 15, 16 and 17 which the Council may, pursuant to the provisions of Section 89(2) of the *Local Government Act 1989* (the Act) resolve to be considered in Closed Session, being a matter contemplated by Section 89(2) of the Act, as follows:

- (a) personnel matters;
- (b) the personal hardship of any resident or ratepayer;
- (c) industrial matters;
- (d) contractual matters;
- (e) proposed developments;
- (f) legal advice;
- (g) matters affecting the security of Council property;
- (h) any other matter which the Council or special committee considers would prejudice the Council or any person;
- (i) a resolution to close the meeting to members of the public.

CARRIED

14. CONFIRMATION OF CONFIDENTIAL MINUTES & ATTACHMENTS

89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person.

15. CONFIDENTIAL COUNCIL INFORMATION

15.1. RECEIVING OF CONFIDENTIAL ASSEMBLY OF COUNCILLORS RECORDS

89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person.

15.2. RECEIVING OF CONFIDENTIAL COMMUNICATION REPORTS & ATTACHMENTS

89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person.

16. CONFIDENTIAL BUSINESS

16.1. 89(2)(H) ANY OTHER MATTER WHICH THE COUNCIL OR SPECIAL COMMITTEE CONSIDERS WOULD PREJUDICE THE COUNCIL OR ANY PERSON

16.2. 89(2)(D) CONTRACTUAL MATTERS, (E) PROPOSED DEVELOPMENTS

16.3. 89(2)(D) CONTRACTUAL MATTERS

17. CONFIDENTIAL COUNCIL MEETING CLOSE

89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person.

18. ITEMS DETERMINED TO BE NO LONGER CONFIDENTIAL

19. OPEN MEETING TO THE PUBLIC

COUNCILLORS WILSON/MUNRO

That Council resolved to open the meeting to the public at 7:42pm

CARRIED

20. MEETING CLOSE

There being no further business, the meeting concluded at 7:42pm.

.....
CR ADRIAN WESTON

MAYOR